

IN THE CIRCUIT COURT OF THE
15TH JUDICIAL CIRCUIT IN AND
FOR PALM BEACH COUNTY, FLORIDA

CASE NO. 50-2018-CA-010855MBAK

JANE DOE #1 (R.G.) individually; JANE DOE #2 (B.P.) individually; JANE DOE #3 (N.B.) individually; JANE DOE #4 (D.W.) individually; JANE DOE #5 (T.G.) individually; JANE DOE #6 (R.M.) individually; JANE DOE #7 (A.J.) individually; JANE DOE #8 (B.L.) individually; JANE DOE #9 (A.K.) individually; JANE DOE #10 (S.G.) individually; JANE DOE #11 (D.H.) individually; JANE DOE #12 (K.J.) individually; JANE DOE #13 (G.G.) individually; JANE DOE #14 (T.L.) individually; JANE DOE #15 (T.S.) individually; JANE DOE #16 (I.G.) individually; JANE DOE #17 (A.E.) individually; JANE DOE #18 (S.N.) individually; JANE DOE #19 (J.A.) individually; JANE DOE #20 (M.D.) individually; JANE DOE #21 (K.K.) individually; JANE DOE #22 (C.S.) individually; JANE DOE #23 (S.S.) individually; JANE DOE #24 (C.R.) individually; JANE DOE #25 (P.W.) individually; JOHN DOE #26 (D.P.) individually;

Plaintiffs,

v.

MASSAGE ENVY FRANCHISING, LLC, a Foreign for Profit Corporation; JK KRN ENTERPRISES, INC., a Florida for Profit Corporation d/b/a MASSAGE ENVY; VICALEX, LLC, a Florida Limited Liability Company d/b/a MASSAGE ENVY; CB INVESTMENTS LLC, a Florida for Profit Corporation d/b/a MASSAGE ENVY; MHL MASSAGE FOR HEALTHY LIVING, LLC a Florida Limited Liability Company d/b/a MASSAGE ENVY; TRIPLE DOUBLE, USA LLC, a Florida Limited Liability Company d/b/a MASSAGE ENVY; NAMASTE LIFESTYLE, INC., a Florida for Profit Corporation d/b/a MASSAGE ENVY; SOUTHEAST CAUSEWAY INVESTMENTS, LLC, a Florida Limited Liability Company d/b/a MASSAGE ENVY; SPANISH RIVER ENVY LLC, a Florida Limited Liability Company, d/b/a MASSAGE ENVY; SUMMIT REGENCY, LLC, a Florida Limited Liability Company, d/b/a MASSAGE ENVY; BLACKHORSE SERVICES CORP., a Florida for Profit Corporation d/b/a MASSAGE ENVY; KAM CONCEPTS, LLC a Florida Limited Liability Company, d/b/a MASSAGE ENVY; MOL INVESTMENTS, LLC a Florida for Profit Corporation d/b/a MASSAGE ENVY; MY SISTERS KEEPER, LLC a Florida Limited Liability Company, d/b/a MASSAGE ENVY; NORTH SPACE LLC, a Florida Limited Liability Company, d/b/a MASSAGE ENVY; M.E. BRICKELL, LLC, a Florida Limited Liability Company, d/b/a MASSAGE ENVY; AGH ENTERTAINMENT, LLC, a Florida Limited Liability Company, d/b/a MASSAGE ENVY; VICCELIN, LLC, a Florida Limited Liability Company, d/b/a MASSAGE ENVY; STURMEX, LLC, a Florida Limited Liability Company, d/b/a MASSAGE ENVY; and J&J FLASH, LLC, a Florida Limited Liability Company, d/b/a MASSAGE ENVY.

Defendants,

_____ /

SECOND AMENDED COMPLAINT

Plaintiffs, JANE DOE #1 (R.G.) individually; JANE DOE #2 (B.P.) individually; JANE DOE #3 (N.B.) individually; JANE DOE #4 (D.W.) individually; JANE DOE #5 (T.G.) individually; JANE DOE #6 (R.M.) individually; JANE DOE #7 (A.J.) individually; JANE DOE #8 (B.L.) individually; JANE DOE #9 (A.K.) individually; JANE DOE #10 (S.G.) individually; JANE DOE #11 (D.H.) individually; JANE DOE #12 (K.J.) individually; JANE DOE #13 (G.G.) individually; JANE DOE #14 (T.L.) individually; JANE DOE #15 (T.S.) individually; JANE DOE #16 (I.G.) individually; JANE DOE #17 (A.E.) individually; JANE DOE #18 (S.N.) individually; JANE DOE #19 (J.A.) individually; JANE DOE #20 (M.D.) individually; JANE DOE #21 (K.K.) individually; JANE DOE #22 (C.S.) individually; JANE DOE #23 (S.S.) individually; JANE DOE #24 (C.R.) individually; JANE DOE #25 (P.W.) individually; JOHN DOE #26 (D.P.) individually, hereby sue Defendants MASSAGE ENVY FRANCHISING, LLC, a Foreign for Profit Corporation; JK KRN ENTERPRISES, INC., a Florida for Profit Corporation d/b/a MASSAGE ENVY; VICALEX, LLC, a Florida Limited Liability Company d/b/a MASSAGE ENVY; CB INVESTMENTS LLC, a Florida for Profit Corporation d/b/a MASSAGE ENVY; MHL MASSAGE FOR HEALTHY LIVING, LLC a Florida Limited Liability Company d/b/a MASSAGE ENVY; TRIPLE DOUBLE, USA LLC, a Florida Limited Liability Company d/b/a MASSAGE ENVY; NAMASTE LIFESTYLE, INC., a Florida for Profit Corporation d/b/a MASSAGE ENVY; SOUTHEAST CAUSEWAY INVESTMENTS, LLC, a Florida Limited Liability Company d/b/a MASSAGE ENVY; SPANISH RIVER ENVY LLC, a Florida Limited Liability Company, d/b/a MASSAGE ENVY; SUMMIT REGENCY, LLC, a Florida Limited Liability Company, d/b/a MASSAGE ENVY; BLACKHORSE SERVICES CORP., a Florida for Profit Corporation d/b/a MASSAGE ENVY; KAM CONCEPTS, LLC a Florida Limited Liability Company, d/b/a MASSAGE ENVY; MOL INVESTMENTS, LLC a Florida for Profit Corporation d/b/a MASSAGE ENVY; MY SISTERS KEEPER, LLC a Florida Limited Liability Company,

d/b/a MASSAGE ENVY; NORTH SPACE LLC, a Florida Limited Liability Company, d/b/a MASSAGE ENVY; M.E. BRICKELL, LLC, a Florida Limited Liability Company, d/b/a MASSAGE ENVY; AGH ENTERTAINMENT, LLC, a Florida Limited Liability Company, d/b/a MASSAGE ENVY; VICCELIN, LLC a Florida Limited Liability Company, d/b/a MASSAGE ENVY; STURMEX, LLC, a Florida Limited Liability Company, d/b/a MASSAGE ENVY; J&J FLASH, LLC d/b/a MASSAGE ENVY (jointly referred to hereinafter as “DEFENDANTS”), and states the following:

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GENERAL ALLEGATIONS

1. This is an action for damages in excess of Thirty Thousand Dollars (\$30,000.00), exclusive of costs and interest.

2. Massage Envy, the first and by far the largest chain of massage franchises in the country, boasts a billion-dollar business that falsely promises safety in the treatment room for massage and spa services at an affordable price. Massage Envy not only failed to provide basic safety to clients in a most vulnerable setting, but it systematically and intentionally conspired and concealed the rampant problem of massage therapists at Massage Envy franchise locations sexually assaulting customers throughout the country, including within the State of Florida. Massage Envy's policy of telling staff to "not to go to police" was singularly designed to continue its profit and protect the brand at the expense of the safety of unsuspecting customers. In furtherance of their conspiracy, the Defendants actively sought to conceal the knowledge and danger of customers being sexually assaulted within their business locations by actively preventing sexual assault reports from being reported to law enforcement and/or state massage therapy boards.

According to at least one former employee:

"[The internal review policy] is not in place to protect the client. It's in place to protect the company. It's centered around defusing the situation so the client doesn't call the police. You don't want cop cars showing up at your location the next day."

3. Contrary to the CEO's, Joseph C. Magnacca, declaration to the public of a "Commitment to Safety," the Defendants have deceived the public regarding the dangers of its services and its knowledge of therapists' sexual assaults on customers and are, in fact, engaging in a continuous and repeated pattern to keep sexual assault claims "in-house" and from law enforcement, state massage therapy boards, unsuspecting customers and the public at large.

According to a former corporate employee, the company's leadership has long feared the media

would realize the national scope of the problem. That person recalled executives discussing what would happen “if someone connects the dots of how many sexual assaults have occurred across the country.” In at least one risk management training, franchisees were told the goal when investigating claims is “to avoid police and keep membership.”

4. Assaults have consisted of rape, digital and oral penetration of the vaginal area, touching of the vagina, penis and anal area, oral sex, masturbation in front of the customer, ejaculating on the customer as well as touching of the breasts. As a result, a culture of not only tolerating sexual assaults has occurred at Massage Envy franchise locations, but people continue to be and will in the future be sexually assaulted as a result of the Defendants’ inexplicable, deceptive actions. Due to the Defendants’ intentional actions to conspire and conceal the assaults, it has deceived hundreds of people into believing they were purchasing a safe service from the Defendants. This lawsuit is about numerous people in the State of Florida who have fallen victim to the deceptive practices of the Defendants that resulted in their victimization at the hands of Massage Envy therapists. These people bravely proceed in this Court in a quest to put an end to the cover-up described above and below so that no additional people in the State of Florida (or elsewhere) suffer what the Plaintiffs have and will continue to endure for the rest of their lives.

5. JANE DOE #1 (R.G.) individually, at all times material hereto was a resident of Palm Beach County, Florida. JANE DOE #1 (R.G.) is an acronym being used to protect against the disclosure in the public record of Plaintiff’s identity due to her status as a victim of sexual assault from which this case arises. Under applicable laws and public policy, the identity of sexual assault victims like JANE DOE #1 (R.G.) is to be maintained out of the public record to protect her privacy, encourage similarly situated victims to seek redress in civil and criminal courts and ultimately to protect the public from recidivist sex offenders.

6. JANE DOE #2 (B.P.) individually, at all times material hereto was a resident of Palm Beach County, Florida. JANE DOE #2 (B.P.) is an acronym being used to protect against the disclosure in the public record of Plaintiff's identity due to her status as a victim of sexual assault from which this case arises. Under applicable laws and public policy, the identity of sexual assault victims like JANE DOE #2 (B.P.) is to be maintained out of the public record to protect her privacy, encourage similarly situated victims to seek redress in civil and criminal courts and ultimately to protect the public from recidivist sex offenders.

7. JANE DOE #3 (N.B.) individually, at all times material hereto was a resident of Palm Beach County, Florida. JANE DOE #3 (N.B.) is an acronym being used to protect against the disclosure in the public record of Plaintiff's identity due to her status as a victim of sexual assault from which this case arises. Under applicable laws and public policy, the identity of sexual assault victims like JANE DOE #3 (N.B.) is to be maintained out of the public record to protect her privacy, encourage similarly situated victims to seek redress in civil and criminal courts and ultimately to protect the public from recidivist sex offenders.

8. JANE DOE #4 (D.W.) individually, at all times material hereto was a resident of Pinellas County, Florida. JANE DOE #4 (D.W.) is an acronym being used to protect against the disclosure in the public record of Plaintiff's identity due to her status as a victim of sexual assault from which this case arises. Under applicable laws and public policy, the identity of sexual assault victims like JANE DOE #4 (D.W.) is to be maintained out of the public record to protect her privacy, encourage similarly situated victims to seek redress in civil and criminal courts and ultimately to protect the public from recidivist sex offenders.

9. JANE DOE #5 (T.G.) individually, at all times material hereto was a resident of Pasco County, Florida. JANE DOE #5 (T.G.) is an acronym being used to protect against the disclosure in the public record of Plaintiff's identity due to her status as a victim of sexual assault

from which this case arises. Under applicable laws and public policy, the identity of sexual assault victims like JANE DOE #5 (T.G.) is to be maintained out of the public record to protect her privacy, encourage similarly situated victims to seek redress in civil and criminal courts and ultimately to protect the public from recidivist sex offenders.

10. JANE DOE #6 (R.M.) individually, at all times material hereto was a resident of Sarasota County, Florida. JANE DOE #6 (R.M.) is an acronym being used to protect against the disclosure in the public record of Plaintiff's identity due to her status as a victim of sexual assault from which this case arises. Under applicable laws and public policy, the identity of sexual assault victims like JANE DOE #6 (R.M.) is to be maintained out of the public record to protect her privacy, encourage similarly situated victims to seek redress in civil and criminal courts and ultimately to protect the public from recidivist sex offenders.

11. JANE DOE #7 (A.J.) individually, at all times material hereto was a resident of Broward County, Florida. JANE DOE #7 (A.J.) is an acronym being used to protect against the disclosure in the public record of Plaintiff's identity due to her status as a victim of sexual assault from which this case arises. Under applicable laws and public policy, the identity of sexual assault victims like JANE DOE #7 (A.J.) is to be maintained out of the public record to protect her privacy, encourage similarly situated victims to seek redress in civil and criminal courts and ultimately to protect the public from recidivist sex offenders.

12. JANE DOE #8 (B.L.) individually, at all times material hereto was a resident of Broward County, Florida. JANE DOE #8 (B.L.) is an acronym being used to protect against the disclosure in the public record of Plaintiff's identity due to her status as a victim of sexual assault from which this case arises. Under applicable laws and public policy, the identity of sexual assault victims like JANE DOE #8 (B.L.) is to be maintained out of the public record to protect her

privacy, encourage similarly situated victims to seek redress in civil and criminal courts and ultimately to protect the public from recidivist sex offenders.

13. JANE DOE #9 (A.K.) individually, at all times material hereto was a resident of Duval County, Florida. JANE DOE #9 (A.K.) is an acronym being used to protect against the disclosure in the public record of Plaintiff's identity due to her status as a victim of sexual assault from which this case arises. Under applicable laws and public policy, the identity of sexual assault victims like JANE DOE #9 (A.K.) is to be maintained out of the public record to protect her privacy, encourage similarly situated victims to seek redress in civil and criminal courts and ultimately to protect the public from recidivist sex offenders.

14. JANE DOE #10 (S.G.) individually, at all times material hereto was a resident of Palm Beach County, Florida. JANE DOE #10 (S.G.) is an acronym being used to protect against the disclosure in the public record of Plaintiff's identity due to her status as a victim of sexual assault from which this case arises. Under applicable laws and public policy, the identity of sexual assault victims like JANE DOE #10 (S.G.) is to be maintained out of the public record to protect her privacy, encourage similarly situated victims to seek redress in civil and criminal courts and ultimately to protect the public from recidivist sex offenders.

15. JANE DOE #11 (D.H.) individually, at all times material hereto was a resident of Palm Beach County, Florida. JANE DOE #11 (D.H.) is an acronym being used to protect against the disclosure in the public record of Plaintiff's identity due to her status as a victim of sexual assault from which this case arises. Under applicable laws and public policy, the identity of sexual assault victims like JANE DOE #11 (D.H.) is to be maintained out of the public record to protect her privacy, encourage similarly situated victims to seek redress in civil and criminal courts and ultimately to protect the public from recidivist sex offenders.

16. JANE DOE #12 (K.J.) individually, at all times material hereto was a resident of Broward County, Florida. JANE DOE #12 (K.J.) is an acronym being used to protect against the disclosure in the public record of Plaintiff's identity due to her status as a victim of sexual assault from which this case arises. Under applicable laws and public policy, the identity of sexual assault victims like JANE DOE #12 (K.J.) is to be maintained out of the public record to protect her privacy, encourage similarly situated victims to seek redress in civil and criminal courts and ultimately to protect the public from recidivist sex offenders.

17. JANE DOE #13 (G.G.) individually, at all times material hereto was a resident of Palm Beach County, Florida. JANE DOE #13 (G.G.) is an acronym being used to protect against the disclosure in the public record of Plaintiff's identity due to her status as a victim of sexual assault from which this case arises. Under applicable laws and public policy, the identity of sexual assault victims like JANE DOE #13 (G.G.) is to be maintained out of the public record to protect her privacy, encourage similarly situated victims to seek redress in civil and criminal courts and ultimately to protect the public from recidivist sex offenders.

18. JANE DOE #14 (T.L.) individually, at all times material hereto was a resident of Palm Beach County, Florida. JANE DOE #14 (T.L.) is an acronym being used to protect against the disclosure in the public record of Plaintiff's identity due to her status as a victim of sexual assault from which this case arises. Under applicable laws and public policy, the identity of sexual assault victims like JANE DOE #14 (T.L.) is to be maintained out of the public record to protect her privacy, encourage similarly situated victims to seek redress in civil and criminal courts and ultimately to protect the public from recidivist sex offenders.

19. JANE DOE #15 (T.S.) individually, at all times material hereto was a resident of Broward County, Florida. JANE DOE #15 (T.S.) is an acronym being used to protect against the disclosure in the public record of Plaintiff's identity due to her status as a victim of sexual assault

from which this case arises. Under applicable laws and public policy, the identity of sexual assault victims like JANE DOE #15 (T.S.) is to be maintained out of the public record to protect her privacy, encourage similarly situated victims to seek redress in civil and criminal courts and ultimately to protect the public from recidivist sex offenders.

20. JANE DOE #16 (I.G.) individually, at all times material hereto was a resident of Miami-Dade County, Florida. JANE DOE #16 (I.G.) is an acronym being used to protect against the disclosure in the public record of Plaintiff's identity due to her status as a victim of sexual assault from which this case arises. Under applicable laws and public policy, the identity of sexual assault victims like JANE DOE #16 (I.G.) is to be maintained out of the public record to protect her privacy, encourage similarly situated victims to seek redress in civil and criminal courts and ultimately to protect the public from recidivist sex offenders.

21. JANE DOE #17 (A.E.) individually, at all times material hereto was a resident of Palm Beach County, Florida. JANE DOE #17 (A.E.) is an acronym being used to protect against the disclosure in the public record of Plaintiff's identity due to her status as a victim of sexual assault from which this case arises. Under applicable laws and public policy, the identity of sexual assault victims like JANE DOE #17 (A.E.) is to be maintained out of the public record to protect her privacy, encourage similarly situated victims to seek redress in civil and criminal courts and ultimately to protect the public from recidivist sex offenders.

22. JANE DOE #18 (S.N.) individually, at all times material hereto was a resident of Palm Beach County, Florida. JANE DOE #18 (S.N.) is an acronym being used to protect against the disclosure in the public record of Plaintiff's identity due to her status as a victim of sexual assault from which this case arises. Under applicable laws and public policy, the identity of sexual assault victims like JANE DOE #18 (S.N.) is to be maintained out of the public record to protect

her privacy, encourage similarly situated victims to seek redress in civil and criminal courts and ultimately to protect the public from recidivist sex offenders.

23. JANE DOE #19 (J.A.) individually, at all times material hereto was a resident of Sarasota County, Florida. JANE DOE #19 (J.A.) is an acronym being used to protect against the disclosure in the public record of Plaintiff's identity due to her status as a victim of sexual assault from which this case arises. Under applicable laws and public policy, the identity of sexual assault victims like JANE DOE #19 (J.A.) is to be maintained out of the public record to protect her privacy, encourage similarly situated victims to seek redress in civil and criminal courts and ultimately to protect the public from recidivist sex offenders.

24. JANE DOE #20 (M.D.) individually, at all times material hereto was a resident of Miami-Dade County, Florida. JANE DOE #20 (M.D.) is an acronym being used to protect against the disclosure in the public record of Plaintiff's identity due to her status as a victim of sexual assault from which this case arises. Under applicable laws and public policy, the identity of sexual assault victims like JANE DOE #20 (M.D.) is to be maintained out of the public record to protect her privacy, encourage similarly situated victims to seek redress in civil and criminal courts and ultimately to protect the public from recidivist sex offenders.

25. JANE DOE #21 (K.K.) individually, at all times material hereto was a resident of Palm Beach County, Florida. JANE DOE #21 (K.K.) is an acronym being used to protect against the disclosure in the public record of Plaintiff's identity due to her status as a victim of sexual assault from which this case arises. Under applicable laws and public policy, the identity of sexual assault victims like JANE DOE #21 (K.K.) is to be maintained out of the public record to protect her privacy, encourage similarly situated victims to seek redress in civil and criminal courts and ultimately to protect the public from recidivist sex offenders.

26. JANE DOE #22 (C.S.) individually, at all times material hereto was a resident of Duval County, Florida. JANE DOE #22 (C.S.) is an acronym being used to protect against the disclosure in the public record of Plaintiff's identity due to her status as a victim of sexual assault from which this case arises. Under applicable laws and public policy, the identity of sexual assault victims like JANE DOE #22 (C.S.) is to be maintained out of the public record to protect her privacy, encourage similarly situated victims to seek redress in civil and criminal courts and ultimately to protect the public from recidivist sex offenders.

27. JANE DOE #23 (S.S.) individually, at all times material hereto was a resident of Palm Beach County, Florida. JANE DOE #23 (S.S.) is an acronym being used to protect against the disclosure in the public record of Plaintiff's identity due to her status as a victim of sexual assault from which this case arises. Under applicable laws and public policy, the identity of sexual assault victims like JANE DOE #23 (S.S.) is to be maintained out of the public record to protect her privacy, encourage similarly situated victims to seek redress in civil and criminal courts and ultimately to protect the public from recidivist sex offenders.

28. JANE DOE #24 (C.R.) individually, at all times material hereto was a resident of Broward County, Florida. JANE DOE #24 (C.R.) is an acronym being used to protect against the disclosure in the public record of Plaintiff's identity due to her status as a victim of sexual assault from which this case arises. Under applicable laws and public policy, the identity of sexual assault victims like JANE DOE #24 (C.R.) is to be maintained out of the public record to protect her privacy, encourage similarly situated victims to seek redress in civil and criminal courts and ultimately to protect the public from recidivist sex offenders.

29. JANE DOE #25 (P.W.) individually, at all times material hereto was a resident of Duval County, Florida. JANE DOE #25 (P.W.) is an acronym being used to protect against the disclosure in the public record of Plaintiff's identity due to her status as a victim of sexual assault

from which this case arises. Under applicable laws and public policy, the identity of sexual assault victims like JANE DOE #25 (P.W.) is to be maintained out of the public record to protect her privacy, encourage similarly situated victims to seek redress in civil and criminal courts and ultimately to protect the public from recidivist sex offenders.

30. JOHN DOE #26 (D.P.) individually, at all times material hereto was a resident of Palm Beach County, Florida. JOHN DOE #26 (D.P.) is an acronym being used to protect against the disclosure in the public record of Plaintiff's identity due to his status as a victim of sexual assault from which this case arises. Under applicable laws and public policy, the identity of sexual assault victims like JOHN DOE #26 (D.P.) is to be maintained out of the public record to protect his privacy, encourage similarly situated victims to seek redress in civil and criminal courts and ultimately to protect the public from recidivist sex offenders.

31. MASSAGE ENVY FRANCHISING, LLC, at all material times was a Foreign for Profit Corporation with offices in Palm Beach County, Florida.

32. MASSAGE ENVY FRANCHISING, LLC (hereinafter referred to as "Massage Envy"), is an Arizona corporation with its principal place of business located in Scottsdale, Arizona. Massage Envy is a massage and spa therapy franchise with approximately 900 franchises located across the United States and is the largest employer of massage therapists nationwide.

33. JK KRN ENTERPRISES, INC., d/b/a MASSAGE ENVY, a Florida For-Profit Corporation, operates a massage envy at 11021 Southern Blvd, Suite 100, Royal Palm Beach, FL 33411.

34. VICALEX, LLC, d/b/a MASSAGE ENVY, a Florida Limited Liability Company operates a massage envy at 851 Village Blvd, Suite 503, West Palm Beach, FL 33409.

35. CB INVESTMENTS LLC d/b/a MASSAGE ENVY, a Florida for Profit Corporation, operates a massage envy at 7050 West Palmetto Park Road, Bay 17, Boca Raton, FL 33433.

36. MHL MASSAGE FOR HEALTHY LIVING, LLC d/b/a MASSAGE ENVY, a Florida Limited Liability Company, operates a massage envy at 10609 Ulmerton Rd, Largo, FL 3377.

37. TRIPLE DOUBLE, USA LLC d/b/a MASSAGE ENVY, a Florida Limited Liability Company, operates a massage envy at 2855 University Parkway, Suite 206, Sarasota, FL 34232.

38. NAMASTE LIFESTYLE, INC. d/b/a MASSAGE ENVY, a Florida for Profit Corporation, operates a massage envy at 17673 N. Dale Mabry Hwy, Lutz, FL 33548.

39. SOUTHEAST CAUSEWAY INVESTMENTS, LLC d/b/a MASSAGE ENVY, a Florida Limited Liability Company, operates a massage envy at 1917 Cordova Rd, Fort Lauderdale, FL 33316.

40. SPANISH RIVER ENVY LLC d/b/a MASSAGE ENVY, a Florida Limited Liability Company, operates a massage envy at 4125 N Federal Hwy, Boca Raton, FL 33431.

41. SUMMIT REGENCY, LLC d/b/a MASSAGE ENVY, a Florida Limited Liability Company, operates a massage envy at 4509 St. Johns Avenue, Suite #1, Jacksonville, FL 32210.

42. BLACKHORSE SERVICES CORP. d/b/a MASSAGE ENVY, a Florida For-Profit Corporation, operates a massage envy at 1159 S Federal Hwy, Pompano Beach, FL 33062.

43. KAM CONCEPTS, LLC d/b/a MASSAGE ENVY, a Florida Limited Liability Company, operates a massage envy at 11680 US HWY 1 Suite 60, North Palm Beach, FL 33408.

44. MOL INVESTMENTS, LLC d/b/a MASSAGE ENVY, a Florida For-Profit Corporation, operates a massage envy at 14200 SW 8th St., Suite 108, Miami, FL 33184.

45. MY SISTERS KEEPER, LLC d/b/a MASSAGE ENVY, a Florida Limited Liability Company operates a massage envy at 8794 Boynton Beach Blvd., Boynton Beach, FL 33472.

46. NORTH SPACE LLC d/b/a MASSAGE ENVY, a Florida Limited Liability Company operates a massage envy at 1279 S Tamiami Trail, Sarasota, FL 34239.

47. M.E. BRICKELL, LLC d/b/a MASSAGE ENVY, a Florida Limited Liability Company operates a massage envy at 900 S Miami Ave, Miami, FL 33130.

48. AGH ENTERTAINMENT, LLC d/b/a MASSAGE ENVY, a Florida Limited Liability Company operates a massage envy at 6169 Jog Rd, Lake Worth, FL 33467.

49. VICCELIN, LLC d/b/a MASSAGE ENVY, a Florida Limited Liability Company operates a massage envy at 3755 Military Trail, Suite A-1, Jupiter, FL 33458.

50. STURMEX, LLC d/b/a MASSAGE ENVY, a Florida Limited Liability Company, operates a massage envy at 12101 W Sunrise Blvd, Plantation, FL 33323.

51. J & J FLASH, LLC d/b/a MASSAGE ENVY, a Florida Limited Liability Company, operates a massage envy at 3940 S Third St Jacksonville Beach, FL 32250.

52. While the sexual assaults at issue may have occurred throughout the state of Florida in numerous different counties, all named Defendants committed tortious conduct within Palm Beach county pursuant to the conspiracy with the named Defendants located in Palm Beach county that resulted in harm to Plaintiffs located in Palm Beach country as described more fully above and below. Venue is proper in Palm Beach County as a result.

53. Venue is also proper in Palm Beach County as numerous Defendants are located in Palm Beach County and multiple assaults occurred in Palm Beach County to Palm Beach County residents as a result of the conspiracy of all Defendants.

FACTS COMMON TO ALL CLAIMS

54. Upon information and belief, sexual assaults committed by massage therapists at MASSAGE ENVY franchise locations is an epidemic of national scale with hundreds of reports of sexual assaults by MASSAGE ENVY therapists occurring across the country that all of the Defendants have specific knowledge are occurring. Defendants have conspired together to keep these assaults secret and hidden from the public, unsuspecting customers and Plaintiffs in an effort to “protect the brand” and make more money at the expense of the safety of its customers. Plaintiffs and others that have suffered assaults and/or exploitation at the hands of Defendants and their therapists were deprived of their right to make a conscious decision regarding their safety and well-being prior to purchasing massage services from the Defendants.

55. Upon information and belief, the conspiracy among the Defendants is exemplified in MASSAGE ENVY’s incomprehensible policy and procedure of directing franchisees to conceal reports of allegations of sexual assaults involving MASSAGE ENVY massage therapists and directing franchisees not to report said allegations to local law enforcement and/or state massage therapy boards, enabling the assaults to occur on a national level and allowing predatory massage therapists to continue working in the industry and commit additional assaults without ramification.

56. MASSAGE ENVY has engaged in directing franchisees in the State of Florida not to report allegations of sexual assaults to local law enforcement and/or state massage therapy boards in order to protect the brand and help ensure profits are not adversely affected. This is being done in violation of Florida law, including, but not limited to Fla. Stat. § 480.0485.

57. Moreover, MASSAGE ENVY requires that franchisees inform customers that they will not be sexually assaulted or exploited at franchise locations if they purchases services from Defendants. As is clear from above, MASSAGE ENVY knows this is false.

58. MASSAGE ENVY also requires that franchisees not warn customers of the known danger of sexual assault when purchasing massage services from the Defendants.

59. Upon information and belief, all franchisees and Massage Envy Franchising entered into a franchise agreement. A copy of MEF's franchise agreement that was entered into with franchisees is attached as Exhibit B. Upon information and belief, all agreements included the following (or substantially similar) terms:

- a. "Each Massage Envy Business must be operated at a site that we approve and according to our standards, specifications, operating procedures, and rules (the system standards.") Massage Envy's Businesses must offer all products and services we specific and may not offer any products or services we have not authorized."
- b. "'You must be aware of and comply with all regulatory requirements to which a massage therapy business in your state or municipality may be subject, in addition to our policies contained in the Operations Manual, the purpose of which is the prevention and handling of inappropriate conduct during massage therapy sessions. Failure to strictly comply with these laws, regulations, or policies may put your customers at risk and/or increase your risk of litigation associated with inappropriate conduct during massage therapy sessions."
- c. We formulate and modify standards and specifications based on our franchisees' experience in developing and operating Massage Envy Businesses. Our standards and specifications may impose minimum requirements for delivery, performance, reputation, prices, quality,

design, and appearance. We will notify you within 30 days of any changes to, or the establishment of, specifications, or approved or designated suppliers, or the revocation of the approval of existing designated or approved suppliers. This notice may be disseminated to you by various means, including written or electronic correspondence, verbal or telephonic notification, amendments or updates to the Operations Manual, bulletins, and similar means of communication.

- d. “If your site is located within the development area of a Regional Developer, we have the right to delegate some of all our obligations under the Franchise Agreement relating to sales, training, site assistance, and supervisory services to the Regional Developer.”
- e. “Audit – Due only if you do not give us reports, supporting records or other required information on time or you understate Gross Sales by more than 2%.”
- f. “The ME National Marketing Cooperative (“National Coop”) is a cooperative comprised of all current Massage Envy Locations operating in the United States with responsibility for annually reviewing and approving all marketing plans and programs including those intended for a national audience or intended to be implemented by a regional cooperative, retention and relationships with advertising agencies and other vendors providing advertising and promotional related services, and major advertising or promotional programs to be implemented during the calendar year

by us. The National Coop has the power to require all franchisees to contribute funds for these plans.”

- g. “The Marketing Fund contribution level is 2% of Gross Sales. You must spend a total of at least 6% of Gross Sales on advertising, marketing and promotional programs for your Business on an annual basis. Your Advertising Cooperative may periodically vary the amount of your Advertising Cooperative contributions, so you must adjust your other advertising, marketing and promotion expenditures to spend at least the minimum of 6% of Gross Sales.” and programs even if these contributions cause franchisees to spend more than their Minimum Marketing Spend Requirement, although it is the intention that these contributions will not have the effect of causing franchisees to spend more than their Minimum Marketing Spend Requirement.
- h. If you fail to obtain and maintain the insurance we require, and we elect to do so on your behalf, you must reimburse us.
- i. “Fines – Payable if you (i) fail to comply with a mandatory System Standard and you do not cure the non-compliance within the time period we require (ii)after committing a default under the Franchise Agreement within 6 months, or (iii) fail to operate your Business continuously during normal business hours during any day in which the Business is required to be open and operating without our consent. We will deposit all fines into the Marketing Fund for the

benefit of all franchisees. It is not our intention to profit from these fines.”

j. During your operation of your Business, we or our Regional Developer (if applicable) will:

1. Provide on-site advice, guidance and support for a period of up to 10 days during the opening and initial operations of your Business. (Franchise Agreement, Section 4(B))
2. Periodically advise you regarding the operation of your Business based on your reports or our inspections. We will advise you on standards, specifications, operating procedures and methods that Massage Envy Businesses use. We will guide you in our Operations Manual, in bulletins or other written materials, by electronic media, by telephone consultation, and/or during consultations at our office or your Massage Envy Business. (Franchise Agreement, Sections 4(C) & 4(D)).
3. Provide you, at your request and expense, additional or special guidance, assistance and training in exchange for the Additional Training or Assistance Fee. (Franchise Agreement, Section 4(B))
4. Periodically modify the Operations Manual to reflect changes in System Standards. You must keep your copy of the Operations Manual current and in a secure location at your Business facility. If there is a dispute over its contents, our master copy of the Operations Manual controls. The Operations Manual is

confidential, and you may not copy, duplicate, record or otherwise reproduce any part of the Operations Manual. (Franchise Agreement, Section 4(D))

- k. **Advisory Council** - We have established and receive input and feedback from an advisory council called the “National Franchise Advisory Board” or “NFAB” comprised of franchisee and Regional Developer representatives. Potential members of NFAB are self-nominated by the franchisees and then appointed by us. The advisory council serves in an advisory capacity only and does not have operational or decision-making power. The NFAB is governed by bylaws approved and adopted by a majority vote of the NFAB members, which bylaws can be amended by a majority vote of the NFAB members with our approval.
- l. **Training** - Before your Business opens, we will train you and up to 3 of your managers on operating the Massage Envy Business, excluding aspects relating to labor relations and employment practices. The initial training program lasts approximately 5 days. Your Managing Owner (defined in Item 15), your Business Manager (defined in Item 15), and the number of other management personnel we designate must complete the initial training program to our satisfaction and participate in all other activities that we require before opening your Business. At all times, your Business must have a Managing Owner and Business Manager who are fully qualified and have completed our training curriculum. Although we

do not charge you a separate fee for the initial training, you must pay all travel and living expenses that you and your personnel incur.

- m. We will hold the initial franchisee training program at our corporate headquarters (currently located in Scottsdale, Arizona), at an operating Massage Envy Location, and/or at other locations we designate. If your Business is located in the development area of a Regional Developer, then the on-site training program will be provided by that Regional Developer, all of whom will have prior experience in operating one or more Massage Envy Locations.
- n. You have 3 days to cure health, safety, or sanitation law violations or failure to operate safely; 10 days to cure monetary defaults; 90 days to find new site and secure lease if lose right of possession of premises; and 30 days to cure operational defaults, attachment of property, appointment of receiver, and other defaults not listed in (h) below. At any time you are in default (i) we (or a Regional Developer) may assume management of your Business, (ii) we may suspend the performance of our obligations under the Franchise Agreement or cease to provide operational support to you; (iii) temporarily or permanently reduce your Territory; (iv) temporarily remove you from the System Website or participation in selected programs or benefits; (v) suspend your right to participate in programs provided by the Marketing Fund; and/ or (vi) suspend or terminate any temporary or permanent fee reductions .

- o. You must promptly disclose to us all ideas, concepts, techniques or materials you create or develop relating to a Massage Envy Business. They will be our property and you must sign the documents we request and otherwise help us obtain intellectual property rights in them. We will be the sole owner of all customer accounts and information. Upon the expiration, termination or transfer of your franchise, you must transfer all customer agreements, accounts and related information to us or to the person that we specify.
- p. As otherwise permitted in this Agreement, we may access the Computer System and retrieve all pertinent information relating to the operation of the Business in areas that we have the ability to control and/or remedy.

57. Sexual Assaults is a known risk that all Defendants are on notice of potentially happening at their location. As outlined in the franchise disclosure agreement, “Professional liability insurance coverage due to errors or omissions in the performance of services under the Agreement, with limits not less than One Million Dollars (\$1,000,000.00) per claim and Three Million Dollars (\$3,000,000.00) annual aggregate. **This must include sexual abuse coverage** of One Million Dollars (\$1,000,000.00) per occurrence with a One Million Dollar (\$1,000,000.00) aggregate coverage. The Professional and Sexual Abuse limits must be specifically shown on the declaration page or by endorsement.”

58. Upon information and belief, when each Plaintiff entered into a wellness agreement with the Defendants, it was represented by Defendants that:

- a. “Male/female genitalia and women’s breasts will not be exposed or massaged at any time.”
- b. “To the best of the Franchisee’s knowledge, only professional massage therapists and estheticians who comply with state, city, and/or local licensing or certification requirements are hired by the Franchisee.”
- c. “Inappropriate or illegal behavior by clients or staff will not be tolerated in any manner.”

59. The above statements are false and were known to be false when they were made to Plaintiffs in exchange for Plaintiffs purchasing services.

60. Despite the above statements being knowingly false, MASSAGE ENVY required, and its franchisees agreed, to make said statements to customers, including Plaintiffs, in hopes they purchased massage services and/or memberships in order to benefit Defendants financially.

61. Upon information and belief, all Plaintiffs entered into a Wellness Agreement with Defendants. See Sample Wellness Agreement attached as Exhibit C.

62. It is believed all Plaintiffs signed a Wellness Agreement that is identical or substantially similar to Exhibit C.

63. MASSAGE ENVY maintained a Code of Conduct policy including instructions on handling and reporting sexual assaults. All franchisees are required to comply with Massage Envy’s Code of Conduct policy pertaining to prevention, handling and reporting sexual assaults committed upon customers by Massage Envy massage therapists.

64. Within these policies, MASSAGE ENVY advises to “be neutral” if the guest accuses a therapist of sexual assault to local authorities. Exhibit D. Said policy does not require reporting to local authorities or massage therapy boards.

65. Upon information and belief, MASSAGE ENVY requires that franchisees report all allegations of sexual assaults by massage therapists on customers at franchise locations to MEF and MEF keeps a database of said reports. As such, MASSAGE ENVY is continually kept apprised of sexual assaults occurring at its franchise locations nationwide.

66. Upon information and belief, MASSAGE ENVY monitors sexual assault investigations at the franchise level. The entire investigation process is dictated by MASSAGE ENVY.

67. Upon information and belief, MASSAGE ENVY company protocol in fact encourages employees to handle any allegations of sexual assault by MASSAGE ENVY massage therapists “in-house.” Many times, the “in-house” employees handling the sexual assault investigations are young adults with absolutely no experience or training in handling said investigations.

68. Upon information and belief, MASSAGE ENVY protocol instructs franchisees to put customers who have a complaint in a private room and to avoid admitting to anything or making any promise to do anything more other than to internally investigate the matter, then to create an incident report and send it to the Corporate office in Arizona. As such, upon information and belief, MASSAGE ENVY has created a procedure wherein a woman who is sexually victimized is sent out the door of a Massage Envy franchise with only the promise to investigate and take appropriate action.

69. Moreover, upon information and belief, if the client has already left the facility when the assault is reported, MASSAGE ENVY requires the customer to come back to the place

where they were assaulted (franchise location) whereby they could potentially be exposed to the predator that assaulted them.

70. Upon information and belief, MASSAGE ENVY specifically informs its franchisees of reports of sexual assaults at franchise locations. As such, as a result of requiring franchisees to carry sexual misconduct insurance, having a policy to deal with sexual assaults as well as having a database of sexual assaults that have occurred at franchise locations throughout the country, MASSAGE ENVY and its franchisees have specific knowledge that there is a danger/risk of sexual assault associated with the service/product it sells to the public.

71. However, MASSAGE ENVY and its franchisees have agreed not to inform customers of the risk/danger of sexual assault inherent in their business and service/product it sells to the public. Instead, as mentioned above, they tell customers there is no risk of sexual assault at Massage Envy franchise locations.

72. The above described conduct has resulted in numerous media reports about this fraud/cover-up being perpetrated on the public and has also resulted in Massage Envy being named by the National Center on Sexual Exploitation to their Dirty Dozen as a leading contributor to sexual exploitation. Exhibit E.

73. Moreover, MASSAGE ENVY permits individuals to continue to perform massages on customers despite allegations of sexual abuse. Exhibit F.

74. Despite this knowledge, MASSAGE ENVY continues to fight safer practices for patients. In fact, MASSAGE ENVY franchisees have opposed mandatory reporting legislation and has made a concerted effort to fight this type of accountability. Exhibit G.

75. Upon information and belief, in numerous cases involving sexual assaults at MASSAGE ENVY franchise locations by MASSAGE ENVY massage therapists, MASSAGE

ENVY therapists were allowed to remain employed and/or were transferred and/or hired/re-hired at other locations, only to go on to sexually assault another, if not multiple, female customers.

76. The sexual assaults described herein occurred after many female customers specifically requested a female massage therapist, yet were forced to have their massages done by male massage therapists.

77. The sexual assaults described herein occurred on a massage table, on the premises operated and/or controlled by Defendants.

78. The sexual assaults described above and below, including the assault of Plaintiffs, occurred during normal business hours of Defendants and occurred in the course and scope of the performance of duties of Defendants' Massage Therapists.

79. It is also believed and therefore averred that, consistent with Massage Envy policy and procedure, MASSAGE ENVY informed and directed the employee(s) not to report the assault to the Florida Board of Massage Therapy and/or law enforcement personnel but rather to handle the matter "in-house," in violation of Florida law in furtherance of the conspiracy amongst the Defendants to hide these assaults from the public to protect the brand and make more money

80. As a result, it is believed and therefore averred that no one from DEFENDANTS or any employee(s) of DEFENDANTS reported any of the below mentioned assaults to the Florida Board of Massage therapy, law enforcement or anyone for that matter, in violation of Florida law.

81. Instead, it is believed and therefore averred that DEFENDANTS chose not to conduct any investigation whatsoever into the report of DEFENDANTS' employees and /or apparent and / or actual agents sexually assaulting PLAINTIFFS, allowing other potential and future victims to sustain similar abuse or worse like so many other unsuspecting female customers of Massage Envy.

82. Moreover, at no point did anyone from DEFENDANTS inform and/or warn any female customers, including Plaintiffs, of the danger in their company of massage therapists sexually assaulting customers or known prior assaults committed by DEFENDANTS' massage therapists despite having a duty to do so.

83. In fact, many times employee(s) at DEFENDANTS unfathomably *recommended* DEFENDANTS' employees and /or apparent and / or actual agents to unknowing female customers after they knew DEFENDANTS' actual and /or apparent agents or employees had already sexually assaulted at least one client at that location.

84. Upon information and belief, former employees / agents of DEFENDANTS will testify that they were encouraged by DEFENDANTS not to go to the police after a customer reports a sexual assault. It is anticipated that these former employees / agents will testify that Defendants made comments such as "if the customer is not going to go to the police following an assault, why should we."

85. Given the comments made by employees and agents of DEFENDANTS coupled with their actual knowledge of the prior assaults happening at MASSAGE ENVY in Palm Beach County, the State of Florida, and the United States, DEFENDANTS were fully informed about the assaults that took place on their premises.

86. Further, given the business model of DEFENDANTS, including but not limited to the Franchise Disclosure Document outlining requirements of maintaining a minimum amount of massages to maintain the franchise, DEFENDANTS were ratifying the conduct of Assaultants.

87. As a result, DEFENDANTS' actual and / or apparent agents and/or employees would go on to sexually assault numerous unsuspecting customers at DEFENDANTS' locations.

88. At all times relevant hereto, DEFENDANTS authorized and entrusted its employees and/or actual and / or apparent agents to have skin-to-skin contact with PLAINTIFFS'

bodies and to be alone with PLAINTIFFS while PLAINTIFFS were undressed and in a vulnerable position.

89. DEFENDANTS' actual and / or apparent agents and/or employees were aided in their commission of the sexual assaults of PLAINTIFFS described more fully below by virtue of their duties as a massage therapist because PLAINTIFFS were already undressed in a private room in a vulnerable position per the protocol of massage clients at Massage Envy franchises. DEFENDANTS negligently maintained its premises and failed to keep it free from hazards and its customers safe, thereby causing PLAINTIFFS severe injuries and damages.

90. The sexual assault of PLAINTIFFS described below occurred on a massage table, on the premises operated and/or controlled by DEFENDANTS. The sexual assault of Plaintiffs described below occurred in the course and scope of the performance of duties of DEFENDANTS' actual and / or apparent agents and/or employees while they were making skin-to-skin contact with PLAINTIFFS' bodies.

91. At the aforementioned time and place, the Defendant owed a nondelegable duty of care to all invitees on the premises, including, JANE DOE #1 (R.G.) individually; JANE DOE #2 (B.P.) individually; JANE DOE #3 (N.B.) individually; JANE DOE #4 (D.W.) individually; JANE DOE #5 (T.G.) individually; JANE DOE #6 (R.M.) individually; JANE DOE #7 (A.J) individually; JANE DOE #8 (B.L) individually; JANE DOE #9 (A.K.) individually; JANE DOE #10 (S.G.) individually; JANE DOE #11 (D.H.) individually; JANE DOE #12 (K.J.) individually; JANE DOE #13 (G.G.) individually; JANE DOE #14 (T.L.) individually; JANE DOE #15 (T.S.) individually; JANE DOE #16 (I.G.) individually; JANE DOE #17 (A.E.) individually; JANE DOE #18 (S.N.) individually; JANE DOE #19 (J.A.) individually; JANE DOE #20 (M.D.) individually; JANE DOE #21 (K.K.) individually; JANE DOE #22 (C.S.) individually; JANE DOE #23 (S.S.) individually; JANE DOE #24 (C.R.) individually; JANE DOE #25 (P.W.) individually; JOHN

DOE #26 (D.P.) individually, to keep the premises free from dangerous conditions and hazards of which they knew or should have known. The negligent condition was known to DEFENDANTS, or had existed for a sufficient length of time so that DEFENDANTS should have known of it, and DEFENDANTS failed to properly maintain its property.

92. The identities of the abuser of each Plaintiff and/or the abuser's relationship to the Defendants is unknown unless specifically noted herein. Moreover, Plaintiffs were unaware of the fraud being committed by and/or the conspiracy among the Defendants until or about late November/early December 2017, when an investigative report concerning the rampant problem of sexual assaults/exploitation at Massage Envy locations was first publicized. (*See Buzzfeed article attached hereto as Exhibit A*). Further, Defendants continue to engage in the fraud and conspiracy as described more fully above and below today.

SPECIFIC FACTS GIVING RISE TO CLAIMS

JANE DOE # 1 (R.G)

93. During August 2017 (exact date unknown), JANE DOE #1 (R.G.) scheduled a massage at JK KRN ENTERPRISES, INC. (hereinafter MASSAGE ENVY – ROYAL PALM BEACH).

94. JANE DOE #1 (R.G.) was a member of MASSAGE ENVY for three years but it was her first visit to this location.

95. During her massage that occurred in August 2017, JANE DOE #1 (R.G.) was assaulted when she was a customer at the Massage Envy location in Royal Palm Beach, which was owned and operated by Defendants MASSAGE ENVY – ROYAL PALM BEACH and MASSAGE ENVY. The massage therapist that sexually assaulted JANE DOE #1 (R.G.) shall hereinafter be referred to as "Assailant #1."

96. Specifically, JANE DOE #1 (R.G.)’s genitals were inappropriately touched without her consent when she was a customer at MASSAGE ENVY – ROYAL PALM BEACH and MASSAGE ENVY.

JANE DOE # 2 (B.P.)

97. During the year 2015 or 2016 (exact date unknown), JANE DOE #2 (B.P.) scheduled a massage at VICALEX, LLC (hereinafter MASSAGE ENVY – WEST PALM BEACH).

98. JANE DOE #2 (B.P.) suffered from spinal pain that required her to get frequent massages to relieve the pain.

99. JANE DOE #2 (B.P.) obtained two massages before the subject incident without any problems; however, on or about the third massage, is when the incident occurred.

100. During the massage at issue, JANE DOE #2 (B.P.) was assaulted when she was a customer at MASSAGE ENVY – WEST PALM BEACH, which was owned and operated by Defendants MASSAGE ENVY – WEST PALM BEACH and MASSAGE ENVY. The massage therapist that sexually assaulted JANE DOE #2 (B.P.) shall hereinafter be referred to as “Assailant #2.”

101. Specifically, JANE DOE #2 (B.P.)’s genitals were inappropriately touched without her consent when she was a customer at MASSAGE ENVY – WEST PALM BEACH and MASSAGE ENVY.

JANE DOE # 3 (N.B.)

102. At or around June 2016 (exact date unknown), JANE DOE #3 (N.B.) scheduled a massage at CB INVESTMENTS LLC (hereinafter MASSAGE ENVY – WEST BOCA).

103. JANE DOE #3 (N.B.) scheduled a massage at MASSAGE ENVY – WEST BOCA that was the last appointment for the day.

104. At all material times, JANE DOE #3 (N.B.) was given a massage as a gift from her boyfriend who also had a massage on the same day at the same location.

105. During the massage at issue, JANE DOE #3 (N.B.) was assaulted when she was a customer at MASSAGE ENVY – WEST BOCA, which was owned and operated by Defendants MASSAGE ENVY – WEST BOCA and MASSAGE ENVY. The massage therapist that sexually assaulted JANE DOE #3 (N.B.) shall hereinafter be referred to as “Assailant #3.”

106. Specifically, JANE DOE #3 (N.B.)’s breasts were inappropriately touched without her consent when she was a customer at MASSAGE ENVY – WEST BOCA and MASSAGE ENVY.

JANE DOE # 4 (D.W.)

107. On or about May 27, 2016, JANE DOE #4 (D.W.) scheduled a massage at MHL MASSAGE FOR HEALTHY LIVING, LLC (hereinafter MASSAGE ENVY – LARGO).

108. JANE DOE #4 (D.W.) suffered from spinal pain that required her to get frequent massages to relieve the pain.

109. JANE DOE #4 (D.W.) frequently visited the MASSAGE ENVY with a different masseuse. Her regular masseuse was unavailable when she was assigned MASSAGE ENVY – LARGO employee and/or actual and / or apparent agent Murtagh D. Meyler instead.

110. During the massage at issue, JANE DOE #4 (D.W.) was assaulted when she was a customer at MASSAGE ENVY – LARGO, which was owned and operated by Defendants MASSAGE ENVY – LARGO and MASSAGE ENVY.

111. Specifically, JANE DOE #4 (D.W.)’s genitals were touched and inappropriately digitally penetrated by Massage Therapist Murtagh D. Meyler’s without her consent when she was a customer at MASSAGE ENVY – LARGO and MASSAGE ENVY. The massage therapist,

Murtagh D. Meyler, that sexually assaulted JANE DOE #4 (D.W.) shall hereinafter be referred to as “Assailant #4.”

112. Massage Therapist Assailant #4’s license was revoked after the Department of Health, Florida Board of Massage Therapy conducted an investigation following the incident.

JANE DOE # 5 (T.G.)

113. On or about March 11, 2017, JANE DOE #5 (T.G.) scheduled a massage at NAMASTE LIFESTYLE, INC. (hereinafter MASSAGE ENVY – LUTZ).

114. JANE DOE #5 (T.G.) previously underwent a double mastectomy and required massages as part of her recovery.

115. JANE DOE #5 (T.G.) visited the MASSAGE ENVY – LUTZ for a lymphatic massage.

116. JANE DOE #5 (T.G.) previously treated for breast cancer that ultimately resulted in a double mastectomy.

117. During the massage at issue, JANE DOE #5 (T.G.) was assaulted when she was a customer at MASSAGE ENVY – LUTZ, which was owned and operated by Defendants MASSAGE ENVY – LUTZ and MASSAGE ENVY.

118. Specifically, JANE DOE #5 (T.G.)’s breasts were sexually and inappropriately touched by MASSAGE ENVY – LUTZ’s employee and/or actual and / or apparent agent James D. Cardoza without her consent when she was a customer at MASSAGE ENVY – LUTZ and MASSAGE ENVY. The massage therapist, James D. Cardoza, that sexually assaulted JANE DOE #5 (T.G.) (hereinafter referred to as “Assailant #5”).

JANE DOE # 6 (R.M.)

119. During the year 2016 (exact date unknown), JANE DOE #6 (R.M.) scheduled a massage at TRIPLE DOUBLE, USA LLC (hereinafter MASSAGE ENVY – SARASOTA).

120. JANE DOE #6 (R.M.) went to TRIPLE DOUBLE, USA LLC with a female friend for each of them to receive separate massages.

121. JANE DOE #6 (R.M.) specifically requested her massage be performed by a female; however, the MASSAGE ENVY – SARASOTA said they had no females available so it had to be a male masseuse.

122. JANE DOE #6 (R.M.) specifically included the areas which she wanted to be massaged and they included her neck and back only. JANE DOE #6 (R.M.) specifically did not want the lower half of her body massaged.

123. During the massage at issue, JANE DOE #6 (R.M.) was assaulted when she was a customer at MASSAGE ENVY – SARASOTA, which was owned and operated by Defendants MASSAGE ENVY – SARASOTA and MASSAGE ENVY. The massage therapist that sexually assaulted JANE DOE #6 (R.M.) shall hereinafter be referred to as “Assailant #6.”

124. Specifically, JANE DOE #6 (R.M.)’s genitals were inappropriately touched and her vagina was digitally penetrated without her consent when she was a customer at MASSAGE ENVY – SARASOTA and MASSAGE ENVY.

JANE DOE # 7 (A.J.)

125. On February 3, 2016, JANE DOE #7 (A.J.) scheduled a massage at SOUTHEAST CAUSEWAY INVESTMENTS, LLC (hereinafter MASSAGE ENVY – FORT LAUDERDALE).

126. JANE DOE #7 (A.J.) was attending her third or fourth massage at MASSAGE ENVY with this particular massage therapist.

127. During her massage that occurred in February 3, 2016, JANE DOE #7 (A.J.) was assaulted when she was a customer at the Massage Envy location in Fort Lauderdale, which was owned and operated by Defendants MASSAGE ENVY – FORT LAUDERDALE and MASSAGE

ENVY. The massage therapist that sexually assaulted JANE DOE #7 (A.J.) shall hereinafter be referred to as “Assailant #7.”

128. Specifically, JANE DOE #7 (A.J.)’s genitals were inappropriately touched without her consent when she was a customer at MASSAGE ENVY – FORT LAUDERDALE and MASSAGE ENVY.

JANE DOE # 8 (B.L.)

129. On or about April 12, 2017, JANE DOE #8 (B.L.) scheduled a massage at SOUTHEAST CAUSEWAY INVESTMENTS, LLC (hereinafter MASSAGE ENVY – FORT LAUDERDALE).

130. This was her first massage at this location with this particular massage therapist (Brett Toote, LMT).

131. During her massage that occurred on or about April 12, 2017, JANE DOE #8 (B.L.) was assaulted when she was a customer at the Massage Envy location in Fort Lauderdale, which was owned and operated by Defendants MASSAGE ENVY – FORT LAUDERDALE and MASSAGE ENVY.

132. Specifically, JANE DOE #8 (B.L.)’s genitals were inappropriately touched without her consent by Brett Toote when she was a customer at MASSAGE ENVY – FORT LAUDERDALE and MASSAGE ENVY. The massage therapist that sexually assaulted JANE DOE #8 (B.L.) first, Brett Toote, shall hereinafter be referred to as “Assailant #8”.

133. Thinking this was just maybe a mistake, JANE DOE #8 (B.L.) returned on May 25, 2017, where additional inappropriate touching occurred with a second massage therapist (Nik-ki Hardman). The massage therapist that sexually assaulted JANE DOE #8 (B.L.) second, Nik-ki Hardman, shall hereinafter be referred to as “Assailant #9.”

134. JANE DOE #8 (B.L.) filed a formal incident report with message envy on or about December 3, 2017.

JANE DOE # 9 (A.K.)

135. In or about the summer of 2016, JANE DOE #9 (A.K.) scheduled a massage at Summit Regency, LLC (hereinafter MASSAGE ENVY – ORTEGA).

136. JANE DOE #9 (A.K.) suffered from a herniated disc in her neck and two disc bulges in her back from a 2010 car collision that required her to get frequent massages to relieve the pain.

137. JANE DOE #9 (A.K.) visited the MASSAGE ENVY – ORTEGA for a massage.

138. During the massage at issue, JANE DOE #9 (A.K.) was assaulted when she was a customer at MASSAGE ENVY – ORTEGA, which was owned and operated by Defendants MASSAGE ENVY – ORTEGA and MASSAGE ENVY. The massage therapist that sexually assaulted JANE DOE #9 (A.K.) shall hereinafter be referred to as “Assailant #10.”

139. Specifically, JANE DOE #9’s (A.K.) vagina was inappropriately touched by a MASSAGE ENVY – ORTEGA’s employee and/or actual and / or apparent agent without her consent when she was a customer at MASSAGE ENVY – ORTEGA and MASSAGE ENVY.

JANE DOE # 10 (S.G.) and JANE DOE #11 (D.H.)

140. During Mother’s Day Weekend in May 2017 (exact date unknown), JANE DOE #10 (S.G.) scheduled a massage at SPANISH RIVER ENVY, LLC (hereinafter MASSAGE ENVY – SPANISH RIVER) with her mother, JANE DOE #11 (D.H.).

141. JANE DOE #10 (S.G.) purchased a mother’s day package for two as a present to JANE DOE #11 (D.H.) for mother’s day.

142. Prior to the massage, JANE DOE #10 (S.G.) specifically scheduled both her massage and JANE DOE #11 (D.H.)’s massage with females.

143. However, when they arrived, JANE DOE #10 (S.G.) was told there were no female massage therapists available, despite specifically booking an appointment with a female, and her scheduled massage instead had to be performed by a male massage therapist.

144. During her massage that occurred in May 2017, JANE DOE #10 (S.G.) and JANE DOE #11 (D.H.) were sexually harassed when they were customers at the Massage Envy location in Spanish River, which was owned and operated by Defendants MASSAGE ENVY – SPANISH RIVER and MASSAGE ENVY.

145. Specifically, an employee and/or actual and / or apparent agent of MASSAGE ENVY – SPANISH RIVER and MASSAGE ENVY inappropriately requested JANE DOE #10 (S.G.) undress and disrobe in front of him on two separate occasions during this May 2017 massage. The massage therapist that sexually assaulted JANE DOE #10 (S.G.) shall hereinafter be referred to as “Assailant #11.” During JANE DOE #11 (D.H.)’s massage down the hall at the same time, her massage therapist placed his genitals on the head of JANE DOE #11 when she was a customer at MASSAGE ENVY – SPANISH RIVER and MASSAGE ENVY. The massage therapist that sexually assaulted JANE DOE #11 (D.H.) shall hereinafter be referred to as “Assailant #12.”

146. JANE DOE #11 (D.H.) immediately terminated the massage, scared for JANE DOE #10 (S.G.)’s safety when JANE DOE #11 (D.H.) learned of the inappropriate conduct that occurred simultaneously at the same MASSAGE ENVY – SPANISH RIVER and MASSAGE ENVY.

147. The incident surrounding JANE DOE #10 (S.G.) and JANE DOE #11 (D.H.), establishes the prevalence of sexual harassment and sexual assaults that is rampant at MASSAGE ENVY and its franchise locations, including but not limited to, MASSAGE ENVY FRANCHISING, LLC, a Foreign for Profit Corporation; JK KRN ENTERPRISES, INC., a Florida

for Profit Corporation d/b/a MASSAGE ENVY; VICALEX, LLC, a Florida Limited Liability Company d/b/a MASSAGE ENVY; CB INVESTMENTS LLC, a Florida for Profit Corporation d/b/a MASSAGE ENVY; MHL MASSAGE FOR HEALTHY LIVING, LLC a Florida Limited Liability Company d/b/a MASSAGE ENVY; TRIPLE DOUBLE, USA LLC, a Florida Limited Liability Company d/b/a MASSAGE ENVY; NAMASTE LIFESTYLE, INC., a Florida for Profit Corporation d/b/a MASSAGE ENVY; SOUTHEAST CAUSEWAY INVESTMENTS, LLC, a Florida Limited Liability Company d/b/a MASSAGE ENVY; SPANISH RIVER ENVY LLC, a Florida Limited Liability Company, d/b/a MASSAGE ENVY; SUMMIT REGENCY, LLC, a Florida Limited Liability Company, d/b/a MASSAGE ENVY; BLACKHORSE SERVICES CORP., a Florida for Profit Corporation d/b/a MASSAGE ENVY; KAM CONCEPTS, LLC a Florida Limited Liability Company, d/b/a MASSAGE ENVY; MOL INVESTMENTS, LLC a Florida for Profit Corporation d/b/a MASSAGE ENVY; MY SISTERS KEEPER, LLC a Florida Limited Liability Company, d/b/a MASSAGE ENVY; NORTH SPACE LLC, a Florida Limited Liability Company, d/b/a MASSAGE ENVY; M.E. BRICKELL, LLC, a Florida Limited Liability Company, d/b/a MASSAGE ENVY; AGH ENTERTAINMENT, LLC, a Florida Limited Liability Company, d/b/a MASSAGE ENVY; VICCELIN, LLC, a Florida Limited Liability Company, d/b/a MASSAGE ENVY; STURMEX, LLC, a Florida Limited Liability Company, d/b/a MASSAGE ENVY; and J&J FLASH, LLC, a Florida Limited Liability Company, d/b/a MASSAGE ENVY.

JANE DOE # 12 (K.J.)

148. During July 2016 (exact date unknown), JANE DOE #12 (K.J.) scheduled a massage at BLACKHORSE SERVICES CORP., a Florida for Profit Corporation d/b/a MASSAGE ENVY (hereinafter MASSAGE ENVY – POMPANNO BEACH).

149. JANE DOE #12 (K.J.) was a member of MASSAGE ENVY for several years.

150. During her massage that occurred in July 2016, JANE DOE #12 (K.J.) was assaulted when she was a customer at the Massage Envy location in Pompano Beach, which was owned and operated by Defendants MASSAGE ENVY – POMPANO BEACH and MASSAGE ENVY. The massage therapist that sexually assaulted JANE DOE #12 (K.J.) shall hereinafter be referred to as “Assailant #13.”

151. Specifically, JANE DOE #12 (K.J.)’s genitals were inappropriately touched without her consent when she was a customer at MASSAGE ENVY – POMPANO BEACH and MASSAGE ENVY.

JANE DOE # 13 (G.G.)

152. On or about July 20, 2017, JANE DOE #13 (G.G.) scheduled a massage at JK KRN ENTERPRISES, INC. (previously referred to herein as MASSAGE ENVY – ROYAL PALM BEACH).

153. JANE DOE #13 (G.G.) was a member of MASSAGE ENVY for a period of time but it was her first massage with this particular individual.

154. During her massage that occurred in July 20, 2017, JANE DOE #13 (G.G.) was assaulted when she was a customer at the Massage Envy location in Royal Palm Beach, which was owned and operated by Defendants MASSAGE ENVY – ROYAL PALM BEACH and MASSAGE ENVY. The massage therapist that sexually assaulted JANE DOE #13 (G.G.) is believed to be the same individual who assaulted JANE DOE #1 (R.G.) who was previously identified as “Assailant #1.”

155. Specifically, JANE DOE #13 (G.G.)’s genitals were inappropriately touched and penetrated, among other violations, without her consent when she was a customer at MASSAGE ENVY – ROYAL PALM BEACH and MASSAGE ENVY.

JANE DOE # 14 (T.L.)

156. At some time eight to ten years ago (exact date unknown), JANE DOE #14 (T.L.) scheduled a massage at KAM CONCEPTS, LLC a Florida Limited Liability Company, d/b/a MASSAGE ENVY. (Hereinafter MASSAGE ENVY –NORTH PALM BEACH). JANE DOE #14 (T.L.) was unaware of the systematic problem of sexual assaults at Massage Envy until after the conspiracy and fraud became exposed through the media following the publication of the BuzzFeed Article on Nov. 26, 2017 (Ex. A) as well as the media coverage that followed the original complaint of this lawsuit on August 27, 2018.

157. During her massage, JANE DOE #14 (T.L.) was assaulted when she was a customer at the Massage Envy location in North Palm Beach, which was owned and operated by Defendants MASSAGE ENVY – NORTH PALM BEACH and MASSAGE ENVY. The massage therapist that sexually assaulted JANE DOE #14 (T.L.) shall hereinafter be referred to as “Assailant #14.”

158. Specifically, JANE DOE #14 (T.L.)’s pubic area was inappropriately touched without her consent when she was a customer at MASSAGE ENVY – NORTH PALM BEACH and MASSAGE ENVY.

JANE DOE # 15 (T.S.)

159. During 2016-2017 (specific date unknown), JANE DOE #15 (T.S.) scheduled a massage at SOUTHEAST CAUSEWAY INVESTMENTS, LLC (previously referred to herein as MASSAGE ENVY – FORT LAUDERDALE).

160. During her massage, JANE DOE #15 (T.S.) was assaulted when she was a customer at the Massage Envy location in Fort Lauderdale, which was owned and operated by Defendants MASSAGE ENVY – FORT LAUDERDALE and MASSAGE ENVY. It is presently unknown whether or not the individual that assaulted JANE DOE #15 (T.S.) is the same individual that assaulted JANE DOE #7 (A.J.) and/or JANE DOE #8 (B.L.) at the same location. The massage

therapist that sexually assaulted JANE DOE #15 (T.S.) shall hereinafter be referred to as “Assailant #15.”

161. Specifically, JANE DOE #15 (T.S.)’s genitals and other parts of her body were inappropriately touched without her consent when she was a customer at MASSAGE ENVY – FORT LAUDERDALE and MASSAGE ENVY.

JANE DOE # 16 (I.G.)

162. During September or October 2017 (exact date unknown), JANE DOE #16 (I.G.) scheduled a massage at MOL INVESTMENTS, LLC a Florida for Profit Corporation d/b/a MASSAGE ENVY (hereinafter MASSAGE ENVY – TAMIAMI).

163. During her massage, JANE DOE #16 (I.G.) was assaulted when she was a customer at the Massage Envy location in Miami, which was owned and operated by Defendants MASSAGE ENVY – TAMIAMI and MASSAGE ENVY. The massage therapist that sexually assaulted JANE DOE #16 (I.G.) shall hereinafter be referred to as “Assailant #16.”

164. Specifically, JANE DOE #16 (I.G.)’s genitals and anal area were inappropriately touched without her consent when she was a customer at MASSAGE ENVY – TAMIAMI and MASSAGE ENVY.

JANE DOE # 17 (A.E)

165. During 2016 (exact date unknown), JANE DOE #17 (A.E.) scheduled a massage at VICALEX, LLC (previously referred to herein as MASSAGE ENVY – WEST PALM BEACH).

166. During the massage at issue, JANE DOE #17 (A.E.) was assaulted when she was a customer at MASSAGE ENVY – WEST PALM BEACH, which was owned and operated by Defendants MASSAGE ENVY – WEST PALM BEACH and MASSAGE ENVY. It is presently unknown whether or not the individual that assaulted JANE DOE #17 (A.E.) is the same individual that assaulted JANE DOE #2 (B.P.) and/or JOHN DOE #26 (D.P.) at the same location. As such,

the massage therapist that sexually assaulted JANE DOE #17 (A.E.) shall hereinafter be referred to as “Assailant #17.”

167. Specifically, JANE DOE #17 (A.E.)’s breasts were inappropriately touched without her consent when she was a customer at MASSAGE ENVY – WEST PALM BEACH and MASSAGE ENVY. Further, Assailant #17 placed his penis against her head as he massaged her breasts.

JANE DOE # 18 (S.N.)

168. During 2014 (exact date unknown), JANE DOE #18 (S.N.) scheduled a massage at MY SISTERS KEEPER, LLC a Florida Limited Liability Company, d/b/a MASSAGE ENVY (hereinafter MASSAGE ENVY – BOYNTON BEACH) sometime estimated in the year 2014. JANE DOE #18 (S.N.) was unaware of the systematic problem of sexual assaults at Massage Envy until after the conspiracy and fraud became exposed through the media following the publication of the Buzzfeed Article on Nov. 26, 2017 (Ex. A) as well as the media coverage that followed the original complaint of this lawsuit on August 27, 2018.

169. During her massage, JANE DOE #18 (S.N.) was assaulted when she was a customer at the Massage Envy location in Boynton Beach, which was owned and operated by Defendants MASSAGE ENVY – BOYNTON PALM BEACH and MASSAGE ENVY. The massage therapist that sexually assaulted JANE DOE #18 (S.N.) shall hereinafter be referred to as “Assailant #18.”

170. Specifically, JANE DOE #18 (S.N.)’s genitals and breasts were inappropriately touched without her consent when she was a customer at MASSAGE ENVY – ROYAL PALM BEACH and MASSAGE ENVY.

JANE DOE # 19 (J.A.)

171. During 2017 or early 2018 (exact date unknown), JANE DOE #19 (J.A.) scheduled a massage at NORTH SPACE LLC, a Florida Limited Liability Company, d/b/a MASSAGE ENVY (hereinafter MASSAGE ENVY – SARASOTA MIDTOWN).

172. During her massage that occurred in 2017 or early 2018, JANE DOE #19 (J.A.) was assaulted when she was a customer at the Massage Envy location in Sarasota, which was owned and operated by Defendants MASSAGE ENVY – SARASOTA MIDTOWN and MASSAGE ENVY. The massage therapist that sexually assaulted JANE DOE #19 (J.A.) shall hereinafter be referred to as “Assailant #19.”

173. Specifically, JANE DOE #19 (J.A.)’s genitals were inappropriately touched and digitally penetrated without her consent when she was a customer at MASSAGE ENVY – ROYAL PALM BEACH and MASSAGE ENVY.

JANE DOE # 20 (M.D.)

174. During approximately February 2016 (exact date unknown), JANE DOE #20 (M.D.) scheduled a massage at M.E. BRICKELL, LLC, a Florida Limited Liability Company, d/b/a MASSAGE ENVY (hereinafter MASSAGE ENVY – BRICKELL).

175. During her massage that occurred in February 2016, JANE DOE #20 (M.D.) was assaulted when she was a customer at the Massage Envy location in Brickell, which was owned and operated by Defendants MASSAGE ENVY – BRICKELL and MASSAGE ENVY. The massage therapist that sexually assaulted JANE DOE #20 (M.D.) shall hereinafter be referred to as “Assailant #20.”

176. Specifically, JANE DOE #20 (M.D.)’s genitals were inappropriately touched without her consent when she was a customer at MASSAGE ENVY – BRICKELL and MASSAGE ENVY.

JANE DOE # 21 (K.K.)

177. Sometime in 2011 or 2012 (exact date unknown), JANE DOE #21 (K.K.) scheduled a massage at AGH ENTERTAINMENT, LLC, a Florida Limited Liability Company, d/b/a MASSAGE ENVY (hereinafter MASSAGE ENVY – LAKE WORTH).

178. During her massage that occurred in sometime in 2011 or 2012, JANE DOE #21 (K.K.) was assaulted when she was a customer at the Massage Envy location in Lake Worth, which was owned and operated by Defendants MASSAGE ENVY – LAKE WORTH and MASSAGE ENVY. The massage therapist that sexually assaulted JANE DOE #21 (K.K.) shall hereinafter be referred to as “Assailant #21.” JANE DOE #21 (K.K.) was unaware of the systematic problem of sexual assaults at Massage Envy until after the conspiracy and fraud became exposed through the media following the publication of the Buzzfeed Article on Nov. 26, 2017 (Ex. A) as well as the media coverage that followed the original complaint of this lawsuit on August 27, 2018.

179. Specifically, JANE DOE #21 (K.K.)’s genitals were inappropriately touched without her consent when she was a customer at MASSAGE ENVY – LAKE WORTH and MASSAGE ENVY.

JANE DOE # 22 (C.S.)

180. During late 2015 or early 2016 (exact date unknown), JANE DOE #22 (C.S.) scheduled a massage at J&J FLASH, LLC (hereinafter MASSAGE ENVY – JACKSONVILLE BEACH).

181. During her massage that occurred in late 2015 or early 2016, JANE DOE #22 (C.S.) was assaulted when she was a customer at the Massage Envy location in Jacksonville Beach, which was owned and operated by Defendants MASSAGE ENVY – JACKSONVILLE BEACH and MASSAGE ENVY. The massage therapist that sexually assaulted JANE DOE #22 (C.S.) shall hereinafter be referred to as “Assailant #22.” JANE DOE #22 (C.S.) was unaware of the

systematic problem of sexual assaults at Massage Envy until after the conspiracy and fraud became exposed through the media following the publication of the BuzzFeed Article on Nov. 26, 2017 (Ex. A) as well as the media coverage that followed the original complaint of this lawsuit on August 27, 2018.

182. Specifically, JANE DOE #22 (C.S.)’s genitals were inappropriately touched without her consent when she was a customer at MASSAGE ENVY– JACKSONVILLE BEACH and MASSAGE ENVY.

JANE DOE # 23 (S.S.)

183. During 2012 (exact date unknown), JANE DOE #23 (S.S.) scheduled a massage at VICCELIN, LLC (hereinafter MASSAGE ENVY – JUPITER).

184. During her massage that occurred in 2012, JANE DOE #23 (S.S.) was assaulted when she was a customer at the Massage Envy location in Jupiter, which was owned and operated by Defendants MASSAGE ENVY – JUPITER and MASSAGE ENVY. The massage therapist that sexually assaulted JANE DOE #23 (S.S.) shall hereinafter be referred to as “Assailant #23.”

185. Specifically, JANE DOE #23 (S.S.) was inappropriately touched without her consent when she was a customer at MASSAGE ENVY – JUPITER and MASSAGE ENVY.

JANE DOE # 24 (C.R.)

186. During 2013 (exact date unknown), JANE DOE #24 (C.R.) scheduled a massage at STURMEX, LLC (hereinafter MASSAGE ENVY – PLANTATION).

187. During her massage that occurred in 2013, JANE DOE #24 (C.R.) was assaulted when she was a customer at the Massage Envy location in Plantation, which was owned and operated by Defendants MASSAGE ENVY – PLANTATION and MASSAGE ENVY. The massage therapist that sexually assaulted JANE DOE #24 (C.R.) shall hereinafter be referred to as “Assailant #24.” JANE DOE #24 (C.R.) was unaware of the systematic problem of sexual assaults

at Massage Envy until after the conspiracy and fraud became exposed through the media following the publication of the BuzzFeed Article on Nov. 26, 2017 (Ex. A) as well as the media coverage that followed the original complaint of this lawsuit on August 27, 2018.

188. Specifically, JANE DOE #24 (C.R.)'s genitals were inappropriately touched without her consent when she was a customer at MASSAGE ENVY – PLANTATION and MASSAGE ENVY.

JANE DOE # 25 (P.W.)

189. During 2016 (exact date unknown), JANE DOE #25 (P.W.) scheduled a massage at J&J FLASH, LLC (referred to previously herein as MASSAGE ENVY – JACKSONVILLE BEACH).

190. During her massage that occurred in 2016, JANE DOE #25 (P.W.) was assaulted when she was a customer at the Massage Envy location in Jacksonville Beach, which was owned and operated by Defendants MASSAGE ENVY – JACKSONVILLE BEACH and MASSAGE ENVY. The massage therapist that sexually assaulted JANE DOE #25 (P.W.) shall hereinafter be referred to as “Assailant #25.” JANE DOE #25 (P.W.) was unaware of the systematic problem of sexual assaults at Massage Envy until after the conspiracy and fraud became exposed through the media following the publication of the BuzzFeed Article on Nov. 26, 2017 (Ex. A) as well as the media coverage that followed the original complaint of this lawsuit on August 27, 2018.

191. Specifically, JANE DOE #25 (P.W.)'s genitals were inappropriately touched without her consent when she was a customer at MASSAGE ENVY – MASSAGE ENVY – JACKSONVILLE BEACH and MASSAGE ENVY.

JOHN DOE # 26 (D.P.)

192. During May 2018 (exact date unknown), JOHN DOE #26 (D.P.) scheduled a massage at VICALEX, LLC (previously referred to herein as MASSAGE ENVY – WEST PALM BEACH).

193. During the massage at issue, JOHN DOE #26 (D.P.) was assaulted when he was a customer at MASSAGE ENVY – WEST PALM BEACH, which was owned and operated by Defendants MASSAGE ENVY – WEST PALM BEACH and MASSAGE ENVY. It is presently unknown whether or not the individual that assaulted JANE DOE #17 (A.E.) is the same individual that assaulted JANE DOE #2 (B.P.) and/or JANE DOE #17 (A.E.) at the same location. As such, the massage therapist that sexually assaulted JOHN DOE #26 (D.P) shall hereinafter be referred to as “Assailant #26.”

194. Specifically, JOHN DOE #26 (D.P.) was sexually assaulted when Assailant #26 attempted to perform oral sex on JOHN DOE #26 (D.P.) without his consent when he was a customer at MASSAGE ENVY – WEST PALM BEACH and MASSAGE ENVY.

DIRECT LIABILITY CLAIMS AGAINST MASSAGE ENVY

COUNT 1 BY JANE DOE #1 (R.G.)

195. Plaintiff JANE DOE #1 (R.G.) realleges each and every allegation contained in paragraphs 1 through 96 above as if fully set forth herein.

196. Defendant, MASSAGE ENVY, by and through their actual and / or apparent agents, servants and employees, knew or reasonably should have known of Assailant #1’s dangerous and exploitive propensities and/or that he was an unfit agent. It was foreseeable that if said Defendant did not adequately exercise or provide the duty of care owed to female customers in their care, including, but not limited to Plaintiff, they would be vulnerable to sexual assaults by massage therapists, including the subject incident involving JANE DOE #1 (R.G.).

197. For years prior to the sexual assault of JANE DOE #1 (R.G.), as set forth in this Complaint, Defendant knew that there were hundreds, if not more, allegations of sexual assaults and exploitation by Massage Envy therapists occurring nationwide.

198. MASSAGE ENVY knew, and/or should have known, that those individuals who had sexually assaulted or exploited female customers, including Assailant #1, were likely to commit further acts of sexual assault/exploitation.

199. MASSAGE ENVY owed to the public in general, and to JANE DOE #1 (R.G.) in particular, a duty to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) individuals who it knew, or should have known, were sexual predators in its service and employ.

200. MASSAGE ENVY owed to the public in general, and to JANE DOE #1 (R.G.) in particular, a duty to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

201. Having been in the care of MASSAGE ENVY at the time under circumstances such as to deprive JANE DOE #1 (R.G.) of her entitlement to safe care and protection, MASSAGE ENVY owed to Plaintiff a duty to aid and/or protect her and to control the actions of third parties, as set forth in Restatement (Second) of Torts §§ 314A (4), 315.

202. Having been in the care of MASSAGE ENVY at the time under circumstances such as to deprive JANE DOE #1 (R.G.) of her normal opportunities for protection, MASSAGE ENVY owed to Plaintiff a duty to control the acts of its actual and / or apparent agents, servants, and/or employees.

203. At all times relevant hereto, MASSAGE ENVY did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify (and deal with) sexual predators.

204. Despite actual knowledge of multiple instances in which sexual predators were employed, transferred, re-hired and/or assigned to positions within MASSAGE ENVY franchise locations and despite the foreseeable risk that said sexual predators would engage in repeated acts of sexual perversion and assault, MASSAGE ENVY did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify, and deal with sexual predators.

205. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures for the removal of sexual predators in the employ and/or service of MASSAGE ENVY.

206. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to criminal authorities any known sexual predators in the employ and/or service of MASSAGE ENVY.

207. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to state boards of massage therapy the presence of sexual predators in the employ and/or service of MASSAGE ENVY.

208. As set forth in this Complaint, MASSAGE ENVY failed to fulfill its legal duty to protect JANE DOE #1 (R.G.) and other female customers from the depraved and vile acts of its massage therapists, including Assailant #1.

209. As set forth in this Complaint, MASSAGE ENVY failed to take reasonable steps to ensure that massage therapists at MASSAGE ENVY franchise locations were psychologically fit to provide massage therapy services to female customers. These failures included the following:

- a. Failure to investigate the background of massage therapists in its employ or service;
- b. Failure to prohibit, restrict, or limit the activities of massage therapists suspected of sexual assault and/or those known to be sexual predators;
- c. Failure to reasonably and properly investigate allegations of sexual assault;
- d. Failure to properly train and instruct investigators;
- e. Failure to have in place standards of acceptable and unacceptable conduct;
- f. Negligently training franchisee employees regarding the prevention, investigation and reporting of sexual misconduct by massage therapists;
- g. Failure to designate competent investigators to evaluate complaints of sexual assault; and
- h. Failure to have in place standards for reporting acts of sexual misconduct to law enforcement authorities and/or state boards of massage therapy.

210. Moreover, the negligent, reckless, intentional, outrageous, deliberately and recklessly indifferent and unlawful conduct of MASSAGE ENVY, as set forth above and herein, further consisted of:

- a. permitting massage therapists, including Assailant #1, to sexually assault female customers, including JANE DOE #1 (R.G.);
- b. permitting massage therapists, including Assailant #1, to engage in illegal sexual conduct with female customers, including JANE DOE #1 (R.G.), on the premises of MASSAGE ENVY franchise locations, including MASSAGE ENVY – ROYAL PALM BEACH, during operating hours;
- c. permitting Assailant #1 to violate Florida criminal statutes (Title XLVI) prohibiting Battery (§784.03);
- d. failing to properly and adequately supervise and discipline its employees to prevent the sexual assault that occurred to Plaintiff;

- e. failing to adopt, enforce and/or follow adequate policies and procedures for the protection and reasonable supervision of customers who engaged the services of MASSAGE ENVY, including Plaintiff, and, in the alternative, failing to implement and comply with such procedures which had been adopted;
- f. failing to implement, enforce and/or follow adequate protective and supervisory measures for the protection of customers, including Plaintiff;
- g. creating an environment that facilitated sexual assault by Assailant #1 on JANE DOE #1 (R.G.);
- h. failing to adopt, enforce and/or follow policies and procedures to protect female customers against harmful contact by massage therapists at franchise locations, including Assailant #1;
- i. breaching the duties imposed by Restatement (Second) of Torts, § 324A, as adopted in Florida;
- j. failing to warn Plaintiff of the risk of harm posed by Assailant #1 after Defendants knew or should have known of such risk;
- k. violation of duties imposed by Restatement (Second) of Agency § 213 and Restatement (Second) of Torts § 317, as adopted in Florida;
- l. failing to warn JANE DOE #1 (R.G.) of the risk of harm that JANE DOE #1 (R.G.) may suffer as a result of contact with Assailant #1;
- m. failing to warn or otherwise make reasonably safe the property which Defendants possessed and/or controlled, leading to the harm of JANE DOE #1 (R.G.);
- n. failing to adopt/implement and/or enforce policies and procedures for the reporting to law enforcement, state board of massage therapy and/or other authorities of sexual assaults by massage therapists;
- o. failing to report sexual assaults by massage therapists, including Assailant #1, to authorities;
- p. violating its own policies and/or by-laws regarding sexual assaults by staff;

- q. ignoring, concealing, or otherwise mitigating the seriousness of the known danger that Assailant #1 posed;
- r. failing to prevent the sexual assault that was committed by Assailant #1 on Plaintiff and other people he sexually assaulted;
- s. allowing Assailant #1 to remain employed after knowing that he sexually assaulted a female customer;
- t. failing to properly supervise and/or discipline its employees;
- u. failing to adequately and properly train its employees and/or franchisee employees regarding sexual assaults of customers by massage therapists; and
- v. negligently managing and/or operating Massage Envy franchise locations, including MASSAGE ENVY – ROYAL PALM BEACH.

211. Defendant MASSAGE ENVY, having advertised and promoted itself as having a “zero tolerance” policy relating to sexual misconduct by massage therapists, explicitly and/or implicitly represented to the public in general, and to JANE DOE #1 (R.G.) in particular, that the massage therapists, including Assailant #1, in its employ and service were not only psychologically fit but were therapists who could be entrusted with the safety and well-being of female customers.

212. MASSAGE ENVY made these explicit and implied representations knowing that they were false and/or having reason to believe that they were false, and with the expectation that they would be relied upon by customers making decisions regarding their engagement of massage/spa services.

213. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures with respect to the removal and/or supervision of individuals in its employ or service who were suspected of being sexual predators.

214. MASSAGE ENVY failed to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) sexual predators in its service and employ.

215. MASSAGE ENVY failed to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

216. MASSAGE ENVY negligently failed to timely and reasonably identify, remove, and/or report (to law enforcement authorities and/or to state boards of massage therapy) Assailant #1 as a sexual predator.

217. Defendant hired, retained and/or assigned Assailant #1 to Plaintiff knowing or having reason to know that Assailant #1 was a sexual predator.

218. Defendant further breached its duty of care to JANE DOE #1 (R.G.), by failing to protect the Plaintiff from foreseeable harm from the sexual misconduct of employees of Defendants, including Assailant #1. Defendants further breached their duty of care by failing to warn JANE DOE #1 (R.G.), of the propensities of Assailant #1 and by failing to provide a safe and secure environment for the JANE DOE #1 (R.G.).

219. As a result of the above-described conduct, JANE DOE #1 (R.G.) has suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life; was prevented and will continue to be prevented from performing JANE DOE #1 (R.G.)'s daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling.

WHEREFORE, the Plaintiff, JANE DOE #1 (R.G.), demands judgment against Defendant MASSAGE ENVY, in excess of Thirty Thousand Dollars (\$30,000.00), plus costs incurred herein and any other relief this court deems fit and proper.

COUNT 2 BY JANE DOE #2 (B.P.)

220. Plaintiff JANE DOE #2 (B.P.) realleges each and every allegation contained in paragraphs 1 through 92 and 97-101 above as if fully set forth herein.

221. Defendant, MASSAGE ENVY, by and through their agents, servants and employees, knew or reasonably should have known of Assailant #2's dangerous and exploitive propensities and/or that he was an unfit agent. It was foreseeable that if said Defendant did not adequately exercise or provide the duty of care owed to customers in their care, including, but not limited to Plaintiff, they would be vulnerable to sexual assaults by massage therapists, including the subject incident involving JANE DOE #2 (B.P.).

222. For years prior to the sexual assault of JANE DOE #2 (B.P.), as set forth in this Complaint, Defendant knew that there were hundreds (if not more) allegations of sexual assaults by Massage Envy therapists occurring nationwide.

223. MASSAGE ENVY knew, and/or should have known, that those individuals who had sexually assaulted female customers, including Assailant #2, were likely to commit further acts of sexual assault/ exploitation.

224. MASSAGE ENVY owed to the public in general, and to JANE DOE #2 (B.P.) in particular, a duty to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) individuals who it knew, or should have known, were sexual predators in its service and employ.

225. MASSAGE ENVY owed to the public in general, and to JANE DOE #2 (B.P.) in particular, a duty to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

226. Having been in the care of MASSAGE ENVY at the time under circumstances such as to deprive JANE DOE #2 (B.P.) of her entitlement to safe care and protection, MASSAGE ENVY owed to Plaintiff a duty to aid and/or protect her and to control the actions of third parties, as set forth in Restatement (Second) of Torts §§ 314A (4), 315.

227. Having been in the care of MASSAGE ENVY at the time under circumstances such as to deprive JANE DOE #2 (B.P.) of her normal opportunities for protection, MASSAGE ENVY owed to Plaintiff a duty to control the acts of its actual and / or apparent agents, servants, and/or employees.

228. At all times relevant hereto, MASSAGE ENVY did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify (and deal with) sexual predators.

229. Despite actual knowledge of multiple instances in which sexual predators were employed, transferred, re-hired and/or assigned to positions within MASSAGE ENVY franchise locations and despite the foreseeable risk that said sexual predators would engage in repeated acts of sexual perversion and assault, MASSAGE ENVY did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify, and deal with sexual predators.

230. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures for the removal of sexual predators in the employ and/or service of MASSAGE ENVY.

231. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to criminal authorities any known sexual predators in the employ and/or service of MASSAGE ENVY.

232. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to state boards of massage therapy the presence of sexual predators in the employ and/or service of MASSAGE ENVY.

233. As set forth in this Complaint, MASSAGE ENVY failed to fulfill its legal duty to protect JANE DOE #2 (B.P.) and other female customers from the depraved and vile acts of its massage therapists, including Assailant #2.

234. As set forth in this Complaint, MASSAGE ENVY failed to take reasonable steps to ensure that massage therapists at MASSAGE ENVY franchise locations were psychologically fit to provide massage therapy services to female customers. These failures included the following:

- a. Failure to investigate the background of massage therapists in its employ or service;
- b. Failure to prohibit, restrict, or limit the activities of massage therapists suspected of sexual assault and/or those known to be sexual predators;
- c. Failure to reasonably and properly investigate allegations of sexual assault;
- d. Failure to properly train and instruct investigators;
- e. Failure to have in place standards of acceptable and unacceptable conduct;
- f. Negligently training franchisee employees regarding the prevention, investigation and reporting of sexual misconduct by massage therapists;

- g. Failure to designate competent investigators to evaluate complaints of sexual assault; and
- h. Failure to have in place standards for reporting acts of sexual misconduct to law enforcement authorities and/or state boards of massage therapy.

235. Moreover, the negligent, reckless, intentional, outrageous, deliberately and recklessly indifferent and unlawful conduct of MASSAGE ENVY, as set forth above and herein, further consisted of:

- a. permitting massage therapists, including Assailant #2, to sexually assault female customers, including JANE DOE #2 (B.P.);
- b. permitting massage therapists, including Assailant #2, to engage in illegal sexual conduct with female customers, including JANE DOE #2 (B.P.), on the premises of MASSAGE ENVY franchise locations, including MASSAGE ENVY – WEST PALM BEACH, during operating hours;
- c. permitting Assailant #2 to violate Florida criminal statutes (Title XLVI) prohibiting Battery (§784.03);
- d. failing to properly and adequately supervise and discipline its employees to prevent the sexual assault that occurred to Plaintiff;
- e. failing to adopt, enforce and/or follow adequate policies and procedures for the protection and reasonable supervision of customers who engaged the services of MASSAGE ENVY, including Plaintiff, and, in the alternative, failing to implement and comply with such procedures which had been adopted;
- f. failing to implement, enforce and/or follow adequate protective and supervisory measures for the protection of female customers, including Plaintiff;
- g. creating an environment that facilitated sexual assault by Assailant #2 on JANE DOE #2 (B.P.);
- h. failing to adopt, enforce and/or follow policies and procedures to protect female customers against harmful contact by massage therapists at franchise locations, including Assailant #2;
- i. breaching the duties imposed by Restatement (Second) of Torts, § 324A, as adopted in Florida;

- j. failing to warn Plaintiff of the risk of harm posed by Assailant #2 after Defendants knew or should have known of such risk;
- k. violation of duties imposed by Restatement (Second) of Agency § 213 and Restatement (Second) of Torts § 317, as adopted in Florida;
- l. failing to warn JANE DOE #2 (B.P.) of the risk of harm that JANE DOE #2 (B.P.) may suffer as a result of contact with Assailant #2;
- m. failing to warn or otherwise make reasonably safe the property which Defendants possessed and/or controlled, leading to the harm of JANE DOE #2 (B.P.);
- n. failing to adopt/implement and/or enforce policies and procedures for the reporting to law enforcement, state board of massage therapy and/or other authorities of sexual assaults by massage therapists;
- o. failing to report sexual assaults by massage therapists, including Assailant #2, to authorities;
- p. violating its own policies and/or by-laws regarding sexual assaults by staff;
- q. ignoring, concealing, or otherwise mitigating the seriousness of the known danger that Assailant #2 posed;
- r. failing to prevent the sexual assault that was committed by Assailant #2 on Plaintiff and other people he sexually assaulted;
- s. allowing Assailant #2 to remain employed after knowing that he sexually assaulted a female customer;
- t. failing to properly supervise and/or discipline its employees;
- u. failing to adequately and properly train its employees and/or franchisee employees regarding sexual assaults of customers by massage therapists; and
- v. negligently managing and/or operating Massage Envy franchise locations, including MASSAGE ENVY – WEST PALM BEACH.

236. Defendant MASSAGE ENVY, having advertised and promoted itself as having a “zero tolerance” policy relating to sexual misconduct by massage therapists, explicitly and/or implicitly represented to the public in general, and to JANE DOE #2 (B.P.) in particular, that the

massage therapists, including Assailant #2, in its employ and service were not only psychologically fit but were therapists who could be entrusted with the safety and well-being of female customers.

237. MASSAGE ENVY made these explicit and implied representations knowing that they were false and/or having reason to believe that they were false, and with the expectation that they would be relied upon by customers making decisions regarding their engagement of massage/spa services.

238. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures with respect to the removal and/or supervision of individuals in its employ or service who were suspected of being sexual predators.

239. MASSAGE ENVY failed to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) sexual predators in its service and employ.

240. MASSAGE ENVY failed to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

241. MASSAGE ENVY negligently failed to timely and reasonably identify, remove, and/or report (to law enforcement authorities and/or to state boards of massage therapy) Assailant #2 as a sexual predator.

242. Defendant hired, retained and/or assigned Assailant #2 to Plaintiff knowing or having reason to know that Assailant #2 was a sexual predator.

243. Defendant further breached their duty of care to JANE DOE #2 (B.P.), by failing to protect the Plaintiff from foreseeable harm from the sexual misconduct of employees of Defendants, including Assailant #2, Defendant further breached their duty of care by failing to

warn JANE DOE #2 (B.P.), of the propensities of Assailant #2 and by failing to provide a safe and secure environment for the JANE DOE #2 (B.P.).

244. As a result of the above-described conduct, JANE DOE #2 (B.P.) has suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life; was prevented and will continue to be prevented from performing JANE DOE #2 (B.P.)'s daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling.

WHEREFORE, the Plaintiff, JANE DOE #2 (B.P.), demands judgment against Defendant MASSAGE ENVY, in excess of Thirty Thousand Dollars (\$30,000.00), plus costs incurred herein and any other relief this court deems fit and proper.

COUNT 3 BY JANE DOE #3 (N.B.)

245. Plaintiff JANE DOE #3 (N.B.) realleges each and every allegation contained in paragraphs 1 through 92 and 102-106 above as if fully set forth herein.

246. Defendant, MASSAGE ENVY, by and through their agents, servants and employees, knew or reasonably should have known of Assailant #3's dangerous and exploitive propensities and/or that he was an unfit agent. It was foreseeable that if said Defendant did not adequately exercise or provide the duty of care owed to female customers in their care, including, but not limited to Plaintiff, they would be vulnerable to sexual assaults by massage therapists, including the subject incident involving JANE DOE #3 (N.B.).

247. For years prior to the sexual assault of JANE DOE #3 (N.B.), as set forth in this Complaint, Defendant knew that there were hundreds, if not more, more than one-hundred eighty

allegations of sexual assaults and exploitation by Massage Envy therapists occurring in nationwide.

248. MASSAGE ENVY knew, and/or should have known, that those individuals who had sexually assaulted female customers, including Assailant #3, were likely to commit further acts of sexual assault/ exploitation.

249. MASSAGE ENVY owed to the public in general, and to JANE DOE #3 (N.B.) in particular, a duty to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) individuals who it knew, or should have known, were sexual predators in its service and employ.

250. MASSAGE ENVY owed to the public in general, and to JANE DOE #3 (N.B.) in particular, a duty to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

251. Having been in the care of MASSAGE ENVY at the time under circumstances such as to deprive JANE DOE #3 (N.B.) of her entitlement to safe care and protection, MASSAGE ENVY owed to Plaintiff a duty to aid and/or protect her and to control the actions of third parties, as set forth in Restatement (Second) of Torts §§ 314A (4), 315.

252. Having been in the care of MASSAGE ENVY at the time under circumstances such as to deprive JANE DOE #3 (N.B.) of her normal opportunities for protection, MASSAGE ENVY owed to Plaintiff a duty to control the acts of its actual and / or apparent agents, servants, and/or employees.

253. At all times relevant hereto, MASSAGE ENVY did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify (and deal with) sexual predators.

254. Despite actual knowledge of multiple instances in which sexual predators were employed, transferred, re-hired and/or assigned to positions within MASSAGE ENVY franchise locations and despite the foreseeable risk that said sexual predators would engage in repeated acts of sexual perversion and assault, MASSAGE ENVY did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify, and deal with sexual predators.

255. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures for the removal of sexual predators in the employ and/or service of MASSAGE ENVY.

256. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to criminal authorities any known sexual predators in the employ and/or service of MASSAGE ENVY.

257. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to state boards of massage therapy the presence of sexual predators in the employ and/or service of MASSAGE ENVY.

258. As set forth in this Complaint, MASSAGE ENVY failed to fulfill its legal duty to protect JANE DOE #3 (N.B.) and other female customers from the depraved and vile acts of its massage therapists, including Assailant #3.

259. As set forth in this Complaint, MASSAGE ENVY failed to take reasonable steps to ensure that massage therapists at MASSAGE ENVY franchise locations were psychologically fit to provide massage therapy services to female customers. These failures included the following:

- a. Failure to investigate the background of massage therapists in its employ or service;
- b. Failure to prohibit, restrict, or limit the activities of massage therapists suspected of sexual assault and/or those known to be sexual predators;
- c. Failure to reasonably and properly investigate allegations of sexual assault;
- d. Failure to properly train and instruct investigators;
- e. Failure to have in place standards of acceptable and unacceptable conduct;
- f. Negligently training franchisee employees regarding the prevention, investigation and reporting of sexual misconduct by massage therapists;
- g. Failure to designate competent investigators to evaluate complaints of sexual assault; and
- h. Failure to have in place standards for reporting acts of sexual misconduct to law enforcement authorities and/or state boards of massage therapy.

260. Moreover, the negligent, reckless, intentional, outrageous, deliberately and recklessly indifferent and unlawful conduct of MASSAGE ENVY, as set forth above and herein, further consisted of:

- a. permitting massage therapists, including Assailant #3, to sexually assault female customers, including JANE DOE #3 (N.B.);
- b. permitting massage therapists, including Assailant #3, to engage in illegal sexual conduct with female customers, including JANE DOE #3 (N.B.), on the premises of MASSAGE ENVY franchise locations, including MASSAGE ENVY – WEST BOCA, during operating hours;
- c. permitting Assailant #3 to violate Florida criminal statutes (Title XLVI) prohibiting Battery (§784.03);
- d. failing to properly and adequately supervise and discipline its employees to prevent the sexual assault that occurred to Plaintiff;

- e. failing to adopt, enforce and/or follow adequate policies and procedures for the protection and reasonable supervision of customers who engaged the services of MASSAGE ENVY, including Plaintiff, and, in the alternative, failing to implement and comply with such procedures which had been adopted;
- f. failing to implement, enforce and/or follow adequate protective and supervisory measures for the protection of female customers, including Plaintiff;
- g. creating an environment that facilitated sexual assault by Assailant #3 on JANE DOE #3 (N.B.);
- h. failing to adopt, enforce and/or follow policies and procedures to protect female customers against harmful contact by massage therapists at franchise locations, including Assailant #3;
- i. breaching the duties imposed by Restatement (Second) of Torts, § 324A, as adopted in Florida;
- j. failing to warn Plaintiff of the risk of harm posed by Assailant #3 after Defendants knew or should have known of such risk;
- k. violation of duties imposed by Restatement (Second) of Agency § 213 and Restatement (Second) of Torts § 317, as adopted in Florida;
- l. failing to warn JANE DOE #3 (N.B.) of the risk of harm that JANE DOE #3 (N.B.) may suffer as a result of contact with Assailant #3;
- m. failing to warn or otherwise make reasonably safe the property which Defendants possessed and/or controlled, leading to the harm of JANE DOE #3 (N.B.);
- n. failing to adopt/implement and/or enforce policies and procedures for the reporting to law enforcement, state board of massage therapy and/or other authorities of sexual assaults by massage therapists;
- o. failing to report sexual assaults by massage therapists, including Assailant #3, to authorities;
- p. violating its own policies and/or by-laws regarding sexual assaults by staff;
- q. ignoring, concealing, or otherwise mitigating the seriousness of the known danger that Assailant #3 posed;

- r. failing to prevent the sexual assault that was committed by Assailant #3 on Plaintiff and other people he sexually assaulted;
- s. allowing Assailant #3 to remain employed after knowing that he sexually assaulted a female customer;
- t. failing to properly supervise and/or discipline its employees;
- u. failing to warn Plaintiff about the potential risks and dangers of obtaining a massage;
- v. failing to adequately and properly train its employees and/or franchisee employees regarding sexual assaults of customers by massage therapists; and
- w. negligently managing and/or operating Massage Envy franchise locations, including MASSAGE ENVY – WEST BOCA.

261. Defendant MASSAGE ENVY, having advertised and promoted itself as having a “zero tolerance” policy relating to sexual misconduct by massage therapists, explicitly and/or implicitly represented to the public in general, and to JANE DOE #3 (N.B.) in particular, that the massage therapists, including Assailant #3, in its employ and service were not only psychologically fit but were therapists who could be entrusted with the safety and well-being of female customers.

262. MASSAGE ENVY made these explicit and implied representations knowing that they were false and/or having reason to believe that they were false, and with the expectation that they would be relied upon by customers making decisions regarding their engagement of massage/spa services.

263. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures with respect to the removal and/or supervision of individuals in its employ or service who were suspected of being sexual predators.

264. MESSAGE ENVY failed to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) sexual predators in its service and employ.

265. MESSAGE ENVY failed to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

266. MESSAGE ENVY negligently failed to timely and reasonably identify, remove, and/or report (to law enforcement authorities and/or to state boards of massage therapy) Assailant #3 as a sexual predator.

267. Defendant hired, retained and/or assigned Assailant #3 to Plaintiff knowing or having reason to know that Assailant #3 was a sexual predator.

268. Defendant further breached their duty of care to JANE DOE #3 (N.B.), by failing to protect the Plaintiff from foreseeable harm from the sexual misconduct of employees of Defendants, including Assailant #3, Defendant further breached their duty of care by failing to warn JANE DOE #3 (N.B.), of the propensities of Assailant #3 and by failing to provide a safe and secure environment for the JANE DOE #3 (N.B.).

269. As a result of the above-described conduct, JANE DOE #3 (N.B.) has suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life; was prevented and will continue to be prevented from performing JANE DOE #3 (N.B.)'s daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling.

WHEREFORE, the Plaintiff, JANE DOE #3 (N.B.), demands judgment against Defendant MASSAGE ENVY, in excess of Thirty Thousand Dollars (\$30,000.00), plus costs incurred herein and any other relief this court deems fit and proper.

COUNT 4 BY JANE DOE #4 (D.W.)

270. Plaintiff JANE DOE #4 (D.W.) realleges each and every allegation contained in paragraphs 1 through 92 and 107-112 above as if fully set forth herein.

271. Defendant, MASSAGE ENVY, by and through their agents, servants and employees, knew or reasonably should have known of Assailant #4's dangerous and exploitive propensities and/or that he was an unfit agent. It was foreseeable that if said Defendant did not adequately exercise or provide the duty of care owed to female customers in their care, including, but not limited to Plaintiff, they would be vulnerable to sexual assaults by massage therapists, including the subject incident involving JANE DOE #4 (D.W.).

272. For years prior to the sexual assault of JANE DOE #4 (D.W.), as set forth in this Complaint, Defendant knew that there were hundreds, if not more, more than one-hundred eighty allegations of sexual assaults and exploitation by Massage Envy therapists occurring in nationwide.

273. MASSAGE ENVY knew, and/or should have known, that those individuals who had sexually assaulted female customers, including Assailant #4, were likely to commit further acts of sexual assault/ exploitation.

274. MASSAGE ENVY owed to the public in general, and to JANE DOE #4 (D.W.) in particular, a duty to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) individuals who it knew, or should have known, were sexual predators in its service and employ.

275. MASSAGE ENVY owed to the public in general, and to JANE DOE #4 (D.W.) in particular, a duty to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

276. Having been in the care of MASSAGE ENVY at the time under circumstances such as to deprive JANE DOE #4 (D.W.) of her entitlement to safe care and protection, MASSAGE ENVY owed to Plaintiff a duty to aid and/or protect her and to control the actions of third parties, as set forth in Restatement (Second) of Torts §§ 314A (4), 315.

277. Having been in the care of MASSAGE ENVY at the time under circumstances such as to deprive JANE DOE #4 (D.W.) of her normal opportunities for protection, MASSAGE ENVY owed to Plaintiff a duty to control the acts of its actual and / or apparent agents, servants, and/or employees.

278. At all times relevant hereto, MASSAGE ENVY did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify (and deal with) sexual predators.

279. Despite actual knowledge of multiple instances in which sexual predators were employed, transferred, re-hired and/or assigned to positions within MASSAGE ENVY franchise locations and despite the foreseeable risk that said sexual predators would engage in repeated acts of sexual perversion and assault, MASSAGE ENVY did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify, and deal with sexual predators.

280. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures for the removal of sexual predators in the employ and/or service of MASSAGE ENVY.

281. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to criminal authorities any known sexual predators in the employ and/or service of MASSAGE ENVY.

282. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to state boards of massage therapy the presence of sexual predators in the employ and/or service of MASSAGE ENVY.

283. As set forth in this Complaint, MASSAGE ENVY failed to fulfill its legal duty to protect JANE DOE #4 (D.W.) and other female customers from the depraved and vile acts of its massage therapists, including Assailant #4.

284. As set forth in this Complaint, MASSAGE ENVY failed to take reasonable steps to ensure that massage therapists at MASSAGE ENVY franchise locations were psychologically fit to provide massage therapy services to female customers. These failures included the following:

- a. Failure to investigate the background of massage therapists in its employ or service;
- b. Failure to prohibit, restrict, or limit the activities of massage therapists suspected of sexual assault and/or those known to be sexual predators;
- c. Failure to reasonably and properly investigate allegations of sexual assault;
- d. Failure to properly train and instruct investigators;
- e. Failure to have in place standards of acceptable and unacceptable conduct;
- f. Negligently training franchisee employees regarding the prevention, investigation and reporting of sexual misconduct by massage therapists;

- g. Failure to designate competent investigators to evaluate complaints of sexual assault; and
- h. Failure to have in place standards for reporting acts of sexual misconduct to law enforcement authorities and/or state boards of massage therapy.

285. Moreover, the negligent, reckless, intentional, outrageous, deliberately and recklessly indifferent and unlawful conduct of MASSAGE ENVY, as set forth above and herein, further consisted of:

- a. permitting massage therapists, including Assailant #4, to sexually assault female customers, including JANE DOE #4 (D.W.);
- b. permitting massage therapists, including Assailant #4, to engage in illegal sexual conduct with female customers, including JANE DOE #4 (D.W.), on the premises of MASSAGE ENVY franchise locations, including MASSAGE ENVY – LARGO, during operating hours;
- c. permitting Assailant #4 to violate Florida criminal statutes (Title XLVI) prohibiting Battery (§784.03);
- d. failing to properly and adequately supervise and discipline its employees to prevent the sexual assault that occurred to Plaintiff;
- e. failing to adopt, enforce and/or follow adequate policies and procedures for the protection and reasonable supervision of customers who engaged the services of MASSAGE ENVY, including Plaintiff, and, in the alternative, failing to implement and comply with such procedures which had been adopted;
- f. failing to implement, enforce and/or follow adequate protective and supervisory measures for the protection of female customers, including Plaintiff;
- g. creating an environment that facilitated sexual assault by Assailant #4 on JANE DOE #4 (D.W.);
- h. failing to adopt, enforce and/or follow policies and procedures to protect female customers against harmful contact by massage therapists at franchise locations, including Assailant #4;
- i. breaching the duties imposed by Restatement (Second) of Torts, § 324A, as adopted in Florida;

- j. failing to warn Plaintiff of the risk of harm posed by Assailant #4 after Defendants knew or should have known of such risk;
- k. violation of duties imposed by Restatement (Second) of Agency § 213 and Restatement (Second) of Torts § 317, as adopted in Florida;
- l. failing to warn JANE DOE #4 (D.W.) of the risk of harm that JANE DOE #4 (D.W.) may suffer as a result of contact with Assailant #4;
- m. failing to warn or otherwise make reasonably safe the property which Defendants possessed and/or controlled, leading to the harm of JANE DOE #4 (D.W.);
- n. failing to adopt/implement and/or enforce policies and procedures for the reporting to law enforcement, state board of massage therapy and/or other authorities of sexual assaults by massage therapists;
- o. failing to report sexual assaults by massage therapists, including Assailant #4, to authorities;
- p. violating its own policies and/or by-laws regarding sexual assaults by staff;
- q. ignoring, concealing, or otherwise mitigating the seriousness of the known danger that Assailant #4 posed;
- r. failing to prevent the sexual assault that was committed by Assailant #4 on Plaintiff and other people he sexually assaulted;
- s. allowing Assailant #4 to remain employed after knowing that he sexually assaulted a female customer;
- t. failing to properly supervise and/or discipline its employees;
- u. failing to adequately and properly train its employees and/or franchisee employees regarding sexual assaults of customers by massage therapists;
- v. failing to warn Plaintiff about the potential risks and dangers of obtaining a massage; and
- w. negligently managing and/or operating Massage Envy franchise locations, including MASSAGE ENVY – LARGO.

286. Defendant MASSAGE ENVY, having advertised and promoted itself as having a “zero tolerance” policy relating to sexual misconduct by massage therapists, explicitly and/or implicitly represented to the public in general, and to JANE DOE #4 (D.W.) in particular, that the massage therapists, including Assailant #4, in its employ and service were not only psychologically fit but were therapists who could be entrusted with the safety and well-being of female customers.

287. MASSAGE ENVY made these explicit and implied representations knowing that they were false and/or having reason to believe that they were false, and with the expectation that they would be relied upon by customers making decisions regarding their engagement of massage/spa services.

288. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures with respect to the removal and/or supervision of individuals in its employ or service who were suspected of being sexual predators.

289. MASSAGE ENVY failed to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) sexual predators in its service and employ.

290. MASSAGE ENVY failed to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

291. MASSAGE ENVY negligently failed to timely and reasonably identify, remove, and/or report (to law enforcement authorities and/or to state boards of massage therapy) Assailant #4 as a sexual predator.

292. Defendant hired, retained and/or assigned Assailant #4 to Plaintiff knowing or having reason to know that Assailant #4 was a sexual predator.

293. Defendant further breached their duty of care to JANE DOE #4 (D.W.), by failing to protect the Plaintiff from foreseeable harm from the sexual misconduct of employees of Defendants, including Assailant #4, Defendant further breached their duty of care by failing to warn JANE DOE #4 (D.W.), of the propensities of Assailant #4 and by failing to provide a safe and secure environment for the JANE DOE #4 (D.W.).

294. As a result of the above-described conduct, JANE DOE #4 (D.W.) has suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life; was prevented and will continue to be prevented from performing JANE DOE #4 (D.W.)'s daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling.

WHEREFORE, the Plaintiff, JANE DOE #4 (D.W.), demands judgment against Defendant MASSAGE ENVY, in excess of Thirty Thousand Dollars (\$30,000.00), plus costs incurred herein and any other relief this court deems fit and proper.

COUNT 5 BY JANE DOE #5 (T.G.)

295. Plaintiff JANE DOE #5 (T.G.) realleges each and every allegation contained in paragraphs 1 through 92 and 113-118 above as if fully set forth herein.

296. Defendant, MASSAGE ENVY, by and through their agents, servants and employees, knew or reasonably should have known of Assailant #5's dangerous and exploitive propensities and/or that he was an unfit agent. It was foreseeable that if said Defendant did not adequately exercise or provide the duty of care owed to female customers in their care, including, but not limited to Plaintiff, they would be vulnerable to sexual assaults by massage therapists, including the subject incident involving JANE DOE #5 (T.G.).

297. For years prior to the sexual assault of JANE DOE #5 (T.G.), as set forth in this Complaint, Defendant knew that there were hundreds, if not more, more than one-hundred eighty allegations of sexual assaults and exploitation by Massage Envy therapists occurring in nationwide.

298. MASSAGE ENVY knew, and/or should have known, that those individuals who had sexually assaulted female customers, including Assailant #5, were likely to commit further acts of sexual assault/ exploitation.

299. MASSAGE ENVY owed to the public in general, and to JANE DOE #5 (T.G.) in particular, a duty to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) individuals who it knew, or should have known, were sexual predators in its service and employ.

300. MASSAGE ENVY owed to the public in general, and to JANE DOE #5 (T.G.) in particular, a duty to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

301. Having been in the care of MASSAGE ENVY at the time under circumstances such as to deprive JANE DOE #5 (T.G.) of her entitlement to safe care and protection, MASSAGE ENVY owed to Plaintiff a duty to aid and/or protect her and to control the actions of third parties, as set forth in Restatement (Second) of Torts §§ 314A (4), 315.

302. Having been in the care of MASSAGE ENVY at the time under circumstances such as to deprive JANE DOE #5 (T.G.) of her normal opportunities for protection, MASSAGE ENVY owed to Plaintiff a duty to control the acts of its actual and / or apparent agents, servants, and/or employees.

303. At all times relevant hereto, MASSAGE ENVY did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify (and deal with) sexual predators.

304. Despite actual knowledge of multiple instances in which sexual predators were employed, transferred, re-hired and/or assigned to positions within MASSAGE ENVY franchise locations and despite the foreseeable risk that said sexual predators would engage in repeated acts of sexual perversion and assault, MASSAGE ENVY did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify, and deal with sexual predators.

305. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures for the removal of sexual predators in the employ and/or service of MASSAGE ENVY.

306. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to criminal authorities any known sexual predators in the employ and/or service of MASSAGE ENVY.

307. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to state boards of massage therapy the presence of sexual predators in the employ and/or service of MASSAGE ENVY.

308. As set forth in this Complaint, MASSAGE ENVY failed to fulfill its legal duty to protect JANE DOE #5 (T.G.) and other female customers from the depraved and vile acts of its massage therapists, including Assailant #5.

309. As set forth in this Complaint, MASSAGE ENVY failed to take reasonable steps to ensure that massage therapists at MASSAGE ENVY franchise locations were psychologically fit to provide massage therapy services to female customers. These failures included the following:

- a. Failure to investigate the background of massage therapists in its employ or service;
- b. Failure to prohibit, restrict, or limit the activities of massage therapists suspected of sexual assault and/or those known to be sexual predators;
- c. Failure to reasonably and properly investigate allegations of sexual assault;
- d. Failure to properly train and instruct investigators;
- e. Failure to have in place standards of acceptable and unacceptable conduct;
- f. Negligently training franchisee employees regarding the prevention, investigation and reporting of sexual misconduct by massage therapists;
- g. Failure to designate competent investigators to evaluate complaints of sexual assault; and
- h. Failure to have in place standards for reporting acts of sexual misconduct to law enforcement authorities and/or state boards of massage therapy.

310. Moreover, the negligent, reckless, intentional, outrageous, deliberately and recklessly indifferent and unlawful conduct of MASSAGE ENVY, as set forth above and herein, further consisted of:

- a. permitting massage therapists, including Assailant #5, to sexually assault female customers, including JANE DOE #5 (T.G.);
- b. permitting massage therapists, including Assailant #5, to engage in illegal sexual conduct with female customers, including JANE DOE #5 (T.G.), on the premises of MASSAGE ENVY franchise locations, including MASSAGE ENVY – WEST PALM BEACH, during operating hours;

- c. permitting Assailant #5 to violate Florida criminal statutes (Title XLVI) prohibiting Battery (§784.03);
- d. failing to properly and adequately supervise and discipline its employees to prevent the sexual assault that occurred to Plaintiff;
- e. failing to adopt, enforce and/or follow adequate policies and procedures for the protection and reasonable supervision of customers who engaged the services of MASSAGE ENVY, including Plaintiff, and, in the alternative, failing to implement and comply with such procedures which had been adopted;
- f. failing to implement, enforce and/or follow adequate protective and supervisory measures for the protection of female customers, including Plaintiff;
- g. creating an environment that facilitated sexual assault by Assailant #5 on JANE DOE #5 (T.G.);
- h. failing to adopt, enforce and/or follow policies and procedures to protect female customers against harmful contact by massage therapists at franchise locations, including Assailant #5;
- i. breaching the duties imposed by Restatement (Second) of Torts, § 324A, as adopted in Florida;
- j. failing to warn Plaintiff of the risk of harm posed by Assailant #5 after Defendants knew or should have known of such risk;
- k. violation of duties imposed by Restatement (Second) of Agency § 213 and Restatement (Second) of Torts § 317, as adopted in Florida;
- l. failing to warn JANE DOE #5 (T.G.) of the risk of harm that JANE DOE #5 (T.G.) may suffer as a result of contact with Assailant #5;
- m. failing to warn or otherwise make reasonably safe the property which Defendants possessed and/or controlled, leading to the harm of JANE DOE #5 (T.G.);
- n. failing to adopt/implement and/or enforce policies and procedures for the reporting to law enforcement, state board of massage therapy and/or other authorities of sexual assaults by massage therapists;
- o. failing to report sexual assaults by massage therapists, including Assailant #5, to authorities;

- p. violating its own policies and/or by-laws regarding sexual assaults by staff;
- q. ignoring, concealing, or otherwise mitigating the seriousness of the known danger that Assailant #5 posed;
- r. failing to prevent the sexual assault that was committed by Assailant #5 on Plaintiff and other people he sexually assaulted;
- s. allowing Assailant #5 to remain employed after knowing that he sexually assaulted a female customer;
- t. failing to properly supervise and/or discipline its employees;
- u. failing to adequately and properly train its employees and/or franchisee employees regarding sexual assaults of customers by massage therapists;
- v. failing to warn Plaintiff about the potential risks and dangers of obtaining a massage; and
- w. negligently managing and/or operating Massage Envy franchise locations, including MASSAGE ENVY – WEST PALM BEACH.

311. Defendant MASSAGE ENVY, having advertised and promoted itself as having a “zero tolerance” policy relating to sexual misconduct by massage therapists, explicitly and/or implicitly represented to the public in general, and to JANE DOE #5 (T.G.) in particular, that the massage therapists, including Assailant #5, in its employ and service were not only psychologically fit but were therapists who could be entrusted with the safety and well-being of female customers.

312. MASSAGE ENVY made these explicit and implied representations knowing that they were false and/or having reason to believe that they were false, and with the expectation that they would be relied upon by customers making decisions regarding their engagement of massage/spa services.

313. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures with respect to the removal

and/or supervision of individuals in its employ or service who were suspected of being sexual predators.

314. MASSAGE ENVY failed to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) sexual predators in its service and employ.

315. MASSAGE ENVY failed to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

316. MASSAGE ENVY negligently failed to timely and reasonably identify, remove, and/or report (to law enforcement authorities and/or to state boards of massage therapy) Assailant #5 as a sexual predator.

317. Defendant hired, retained and/or assigned Assailant #5 to Plaintiff knowing or having reason to know that Assailant #5 was a sexual predator.

318. Defendant further breached their duty of care to JANE DOE #5 (T.G.), by failing to protect the Plaintiff from foreseeable harm from the sexual misconduct of employees of Defendants, including Assailant #5, Defendant further breached their duty of care by failing to warn JANE DOE #5 (T.G.), of the propensities of Assailant #5 and by failing to provide a safe and secure environment for the JANE DOE #5 (T.G.).

319. As a result of the above-described conduct, JANE DOE #5 (T.G.) has suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life; was prevented and will continue to be prevented from performing JANE DOE #5 (T.G.)'s daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling.

WHEREFORE, the Plaintiff, JANE DOE #5 (T.G.), demands judgment against Defendant MASSAGE ENVY, in excess of Thirty Thousand Dollars (\$30,000.00), plus costs incurred herein and any other relief this court deems fit and proper.

COUNT 6 BY JANE DOE #6 (R.M.)

320. Plaintiff JANE DOE #6 (R.M.) realleges each and every allegation contained in paragraphs 1 through 92 and 119-124 above as if fully set forth herein.

321. Defendant, MASSAGE ENVY, by and through their agents, servants and employees, knew or reasonably should have known of Assailant #6's dangerous and exploitive propensities and/or that he was an unfit agent. It was foreseeable that if said Defendant did not adequately exercise or provide the duty of care owed to female customers in their care, including, but not limited to Plaintiff, they would be vulnerable to sexual assaults by massage therapists, including the subject incident involving JANE DOE #6 (R.M.).

322. For years prior to the sexual assault of JANE DOE #6 (R.M.), as set forth in this Complaint, Defendant knew that there were hundreds, if not more, more than one-hundred eighty allegations of sexual assaults and exploitation by Massage Envy therapists occurring in nationwide.

323. MASSAGE ENVY knew, and/or should have known, that those individuals who had sexually assaulted female customers, including Assailant #6, were likely to commit further acts of sexual assault/ exploitation.

324. MASSAGE ENVY owed to the public in general, and to JANE DOE #6 (R.M.) in particular, a duty to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) individuals who it knew, or should have known, were sexual predators in its service and employ.

325. MASSAGE ENVY owed to the public in general, and to JANE DOE #6 (R.M.) in particular, a duty to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

326. Having been in the care of MASSAGE ENVY at the time under circumstances such as to deprive JANE DOE #6 (R.M.) of her entitlement to safe care and protection, MASSAGE ENVY owed to Plaintiff a duty to aid and/or protect her and to control the actions of third parties, as set forth in Restatement (Second) of Torts §§ 314A (4), 315.

327. Having been in the care of MASSAGE ENVY at the time under circumstances such as to deprive JANE DOE #6 (R.M.) of her normal opportunities for protection, MASSAGE ENVY owed to Plaintiff a duty to control the acts of its actual and / or apparent agents, servants, and/or employees.

328. At all times relevant hereto, MASSAGE ENVY did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify (and deal with) sexual predators.

329. Despite actual knowledge of multiple instances in which sexual predators were employed, transferred, re-hired and/or assigned to positions within MASSAGE ENVY franchise locations and despite the foreseeable risk that said sexual predators would engage in repeated acts of sexual perversion and assault, MASSAGE ENVY did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify, and deal with sexual predators.

330. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures for the removal of sexual predators in the employ and/or service of MASSAGE ENVY.

331. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to criminal authorities any known sexual predators in the employ and/or service of MASSAGE ENVY.

332. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to state boards of massage therapy the presence of sexual predators in the employ and/or service of MASSAGE ENVY.

333. As set forth in this Complaint, MASSAGE ENVY failed to fulfill its legal duty to protect JANE DOE #6 (R.M.) and other female customers from the depraved and vile acts of its massage therapists, including Assailant #6.

334. As set forth in this Complaint, MASSAGE ENVY failed to take reasonable steps to ensure that massage therapists at MASSAGE ENVY franchise locations were psychologically fit to provide massage therapy services to female customers. These failures included the following:

- a. Failure to investigate the background of massage therapists in its employ or service;
- b. Failure to prohibit, restrict, or limit the activities of massage therapists suspected of sexual assault and/or those known to be sexual predators;
- c. Failure to reasonably and properly investigate allegations of sexual assault;
- d. Failure to properly train and instruct investigators;
- e. Failure to have in place standards of acceptable and unacceptable conduct;
- f. Negligently training franchisee employees regarding the prevention, investigation and reporting of sexual misconduct by massage therapists;

- g. Failure to designate competent investigators to evaluate complaints of sexual assault; and
- h. Failure to have in place standards for reporting acts of sexual misconduct to law enforcement authorities and/or state boards of massage therapy.

335. Moreover, the negligent, reckless, intentional, outrageous, deliberately and recklessly indifferent and unlawful conduct of MASSAGE ENVY, as set forth above and herein, further consisted of:

- a. permitting massage therapists, including Assailant #6, to sexually assault female customers, including JANE DOE #6 (R.M.);
- b. permitting massage therapists, including Assailant #6, to engage in illegal sexual conduct with female customers, including JANE DOE #6 (R.M.), on the premises of MASSAGE ENVY franchise locations, including MASSAGE ENVY – WEST PALM BEACH, during operating hours;
- c. permitting Assailant #6 to violate Florida criminal statutes (Title XLVI) prohibiting Battery (§784.03);
- d. failing to properly and adequately supervise and discipline its employees to prevent the sexual assault that occurred to Plaintiff;
- e. failing to adopt, enforce and/or follow adequate policies and procedures for the protection and reasonable supervision of customers who engaged the services of MASSAGE ENVY, including Plaintiff, and, in the alternative, failing to implement and comply with such procedures which had been adopted;
- f. failing to implement, enforce and/or follow adequate protective and supervisory measures for the protection of female customers, including Plaintiff;
- g. creating an environment that facilitated sexual assault by Assailant #6 on JANE DOE #6 (R.M.);
- h. failing to adopt, enforce and/or follow policies and procedures to protect female customers against harmful contact by massage therapists at franchise locations, including Assailant #6;
- i. breaching the duties imposed by Restatement (Second) of Torts, § 324A, as adopted in Florida;

- j. failing to warn Plaintiff of the risk of harm posed by Assailant #6 after Defendants knew or should have known of such risk;
- k. violation of duties imposed by Restatement (Second) of Agency § 213 and Restatement (Second) of Torts § 317, as adopted in Florida;
- l. failing to warn JANE DOE #6 (R.M.) of the risk of harm that JANE DOE #6 (R.M.) may suffer as a result of contact with Assailant #6;
- m. failing to warn or otherwise make reasonably safe the property which Defendants possessed and/or controlled, leading to the harm of JANE DOE #6 (R.M.);
- n. failing to adopt/implement and/or enforce policies and procedures for the reporting to law enforcement, state board of massage therapy and/or other authorities of sexual assaults by massage therapists;
- o. failing to report sexual assaults by massage therapists, including Assailant #6, to authorities;
- p. violating its own policies and/or by-laws regarding sexual assaults by staff;
- q. ignoring, concealing, or otherwise mitigating the seriousness of the known danger that Assailant #6 posed;
- r. failing to prevent the sexual assault that was committed by Assailant #6 on Plaintiff and other people he sexually assaulted;
- s. allowing Assailant #6 to remain employed after knowing that he sexually assaulted a female customer;
- t. failing to properly supervise and/or discipline its employees;
- u. failing to warn Plaintiff about the potential risks and dangers of obtaining a massage;
- v. failing to adequately and properly train its employees and/or franchisee employees regarding sexual assaults of customers by massage therapists; and
- w. negligently managing and/or operating Massage Envy franchise locations, including MASSAGE ENVY – WEST PALM BEACH.

336. Defendant MASSAGE ENVY, having advertised and promoted itself as having a “zero tolerance” policy relating to sexual misconduct by massage therapists, explicitly and/or implicitly represented to the public in general, and to JANE DOE #6 (R.M.) in particular, that the massage therapists, including Assailant #6, in its employ and service were not only psychologically fit but were therapists who could be entrusted with the safety and well-being of female customers.

337. MASSAGE ENVY made these explicit and implied representations knowing that they were false and/or having reason to believe that they were false, and with the expectation that they would be relied upon by customers making decisions regarding their engagement of massage/spa services.

338. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures with respect to the removal and/or supervision of individuals in its employ or service who were suspected of being sexual predators.

339. MASSAGE ENVY failed to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) sexual predators in its service and employ.

340. MASSAGE ENVY failed to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

341. MASSAGE ENVY negligently failed to timely and reasonably identify, remove, and/or report (to law enforcement authorities and/or to state boards of massage therapy) Assailant #6 as a sexual predator.

342. Defendant hired, retained and/or assigned Assailant #6 to Plaintiff knowing or having reason to know that Assailant #6 was a sexual predator.

343. Defendant further breached their duty of care to JANE DOE #6 (R.M.), by failing to protect the Plaintiff from foreseeable harm from the sexual misconduct of employees of Defendants, including Assailant #6, Defendant further breached their duty of care by failing to warn JANE DOE #6 (R.M.), of the propensities of Assailant #6 and by failing to provide a safe and secure environment for the JANE DOE #6 (R.M.).

344. As a result of the above-described conduct, JANE DOE #6 (R.M.) has suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life; was prevented and will continue to be prevented from performing JANE DOE #6 (R.M.)'s daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling.

WHEREFORE, the Plaintiff, JANE DOE #6 (R.M.), demands judgment against Defendant MASSAGE ENVY, in excess of Thirty Thousand Dollars (\$30,000.00), plus costs incurred herein and any other relief this court deems fit and proper.

COUNT 7 BY JANE DOE #7 (A.J.)

345. Plaintiff JANE DOE #7 (A.J.) realleges each and every allegation contained in paragraphs 1 through 92 and 125-128 above as if fully set forth herein.

346. Defendant, MASSAGE ENVY, by and through their agents, servants and employees, knew or reasonably should have known of Assailant #7's dangerous and exploitive propensities and/or that he was an unfit agent. It was foreseeable that if said Defendant did not adequately exercise or provide the duty of care owed to female customers in their care, including, but not limited to Plaintiff, they would be vulnerable to sexual assaults by massage therapists, including the subject incident involving JANE DOE #7 (A.J.).

347. For years prior to the sexual assault of JANE DOE #7 (A.J.), as set forth in this Complaint, Defendant knew that there were hundreds, if not more, more than one-hundred eighty allegations of sexual assaults and exploitation by Massage Envy therapists occurring in nationwide.

348. MASSAGE ENVY knew, and/or should have known, that those individuals who had sexually assaulted female customers, including Assailant #7, were likely to commit further acts of sexual assault/ exploitation.

349. MASSAGE ENVY owed to the public in general, and to JANE DOE #7 (A.J.) in particular, a duty to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) individuals who it knew, or should have known, were sexual predators in its service and employ.

350. MASSAGE ENVY owed to the public in general, and to JANE DOE #7 (A.J.) in particular, a duty to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

351. Having been in the care of MASSAGE ENVY at the time under circumstances such as to deprive JANE DOE #7 (A.J.) of her entitlement to safe care and protection, MASSAGE ENVY owed to Plaintiff a duty to aid and/or protect her and to control the actions of third parties, as set forth in Restatement (Second) of Torts §§ 314A (4), 315.

352. Having been in the care of MASSAGE ENVY at the time under circumstances such as to deprive JANE DOE #7 (A.J.) of her normal opportunities for protection, MASSAGE ENVY owed to Plaintiff a duty to control the acts of its actual and / or apparent agents, servants, and/or employees.

353. At all times relevant hereto, MASSAGE ENVY did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify (and deal with) sexual predators.

354. Despite actual knowledge of multiple instances in which sexual predators were employed, transferred, re-hired and/or assigned to positions within MASSAGE ENVY franchise locations and despite the foreseeable risk that said sexual predators would engage in repeated acts of sexual perversion and assault, MASSAGE ENVY did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify, and deal with sexual predators.

355. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures for the removal of sexual predators in the employ and/or service of MASSAGE ENVY.

356. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to criminal authorities any known sexual predators in the employ and/or service of MASSAGE ENVY.

357. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to state boards of massage therapy the presence of sexual predators in the employ and/or service of MASSAGE ENVY.

358. As set forth in this Complaint, MASSAGE ENVY failed to fulfill its legal duty to protect JANE DOE #7 (A.J.) and other female customers from the depraved and vile acts of its massage therapists, including Assailant #7.

359. As set forth in this Complaint, MASSAGE ENVY failed to take reasonable steps to ensure that massage therapists at MASSAGE ENVY franchise locations were psychologically fit to provide massage therapy services to female customers. These failures included the following:

- a. Failure to investigate the background of massage therapists in its employ or service;
- b. Failure to prohibit, restrict, or limit the activities of massage therapists suspected of sexual assault and/or those known to be sexual predators;
- c. Failure to reasonably and properly investigate allegations of sexual assault;
- d. Failure to properly train and instruct investigators;
- e. Failure to have in place standards of acceptable and unacceptable conduct;
- f. Negligently training franchisee employees regarding the prevention, investigation and reporting of sexual misconduct by massage therapists;
- g. Failure to designate competent investigators to evaluate complaints of sexual assault; and
- h. Failure to have in place standards for reporting acts of sexual misconduct to law enforcement authorities and/or state boards of massage therapy.

360. Moreover, the negligent, reckless, intentional, outrageous, deliberately and recklessly indifferent and unlawful conduct of MASSAGE ENVY, as set forth above and herein, further consisted of:

- a. permitting massage therapists, including Assailant #7, to sexually assault female customers, including JANE DOE #7 (A.J.);
- b. permitting massage therapists, including Assailant #7, to engage in illegal sexual conduct with female customers, including JANE DOE #7 (A.J.), on the premises of MASSAGE ENVY franchise locations, including MASSAGE ENVY – WEST PALM BEACH, during operating hours;

- c. permitting Assailant #7 to violate Florida criminal statutes (Title XLVI) prohibiting Battery (§784.03);
- d. failing to properly and adequately supervise and discipline its employees to prevent the sexual assault that occurred to Plaintiff;
- e. failing to adopt, enforce and/or follow adequate policies and procedures for the protection and reasonable supervision of customers who engaged the services of MASSAGE ENVY, including Plaintiff, and, in the alternative, failing to implement and comply with such procedures which had been adopted;
- f. failing to implement, enforce and/or follow adequate protective and supervisory measures for the protection of female customers, including Plaintiff;
- g. creating an environment that facilitated sexual assault by Assailant #7 on JANE DOE #7 (A.J.);
- h. failing to adopt, enforce and/or follow policies and procedures to protect female customers against harmful contact by massage therapists at franchise locations, including Assailant #7;
- i. breaching the duties imposed by Restatement (Second) of Torts, § 324A, as adopted in Florida;
- j. failing to warn Plaintiff of the risk of harm posed by Assailant #7 after Defendants knew or should have known of such risk;
- k. violation of duties imposed by Restatement (Second) of Agency § 213 and Restatement (Second) of Torts § 317, as adopted in Florida;
- l. failing to warn JANE DOE #7 (A.J.) of the risk of harm that JANE DOE #7 (A.J.) may suffer as a result of contact with Assailant #7;
- m. failing to warn or otherwise make reasonably safe the property which Defendants possessed and/or controlled, leading to the harm of JANE DOE #7 (A.J.);
- n. failing to adopt/implement and/or enforce policies and procedures for the reporting to law enforcement, state board of massage therapy and/or other authorities of sexual assaults by massage therapists;
- o. failing to report sexual assaults by massage therapists, including Assailant #7, to authorities;

- p. violating its own policies and/or by-laws regarding sexual assaults by staff;
- q. ignoring, concealing, or otherwise mitigating the seriousness of the known danger that Assailant #7 posed;
- r. failing to prevent the sexual assault that was committed by Assailant #7 on Plaintiff and other people he sexually assaulted;
- s. allowing Assailant #7 to remain employed after knowing that he sexually assaulted a female customer;
- x. failing to properly supervise and/or discipline its employees;
- y. failing to warn Plaintiff about the potential risks and dangers of obtaining a massage;
- t. failing to adequately and properly train its employees and/or franchisee employees regarding sexual assaults of customers by massage therapists; and
- u. negligently managing and/or operating Massage Envy franchise locations, including MASSAGE ENVY – WEST PALM BEACH.

361. Defendant MASSAGE ENVY, having advertised and promoted itself as having a “zero tolerance” policy relating to sexual misconduct by massage therapists, explicitly and/or implicitly represented to the public in general, and to JANE DOE #7 (A.J.) in particular, that the massage therapists, including Assailant #7, in its employ and service were not only psychologically fit but were therapists who could be entrusted with the safety and well-being of female customers.

362. MASSAGE ENVY made these explicit and implied representations knowing that they were false and/or having reason to believe that they were false, and with the expectation that they would be relied upon by customers making decisions regarding their engagement of massage/spa services.

363. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures with respect to the removal

and/or supervision of individuals in its employ or service who were suspected of being sexual predators.

364. MASSAGE ENVY failed to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) sexual predators in its service and employ.

365. MASSAGE ENVY failed to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

366. MASSAGE ENVY negligently failed to timely and reasonably identify, remove, and/or report (to law enforcement authorities and/or to state boards of massage therapy) Assailant #7 as a sexual predator.

367. Defendant hired, retained and/or assigned Assailant #7 to Plaintiff knowing or having reason to know that Assailant #7 was a sexual predator.

368. Defendant further breached their duty of care to JANE DOE #7 (A.J.), by failing to protect the Plaintiff from foreseeable harm from the sexual misconduct of employees of Defendants, including Assailant #7, Defendant further breached their duty of care by failing to warn JANE DOE #7 (A.J.), of the propensities of Assailant #7 and by failing to provide a safe and secure environment for the JANE DOE #7 (A.J.).

369. As a result of the above-described conduct, JANE DOE #7 (A.J.) has suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life; was prevented and will continue to be prevented from performing JANE DOE #7 (A.J.)'s daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling.

WHEREFORE, the Plaintiff, JANE DOE #7 (A.J.), demands judgment against Defendant MASSAGE ENVY, in excess of Thirty Thousand Dollars (\$30,000.00), plus costs incurred herein and any other relief this court deems fit and proper.

COUNT 8 BY JANE DOE #8 (B.L.)

370. Plaintiff JANE DOE #8 (B.L.) realleges each and every allegation contained in paragraphs 1 through 92 and 129-134 above as if fully set forth herein.

371. Defendant, MASSAGE ENVY, by and through their agents, servants and employees, knew or reasonably should have known of Assailant #8 and Assailant #9's dangerous and exploitive propensities and/or that he was an unfit agent. It was foreseeable that if said Defendant did not adequately exercise or provide the duty of care owed to female customers in their care, including, but not limited to Plaintiff, they would be vulnerable to sexual assaults by massage therapists, including the subject incident involving JANE DOE #8 (B.L.).

372. For years prior to the sexual assault of JANE DOE #8 (B.L.), as set forth in this Complaint, Defendant knew that there were hundreds, if not more, more than one-hundred eighty allegations of sexual assaults and exploitation by Massage Envy therapists occurring in nationwide.

373. MASSAGE ENVY knew, and/or should have known, that those individuals who had sexually assaulted female customers, including Assailants #8 and #9, were likely to commit further acts of sexual assault/ exploitation.

374. MASSAGE ENVY owed to the public in general, and to JANE DOE #8 (B.L.) in particular, a duty to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) individuals who it knew, or should have known, were sexual predators in its service and employ.

375. MASSAGE ENVY owed to the public in general, and to JANE DOE #8 (B.L.) in particular, a duty to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

376. Having been in the care of MASSAGE ENVY at the time under circumstances such as to deprive JANE DOE #8 (B.L.) of her entitlement to safe care and protection, MASSAGE ENVY owed to Plaintiff a duty to aid and/or protect her and to control the actions of third parties, as set forth in Restatement (Second) of Torts §§ 314A (4), 315.

377. Having been in the care of MASSAGE ENVY at the time under circumstances such as to deprive JANE DOE #8 (B.L.) of her normal opportunities for protection, MASSAGE ENVY owed to Plaintiff a duty to control the acts of its actual and / or apparent agents, servants, and/or employees.

378. At all times relevant hereto, MASSAGE ENVY did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify (and deal with) sexual predators.

379. Despite actual knowledge of multiple instances in which sexual predators were employed, transferred, re-hired and/or assigned to positions within MASSAGE ENVY franchise locations and despite the foreseeable risk that said sexual predators would engage in repeated acts of sexual perversion and assault, MASSAGE ENVY did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify, and deal with sexual predators.

380. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures for the removal of sexual predators in the employ and/or service of MASSAGE ENVY.

381. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to criminal authorities any known sexual predators in the employ and/or service of MASSAGE ENVY.

382. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to state boards of massage therapy the presence of sexual predators in the employ and/or service of MASSAGE ENVY.

383. As set forth in this Complaint, MASSAGE ENVY failed to fulfill its legal duty to protect JANE DOE #8 (B.L.) and other female customers from the depraved and vile acts of its massage therapists, including Assailants #8 and #9.

384. As set forth in this Complaint, MASSAGE ENVY failed to take reasonable steps to ensure that massage therapists at MASSAGE ENVY franchise locations were psychologically fit to provide massage therapy services to female customers. These failures included the following:

- a. Failure to investigate the background of massage therapists in its employ or service;
- b. Failure to prohibit, restrict, or limit the activities of massage therapists suspected of sexual assault and/or those known to be sexual predators;
- c. Failure to reasonably and properly investigate allegations of sexual assault;
- d. Failure to properly train and instruct investigators;
- e. Failure to have in place standards of acceptable and unacceptable conduct;
- f. Negligently training franchisee employees regarding the prevention, investigation and reporting of sexual misconduct by massage therapists;

- g. Failure to designate competent investigators to evaluate complaints of sexual assault; and
- h. Failure to have in place standards for reporting acts of sexual misconduct to law enforcement authorities and/or state boards of massage therapy.

385. Moreover, the negligent, reckless, intentional, outrageous, deliberately and recklessly indifferent and unlawful conduct of MASSAGE ENVY, as set forth above and herein, further consisted of:

- a. permitting massage therapists, including Assailants #8 and #9, to sexually assault female customers, including JANE DOE #8 (B.L.);
- b. permitting massage therapists, including Assailants #8 and #9, to engage in illegal sexual conduct with female customers, including JANE DOE #8 (B.L.), on the premises of MASSAGE ENVY franchise locations, including MASSAGE ENVY – WEST PALM BEACH, during operating hours;
- c. permitting Assailants #8 and #9 to violate Florida criminal statutes (Title XLVI) prohibiting Battery (§784.03);
- d. failing to properly and adequately supervise and discipline its employees to prevent the sexual assault that occurred to Plaintiff;
- e. failing to adopt, enforce and/or follow adequate policies and procedures for the protection and reasonable supervision of customers who engaged the services of MASSAGE ENVY, including Plaintiff, and, in the alternative, failing to implement and comply with such procedures which had been adopted;
- f. failing to implement, enforce and/or follow adequate protective and supervisory measures for the protection of female customers, including Plaintiff;
- g. creating an environment that facilitated sexual assault by Assailants #8 and #9 on JANE DOE #8 (B.L.);
- h. failing to adopt, enforce and/or follow policies and procedures to protect female customers against harmful contact by massage therapists at franchise locations, including Assailants #8 and #9;
- i. breaching the duties imposed by Restatement (Second) of Torts, § 324A, as adopted in Florida;

- j. failing to warn Plaintiff of the risk of harm posed by Assailants #8 and #9 after Defendants knew or should have known of such risk;
- k. violation of duties imposed by Restatement (Second) of Agency § 213 and Restatement (Second) of Torts § 317, as adopted in Florida;
- l. failing to warn JANE DOE #8 (B.L.) of the risk of harm that JANE DOE #8 (B.L.) may suffer as a result of contact with Assailants #8 and #9;
- m. failing to warn or otherwise make reasonably safe the property which Defendants possessed and/or controlled, leading to the harm of JANE DOE #8 (B.L.);
- n. failing to adopt/implement and/or enforce policies and procedures for the reporting to law enforcement, state board of massage therapy and/or other authorities of sexual assaults by massage therapists;
- o. failing to report sexual assaults by massage therapists, including Assailants #8 and #9, to authorities;
- p. violating its own policies and/or by-laws regarding sexual assaults by staff;
- q. ignoring, concealing, or otherwise mitigating the seriousness of the known danger that Assailants #8 and #9 posed;
- r. failing to prevent the sexual assault that was committed by Assailants #8 and #9 on Plaintiff and other people he sexually assaulted;
- s. allowing Assailants #8 and #9 to remain employed after knowing that he sexually assaulted a female customer;
- t. failing to properly supervise and/or discipline its employees;
- u. failing to warn Plaintiff about the potential risks and dangers of obtaining a massage;
- v. failing to adequately and properly train its employees and/or franchisee employees regarding sexual assaults of customers by massage therapists; and
- w. negligently managing and/or operating Massage Envy franchise locations, including MASSAGE ENVY – WEST PALM BEACH.

386. Defendant MASSAGE ENVY, having advertised and promoted itself as having a “zero tolerance” policy relating to sexual misconduct by massage therapists, explicitly and/or implicitly represented to the public in general, and to JANE DOE #8 (B.L.) in particular, that the massage therapists, including Assailants #8 and #9, in its employ and service were not only psychologically fit but were therapists who could be entrusted with the safety and well-being of female customers.

387. MASSAGE ENVY made these explicit and implied representations knowing that they were false and/or having reason to believe that they were false, and with the expectation that they would be relied upon by customers making decisions regarding their engagement of massage/spa services.

388. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures with respect to the removal and/or supervision of individuals in its employ or service who were suspected of being sexual predators.

389. MASSAGE ENVY failed to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) sexual predators in its service and employ.

390. MASSAGE ENVY failed to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

391. MASSAGE ENVY negligently failed to timely and reasonably identify, remove, and/or report (to law enforcement authorities and/or to state boards of massage therapy) Assailants #8 and #9 as a sexual predator.

392. Defendant hired, retained and/or assigned Assailants #8 and #9 to Plaintiff knowing or having reason to know that Assailants #8 and #9 was a sexual predator.

393. Defendant further breached their duty of care to JANE DOE #8 (B.L.), by failing to protect the Plaintiff from foreseeable harm from the sexual misconduct of employees of Defendants, including Assailants #8 and #9, Defendant further breached their duty of care by failing to warn JANE DOE #8 (B.L.), of the propensities of Assailants #8 and #9 and by failing to provide a safe and secure environment for the JANE DOE #8 (B.L.).

394. As a result of the above-described conduct, JANE DOE #8 (B.L.) has suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life; was prevented and will continue to be prevented from performing JANE DOE #8 (B.L.)'s daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling.

WHEREFORE, the Plaintiff, JANE DOE #8 (B.L.), demands judgment against Defendant MASSAGE ENVY, in excess of Thirty Thousand Dollars (\$30,000.00), plus costs incurred herein and any other relief this court deems fit and proper.

COUNT 9 BY JANE DOE #9 (A.K.)

395. Plaintiff JANE DOE #9 (A.K.) realleges each and every allegation contained in paragraphs 1 through 92 and 135-139 above as if fully set forth herein.

396. Defendant, MASSAGE ENVY, by and through their agents, servants and employees, knew or reasonably should have known of Assailant #10's dangerous and exploitive propensities and/or that he was an unfit agent. It was foreseeable that if said Defendant did not adequately exercise or provide the duty of care owed to female customers in their care, including, but not limited to Plaintiff, they would be vulnerable to sexual assaults by massage therapists, including the subject incident involving JANE DOE #9 (A.K.).

397. For years prior to the sexual assault of JANE DOE #9 (A.K.), as set forth in this Complaint, Defendant knew that there were hundreds, if not more, more than one-hundred eighty allegations of sexual assaults and exploitation by Massage Envy therapists occurring in nationwide.

398. MASSAGE ENVY knew, and/or should have known, that those individuals who had sexually assaulted female customers, including Assailant #10, were likely to commit further acts of sexual assault/ exploitation.

399. MASSAGE ENVY owed to the public in general, and to JANE DOE #9 (A.K.) in particular, a duty to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) individuals who it knew, or should have known, were sexual predators in its service and employ.

400. MASSAGE ENVY owed to the public in general, and to JANE DOE #9 (A.K.) in particular, a duty to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

401. Having been in the care of MASSAGE ENVY at the time under circumstances such as to deprive JANE DOE #9 (A.K.) of her entitlement to safe care and protection, MASSAGE ENVY owed to Plaintiff a duty to aid and/or protect her and to control the actions of third parties, as set forth in Restatement (Second) of Torts §§ 314A (4), 315.

402. Having been in the care of MASSAGE ENVY at the time under circumstances such as to deprive JANE DOE #9 (A.K.) of her normal opportunities for protection, MASSAGE ENVY owed to Plaintiff a duty to control the acts of its actual and / or apparent agents, servants, and/or employees.

403. At all times relevant hereto, MASSAGE ENVY did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify (and deal with) sexual predators.

404. Despite actual knowledge of multiple instances in which sexual predators were employed, transferred, re-hired and/or assigned to positions within MASSAGE ENVY franchise locations and despite the foreseeable risk that said sexual predators would engage in repeated acts of sexual perversion and assault, MASSAGE ENVY did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify, and deal with sexual predators.

405. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures for the removal of sexual predators in the employ and/or service of MASSAGE ENVY.

406. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to criminal authorities any known sexual predators in the employ and/or service of MASSAGE ENVY.

407. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to state boards of massage therapy the presence of sexual predators in the employ and/or service of MASSAGE ENVY.

408. As set forth in this Complaint, MASSAGE ENVY failed to fulfill its legal duty to protect JANE DOE #9 (A.K.) and other female customers from the depraved and vile acts of its massage therapists, including Assailant #10.

409. As set forth in this Complaint, MASSAGE ENVY failed to take reasonable steps to ensure that massage therapists at MASSAGE ENVY franchise locations were psychologically fit to provide massage therapy services to female customers. These failures included the following:

- a. Failure to investigate the background of massage therapists in its employ or service;
- b. Failure to prohibit, restrict, or limit the activities of massage therapists suspected of sexual assault and/or those known to be sexual predators;
- c. Failure to reasonably and properly investigate allegations of sexual assault;
- d. Failure to properly train and instruct investigators;
- e. Failure to have in place standards of acceptable and unacceptable conduct;
- f. Negligently training franchisee employees regarding the prevention, investigation and reporting of sexual misconduct by massage therapists;
- g. Failure to designate competent investigators to evaluate complaints of sexual assault; and
- h. Failure to have in place standards for reporting acts of sexual misconduct to law enforcement authorities and/or state boards of massage therapy.

410. Moreover, the negligent, reckless, intentional, outrageous, deliberately and recklessly indifferent and unlawful conduct of MASSAGE ENVY, as set forth above and herein, further consisted of:

- a. permitting massage therapists, including Assailant #10, to sexually assault female customers, including JANE DOE #9 (A.K.);
- b. permitting massage therapists, including Assailant #10, to engage in illegal sexual conduct with female customers, including JANE DOE #9 (A.K.), on the premises of MASSAGE ENVY franchise locations, including MASSAGE ENVY – WEST PALM BEACH, during operating hours;

- c. permitting Assailant #10 to violate Florida criminal statutes (Title XLVI) prohibiting Battery (§784.03);
- d. failing to properly and adequately supervise and discipline its employees to prevent the sexual assault that occurred to Plaintiff;
- e. failing to adopt, enforce and/or follow adequate policies and procedures for the protection and reasonable supervision of customers who engaged the services of MASSAGE ENVY, including Plaintiff, and, in the alternative, failing to implement and comply with such procedures which had been adopted;
- f. failing to implement, enforce and/or follow adequate protective and supervisory measures for the protection of female customers, including Plaintiff;
- g. creating an environment that facilitated sexual assault by Assailant #10 on JANE DOE #9 (A.K.);
- h. failing to adopt, enforce and/or follow policies and procedures to protect female customers against harmful contact by massage therapists at franchise locations, including Assailant #10;
- i. breaching the duties imposed by Restatement (Second) of Torts, § 324A, as adopted in Florida;
- j. failing to warn Plaintiff of the risk of harm posed by Assailant #10 after Defendants knew or should have known of such risk;
- k. violation of duties imposed by Restatement (Second) of Agency § 213 and Restatement (Second) of Torts § 317, as adopted in Florida;
- l. failing to warn JANE DOE #9 (A.K.) of the risk of harm that JANE DOE #9 (A.K.) may suffer as a result of contact with Assailant #10;
- m. failing to warn or otherwise make reasonably safe the property which Defendants possessed and/or controlled, leading to the harm of JANE DOE #9 (A.K.);
- n. failing to adopt/implement and/or enforce policies and procedures for the reporting to law enforcement, state board of massage therapy and/or other authorities of sexual assaults by massage therapists;
- o. failing to report sexual assaults by massage therapists, including Assailant #10, to authorities;

- p. violating its own policies and/or by-laws regarding sexual assaults by staff;
- q. ignoring, concealing, or otherwise mitigating the seriousness of the known danger that Assailant #10 posed;
- r. failing to prevent the sexual assault that was committed by Assailant #10 on Plaintiff and other people he sexually assaulted;
- s. allowing Assailant #10 to remain employed after knowing that he sexually assaulted a female customer;
- t. failing to properly supervise and/or discipline its employees;
- u. failing to warn Plaintiff about the potential risks and dangers of obtaining a massage;
- v. failing to adequately and properly train its employees and/or franchisee employees regarding sexual assaults of customers by massage therapists; and
- w. negligently managing and/or operating Massage Envy franchise locations, including MASSAGE ENVY – WEST PALM BEACH.

411. Defendant MASSAGE ENVY, having advertised and promoted itself as having a “zero tolerance” policy relating to sexual misconduct by massage therapists, explicitly and/or implicitly represented to the public in general, and to JANE DOE #9 (A.K.) in particular, that the massage therapists, including Assailant #10, in its employ and service were not only psychologically fit but were therapists who could be entrusted with the safety and well-being of female customers.

412. MASSAGE ENVY made these explicit and implied representations knowing that they were false and/or having reason to believe that they were false, and with the expectation that they would be relied upon by customers making decisions regarding their engagement of massage/spa services.

413. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures with respect to the removal and/or supervision of individuals in its employ or service who were suspected of being sexual predators.

414. MASSAGE ENVY failed to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) sexual predators in its service and employ.

415. MASSAGE ENVY failed to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

416. MASSAGE ENVY negligently failed to timely and reasonably identify, remove, and/or report (to law enforcement authorities and/or to state boards of massage therapy) Assailant #10 as a sexual predator.

417. Defendant hired, retained and/or assigned Assailant #10 to Plaintiff knowing or having reason to know that Assailant #10 was a sexual predator.

418. Defendant further breached their duty of care to JANE DOE #9 (A.K.), by failing to protect the Plaintiff from foreseeable harm from the sexual misconduct of employees of Defendants, including Assailant #10, Defendant further breached their duty of care by failing to warn JANE DOE #9 (A.K.), of the propensities of Assailant #10 and by failing to provide a safe and secure environment for the JANE DOE #9 (A.K.).

419. As a result of the above-described conduct, JANE DOE #9 (A.K.) has suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life; was prevented and will continue to be prevented from performing JANE DOE #9 (A.K.)'s daily activities and obtaining the full enjoyment of life; has sustained and will continue

to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling.

WHEREFORE, the Plaintiff, JANE DOE #9 (A.K.), demands judgment against Defendant MASSAGE ENVY, in excess of Thirty Thousand Dollars (\$30,000.00), plus costs incurred herein and any other relief this court deems fit and proper.

COUNT 10 BY JANE DOE #10 (S.G.)

420. Plaintiff JANE DOE #10 (S.G.) realleges each and every allegation contained in paragraphs 1 through 92 and 140-148 above as if fully set forth herein.

421. Defendant, MASSAGE ENVY, by and through their agents, servants and employees, knew or reasonably should have known of Assailant #11's dangerous and exploitive propensities and/or that he was an unfit agent. It was foreseeable that if said Defendant did not adequately exercise or provide the duty of care owed to female customers in their care, including, but not limited to Plaintiff, they would be vulnerable to sexual assaults by massage therapists, including the subject incident involving JANE DOE #10 (S.G.).

422. For years prior to the sexual assault of JANE DOE #10 (S.G.), as set forth in this Complaint, Defendant knew that there were hundreds, if not more, more than one-hundred eighty allegations of sexual assaults and exploitation by Massage Envy therapists occurring in nationwide.

423. MASSAGE ENVY knew, and/or should have known, that those individuals who had sexually assaulted female customers, including Assailant #11, were likely to commit further acts of sexual assault/ exploitation.

424. MASSAGE ENVY owed to the public in general, and to JANE DOE #10 (S.G.) in particular, a duty to reasonably identify, remove, and/or report (to law enforcement authorities

and/or to state massage therapy boards) individuals who it knew, or should have known, were sexual predators in its service and employ.

425. MASSAGE ENVY owed to the public in general, and to JANE DOE #10 (S.G.) in particular, a duty to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

426. Having been in the care of MASSAGE ENVY at the time under circumstances such as to deprive JANE DOE #10 (S.G.) of her entitlement to safe care and protection, MASSAGE ENVY owed to Plaintiff a duty to aid and/or protect her and to control the actions of third parties, as set forth in Restatement (Second) of Torts §§ 314A (4), 315.

427. Having been in the care of MASSAGE ENVY at the time under circumstances such as to deprive JANE DOE #10 (S.G.) of her normal opportunities for protection, MASSAGE ENVY owed to Plaintiff a duty to control the acts of its actual and / or apparent agents, servants, and/or employees.

428. At all times relevant hereto, MASSAGE ENVY did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify (and deal with) sexual predators.

429. Despite actual knowledge of multiple instances in which sexual predators were employed, transferred, re-hired and/or assigned to positions within MASSAGE ENVY franchise locations and despite the foreseeable risk that said sexual predators would engage in repeated acts of sexual perversion and assault, MASSAGE ENVY did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify, and deal with sexual predators.

430. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures for the removal of sexual predators in the employ and/or service of MASSAGE ENVY.

431. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to criminal authorities any known sexual predators in the employ and/or service of MASSAGE ENVY.

432. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to state boards of massage therapy the presence of sexual predators in the employ and/or service of MASSAGE ENVY.

433. As set forth in this Complaint, MASSAGE ENVY failed to fulfill its legal duty to protect JANE DOE #10 (S.G.) and other female customers from the depraved and vile acts of its massage therapists, including Assailant #11.

434. As set forth in this Complaint, MASSAGE ENVY failed to take reasonable steps to ensure that massage therapists at MASSAGE ENVY franchise locations were psychologically fit to provide massage therapy services to female customers. These failures included the following:

- a. Failure to investigate the background of massage therapists in its employ or service;
- b. Failure to prohibit, restrict, or limit the activities of massage therapists suspected of sexual assault and/or those known to be sexual predators;
- c. Failure to reasonably and properly investigate allegations of sexual assault;
- d. Failure to properly train and instruct investigators;

- e. Failure to have in place standards of acceptable and unacceptable conduct;
- f. Negligently training franchisee employees regarding the prevention, investigation and reporting of sexual misconduct by massage therapists;
- g. Failure to designate competent investigators to evaluate complaints of sexual assault; and
- h. Failure to have in place standards for reporting acts of sexual misconduct to law enforcement authorities and/or state boards of massage therapy.

435. Moreover, the negligent, reckless, intentional, outrageous, deliberately and recklessly indifferent and unlawful conduct of MASSAGE ENVY, as set forth above and herein, further consisted of:

- a. permitting massage therapists, including Assailant #11, to sexually assault female customers, including JANE DOE #10 (S.G.);
- b. permitting massage therapists, including Assailant #11, to engage in illegal sexual conduct with female customers, including JANE DOE #10 (S.G.), on the premises of MASSAGE ENVY franchise locations, including MASSAGE ENVY – WEST PALM BEACH, during operating hours;
- c. permitting Assailant #11 to violate Florida criminal statutes (Title XLVI) prohibiting Battery (§784.03);
- d. failing to properly and adequately supervise and discipline its employees to prevent the sexual assault that occurred to Plaintiff;
- e. failing to adopt, enforce and/or follow adequate policies and procedures for the protection and reasonable supervision of customers who engaged the services of MASSAGE ENVY, including Plaintiff, and, in the alternative, failing to implement and comply with such procedures which had been adopted;
- f. failing to implement, enforce and/or follow adequate protective and supervisory measures for the protection of female customers, including Plaintiff;
- g. creating an environment that facilitated sexual assault by Assailant #11 on JANE DOE #10 (S.G.);

- h. failing to adopt, enforce and/or follow policies and procedures to protect female customers against harmful contact by massage therapists at franchise locations, including Assailant #11;
- i. breaching the duties imposed by Restatement (Second) of Torts, § 324A, as adopted in Florida;
- j. failing to warn Plaintiff of the risk of harm posed by Assailant #11 after Defendants knew or should have known of such risk;
- k. violation of duties imposed by Restatement (Second) of Agency § 213 and Restatement (Second) of Torts § 317, as adopted in Florida;
- l. failing to warn JANE DOE #10 (S.G.) of the risk of harm that JANE DOE #11 (S.G.) may suffer as a result of contact with Assailant #11;
- m. failing to warn or otherwise make reasonably safe the property which Defendants possessed and/or controlled, leading to the harm of JANE DOE #10 (S.G.);
- n. failing to adopt/implement and/or enforce policies and procedures for the reporting to law enforcement, state board of massage therapy and/or other authorities of sexual assaults by massage therapists;
- o. failing to report sexual assaults by massage therapists, including Assailant #11, to authorities;
- p. violating its own policies and/or by-laws regarding sexual assaults by staff;
- q. ignoring, concealing, or otherwise mitigating the seriousness of the known danger that Assailant #11 posed;
- r. failing to prevent the sexual assault that was committed by Assailant #11 on Plaintiff and other people he sexually assaulted;
- s. allowing Assailant #11 to remain employed after knowing that he sexually assaulted a female customer;
- t. failing to properly supervise and/or discipline its employees;
- u. failing to warn Plaintiff about the potential risks and dangers of obtaining a massage;

- v. failing to adequately and properly train its employees and/or franchisee employees regarding sexual assaults of customers by massage therapists; and
- w. negligently managing and/or operating Massage Envy franchise locations, including MASSAGE ENVY – WEST PALM BEACH.

436. Defendant MASSAGE ENVY, having advertised and promoted itself as having a “zero tolerance” policy relating to sexual misconduct by massage therapists, explicitly and/or implicitly represented to the public in general, and to JANE DOE #10 (S.G.) in particular, that the massage therapists, including Assailant #11, in its employ and service were not only psychologically fit but were therapists who could be entrusted with the safety and well-being of female customers.

437. MASSAGE ENVY made these explicit and implied representations knowing that they were false and/or having reason to believe that they were false, and with the expectation that they would be relied upon by customers making decisions regarding their engagement of massage/spa services.

438. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures with respect to the removal and/or supervision of individuals in its employ or service who were suspected of being sexual predators.

439. MASSAGE ENVY failed to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) sexual predators in its service and employ.

440. MASSAGE ENVY failed to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

441. MASSAGE ENVY negligently failed to timely and reasonably identify, remove, and/or report (to law enforcement authorities and/or to state boards of massage therapy) Assailant #11 as a sexual predator.

442. Defendant hired, retained and/or assigned Assailant #11 to Plaintiff knowing or having reason to know that Assailant #11 was a sexual predator.

443. Defendant further breached their duty of care to JANE DOE #10 (S.G.), by failing to protect the Plaintiff from foreseeable harm from the sexual misconduct of employees of Defendants, including Assailant #11, Defendant further breached their duty of care by failing to warn JANE DOE #10 (S.G.), of the propensities of Assailant #11 and by failing to provide a safe and secure environment for the JANE DOE #10 (S.G.).

444. As a result of the above-described conduct, JANE DOE #10 (S.G.) has suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life; was prevented and will continue to be prevented from performing JANE DOE #10 (S.G.)'s daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling.

WHEREFORE, the Plaintiff, JANE DOE #10 (S.G.), demands judgment against Defendant MASSAGE ENVY, in excess of Thirty Thousand Dollars (\$30,000.00), plus costs incurred herein and any other relief this court deems fit and proper.

COUNT 11 BY JANE DOE #11 (D.H.)

445. Plaintiff JANE DOE #11 (D.H.) realleges each and every allegation contained in paragraphs 1 through 92 and 140-148 above as if fully set forth herein.

446. Defendant, MASSAGE ENVY, by and through their agents, servants and employees, knew or reasonably should have known of Assailant #12's dangerous and exploitive propensities and/or that he was an unfit agent. It was foreseeable that if said Defendant did not adequately exercise or provide the duty of care owed to female customers in their care, including, but not limited to Plaintiff, they would be vulnerable to sexual assaults by massage therapists, including the subject incident involving JANE DOE #11 (D.H.).

447. For years prior to the sexual assault of JANE DOE #11 (D.H.), as set forth in this Complaint, Defendant knew that there were hundreds, if not more, more than one-hundred eighty allegations of sexual assaults and exploitation by Massage Envy therapists occurring in nationwide.

448. MASSAGE ENVY knew, and/or should have known, that those individuals who had sexually assaulted female customers, including Assailant #12, were likely to commit further acts of sexual assault/ exploitation.

449. MASSAGE ENVY owed to the public in general, and to JANE DOE #11 (D.H.) in particular, a duty to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) individuals who it knew, or should have known, were sexual predators in its service and employ.

450. MASSAGE ENVY owed to the public in general, and to JANE DOE #11 (D.H.) in particular, a duty to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

451. Having been in the care of MASSAGE ENVY at the time under circumstances such as to deprive JANE DOE #11 (D.H.) of her entitlement to safe care and protection, MASSAGE ENVY owed to Plaintiff a duty to aid and/or protect her and to control the actions of third parties, as set forth in Restatement (Second) of Torts §§ 314A (4), 315.

452. Having been in the care of MASSAGE ENVY at the time under circumstances such as to deprive JANE DOE #11 (D.H.) of her normal opportunities for protection, MASSAGE ENVY owed to Plaintiff a duty to control the acts of its actual and / or apparent agents, servants, and/or employees.

453. At all times relevant hereto, MASSAGE ENVY did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify (and deal with) sexual predators.

454. Despite actual knowledge of multiple instances in which sexual predators were employed, transferred, re-hired and/or assigned to positions within MASSAGE ENVY franchise locations and despite the foreseeable risk that said sexual predators would engage in repeated acts of sexual perversion and assault, MASSAGE ENVY did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify, and deal with sexual predators.

455. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures for the removal of sexual predators in the employ and/or service of MASSAGE ENVY.

456. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to criminal authorities any known sexual predators in the employ and/or service of MASSAGE ENVY.

457. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to state boards of massage therapy the presence of sexual predators in the employ and/or service of MASSAGE ENVY.

458. As set forth in this Complaint, MASSAGE ENVY failed to fulfill its legal duty to protect JANE DOE #11 (D.H.) and other female customers from the depraved and vile acts of its massage therapists, including Assailant #12.

459. As set forth in this Complaint, MASSAGE ENVY failed to take reasonable steps to ensure that massage therapists at MASSAGE ENVY franchise locations were psychologically fit to provide massage therapy services to female customers. These failures included the following:

- a. Failure to investigate the background of massage therapists in its employ or service;
- b. Failure to prohibit, restrict, or limit the activities of massage therapists suspected of sexual assault and/or those known to be sexual predators;
- c. Failure to reasonably and properly investigate allegations of sexual assault;
- d. Failure to properly train and instruct investigators;
- e. Failure to have in place standards of acceptable and unacceptable conduct;
- f. Negligently training franchisee employees regarding the prevention, investigation and reporting of sexual misconduct by massage therapists;
- g. Failure to designate competent investigators to evaluate complaints of sexual assault; and
- h. Failure to have in place standards for reporting acts of sexual misconduct to law enforcement authorities and/or state boards of massage therapy.

460. Moreover, the negligent, reckless, intentional, outrageous, deliberately and recklessly indifferent and unlawful conduct of MASSAGE ENVY, as set forth above and herein, further consisted of:

- a. permitting massage therapists, including Assailant #12, to sexually assault female customers, including JANE DOE #11 (D.H.);

- b. permitting massage therapists, including Assailant #12, to engage in illegal sexual conduct with female customers, including JANE DOE #11 (D.H.), on the premises of MASSAGE ENVY franchise locations, including MASSAGE ENVY – WEST PALM BEACH, during operating hours;
- c. permitting Assailant #12 to violate Florida criminal statutes (Title XLVI) prohibiting Battery (§784.03);
- d. failing to properly and adequately supervise and discipline its employees to prevent the sexual assault that occurred to Plaintiff;
- e. failing to adopt, enforce and/or follow adequate policies and procedures for the protection and reasonable supervision of customers who engaged the services of MASSAGE ENVY, including Plaintiff, and, in the alternative, failing to implement and comply with such procedures which had been adopted;
- f. failing to implement, enforce and/or follow adequate protective and supervisory measures for the protection of female customers, including Plaintiff;
- g. creating an environment that facilitated sexual assault by Assailant #12 on JANE DOE #11 (D.H.);
- h. failing to adopt, enforce and/or follow policies and procedures to protect female customers against harmful contact by massage therapists at franchise locations, including Assailant #12;
- i. breaching the duties imposed by Restatement (Second) of Torts, § 324A, as adopted in Florida;
- j. failing to warn Plaintiff of the risk of harm posed by Assailant #12 after Defendants knew or should have known of such risk;
- k. violation of duties imposed by Restatement (Second) of Agency § 213 and Restatement (Second) of Torts § 317, as adopted in Florida;
- l. failing to warn JANE DOE #11 (D.H.) of the risk of harm that JANE DOE #11 (D.H.) may suffer as a result of contact with Assailant #12;
- m. failing to warn or otherwise make reasonably safe the property which Defendants possessed and/or controlled, leading to the harm of JANE DOE #11 (D.H.);

- n. failing to adopt/implement and/or enforce policies and procedures for the reporting to law enforcement, state board of massage therapy and/or other authorities of sexual assaults by massage therapists;
- o. failing to report sexual assaults by massage therapists, including Assailant #12, to authorities;
- p. violating its own policies and/or by-laws regarding sexual assaults by staff;
- q. ignoring, concealing, or otherwise mitigating the seriousness of the known danger that Assailant #12 posed;
- r. failing to prevent the sexual assault that was committed by Assailant #12 on Plaintiff and other people he sexually assaulted;
- s. allowing Assailant #12 to remain employed after knowing that he sexually assaulted a female customer;
- t. failing to properly supervise and/or discipline its employees;
- u. failing to warn Plaintiff about the potential risks and dangers of obtaining a massage;
- v. failing to adequately and properly train its employees and/or franchisee employees regarding sexual assaults of customers by massage therapists; and
- w. negligently managing and/or operating Massage Envy franchise locations, including MASSAGE ENVY – WEST PALM BEACH.

461. Defendant MASSAGE ENVY, having advertised and promoted itself as having a “zero tolerance” policy relating to sexual misconduct by massage therapists, explicitly and/or implicitly represented to the public in general, and to JANE DOE #11 (D.H.) in particular, that the massage therapists, including Assailant #12, in its employ and service were not only psychologically fit but were therapists who could be entrusted with the safety and well-being of female customers.

462. MASSAGE ENVY made these explicit and implied representations knowing that they were false and/or having reason to believe that they were false, and with the expectation that

they would be relied upon by customers making decisions regarding their engagement of massage/spa services.

463. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures with respect to the removal and/or supervision of individuals in its employ or service who were suspected of being sexual predators.

464. MASSAGE ENVY failed to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) sexual predators in its service and employ.

465. MASSAGE ENVY failed to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

466. MASSAGE ENVY negligently failed to timely and reasonably identify, remove, and/or report (to law enforcement authorities and/or to state boards of massage therapy) Assailant #12 as a sexual predator.

467. Defendant hired, retained and/or assigned Assailant #12 to Plaintiff knowing or having reason to know that Assailant #12 was a sexual predator.

468. Defendant further breached their duty of care to JANE DOE #11 (D.H.), by failing to protect the Plaintiff from foreseeable harm from the sexual misconduct of employees of Defendants, including Assailant #12, Defendant further breached their duty of care by failing to warn JANE DOE #11 (D.H.), of the propensities of Assailant #12 and by failing to provide a safe and secure environment for the JANE DOE #11 (D.H.).

469. As a result of the above-described conduct, JANE DOE #11 (D.H.) has suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and

loss of enjoyment of life; was prevented and will continue to be prevented from performing JANE DOE #11 (D.H.)'s daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling.

WHEREFORE, the Plaintiff, JANE DOE #11 (D.H.), demands judgment against Defendant MASSAGE ENVY, in excess of Thirty Thousand Dollars (\$30,000.00), plus costs incurred herein and any other relief this court deems fit and proper.

COUNT 12 BY JANE DOE #12 (K.J.)

470. Plaintiff JANE DOE #12 (K.J.) realleges each and every allegation contained in paragraphs 1 through 92 and 148-151 above as if fully set forth herein.

471. Defendant, MASSAGE ENVY, by and through their agents, servants and employees, knew or reasonably should have known of Assailant #11's dangerous and exploitive propensities and/or that he was an unfit agent. It was foreseeable that if said Defendant did not adequately exercise or provide the duty of care owed to female customers in their care, including, but not limited to Plaintiff, they would be vulnerable to sexual assaults by massage therapists, including the subject incident involving JANE DOE #12 (K.J.).

472. For years prior to the sexual assault of JANE DOE #12 (K.J.), as set forth in this Complaint, Defendant knew that there were hundreds, if not more, more than one-hundred eighty allegations of sexual assaults and exploitation by Massage Envy therapists occurring in nationwide.

473. MASSAGE ENVY knew, and/or should have known, that those individuals who had sexually assaulted female customers, including Assailant #11, were likely to commit further acts of sexual assault/ exploitation.

474. MASSAGE ENVY owed to the public in general, and to JANE DOE #12 (K.J.) in particular, a duty to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) individuals who it knew, or should have known, were sexual predators in its service and employ.

475. MASSAGE ENVY owed to the public in general, and to JANE DOE #12 (K.J.) in particular, a duty to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

476. Having been in the care of MASSAGE ENVY at the time under circumstances such as to deprive JANE DOE #12 (K.J.) of her entitlement to safe care and protection, MASSAGE ENVY owed to Plaintiff a duty to aid and/or protect her and to control the actions of third parties, as set forth in Restatement (Second) of Torts §§ 314A (4), 315.

477. Having been in the care of MASSAGE ENVY at the time under circumstances such as to deprive JANE DOE #12 (K.J.) of her normal opportunities for protection, MASSAGE ENVY owed to Plaintiff a duty to control the acts of its actual and / or apparent agents, servants, and/or employees.

478. At all times relevant hereto, MASSAGE ENVY did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify (and deal with) sexual predators.

479. Despite actual knowledge of multiple instances in which sexual predators were employed, transferred, re-hired and/or assigned to positions within MASSAGE ENVY franchise locations and despite the foreseeable risk that said sexual predators would engage in repeated acts of sexual perversion and assault, MASSAGE ENVY did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify, and deal with sexual predators.

480. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures for the removal of sexual predators in the employ and/or service of MASSAGE ENVY.

481. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to criminal authorities any known sexual predators in the employ and/or service of MASSAGE ENVY.

482. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to state boards of massage therapy the presence of sexual predators in the employ and/or service of MASSAGE ENVY.

483. As set forth in this Complaint, MASSAGE ENVY failed to fulfill its legal duty to protect JANE DOE #12 (K.J.) and other female customers from the depraved and vile acts of its massage therapists, including Assailant #11.

484. As set forth in this Complaint, MASSAGE ENVY failed to take reasonable steps to ensure that massage therapists at MASSAGE ENVY franchise locations were psychologically fit to provide massage therapy services to female customers. These failures included the following:

- a. Failure to investigate the background of massage therapists in its employ or service;
- b. Failure to prohibit, restrict, or limit the activities of massage therapists suspected of sexual assault and/or those known to be sexual predators;
- c. Failure to reasonably and properly investigate allegations of sexual assault;
- d. Failure to properly train and instruct investigators;

- e. Failure to have in place standards of acceptable and unacceptable conduct;
- f. Negligently training franchisee employees regarding the prevention, investigation and reporting of sexual misconduct by massage therapists;
- g. Failure to designate competent investigators to evaluate complaints of sexual assault; and
- h. Failure to have in place standards for reporting acts of sexual misconduct to law enforcement authorities and/or state boards of massage therapy.

485. Moreover, the negligent, reckless, intentional, outrageous, deliberately and recklessly indifferent and unlawful conduct of MASSAGE ENVY, as set forth above and herein, further consisted of:

- a. permitting massage therapists, including Assailant #11, to sexually assault female customers, including JANE DOE #12 (K.J.);
- b. permitting massage therapists, including Assailant #11, to engage in illegal sexual conduct with female customers, including JANE DOE #12 (K.J.), on the premises of MASSAGE ENVY franchise locations, including MASSAGE ENVY – POMPANO BEACH, during operating hours;
- c. permitting Assailant #11 to violate Florida criminal statutes (Title XLVI) prohibiting Battery (§784.03);
- d. failing to properly and adequately supervise and discipline its employees to prevent the sexual assault that occurred to Plaintiff;
- e. failing to adopt, enforce and/or follow adequate policies and procedures for the protection and reasonable supervision of customers who engaged the services of MASSAGE ENVY, including Plaintiff, and, in the alternative, failing to implement and comply with such procedures which had been adopted;
- f. failing to implement, enforce and/or follow adequate protective and supervisory measures for the protection of female customers, including Plaintiff;

- g. creating an environment that facilitated sexual assault by Assailant #11 on JANE DOE #12 (K.J.);
- h. failing to adopt, enforce and/or follow policies and procedures to protect female customers against harmful contact by massage therapists at franchise locations, including Assailant #11;
- i. breaching the duties imposed by Restatement (Second) of Torts, § 324A, as adopted in Florida;
- j. failing to warn Plaintiff of the risk of harm posed by Assailant #11 after Defendants knew or should have known of such risk;
- k. violation of duties imposed by Restatement (Second) of Agency § 213 and Restatement (Second) of Torts § 317, as adopted in Florida;
- l. failing to warn JANE DOE #12 (K.J.) of the risk of harm that JANE DOE #12 (K.J.) may suffer as a result of contact with Assailant #11;
- m. failing to warn or otherwise make reasonably safe the property which Defendants possessed and/or controlled, leading to the harm of JANE DOE #12 (K.J.);
- n. failing to adopt/implement and/or enforce policies and procedures for the reporting to law enforcement, state board of massage therapy and/or other authorities of sexual assaults by massage therapists;
- o. failing to report sexual assaults by massage therapists, including Assailant #11, to authorities;
- p. violating its own policies and/or by-laws regarding sexual assaults by staff;
- q. ignoring, concealing, or otherwise mitigating the seriousness of the known danger that Assailant #11 posed;
- r. failing to prevent the sexual assault that was committed by Assailant #11 on Plaintiff and other people he sexually assaulted;
- s. allowing Assailant #11 to remain employed after knowing that he sexually assaulted a female customer;
- t. failing to properly supervise and/or discipline its employees;

- u. failing to warn Plaintiff about the potential risks and dangers of obtaining a massage;
- v. failing to adequately and properly train its employees and/or franchisee employees regarding sexual assaults of customers by massage therapists; and
- w. negligently managing and/or operating Massage Envy franchise locations, including MASSAGE ENVY – POMPANO BEACH.

486. Defendant MASSAGE ENVY, having advertised and promoted itself as having a “zero tolerance” policy relating to sexual misconduct by massage therapists, explicitly and/or implicitly represented to the public in general, and to JANE DOE #12 (K.J.) in particular, that the massage therapists, including Assailant #11, in its employ and service were not only psychologically fit but were therapists who could be entrusted with the safety and well-being of female customers.

487. MASSAGE ENVY made these explicit and implied representations knowing that they were false and/or having reason to believe that they were false, and with the expectation that they would be relied upon by customers making decisions regarding their engagement of massage/spa services.

488. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures with respect to the removal and/or supervision of individuals in its employ or service who were suspected of being sexual predators.

489. MASSAGE ENVY failed to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) sexual predators in its service and employ.

490. MASSAGE ENVY failed to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

491. MASSAGE ENVY negligently failed to timely and reasonably identify, remove, and/or report (to law enforcement authorities and/or to state boards of massage therapy) Assailant #11 as a sexual predator.

492. Defendant hired, retained and/or assigned Assailant #11 to Plaintiff knowing or having reason to know that Assailant #11 was a sexual predator.

493. Defendant further breached its duty of care to JANE DOE #12 (K.J.), by failing to protect the Plaintiff from foreseeable harm from the sexual misconduct of employees of Defendants, including Assailant #11. Defendants further breached their duty of care by failing to warn JANE DOE #12 (K.J.), of the propensities of Assailant #11 and by failing to provide a safe and secure environment for the JANE DOE #12 (K.J.).

494. As a result of the above-described conduct, JANE DOE #12 (K.J.) has suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life; was prevented and will continue to be prevented from performing JANE DOE #12 (K.J.)'s daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling.

WHEREFORE, the Plaintiff, JANE DOE #12 (K.J.), demands judgment against Defendant MASSAGE ENVY, in excess of Thirty Thousand Dollars (\$30,000.00), plus costs incurred herein and any other relief this court deems fit and proper.

COUNT 13 BY JANE DOE #13 (G.G)

495. Plaintiff JANE DOE #13 (G.G) realleges each and every allegation contained in paragraphs 1 through 92 and 152-155 above as if fully set forth herein.

496. Defendant, MASSAGE ENVY, by and through their agents, servants and employees, knew or reasonably should have known of Assailant #1's dangerous and exploitive propensities and/or that he was an unfit agent. It was foreseeable that if said Defendant did not adequately exercise or provide the duty of care owed to female customers in their care, including, but not limited to Plaintiff, they would be vulnerable to sexual assaults by massage therapists, including the subject incident involving JANE DOE #13 (G.G).

497. For years prior to the sexual assault of JANE DOE #13 (G.G), as set forth in this Complaint, Defendant knew that there were hundreds, if not more, more than one-hundred eighty allegations of sexual assaults and exploitation by Massage Envy therapists occurring in nationwide.

498. MASSAGE ENVY knew, and/or should have known, that those individuals who had sexually assaulted female customers, including Assailant #1, were likely to commit further acts of sexual assault/ exploitation.

499. MASSAGE ENVY owed to the public in general, and to JANE DOE #13 (G.G) in particular, a duty to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) individuals who it knew, or should have known, were sexual predators in its service and employ.

500. MASSAGE ENVY owed to the public in general, and to JANE DOE #13 (G.G) in particular, a duty to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

501. Having been in the care of MASSAGE ENVY at the time under circumstances such as to deprive JANE DOE #13 (G.G) of her entitlement to safe care and protection, MASSAGE ENVY owed to Plaintiff a duty to aid and/or protect her and to control the actions of third parties, as set forth in Restatement (Second) of Torts §§ 314A (4), 315.

502. Having been in the care of MASSAGE ENVY at the time under circumstances such as to deprive JANE DOE #13 (G.G) of her normal opportunities for protection, MASSAGE ENVY owed to Plaintiff a duty to control the acts of its actual and / or apparent agents, servants, and/or employees.

503. At all times relevant hereto, MASSAGE ENVY did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify (and deal with) sexual predators.

504. Despite actual knowledge of multiple instances in which sexual predators were employed, transferred, re-hired and/or assigned to positions within MASSAGE ENVY franchise locations and despite the foreseeable risk that said sexual predators would engage in repeated acts of sexual perversion and assault, MASSAGE ENVY did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify, and deal with sexual predators.

505. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures for the removal of sexual predators in the employ and/or service of MASSAGE ENVY.

506. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to criminal authorities any known sexual predators in the employ and/or service of MASSAGE ENVY.

507. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to state boards of massage therapy the presence of sexual predators in the employ and/or service of MASSAGE ENVY.

508. As set forth in this Complaint, MASSAGE ENVY failed to fulfill its legal duty to protect JANE DOE #13 (G.G) and other female customers from the depraved and vile acts of its massage therapists, including Assailant #1.

509. As set forth in this Complaint, MASSAGE ENVY failed to take reasonable steps to ensure that massage therapists at MASSAGE ENVY franchise locations were psychologically fit to provide massage therapy services to female customers. These failures included the following:

- a. Failure to investigate the background of massage therapists in its employ or service;
- b. Failure to prohibit, restrict, or limit the activities of massage therapists suspected of sexual assault and/or those known to be sexual predators;
- c. Failure to reasonably and properly investigate allegations of sexual assault;
- d. Failure to properly train and instruct investigators;
- e. Failure to have in place standards of acceptable and unacceptable conduct;
- f. Negligently training franchisee employees regarding the prevention, investigation and reporting of sexual misconduct by massage therapists;
- g. Failure to designate competent investigators to evaluate complaints of sexual assault; and
- h. Failure to have in place standards for reporting acts of sexual misconduct to law enforcement authorities and/or state boards of massage therapy.

510. Moreover, the negligent, reckless, intentional, outrageous, deliberately and recklessly indifferent and unlawful conduct of MASSAGE ENVY, as set forth above and herein, further consisted of:

- a. permitting massage therapists, including Assailant #1, to sexually assault female customers, including JANE DOE #13 (G.G);

- b. permitting massage therapists, including Assailant #1, to engage in illegal sexual conduct with female customers, including JANE DOE #13 (G.G), on the premises of MASSAGE ENVY franchise locations, including MASSAGE ENVY – ROYAL PALM BEACH, during operating hours;
- c. permitting Assailant #1 to violate Florida criminal statutes (Title XLVI) prohibiting Battery (§784.03);
- d. failing to properly and adequately supervise and discipline its employees to prevent the sexual assault that occurred to Plaintiff;
- e. failing to adopt, enforce and/or follow adequate policies and procedures for the protection and reasonable supervision of customers who engaged the services of MASSAGE ENVY, including Plaintiff, and, in the alternative, failing to implement and comply with such procedures which had been adopted;
- f. failing to implement, enforce and/or follow adequate protective and supervisory measures for the protection of female customers, including Plaintiff;
- g. creating an environment that facilitated sexual assault by Assailant #1 on JANE DOE #13 (G.G);
- h. failing to adopt, enforce and/or follow policies and procedures to protect female customers against harmful contact by massage therapists at franchise locations, including Assailant #1;
- i. breaching the duties imposed by Restatement (Second) of Torts, § 324A, as adopted in Florida;
- j. failing to warn Plaintiff of the risk of harm posed by Assailant #1 after Defendants knew or should have known of such risk;
- k. violation of duties imposed by Restatement (Second) of Agency § 213 and Restatement (Second) of Torts § 317, as adopted in Florida;
- l. failing to warn JANE DOE #13 (G.G) of the risk of harm that JANE DOE #13 (G.G) may suffer as a result of contact with Assailant #1;
- m. failing to warn or otherwise make reasonably safe the property which Defendants possessed and/or controlled, leading to the harm of JANE DOE #13 (G.G);

- n. failing to adopt/implement and/or enforce policies and procedures for the reporting to law enforcement, state board of massage therapy and/or other authorities of sexual assaults by massage therapists;
- o. failing to report sexual assaults by massage therapists, including Assailant #1, to authorities;
- p. violating its own policies and/or by-laws regarding sexual assaults by staff;
- q. ignoring, concealing, or otherwise mitigating the seriousness of the known danger that Assailant #1 posed;
- r. failing to prevent the sexual assault that was committed by Assailant #1 on Plaintiff and other people he sexually assaulted;
- s. allowing Assailant #1 to remain employed after knowing that he sexually assaulted a female customer;
- t. failing to properly supervise and/or discipline its employees;
- u. failing to warn Plaintiff about the potential risks and dangers of obtaining a massage;
- v. failing to adequately and properly train its employees and/or franchisee employees regarding sexual assaults of customers by massage therapists; and
- w. negligently managing and/or operating Massage Envy franchise locations, including MASSAGE ENVY – ROYAL PALM BEACH.

511. Defendant MASSAGE ENVY, having advertised and promoted itself as having a “zero tolerance” policy relating to sexual misconduct by massage therapists, explicitly and/or implicitly represented to the public in general, and to JANE DOE #13 (G.G) in particular, that the massage therapists, including Assailant #1, in its employ and service were not only psychologically fit but were therapists who could be entrusted with the safety and well-being of female customers.

512. MASSAGE ENVY made these explicit and implied representations knowing that they were false and/or having reason to believe that they were false, and with the expectation that

they would be relied upon by customers making decisions regarding their engagement of massage/spa services.

513. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures with respect to the removal and/or supervision of individuals in its employ or service who were suspected of being sexual predators.

514. MASSAGE ENVY failed to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) sexual predators in its service and employ.

515. MASSAGE ENVY failed to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

516. MASSAGE ENVY negligently failed to timely and reasonably identify, remove, and/or report (to law enforcement authorities and/or to state boards of massage therapy) Assailant #1 as a sexual predator.

517. Defendant hired, retained and/or assigned Assailant #1 to Plaintiff knowing or having reason to know that Assailant #1 was a sexual predator.

518. Defendant further breached its duty of care to JANE DOE #13 (G.G), by failing to protect the Plaintiff from foreseeable harm from the sexual misconduct of employees of Defendants, including Assailant #1. Defendants further breached their duty of care by failing to warn JANE DOE #13 (G.G), of the propensities of Assailant #1 and by failing to provide a safe and secure environment for the JANE DOE #13 (G.G).

519. As a result of the above-described conduct, JANE DOE #13 (G.G) has suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of

enjoyment of life; was prevented and will continue to be prevented from performing JANE DOE #13 (G.G)'s daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling.

WHEREFORE, the Plaintiff, JANE DOE #13 (G.G), demands judgment against Defendant MASSAGE ENVY, in excess of Thirty Thousand Dollars (\$30,000.00), plus costs incurred herein and any other relief this court deems fit and proper.

COUNT 14 BY JANE DOE #14 (T.L)

520. Plaintiff JANE DOE #14 (T.L) realleges each and every allegation contained in paragraphs 1 through 92 and 156-158 above as if fully set forth herein.

521. Defendant, MASSAGE ENVY, by and through their agents, servants and employees, knew or reasonably should have known of Assailant #14's dangerous and exploitive propensities and/or that he was an unfit agent. It was foreseeable that if said Defendant did not adequately exercise or provide the duty of care owed to female customers in their care, including, but not limited to Plaintiff, they would be vulnerable to sexual assaults by massage therapists, including the subject incident involving JANE DOE #14 (T.L).

522. For years prior to the sexual assault of JANE DOE #14 (T.L), as set forth in this Complaint, Defendant knew that there were hundreds, if not more, more than one-hundred eighty allegations of sexual assaults and exploitation by Massage Envy therapists occurring in nationwide.

523. MASSAGE ENVY knew, and/or should have known, that those individuals who had sexually assaulted female customers, including Assailant #14, were likely to commit further acts of sexual assault/ exploitation.

524. MASSAGE ENVY owed to the public in general, and to JANE DOE #14 (T.L) in particular, a duty to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) individuals who it knew, or should have known, were sexual predators in its service and employ.

525. MASSAGE ENVY owed to the public in general, and to JANE DOE #14 (T.L) in particular, a duty to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

526. Having been in the care of MASSAGE ENVY at the time under circumstances such as to deprive JANE DOE #14 (T.L) of her entitlement to safe care and protection, MASSAGE ENVY owed to Plaintiff a duty to aid and/or protect her and to control the actions of third parties, as set forth in Restatement (Second) of Torts §§ 314A (4), 315.

527. Having been in the care of MASSAGE ENVY at the time under circumstances such as to deprive JANE DOE #14 (T.L) of her normal opportunities for protection, MASSAGE ENVY owed to Plaintiff a duty to control the acts of its actual and / or apparent agents, servants, and/or employees.

528. At all times relevant hereto, MASSAGE ENVY did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify (and deal with) sexual predators.

529. Despite actual knowledge of multiple instances in which sexual predators were employed, transferred, re-hired and/or assigned to positions within MASSAGE ENVY franchise locations and despite the foreseeable risk that said sexual predators would engage in repeated acts of sexual perversion and assault, MASSAGE ENVY did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify, and deal with sexual predators.

530. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures for the removal of sexual predators in the employ and/or service of MASSAGE ENVY.

531. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to criminal authorities any known sexual predators in the employ and/or service of MASSAGE ENVY.

532. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to state boards of massage therapy the presence of sexual predators in the employ and/or service of MASSAGE ENVY.

533. As set forth in this Complaint, MASSAGE ENVY failed to fulfill its legal duty to protect JANE DOE #14 (T.L) and other female customers from the depraved and vile acts of its massage therapists, including Assailant #14.

534. As set forth in this Complaint, MASSAGE ENVY failed to take reasonable steps to ensure that massage therapists at MASSAGE ENVY franchise locations were psychologically fit to provide massage therapy services to female customers. These failures included the following:

- a. Failure to investigate the background of massage therapists in its employ or service;
- b. Failure to prohibit, restrict, or limit the activities of massage therapists suspected of sexual assault and/or those known to be sexual predators;
- c. Failure to reasonably and properly investigate allegations of sexual assault;
- d. Failure to properly train and instruct investigators;

- e. Failure to have in place standards of acceptable and unacceptable conduct;
- f. Negligently training franchisee employees regarding the prevention, investigation and reporting of sexual misconduct by massage therapists;
- g. Failure to designate competent investigators to evaluate complaints of sexual assault; and
- h. Failure to have in place standards for reporting acts of sexual misconduct to law enforcement authorities and/or state boards of massage therapy.

535. Moreover, the negligent, reckless, intentional, outrageous, deliberately and recklessly indifferent and unlawful conduct of MASSAGE ENVY, as set forth above and herein, further consisted of:

- a. permitting massage therapists, including Assailant #14, to sexually assault female customers, including JANE DOE #14 (T.L);
- b. permitting massage therapists, including Assailant #14, to engage in illegal sexual conduct with female customers, including JANE DOE #14 (T.L), on the premises of MASSAGE ENVY franchise locations, including MASSAGE ENVY – NORTH PALM BEACH, during operating hours;
- c. permitting Assailant #14 to violate Florida criminal statutes (Title XLVI) prohibiting Battery (§784.03);
- d. failing to properly and adequately supervise and discipline its employees to prevent the sexual assault that occurred to Plaintiff;
- e. failing to adopt, enforce and/or follow adequate policies and procedures for the protection and reasonable supervision of customers who engaged the services of MASSAGE ENVY, including Plaintiff, and, in the alternative, failing to implement and comply with such procedures which had been adopted;
- f. failing to implement, enforce and/or follow adequate protective and supervisory measures for the protection of female customers, including Plaintiff;

- g. creating an environment that facilitated sexual assault by Assailant #14 on JANE DOE #14 (T.L);
- h. failing to adopt, enforce and/or follow policies and procedures to protect female customers against harmful contact by massage therapists at franchise locations, including Assailant #14;
- i. breaching the duties imposed by Restatement (Second) of Torts, § 324A, as adopted in Florida;
- j. failing to warn Plaintiff of the risk of harm posed by Assailant #14 after Defendants knew or should have known of such risk;
- k. violation of duties imposed by Restatement (Second) of Agency § 213 and Restatement (Second) of Torts § 317, as adopted in Florida;
- l. failing to warn JANE DOE #14 (T.L) of the risk of harm that JANE DOE #14 (T.L) may suffer as a result of contact with Assailant #14;
- m. failing to warn or otherwise make reasonably safe the property which Defendants possessed and/or controlled, leading to the harm of JANE DOE #14 (T.L);
- n. failing to adopt/implement and/or enforce policies and procedures for the reporting to law enforcement, state board of massage therapy and/or other authorities of sexual assaults by massage therapists;
- o. failing to report sexual assaults by massage therapists, including Assailant #14, to authorities;
- p. violating its own policies and/or by-laws regarding sexual assaults by staff;
- q. ignoring, concealing, or otherwise mitigating the seriousness of the known danger that Assailant #14 posed;
- r. failing to prevent the sexual assault that was committed by Assailant #14 on Plaintiff and other people he sexually assaulted;
- s. allowing Assailant #14 to remain employed after knowing that he sexually assaulted a female customer;
- t. failing to properly supervise and/or discipline its employees;

- u. failing to warn Plaintiff about the potential risks and dangers of obtaining a massage;
- v. failing to adequately and properly train its employees and/or franchisee employees regarding sexual assaults of customers by massage therapists; and
- w. negligently managing and/or operating Massage Envy franchise locations, including MASSAGE ENVY – NORTH PALM BEACH.

536. Defendant MASSAGE ENVY, having advertised and promoted itself as having a “zero tolerance” policy relating to sexual misconduct by massage therapists, explicitly and/or implicitly represented to the public in general, and to JANE DOE #14 (T.L) in particular, that the massage therapists, including Assailant #14, in its employ and service were not only psychologically fit but were therapists who could be entrusted with the safety and well-being of female customers.

537. MASSAGE ENVY made these explicit and implied representations knowing that they were false and/or having reason to believe that they were false, and with the expectation that they would be relied upon by customers making decisions regarding their engagement of massage/spa services.

538. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures with respect to the removal and/or supervision of individuals in its employ or service who were suspected of being sexual predators.

539. MASSAGE ENVY failed to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) sexual predators in its service and employ.

540. MASSAGE ENVY failed to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

541. MASSAGE ENVY negligently failed to timely and reasonably identify, remove, and/or report (to law enforcement authorities and/or to state boards of massage therapy) Assailant #14 as a sexual predator.

542. Defendant hired, retained and/or assigned Assailant #14 to Plaintiff knowing or having reason to know that Assailant #14 was a sexual predator.

543. Defendant further breached its duty of care to JANE DOE #14 (T.L), by failing to protect the Plaintiff from foreseeable harm from the sexual misconduct of employees of Defendants, including Assailant #14. Defendants further breached their duty of care by failing to warn JANE DOE #14 (T.L), of the propensities of Assailant #14 and by failing to provide a safe and secure environment for the JANE DOE #14 (T.L).

544. As a result of the above-described conduct, JANE DOE #14 (T.L) has suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life; was prevented and will continue to be prevented from performing JANE DOE #14 (T.L)'s daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling.

WHEREFORE, the Plaintiff, JANE DOE #14 (T.L), demands judgment against Defendant MASSAGE ENVY, in excess of Thirty Thousand Dollars (\$30,000.00), plus costs incurred herein and any other relief this court deems fit and proper.

COUNT 15 BY JANE DOE #15 (T.S.)

545. Plaintiff JANE DOE #15 (T.S.) realleges each and every allegation contained in paragraphs 1 through 92 and 159-161 above as if fully set forth herein.

546. Defendant, MASSAGE ENVY, by and through their agents, servants and employees, knew or reasonably should have known of Assailant #15's dangerous and exploitive propensities and/or that he was an unfit agent. It was foreseeable that if said Defendant did not adequately exercise or provide the duty of care owed to female customers in their care, including, but not limited to Plaintiff, they would be vulnerable to sexual assaults by massage therapists, including the subject incident involving JANE DOE #15 (T.S.).

547. For years prior to the sexual assault of JANE DOE #15 (T.S.), as set forth in this Complaint, Defendant knew that there were hundreds, if not more, more than one-hundred eighty allegations of sexual assaults and exploitation by Massage Envy therapists occurring in nationwide.

548. MASSAGE ENVY knew, and/or should have known, that those individuals who had sexually assaulted female customers, including Assailant #15, were likely to commit further acts of sexual assault/ exploitation.

549. MASSAGE ENVY owed to the public in general, and to JANE DOE #15 (T.S.) in particular, a duty to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) individuals who it knew, or should have known, were sexual predators in its service and employ.

550. MASSAGE ENVY owed to the public in general, and to JANE DOE #15 (T.S.) in particular, a duty to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

551. Having been in the care of MASSAGE ENVY at the time under circumstances such as to deprive JANE DOE #15 (T.S.) of her entitlement to safe care and protection, MASSAGE ENVY owed to Plaintiff a duty to aid and/or protect her and to control the actions of third parties, as set forth in Restatement (Second) of Torts §§ 314A (4), 315.

552. Having been in the care of MASSAGE ENVY at the time under circumstances such as to deprive JANE DOE #15 (T.S.) of her normal opportunities for protection, MASSAGE ENVY owed to Plaintiff a duty to control the acts of its actual and / or apparent agents, servants, and/or employees.

553. At all times relevant hereto, MASSAGE ENVY did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify (and deal with) sexual predators.

554. Despite actual knowledge of multiple instances in which sexual predators were employed, transferred, re-hired and/or assigned to positions within MASSAGE ENVY franchise locations and despite the foreseeable risk that said sexual predators would engage in repeated acts of sexual perversion and assault, MASSAGE ENVY did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify, and deal with sexual predators.

555. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures for the removal of sexual predators in the employ and/or service of MASSAGE ENVY.

556. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to criminal authorities any known sexual predators in the employ and/or service of MASSAGE ENVY.

557. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to state boards of massage therapy the presence of sexual predators in the employ and/or service of MASSAGE ENVY.

558. As set forth in this Complaint, MASSAGE ENVY failed to fulfill its legal duty to protect JANE DOE #15 (T.S.) and other female customers from the depraved and vile acts of its massage therapists, including Assailant #15.

559. As set forth in this Complaint, MASSAGE ENVY failed to take reasonable steps to ensure that massage therapists at MASSAGE ENVY franchise locations were psychologically fit to provide massage therapy services to female customers. These failures included the following:

- a. Failure to investigate the background of massage therapists in its employ or service;
- b. Failure to prohibit, restrict, or limit the activities of massage therapists suspected of sexual assault and/or those known to be sexual predators;
- c. Failure to reasonably and properly investigate allegations of sexual assault;
- d. Failure to properly train and instruct investigators;
- e. Failure to have in place standards of acceptable and unacceptable conduct;
- f. Negligently training franchisee employees regarding the prevention, investigation and reporting of sexual misconduct by massage therapists;
- g. Failure to designate competent investigators to evaluate complaints of sexual assault; and
- h. Failure to have in place standards for reporting acts of sexual misconduct to law enforcement authorities and/or state boards of massage therapy.

560. Moreover, the negligent, reckless, intentional, outrageous, deliberately and recklessly indifferent and unlawful conduct of MASSAGE ENVY, as set forth above and herein, further consisted of:

- a. permitting massage therapists, including Assailant #15, to sexually assault female customers, including JANE DOE #15 (T.S.);
- b. permitting massage therapists, including Assailant #15, to engage in illegal sexual conduct with female customers, including JANE DOE #15 (T.S.), on the premises of MASSAGE ENVY franchise locations, including MASSAGE ENVY – FORT LAUDERDALE, during operating hours;
- c. permitting Assailant #15 to violate Florida criminal statutes (Title XLVI) prohibiting Battery (§784.03);
- d. failing to properly and adequately supervise and discipline its employees to prevent the sexual assault that occurred to Plaintiff;
- e. failing to adopt, enforce and/or follow adequate policies and procedures for the protection and reasonable supervision of customers who engaged the services of MASSAGE ENVY, including Plaintiff, and, in the alternative, failing to implement and comply with such procedures which had been adopted;
- f. failing to implement, enforce and/or follow adequate protective and supervisory measures for the protection of female customers, including Plaintiff;
- g. creating an environment that facilitated sexual assault by Assailant #15 on JANE DOE #15 (T.S.);
- h. failing to adopt, enforce and/or follow policies and procedures to protect female customers against harmful contact by massage therapists at franchise locations, including Assailant #15;
- i. breaching the duties imposed by Restatement (Second) of Torts, § 324A, as adopted in Florida;
- j. failing to warn Plaintiff of the risk of harm posed by Assailant #15 after Defendants knew or should have known of such risk;

- k. violation of duties imposed by Restatement (Second) of Agency § 213 and Restatement (Second) of Torts § 317, as adopted in Florida;
- l. failing to warn JANE DOE #15 (T.S.) of the risk of harm that JANE DOE #15 (T.S.) may suffer as a result of contact with Assailant #15;
- m. failing to warn or otherwise make reasonably safe the property which Defendants possessed and/or controlled, leading to the harm of JANE DOE #15 (T.S.);
- n. failing to adopt/implement and/or enforce policies and procedures for the reporting to law enforcement, state board of massage therapy and/or other authorities of sexual assaults by massage therapists;
- o. failing to report sexual assaults by massage therapists, including Assailant #15, to authorities;
- p. violating its own policies and/or by-laws regarding sexual assaults by staff;
- q. ignoring, concealing, or otherwise mitigating the seriousness of the known danger that Assailant #15 posed;
- r. failing to prevent the sexual assault that was committed by Assailant #15 on Plaintiff and other people he sexually assaulted;
- s. allowing Assailant #15 to remain employed after knowing that he sexually assaulted a female customer;
- t. failing to properly supervise and/or discipline its employees;
- u. failing to warn Plaintiff about the potential risks and dangers of obtaining a massage;
- v. failing to adequately and properly train its employees and/or franchisee employees regarding sexual assaults of customers by massage therapists; and
- w. negligently managing and/or operating Massage Envy franchise locations, including MASSAGE ENVY – FORT LAUDERDALE.

561. Defendant MASSAGE ENVY, having advertised and promoted itself as having a “zero tolerance” policy relating to sexual misconduct by massage therapists, explicitly and/or implicitly represented to the public in general, and to JANE DOE #15 (T.S.) in particular, that the massage therapists, including Assailant #15, in its employ and service were not only psychologically fit but were therapists who could be entrusted with the safety and well-being of female customers.

562. MASSAGE ENVY made these explicit and implied representations knowing that they were false and/or having reason to believe that they were false, and with the expectation that they would be relied upon by customers making decisions regarding their engagement of massage/spa services.

563. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures with respect to the removal and/or supervision of individuals in its employ or service who were suspected of being sexual predators.

564. MASSAGE ENVY failed to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) sexual predators in its service and employ.

565. MASSAGE ENVY failed to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

566. MASSAGE ENVY negligently failed to timely and reasonably identify, remove, and/or report (to law enforcement authorities and/or to state boards of massage therapy) Assailant #15 as a sexual predator.

567. Defendant hired, retained and/or assigned Assailant #15 to Plaintiff knowing or having reason to know that Assailant #15 was a sexual predator.

568. Defendant further breached its duty of care to JANE DOE #15 (T.S.), by failing to protect the Plaintiff from foreseeable harm from the sexual misconduct of employees of Defendants, including Assailant #15. Defendants further breached their duty of care by failing to warn JANE DOE #15 (T.S.), of the propensities of Assailant #15 and by failing to provide a safe and secure environment for the JANE DOE #15 (T.S.).

569. As a result of the above-described conduct, JANE DOE #15 (T.S.) has suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life; was prevented and will continue to be prevented from performing JANE DOE #15 (T.S.)'s daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling.

WHEREFORE, the Plaintiff, JANE DOE #15 (T.S.), demands judgment against Defendant MASSAGE ENVY, in excess of Thirty Thousand Dollars (\$30,000.00), plus costs incurred herein and any other relief this court deems fit and proper.

COUNT 16 BY JANE DOE #16 (I.G.)

570. Plaintiff JANE DOE #16 (I.G.) realleges each and every allegation contained in paragraphs 1 through 92 and 162-164 above as if fully set forth herein.

571. Defendant, MASSAGE ENVY, by and through their agents, servants and employees, knew or reasonably should have known of Assailant #16's dangerous and exploitive propensities and/or that he was an unfit agent. It was foreseeable that if said Defendant did not adequately exercise or provide the duty of care owed to female customers in their care, including, but not limited to Plaintiff, they would be vulnerable to sexual assaults by massage therapists, including the subject incident involving JANE DOE #16 (I.G.).

572. For years prior to the sexual assault of JANE DOE #16 (I.G.), as set forth in this Complaint, Defendant knew that there were hundreds, if not more, more than one-hundred eighty allegations of sexual assaults and exploitation by Massage Envy therapists occurring in nationwide.

573. MASSAGE ENVY knew, and/or should have known, that those individuals who had sexually assaulted female customers, including Assailant #16, were likely to commit further acts of sexual assault/ exploitation.

574. MASSAGE ENVY owed to the public in general, and to JANE DOE #16 (I.G.) in particular, a duty to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) individuals who it knew, or should have known, were sexual predators in its service and employ.

575. MASSAGE ENVY owed to the public in general, and to JANE DOE #16 (I.G.) in particular, a duty to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

576. Having been in the care of MASSAGE ENVY at the time under circumstances such as to deprive JANE DOE #16 (I.G.) of her entitlement to safe care and protection, MASSAGE ENVY owed to Plaintiff a duty to aid and/or protect her and to control the actions of third parties, as set forth in Restatement (Second) of Torts §§ 314A (4), 315.

577. Having been in the care of MASSAGE ENVY at the time under circumstances such as to deprive JANE DOE #16 (I.G.) of her normal opportunities for protection, MASSAGE ENVY owed to Plaintiff a duty to control the acts of its actual and / or apparent agents, servants, and/or employees.

578. At all times relevant hereto, MASSAGE ENVY did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify (and deal with) sexual predators.

579. Despite actual knowledge of multiple instances in which sexual predators were employed, transferred, re-hired and/or assigned to positions within MASSAGE ENVY franchise locations and despite the foreseeable risk that said sexual predators would engage in repeated acts of sexual perversion and assault, MASSAGE ENVY did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify, and deal with sexual predators.

580. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures for the removal of sexual predators in the employ and/or service of MASSAGE ENVY.

581. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to criminal authorities any known sexual predators in the employ and/or service of MASSAGE ENVY.

582. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to state boards of massage therapy the presence of sexual predators in the employ and/or service of MASSAGE ENVY.

583. As set forth in this Complaint, MASSAGE ENVY failed to fulfill its legal duty to protect JANE DOE #16 (I.G.) and other female customers from the depraved and vile acts of its massage therapists, including Assailant #16.

584. As set forth in this Complaint, MASSAGE ENVY failed to take reasonable steps to ensure that massage therapists at MASSAGE ENVY franchise locations were psychologically fit to provide massage therapy services to female customers. These failures included the following:

- a. Failure to investigate the background of massage therapists in its employ or service;
- b. Failure to prohibit, restrict, or limit the activities of massage therapists suspected of sexual assault and/or those known to be sexual predators;
- c. Failure to reasonably and properly investigate allegations of sexual assault;
- d. Failure to properly train and instruct investigators;
- e. Failure to have in place standards of acceptable and unacceptable conduct;
- f. Negligently training franchisee employees regarding the prevention, investigation and reporting of sexual misconduct by massage therapists;
- g. Failure to designate competent investigators to evaluate complaints of sexual assault; and
- h. Failure to have in place standards for reporting acts of sexual misconduct to law enforcement authorities and/or state boards of massage therapy.

585. Moreover, the negligent, reckless, intentional, outrageous, deliberately and recklessly indifferent and unlawful conduct of MASSAGE ENVY, as set forth above and herein, further consisted of:

- a. permitting massage therapists, including Assailant #16, to sexually assault female customers, including JANE DOE #16 (I.G.);
- b. permitting massage therapists, including Assailant #16, to engage in illegal sexual conduct with female customers, including JANE DOE #16 (I.G.), on the premises of MASSAGE ENVY franchise locations, including MASSAGE ENVY – TAMIAMI, during operating hours;

- c. permitting Assailant #16 to violate Florida criminal statutes (Title XLVI) prohibiting Battery (§784.03);
- d. failing to properly and adequately supervise and discipline its employees to prevent the sexual assault that occurred to Plaintiff;
- e. failing to adopt, enforce and/or follow adequate policies and procedures for the protection and reasonable supervision of customers who engaged the services of MASSAGE ENVY, including Plaintiff, and, in the alternative, failing to implement and comply with such procedures which had been adopted;
- f. failing to implement, enforce and/or follow adequate protective and supervisory measures for the protection of female customers, including Plaintiff;
- g. creating an environment that facilitated sexual assault by Assailant #16 on JANE DOE #16 (I.G.);
- h. failing to adopt, enforce and/or follow policies and procedures to protect female customers against harmful contact by massage therapists at franchise locations, including Assailant #16;
- i. breaching the duties imposed by Restatement (Second) of Torts, § 324A, as adopted in Florida;
- j. failing to warn Plaintiff of the risk of harm posed by Assailant #16 after Defendants knew or should have known of such risk;
- k. violation of duties imposed by Restatement (Second) of Agency § 213 and Restatement (Second) of Torts § 317, as adopted in Florida;
- l. failing to warn JANE DOE #16 (I.G.) of the risk of harm that JANE DOE #16 (I.G.) may suffer as a result of contact with Assailant #16;
- m. failing to warn or otherwise make reasonably safe the property which Defendants possessed and/or controlled, leading to the harm of JANE DOE #16 (I.G.);
- n. failing to adopt/implement and/or enforce policies and procedures for the reporting to law enforcement, state board of massage therapy and/or other authorities of sexual assaults by massage therapists;

- o. failing to report sexual assaults by massage therapists, including Assailant #16, to authorities;
- p. violating its own policies and/or by-laws regarding sexual assaults by staff;
- q. ignoring, concealing, or otherwise mitigating the seriousness of the known danger that Assailant #16 posed;
- r. failing to prevent the sexual assault that was committed by Assailant #16 on Plaintiff and other people he sexually assaulted;
- s. allowing Assailant #16 to remain employed after knowing that he sexually assaulted a female customer;
- t. failing to properly supervise and/or discipline its employees;
- u. failing to warn Plaintiff about the potential risks and dangers of obtaining a massage;
- v. failing to adequately and properly train its employees and/or franchisee employees regarding sexual assaults of customers by massage therapists; and
- w. negligently managing and/or operating Massage Envy franchise locations, including MASSAGE ENVY – TAMiami.

586. Defendant MASSAGE ENVY, having advertised and promoted itself as having a “zero tolerance” policy relating to sexual misconduct by massage therapists, explicitly and/or implicitly represented to the public in general, and to JANE DOE #16 (I.G.) in particular, that the massage therapists, including Assailant #16, in its employ and service were not only psychologically fit but were therapists who could be entrusted with the safety and well-being of female customers.

587. MASSAGE ENVY made these explicit and implied representations knowing that they were false and/or having reason to believe that they were false, and with the expectation that

they would be relied upon by customers making decisions regarding their engagement of massage/spa services.

588. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures with respect to the removal and/or supervision of individuals in its employ or service who were suspected of being sexual predators.

589. MASSAGE ENVY failed to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) sexual predators in its service and employ.

590. MASSAGE ENVY failed to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

591. MASSAGE ENVY negligently failed to timely and reasonably identify, remove, and/or report (to law enforcement authorities and/or to state boards of massage therapy) Assailant #16 as a sexual predator.

592. Defendant hired, retained and/or assigned Assailant #16 to Plaintiff knowing or having reason to know that Assailant #16 was a sexual predator.

593. Defendant further breached its duty of care to JANE DOE #16 (I.G.), by failing to protect the Plaintiff from foreseeable harm from the sexual misconduct of employees of Defendants, including Assailant #16. Defendants further breached their duty of care by failing to warn JANE DOE #16 (I.G.), of the propensities of Assailant #16 and by failing to provide a safe and secure environment for the JANE DOE #16 (I.G.).

594. As a result of the above-described conduct, JANE DOE #16 (I.G.) has suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of

enjoyment of life; was prevented and will continue to be prevented from performing JANE DOE #16 (I.G.)'s daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling.

WHEREFORE, the Plaintiff, JANE DOE #16 (I.G.), demands judgment against Defendant MASSAGE ENVY, in excess of Thirty Thousand Dollars (\$30,000.00), plus costs incurred herein and any other relief this court deems fit and proper.

COUNT 17 BY JANE DOE #17 (A.E.)

595. Plaintiff JANE DOE #17 (A.E.) realleges each and every allegation contained in paragraphs 1 through 92 and 165-167 above as if fully set forth herein.

596. Defendant, MASSAGE ENVY, by and through their agents, servants and employees, knew or reasonably should have known of Assailant #17's dangerous and exploitive propensities and/or that he was an unfit agent. It was foreseeable that if said Defendant did not adequately exercise or provide the duty of care owed to female customers in their care, including, but not limited to Plaintiff, they would be vulnerable to sexual assaults by massage therapists, including the subject incident involving JANE DOE #17 (A.E.).

597. For years prior to the sexual assault of JANE DOE #17 (A.E.), as set forth in this Complaint, Defendant knew that there were hundreds, if not more, more than one-hundred eighty allegations of sexual assaults and exploitation by Massage Envy therapists occurring in nationwide.

598. MASSAGE ENVY knew, and/or should have known, that those individuals who had sexually assaulted female customers, including Assailant #17, were likely to commit further acts of sexual assault/ exploitation.

599. MASSAGE ENVY owed to the public in general, and to JANE DOE #17 (A.E.) in particular, a duty to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) individuals who it knew, or should have known, were sexual predators in its service and employ.

600. MASSAGE ENVY owed to the public in general, and to JANE DOE #17 (A.E.) in particular, a duty to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

601. Having been in the care of MASSAGE ENVY at the time under circumstances such as to deprive JANE DOE #17 (A.E.) of her entitlement to safe care and protection, MASSAGE ENVY owed to Plaintiff a duty to aid and/or protect her and to control the actions of third parties, as set forth in Restatement (Second) of Torts §§ 314A (4), 315.

602. Having been in the care of MASSAGE ENVY at the time under circumstances such as to deprive JANE DOE #17 (A.E.) of her normal opportunities for protection, MASSAGE ENVY owed to Plaintiff a duty to control the acts of its actual and / or apparent agents, servants, and/or employees.

603. At all times relevant hereto, MASSAGE ENVY did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify (and deal with) sexual predators.

604. Despite actual knowledge of multiple instances in which sexual predators were employed, transferred, re-hired and/or assigned to positions within MASSAGE ENVY franchise locations and despite the foreseeable risk that said sexual predators would engage in repeated acts of sexual perversion and assault, MASSAGE ENVY did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify, and deal with sexual predators.

605. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures for the removal of sexual predators in the employ and/or service of MASSAGE ENVY.

606. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to criminal authorities any known sexual predators in the employ and/or service of MASSAGE ENVY.

607. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to state boards of massage therapy the presence of sexual predators in the employ and/or service of MASSAGE ENVY.

608. As set forth in this Complaint, MASSAGE ENVY failed to fulfill its legal duty to protect JANE DOE #17 (A.E.) and other female customers from the depraved and vile acts of its massage therapists, including Assailant #17.

609. As set forth in this Complaint, MASSAGE ENVY failed to take reasonable steps to ensure that massage therapists at MASSAGE ENVY franchise locations were psychologically fit to provide massage therapy services to female customers. These failures included the following:

- a. Failure to investigate the background of massage therapists in its employ or service;
- b. Failure to prohibit, restrict, or limit the activities of massage therapists suspected of sexual assault and/or those known to be sexual predators;
- c. Failure to reasonably and properly investigate allegations of sexual assault;
- d. Failure to properly train and instruct investigators;

- e. Failure to have in place standards of acceptable and unacceptable conduct;
- f. Negligently training franchisee employees regarding the prevention, investigation and reporting of sexual misconduct by massage therapists;
- g. Failure to designate competent investigators to evaluate complaints of sexual assault; and
- h. Failure to have in place standards for reporting acts of sexual misconduct to law enforcement authorities and/or state boards of massage therapy.

610. Moreover, the negligent, reckless, intentional, outrageous, deliberately and recklessly indifferent and unlawful conduct of MASSAGE ENVY, as set forth above and herein, further consisted of:

- a. permitting massage therapists, including Assailant #17, to sexually assault female customers, including JANE DOE #17 (A.E.);
- b. permitting massage therapists, including Assailant #17, to engage in illegal sexual conduct with female customers, including JANE DOE #17 (A.E.), on the premises of MASSAGE ENVY franchise locations, including MASSAGE ENVY – WEST PALM BEACH, during operating hours;
- c. permitting Assailant #17 to violate Florida criminal statutes (Title XLVI) prohibiting Battery (§784.03);
- d. failing to properly and adequately supervise and discipline its employees to prevent the sexual assault that occurred to Plaintiff;
- e. failing to adopt, enforce and/or follow adequate policies and procedures for the protection and reasonable supervision of customers who engaged the services of MASSAGE ENVY, including Plaintiff, and, in the alternative, failing to implement and comply with such procedures which had been adopted;
- f. failing to implement, enforce and/or follow adequate protective and supervisory measures for the protection of female customers, including Plaintiff;

- g. creating an environment that facilitated sexual assault by Assailant #17 on JANE DOE #17 (A.E.);
- h. failing to adopt, enforce and/or follow policies and procedures to protect female customers against harmful contact by massage therapists at franchise locations, including Assailant #17;
- i. breaching the duties imposed by Restatement (Second) of Torts, § 324A, as adopted in Florida;
- j. failing to warn Plaintiff of the risk of harm posed by Assailant #17 after Defendants knew or should have known of such risk;
- k. violation of duties imposed by Restatement (Second) of Agency § 213 and Restatement (Second) of Torts § 317, as adopted in Florida;
- l. failing to warn JANE DOE #17 (A.E.) of the risk of harm that JANE DOE #17 (A.E.) may suffer as a result of contact with Assailant #17;
- m. failing to warn or otherwise make reasonably safe the property which Defendants possessed and/or controlled, leading to the harm of JANE DOE #17 (A.E.);
- n. failing to adopt/implement and/or enforce policies and procedures for the reporting to law enforcement, state board of massage therapy and/or other authorities of sexual assaults by massage therapists;
- o. failing to report sexual assaults by massage therapists, including Assailant #17, to authorities;
- p. violating its own policies and/or by-laws regarding sexual assaults by staff;
- q. ignoring, concealing, or otherwise mitigating the seriousness of the known danger that Assailant #17 posed;
- r. failing to prevent the sexual assault that was committed by Assailant #17 on Plaintiff and other people he sexually assaulted;
- s. allowing Assailant #17 to remain employed after knowing that he sexually assaulted a female customer;
- t. failing to properly supervise and/or discipline its employees;

- u. failing to warn Plaintiff about the potential risks and dangers of obtaining a massage;
- v. failing to adequately and properly train its employees and/or franchisee employees regarding sexual assaults of customers by massage therapists; and
- w. negligently managing and/or operating Massage Envy franchise locations, including MASSAGE ENVY – WEST PALM BEACH.

611. Defendant MASSAGE ENVY, having advertised and promoted itself as having a “zero tolerance” policy relating to sexual misconduct by massage therapists, explicitly and/or implicitly represented to the public in general, and to JANE DOE #17 (A.E.) in particular, that the massage therapists, including Assailant #17, in its employ and service were not only psychologically fit but were therapists who could be entrusted with the safety and well-being of female customers.

612. MASSAGE ENVY made these explicit and implied representations knowing that they were false and/or having reason to believe that they were false, and with the expectation that they would be relied upon by customers making decisions regarding their engagement of massage/spa services.

613. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures with respect to the removal and/or supervision of individuals in its employ or service who were suspected of being sexual predators.

614. MASSAGE ENVY failed to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) sexual predators in its service and employ.

615. MASSAGE ENVY failed to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

616. MASSAGE ENVY negligently failed to timely and reasonably identify, remove, and/or report (to law enforcement authorities and/or to state boards of massage therapy) Assailant #17 as a sexual predator.

617. Defendant hired, retained and/or assigned Assailant #17 to Plaintiff knowing or having reason to know that Assailant #17 was a sexual predator.

618. Defendant further breached its duty of care to JANE DOE #17 (A.E.), by failing to protect the Plaintiff from foreseeable harm from the sexual misconduct of employees of Defendants, including Assailant #17. Defendants further breached their duty of care by failing to warn JANE DOE #17 (A.E.), of the propensities of Assailant #17 and by failing to provide a safe and secure environment for the JANE DOE #17 (A.E.).

619. As a result of the above-described conduct, JANE DOE #17 (A.E.) has suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life; was prevented and will continue to be prevented from performing JANE DOE #17 (A.E.)'s daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling.

WHEREFORE, the Plaintiff, JANE DOE #17 (A.E.), demands judgment against Defendant MASSAGE ENVY, in excess of Thirty Thousand Dollars (\$30,000.00), plus costs incurred herein and any other relief this court deems fit and proper.

COUNT 18 BY JANE DOE #18 (S.N.)

620. Plaintiff JANE DOE #18 (S.N.) realleges each and every allegation contained in paragraphs 1 through 92 and 168-170 above as if fully set forth herein.

621. Defendant, MASSAGE ENVY, by and through their agents, servants and employees, knew or reasonably should have known of Assailant #18's dangerous and exploitive propensities and/or that he was an unfit agent. It was foreseeable that if said Defendant did not adequately exercise or provide the duty of care owed to female customers in their care, including, but not limited to Plaintiff, they would be vulnerable to sexual assaults by massage therapists, including the subject incident involving JANE DOE #18 (S.N.).

622. For years prior to the sexual assault of JANE DOE #18 (S.N.), as set forth in this Complaint, Defendant knew that there were hundreds, if not more, more than one-hundred eighty allegations of sexual assaults and exploitation by Massage Envy therapists occurring in nationwide.

623. MASSAGE ENVY knew, and/or should have known, that those individuals who had sexually assaulted female customers, including Assailant #18, were likely to commit further acts of sexual assault/ exploitation.

624. MASSAGE ENVY owed to the public in general, and to JANE DOE #18 (S.N.) in particular, a duty to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) individuals who it knew, or should have known, were sexual predators in its service and employ.

625. MASSAGE ENVY owed to the public in general, and to JANE DOE #18 (S.N.) in particular, a duty to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

626. Having been in the care of MASSAGE ENVY at the time under circumstances such as to deprive JANE DOE #18 (S.N.) of her entitlement to safe care and protection, MASSAGE ENVY owed to Plaintiff a duty to aid and/or protect her and to control the actions of third parties, as set forth in Restatement (Second) of Torts §§ 314A (4), 315.

627. Having been in the care of MASSAGE ENVY at the time under circumstances such as to deprive JANE DOE #18 (S.N.) of her normal opportunities for protection, MASSAGE ENVY owed to Plaintiff a duty to control the acts of its actual and / or apparent agents, servants, and/or employees.

628. At all times relevant hereto, MASSAGE ENVY did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify (and deal with) sexual predators.

629. Despite actual knowledge of multiple instances in which sexual predators were employed, transferred, re-hired and/or assigned to positions within MASSAGE ENVY franchise locations and despite the foreseeable risk that said sexual predators would engage in repeated acts of sexual perversion and assault, MASSAGE ENVY did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify, and deal with sexual predators.

630. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures for the removal of sexual predators in the employ and/or service of MASSAGE ENVY.

631. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to criminal authorities any known sexual predators in the employ and/or service of MASSAGE ENVY.

632. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to state boards of massage therapy the presence of sexual predators in the employ and/or service of MASSAGE ENVY.

633. As set forth in this Complaint, MASSAGE ENVY failed to fulfill its legal duty to protect JANE DOE #18 (S.N.) and other female customers from the depraved and vile acts of its massage therapists, including Assailant #18.

634. As set forth in this Complaint, MASSAGE ENVY failed to take reasonable steps to ensure that massage therapists at MASSAGE ENVY franchise locations were psychologically fit to provide massage therapy services to female customers. These failures included the following:

- a. Failure to investigate the background of massage therapists in its employ or service;
- b. Failure to prohibit, restrict, or limit the activities of massage therapists suspected of sexual assault and/or those known to be sexual predators;
- c. Failure to reasonably and properly investigate allegations of sexual assault;
- d. Failure to properly train and instruct investigators;
- e. Failure to have in place standards of acceptable and unacceptable conduct;
- f. Negligently training franchisee employees regarding the prevention, investigation and reporting of sexual misconduct by massage therapists;
- g. Failure to designate competent investigators to evaluate complaints of sexual assault; and
- h. Failure to have in place standards for reporting acts of sexual misconduct to law enforcement authorities and/or state boards of massage therapy.

635. Moreover, the negligent, reckless, intentional, outrageous, deliberately and recklessly indifferent and unlawful conduct of MASSAGE ENVY, as set forth above and herein, further consisted of:

- a. permitting massage therapists, including Assailant #18, to sexually assault female customers, including JANE DOE #18 (S.N.);

- b. permitting massage therapists, including Assailant #18, to engage in illegal sexual conduct with female customers, including JANE DOE #18 (S.N.), on the premises of MASSAGE ENVY franchise locations, including MASSAGE ENVY – BOYNTON BEACH, during operating hours;
- c. permitting Assailant #18 to violate Florida criminal statutes (Title XLVI) prohibiting Battery (§784.03);
- d. failing to properly and adequately supervise and discipline its employees to prevent the sexual assault that occurred to Plaintiff;
- e. failing to adopt, enforce and/or follow adequate policies and procedures for the protection and reasonable supervision of customers who engaged the services of MASSAGE ENVY, including Plaintiff, and, in the alternative, failing to implement and comply with such procedures which had been adopted;
- f. failing to implement, enforce and/or follow adequate protective and supervisory measures for the protection of female customers, including Plaintiff;
- g. creating an environment that facilitated sexual assault by Assailant #18 on JANE DOE #18 (S.N.);
- h. failing to adopt, enforce and/or follow policies and procedures to protect female customers against harmful contact by massage therapists at franchise locations, including Assailant #18;
- i. breaching the duties imposed by Restatement (Second) of Torts, § 324A, as adopted in Florida;
- j. failing to warn Plaintiff of the risk of harm posed by Assailant #18 after Defendants knew or should have known of such risk;
- k. violation of duties imposed by Restatement (Second) of Agency § 213 and Restatement (Second) of Torts § 317, as adopted in Florida;
- l. failing to warn JANE DOE #18 (S.N.) of the risk of harm that JANE DOE #18 (S.N.) may suffer as a result of contact with Assailant #18;
- m. failing to warn or otherwise make reasonably safe the property which Defendants possessed and/or controlled, leading to the harm of JANE DOE #18 (S.N.);

- n. failing to adopt/implement and/or enforce policies and procedures for the reporting to law enforcement, state board of massage therapy and/or other authorities of sexual assaults by massage therapists;
- o. failing to report sexual assaults by massage therapists, including Assailant #18, to authorities;
- p. violating its own policies and/or by-laws regarding sexual assaults by staff;
- q. ignoring, concealing, or otherwise mitigating the seriousness of the known danger that Assailant #18 posed;
- r. failing to prevent the sexual assault that was committed by Assailant #18 on Plaintiff and other people he sexually assaulted;
- s. allowing Assailant #18 to remain employed after knowing that he sexually assaulted a female customer;
- t. failing to warn Plaintiff about the potential risks and dangers of obtaining a massage;
- u. failing to properly supervise and/or discipline its employees;
- v. failing to adequately and properly train its employees and/or franchisee employees regarding sexual assaults of customers by massage therapists; and
- w. negligently managing and/or operating Massage Envy franchise locations, including MASSAGE ENVY – BOYNTON BEACH.

636. Defendant MASSAGE ENVY, having advertised and promoted itself as having a “zero tolerance” policy relating to sexual misconduct by massage therapists, explicitly and/or implicitly represented to the public in general, and to JANE DOE #18 (S.N.) in particular, that the massage therapists, including Assailant #18, in its employ and service were not only psychologically fit but were therapists who could be entrusted with the safety and well-being of female customers.

637. MASSAGE ENVY made these explicit and implied representations knowing that they were false and/or having reason to believe that they were false, and with the expectation that they would be relied upon by customers making decisions regarding their engagement of massage/spa services.

638. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures with respect to the removal and/or supervision of individuals in its employ or service who were suspected of being sexual predators.

639. MASSAGE ENVY failed to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) sexual predators in its service and employ.

640. MASSAGE ENVY failed to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

641. MASSAGE ENVY negligently failed to timely and reasonably identify, remove, and/or report (to law enforcement authorities and/or to state boards of massage therapy) Assailant #18 as a sexual predator.

642. Defendant hired, retained and/or assigned Assailant #18 to Plaintiff knowing or having reason to know that Assailant #18 was a sexual predator.

643. Defendant further breached its duty of care to JANE DOE #18 (S.N.), by failing to protect the Plaintiff from foreseeable harm from the sexual misconduct of employees of Defendants, including Assailant #18. Defendants further breached their duty of care by failing to warn JANE DOE #18 (S.N.), of the propensities of Assailant #18 and by failing to provide a safe and secure environment for the JANE DOE #18 (S.N.).

644. As a result of the above-described conduct, JANE DOE #18 (S.N.) has suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life; was prevented and will continue to be prevented from performing JANE DOE #18 (S.N.)'s daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling.

WHEREFORE, the Plaintiff, JANE DOE #18 (S.N.), demands judgment against Defendant MASSAGE ENVY, in excess of Thirty Thousand Dollars (\$30,000.00), plus costs incurred herein and any other relief this court deems fit and proper.

COUNT 19 BY JANE DOE #19 (J.A.)

645. Plaintiff JANE DOE #19 (J.A.) realleges each and every allegation contained in paragraphs 1 through 92 and 171-173 above as if fully set forth herein.

646. Defendant, MASSAGE ENVY, by and through their agents, servants and employees, knew or reasonably should have known of Assailant #19's dangerous and exploitive propensities and/or that he was an unfit agent. It was foreseeable that if said Defendant did not adequately exercise or provide the duty of care owed to female customers in their care, including, but not limited to Plaintiff, they would be vulnerable to sexual assaults by massage therapists, including the subject incident involving JANE DOE #19 (J.A.).

647. For years prior to the sexual assault of JANE DOE #19 (J.A.), as set forth in this Complaint, Defendant knew that there were hundreds, if not more, more than one-hundred eighty allegations of sexual assaults and exploitation by Massage Envy therapists occurring in nationwide.

648. MASSAGE ENVY knew, and/or should have known, that those individuals who had sexually assaulted female customers, including Assailant #19, were likely to commit further acts of sexual assault/ exploitation.

649. MASSAGE ENVY owed to the public in general, and to JANE DOE #19 (J.A.) in particular, a duty to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) individuals who it knew, or should have known, were sexual predators in its service and employ.

650. MASSAGE ENVY owed to the public in general, and to JANE DOE #19 (J.A.) in particular, a duty to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

651. Having been in the care of MASSAGE ENVY at the time under circumstances such as to deprive JANE DOE #19 (J.A.) of her entitlement to safe care and protection, MASSAGE ENVY owed to Plaintiff a duty to aid and/or protect her and to control the actions of third parties, as set forth in Restatement (Second) of Torts §§ 314A (4), 315.

652. Having been in the care of MASSAGE ENVY at the time under circumstances such as to deprive JANE DOE #19 (J.A.) of her normal opportunities for protection, MASSAGE ENVY owed to Plaintiff a duty to control the acts of its actual and / or apparent agents, servants, and/or employees.

653. At all times relevant hereto, MASSAGE ENVY did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify (and deal with) sexual predators.

654. Despite actual knowledge of multiple instances in which sexual predators were employed, transferred, re-hired and/or assigned to positions within MASSAGE ENVY franchise locations and despite the foreseeable risk that said sexual predators would engage in repeated acts

of sexual perversion and assault, MASSAGE ENVY did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify, and deal with sexual predators.

655. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures for the removal of sexual predators in the employ and/or service of MASSAGE ENVY.

656. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to criminal authorities any known sexual predators in the employ and/or service of MASSAGE ENVY.

657. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to state boards of massage therapy the presence of sexual predators in the employ and/or service of MASSAGE ENVY.

658. As set forth in this Complaint, MASSAGE ENVY failed to fulfill its legal duty to protect JANE DOE #19 (J.A.) and other female customers from the depraved and vile acts of its massage therapists, including Assailant #19.

659. As set forth in this Complaint, MASSAGE ENVY failed to take reasonable steps to ensure that massage therapists at MASSAGE ENVY franchise locations were psychologically fit to provide massage therapy services to female customers. These failures included the following:

- a. Failure to investigate the background of massage therapists in its employ or service;
- b. Failure to prohibit, restrict, or limit the activities of massage therapists suspected of sexual assault and/or those known to be sexual predators;

- c. Failure to reasonably and properly investigate allegations of sexual assault;
- d. Failure to properly train and instruct investigators;
- e. Failure to have in place standards of acceptable and unacceptable conduct;
- f. Negligently training franchisee employees regarding the prevention, investigation and reporting of sexual misconduct by massage therapists;
- g. Failure to designate competent investigators to evaluate complaints of sexual assault; and
- h. Failure to have in place standards for reporting acts of sexual misconduct to law enforcement authorities and/or state boards of massage therapy.

660. Moreover, the negligent, reckless, intentional, outrageous, deliberately and recklessly indifferent and unlawful conduct of MASSAGE ENVY, as set forth above and herein, further consisted of:

- a. permitting massage therapists, including Assailant #19, to sexually assault female customers, including JANE DOE #19 (J.A.);
- b. permitting massage therapists, including Assailant #19, to engage in illegal sexual conduct with female customers, including JANE DOE #19 (J.A.), on the premises of MASSAGE ENVY franchise locations, including MASSAGE ENVY – SARASOTA MIDTOWN, during operating hours;
- c. permitting Assailant #19 to violate Florida criminal statutes (Title XLVI) prohibiting Battery (§784.03);
- d. failing to properly and adequately supervise and discipline its employees to prevent the sexual assault that occurred to Plaintiff;
- e. failing to adopt, enforce and/or follow adequate policies and procedures for the protection and reasonable supervision of customers who engaged the services of MASSAGE ENVY, including Plaintiff, and, in the alternative, failing to implement and comply with such procedures which had been adopted;

- f. failing to implement, enforce and/or follow adequate protective and supervisory measures for the protection of female customers, including Plaintiff;
- g. creating an environment that facilitated sexual assault by Assailant #19 on JANE DOE #19 (J.A.);
- h. failing to adopt, enforce and/or follow policies and procedures to protect female customers against harmful contact by massage therapists at franchise locations, including Assailant #19;
- i. breaching the duties imposed by Restatement (Second) of Torts, § 324A, as adopted in Florida;
- j. failing to warn Plaintiff of the risk of harm posed by Assailant #19 after Defendants knew or should have known of such risk;
- k. violation of duties imposed by Restatement (Second) of Agency § 213 and Restatement (Second) of Torts § 317, as adopted in Florida;
- l. failing to warn JANE DOE #19 (J.A.) of the risk of harm that JANE DOE #19 (J.A.) may suffer as a result of contact with Assailant #19;
- m. failing to warn or otherwise make reasonably safe the property which Defendants possessed and/or controlled, leading to the harm of JANE DOE #19 (J.A.);
- n. failing to adopt/implement and/or enforce policies and procedures for the reporting to law enforcement, state board of massage therapy and/or other authorities of sexual assaults by massage therapists;
- o. failing to report sexual assaults by massage therapists, including Assailant #19, to authorities;
- p. violating its own policies and/or by-laws regarding sexual assaults by staff;
- q. ignoring, concealing, or otherwise mitigating the seriousness of the known danger that Assailant #19 posed;
- r. failing to prevent the sexual assault that was committed by Assailant #19 on Plaintiff and other people he sexually assaulted;

- s. allowing Assailant #19 to remain employed after knowing that he sexually assaulted a female customer;
- t. failing to properly supervise and/or discipline its employees;
- u. failing to warn Plaintiff about the potential risks and dangers of obtaining a massage;
- v. failing to adequately and properly train its employees and/or franchisee employees regarding sexual assaults of customers by massage therapists; and
- w. negligently managing and/or operating Massage Envy franchise locations, including MASSAGE ENVY – SARASOTA MIDTOWN.

661. Defendant MASSAGE ENVY, having advertised and promoted itself as having a “zero tolerance” policy relating to sexual misconduct by massage therapists, explicitly and/or implicitly represented to the public in general, and to JANE DOE #19 (J.A.) in particular, that the massage therapists, including Assailant #19, in its employ and service were not only psychologically fit but were therapists who could be entrusted with the safety and well-being of female customers.

662. MASSAGE ENVY made these explicit and implied representations knowing that they were false and/or having reason to believe that they were false, and with the expectation that they would be relied upon by customers making decisions regarding their engagement of massage/spa services.

663. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures with respect to the removal and/or supervision of individuals in its employ or service who were suspected of being sexual predators.

664. MASSAGE ENVY failed to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) sexual predators in its service and employ.

665. MASSAGE ENVY failed to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

666. MASSAGE ENVY negligently failed to timely and reasonably identify, remove, and/or report (to law enforcement authorities and/or to state boards of massage therapy) Assailant #19 as a sexual predator.

667. Defendant hired, retained and/or assigned Assailant #19 to Plaintiff knowing or having reason to know that Assailant #19 was a sexual predator.

668. Defendant further breached its duty of care to JANE DOE #19 (J.A.), by failing to protect the Plaintiff from foreseeable harm from the sexual misconduct of employees of Defendants, including Assailant #19. Defendants further breached their duty of care by failing to warn JANE DOE #19 (J.A.), of the propensities of Assailant #19 and by failing to provide a safe and secure environment for the JANE DOE #19 (J.A.).

669. As a result of the above-described conduct, JANE DOE #19 (J.A.) has suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life; was prevented and will continue to be prevented from performing JANE DOE #19 (J.A.)'s daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling.

WHEREFORE, the Plaintiff, JANE DOE #19 (J.A.), demands judgment against Defendant MASSAGE ENVY, in excess of Thirty Thousand Dollars (\$30,000.00), plus costs incurred herein and any other relief this court deems fit and proper.

COUNT 20 BY JANE DOE #20 (M.D.)

670. Plaintiff JANE DOE #20 (M.D.) realleges each and every allegation contained in paragraphs 1 through 92 and 174-176 above as if fully set forth herein.

671. Defendant, MASSAGE ENVY, by and through their agents, servants and employees, knew or reasonably should have known of Assailant #20's dangerous and exploitive propensities and/or that he was an unfit agent. It was foreseeable that if said Defendant did not adequately exercise or provide the duty of care owed to female customers in their care, including, but not limited to Plaintiff, they would be vulnerable to sexual assaults by massage therapists, including the subject incident involving JANE DOE #20 (M.D.).

672. For years prior to the sexual assault of JANE DOE #20 (M.D.), as set forth in this Complaint, Defendant knew that there were hundreds, if not more, more than one-hundred eighty allegations of sexual assaults and exploitation by Massage Envy therapists occurring in nationwide.

673. MASSAGE ENVY knew, and/or should have known, that those individuals who had sexually assaulted female customers, including Assailant #20, were likely to commit further acts of sexual assault/ exploitation.

674. MASSAGE ENVY owed to the public in general, and to JANE DOE #20 (M.D.) in particular, a duty to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) individuals who it knew, or should have known, were sexual predators in its service and employ.

675. MASSAGE ENVY owed to the public in general, and to JANE DOE #20 (M.D.) in particular, a duty to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

676. Having been in the care of MASSAGE ENVY at the time under circumstances such as to deprive JANE DOE #20 (M.D.) of her entitlement to safe care and protection, MASSAGE ENVY owed to Plaintiff a duty to aid and/or protect her and to control the actions of third parties, as set forth in Restatement (Second) of Torts §§ 314A (4), 315.

677. Having been in the care of MASSAGE ENVY at the time under circumstances such as to deprive JANE DOE #20 (M.D.) of her normal opportunities for protection, MASSAGE ENVY owed to Plaintiff a duty to control the acts of its actual and / or apparent agents, servants, and/or employees.

678. At all times relevant hereto, MASSAGE ENVY did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify (and deal with) sexual predators.

679. Despite actual knowledge of multiple instances in which sexual predators were employed, transferred, re-hired and/or assigned to positions within MASSAGE ENVY franchise locations and despite the foreseeable risk that said sexual predators would engage in repeated acts of sexual perversion and assault, MASSAGE ENVY did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify, and deal with sexual predators.

680. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures for the removal of sexual predators in the employ and/or service of MASSAGE ENVY.

681. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to criminal authorities any known sexual predators in the employ and/or service of MASSAGE ENVY.

682. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to state boards of massage therapy the presence of sexual predators in the employ and/or service of MASSAGE ENVY.

683. As set forth in this Complaint, MASSAGE ENVY failed to fulfill its legal duty to protect JANE DOE #20 (M.D.) and other female customers from the depraved and vile acts of its massage therapists, including Assailant #20.

684. As set forth in this Complaint, MASSAGE ENVY failed to take reasonable steps to ensure that massage therapists at MASSAGE ENVY franchise locations were psychologically fit to provide massage therapy services to female customers. These failures included the following:

- a. Failure to investigate the background of massage therapists in its employ or service;
- b. Failure to prohibit, restrict, or limit the activities of massage therapists suspected of sexual assault and/or those known to be sexual predators;
- c. Failure to reasonably and properly investigate allegations of sexual assault;
- d. Failure to properly train and instruct investigators;
- e. Failure to have in place standards of acceptable and unacceptable conduct;
- f. Negligently training franchisee employees regarding the prevention, investigation and reporting of sexual misconduct by massage therapists;

- g. Failure to designate competent investigators to evaluate complaints of sexual assault; and
- h. Failure to have in place standards for reporting acts of sexual misconduct to law enforcement authorities and/or state boards of massage therapy.

685. Moreover, the negligent, reckless, intentional, outrageous, deliberately and recklessly indifferent and unlawful conduct of MASSAGE ENVY, as set forth above and herein, further consisted of:

- a. permitting massage therapists, including Assailant #20, to sexually assault female customers, including JANE DOE #20 (M.D.);
- b. permitting massage therapists, including Assailant #20, to engage in illegal sexual conduct with female customers, including JANE DOE #20 (M.D.), on the premises of MASSAGE ENVY franchise locations, including MASSAGE ENVY – BRICKELL, during operating hours;
- c. permitting Assailant #20 to violate Florida criminal statutes (Title XLVI) prohibiting Battery (§784.03);
- d. failing to properly and adequately supervise and discipline its employees to prevent the sexual assault that occurred to Plaintiff;
- e. failing to adopt, enforce and/or follow adequate policies and procedures for the protection and reasonable supervision of customers who engaged the services of MASSAGE ENVY, including Plaintiff, and, in the alternative, failing to implement and comply with such procedures which had been adopted;
- f. failing to implement, enforce and/or follow adequate protective and supervisory measures for the protection of female customers, including Plaintiff;
- g. creating an environment that facilitated sexual assault by Assailant #20 on JANE DOE #20 (M.D.);
- h. failing to adopt, enforce and/or follow policies and procedures to protect female customers against harmful contact by massage therapists at franchise locations, including Assailant #20;

- i. breaching the duties imposed by Restatement (Second) of Torts, § 324A, as adopted in Florida;
- j. failing to warn Plaintiff of the risk of harm posed by Assailant #20 after Defendants knew or should have known of such risk;
- k. violation of duties imposed by Restatement (Second) of Agency § 213 and Restatement (Second) of Torts § 317, as adopted in Florida;
- l. failing to warn JANE DOE #20 (M.D.) of the risk of harm that JANE DOE #20 (M.D.) may suffer as a result of contact with Assailant #20;
- m. failing to warn or otherwise make reasonably safe the property which Defendants possessed and/or controlled, leading to the harm of JANE DOE #20 (M.D.);
- n. failing to adopt/implement and/or enforce policies and procedures for the reporting to law enforcement, state board of massage therapy and/or other authorities of sexual assaults by massage therapists;
- o. failing to report sexual assaults by massage therapists, including Assailant #20, to authorities;
- p. violating its own policies and/or by-laws regarding sexual assaults by staff;
- q. ignoring, concealing, or otherwise mitigating the seriousness of the known danger that Assailant #20 posed;
- r. failing to prevent the sexual assault that was committed by Assailant #20 on Plaintiff and other people he sexually assaulted;
- s. allowing Assailant #20 to remain employed after knowing that he sexually assaulted a female customer;
- t. failing to properly supervise and/or discipline its employees;
- u. failing to warn Plaintiff about the potential risks and dangers of obtaining a massage;
- v. failing to adequately and properly train its employees and/or franchisee employees regarding sexual assaults of customers by massage therapists; and

- w. negligently managing and/or operating Massage Envy franchise locations, including MASSAGE ENVY – BRICKELL.

686. Defendant MASSAGE ENVY, having advertised and promoted itself as having a “zero tolerance” policy relating to sexual misconduct by massage therapists, explicitly and/or implicitly represented to the public in general, and to JANE DOE #20 (M.D.) in particular, that the massage therapists, including Assailant #20, in its employ and service were not only psychologically fit but were therapists who could be entrusted with the safety and well-being of female customers.

687. MASSAGE ENVY made these explicit and implied representations knowing that they were false and/or having reason to believe that they were false, and with the expectation that they would be relied upon by customers making decisions regarding their engagement of massage/spa services.

688. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures with respect to the removal and/or supervision of individuals in its employ or service who were suspected of being sexual predators.

689. MASSAGE ENVY failed to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) sexual predators in its service and employ.

690. MASSAGE ENVY failed to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

691. MASSAGE ENVY negligently failed to timely and reasonably identify, remove, and/or report (to law enforcement authorities and/or to state boards of massage therapy) Assailant #20 as a sexual predator.

692. Defendant hired, retained and/or assigned Assailant #20 to Plaintiff knowing or having reason to know that Assailant #20 was a sexual predator.

693. Defendant further breached its duty of care to JANE DOE #20 (M.D.), by failing to protect the Plaintiff from foreseeable harm from the sexual misconduct of employees of Defendants, including Assailant #20. Defendants further breached their duty of care by failing to warn JANE DOE #20 (M.D.), of the propensities of Assailant #20 and by failing to provide a safe and secure environment for the JANE DOE #20 (M.D.).

694. As a result of the above-described conduct, JANE DOE #20 (M.D.) has suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life; was prevented and will continue to be prevented from performing JANE DOE #20 (M.D.)'s daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling.

WHEREFORE, the Plaintiff, JANE DOE #20 (M.D.), demands judgment against Defendant MASSAGE ENVY, in excess of Thirty Thousand Dollars (\$30,000.00), plus costs incurred herein and any other relief this court deems fit and proper.

COUNT 21 BY JANE DOE #21 (K.K.)

695. Plaintiff JANE DOE #21 (K.K.) realleges each and every allegation contained in paragraphs 1 through 92 and 177-179 above as if fully set forth herein.

696. Defendant, MASSAGE ENVY, by and through their agents, servants and employees, knew or reasonably should have known of Assailant #21's dangerous and exploitive propensities and/or that he was an unfit agent. It was foreseeable that if said Defendant did not

adequately exercise or provide the duty of care owed to female customers in their care, including, but not limited to Plaintiff, they would be vulnerable to sexual assaults by massage therapists, including the subject incident involving JANE DOE #21 (K.K.).

697. For years prior to the sexual assault of JANE DOE #21 (K.K.), as set forth in this Complaint, Defendant knew that there were hundreds, if not more, more than one-hundred eighty allegations of sexual assaults and exploitation by Massage Envy therapists occurring in nationwide.

698. MASSAGE ENVY knew, and/or should have known, that those individuals who had sexually assaulted female customers, including Assailant #21, were likely to commit further acts of sexual assault/ exploitation.

699. MASSAGE ENVY owed to the public in general, and to JANE DOE #21 (K.K.) in particular, a duty to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) individuals who it knew, or should have known, were sexual predators in its service and employ.

700. MASSAGE ENVY owed to the public in general, and to JANE DOE #21 (K.K.) in particular, a duty to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

701. Having been in the care of MASSAGE ENVY at the time under circumstances such as to deprive JANE DOE #21 (K.K.) of her entitlement to safe care and protection, MASSAGE ENVY owed to Plaintiff a duty to aid and/or protect her and to control the actions of third parties, as set forth in Restatement (Second) of Torts §§ 314A (4), 315.

702. Having been in the care of MASSAGE ENVY at the time under circumstances such as to deprive JANE DOE #21 (K.K.) of her normal opportunities for protection, MASSAGE

ENVY owed to Plaintiff a duty to control the acts of its actual and / or apparent agents, servants, and/or employees.

703. At all times relevant hereto, MASSAGE ENVY did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify (and deal with) sexual predators.

704. Despite actual knowledge of multiple instances in which sexual predators were employed, transferred, re-hired and/or assigned to positions within MASSAGE ENVY franchise locations and despite the foreseeable risk that said sexual predators would engage in repeated acts of sexual perversion and assault, MASSAGE ENVY did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify, and deal with sexual predators.

705. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures for the removal of sexual predators in the employ and/or service of MASSAGE ENVY.

706. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to criminal authorities any known sexual predators in the employ and/or service of MASSAGE ENVY.

707. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to state boards of massage therapy the presence of sexual predators in the employ and/or service of MASSAGE ENVY.

708. As set forth in this Complaint, MASSAGE ENVY failed to fulfill its legal duty to protect JANE DOE #21 (K.K.) and other female customers from the depraved and vile acts of its massage therapists, including Assailant #21.

709. As set forth in this Complaint, MASSAGE ENVY failed to take reasonable steps to ensure that massage therapists at MASSAGE ENVY franchise locations were psychologically fit to provide massage therapy services to female customers. These failures included the following:

- a. Failure to investigate the background of massage therapists in its employ or service;
- b. Failure to prohibit, restrict, or limit the activities of massage therapists suspected of sexual assault and/or those known to be sexual predators;
- c. Failure to reasonably and properly investigate allegations of sexual assault;
- d. Failure to properly train and instruct investigators;
- e. Failure to have in place standards of acceptable and unacceptable conduct;
- f. Negligently training franchisee employees regarding the prevention, investigation and reporting of sexual misconduct by massage therapists;
- g. Failure to designate competent investigators to evaluate complaints of sexual assault; and
- h. Failure to have in place standards for reporting acts of sexual misconduct to law enforcement authorities and/or state boards of massage therapy.

710. Moreover, the negligent, reckless, intentional, outrageous, deliberately and recklessly indifferent and unlawful conduct of MASSAGE ENVY, as set forth above and herein, further consisted of:

- a. permitting massage therapists, including Assailant #21, to sexually assault female customers, including JANE DOE #21 (K.K.);

- b. permitting massage therapists, including Assailant #21, to engage in illegal sexual conduct with female customers, including JANE DOE #21 (K.K.), on the premises of MASSAGE ENVY franchise locations, including MASSAGE ENVY – LAKE WORTH, during operating hours;
- c. permitting Assailant #21 to violate Florida criminal statutes (Title XLVI) prohibiting Battery (§784.03);
- d. failing to properly and adequately supervise and discipline its employees to prevent the sexual assault that occurred to Plaintiff;
- e. failing to adopt, enforce and/or follow adequate policies and procedures for the protection and reasonable supervision of customers who engaged the services of MASSAGE ENVY, including Plaintiff, and, in the alternative, failing to implement and comply with such procedures which had been adopted;
- f. failing to implement, enforce and/or follow adequate protective and supervisory measures for the protection of female customers, including Plaintiff;
- g. creating an environment that facilitated sexual assault by Assailant #21 on JANE DOE #21 (K.K.);
- h. failing to adopt, enforce and/or follow policies and procedures to protect female customers against harmful contact by massage therapists at franchise locations, including Assailant #21;
- i. breaching the duties imposed by Restatement (Second) of Torts, § 324A, as adopted in Florida;
- j. failing to warn Plaintiff of the risk of harm posed by Assailant #21 after Defendants knew or should have known of such risk;
- k. violation of duties imposed by Restatement (Second) of Agency § 213 and Restatement (Second) of Torts § 317, as adopted in Florida;
- l. failing to warn JANE DOE #21 (K.K.) of the risk of harm that JANE DOE #21 (K.K.) may suffer as a result of contact with Assailant #21;
- m. failing to warn or otherwise make reasonably safe the property which Defendants possessed and/or controlled, leading to the harm of JANE DOE #21 (K.K.);

- n. failing to adopt/implement and/or enforce policies and procedures for the reporting to law enforcement, state board of massage therapy and/or other authorities of sexual assaults by massage therapists;
- o. failing to report sexual assaults by massage therapists, including Assailant #21, to authorities;
- p. violating its own policies and/or by-laws regarding sexual assaults by staff;
- q. ignoring, concealing, or otherwise mitigating the seriousness of the known danger that Assailant #21 posed;
- r. failing to prevent the sexual assault that was committed by Assailant #21 on Plaintiff and other people he sexually assaulted;
- s. allowing Assailant #21 to remain employed after knowing that he sexually assaulted a female customer;
- t. failing to properly supervise and/or discipline its employees;
- u. failing to warn Plaintiff about the potential risks and dangers of obtaining a massage;
- v. failing to adequately and properly train its employees and/or franchisee employees regarding sexual assaults of customers by massage therapists; and
- w. negligently managing and/or operating Massage Envy franchise locations, including MASSAGE ENVY – LAKE WORTH.

711. Defendant MASSAGE ENVY, having advertised and promoted itself as having a “zero tolerance” policy relating to sexual misconduct by massage therapists, explicitly and/or implicitly represented to the public in general, and to JANE DOE #21 (K.K.) in particular, that the massage therapists, including Assailant #21, in its employ and service were not only psychologically fit but were therapists who could be entrusted with the safety and well-being of female customers.

712. MASSAGE ENVY made these explicit and implied representations knowing that they were false and/or having reason to believe that they were false, and with the expectation that they would be relied upon by customers making decisions regarding their engagement of massage/spa services.

713. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures with respect to the removal and/or supervision of individuals in its employ or service who were suspected of being sexual predators.

714. MASSAGE ENVY failed to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) sexual predators in its service and employ.

715. MASSAGE ENVY failed to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

716. MASSAGE ENVY negligently failed to timely and reasonably identify, remove, and/or report (to law enforcement authorities and/or to state boards of massage therapy) Assailant #21 as a sexual predator.

717. Defendant hired, retained and/or assigned Assailant #21 to Plaintiff knowing or having reason to know that Assailant #21 was a sexual predator.

718. Defendant further breached its duty of care to JANE DOE #21 (K.K.), by failing to protect the Plaintiff from foreseeable harm from the sexual misconduct of employees of Defendants, including Assailant #21. Defendants further breached their duty of care by failing to warn JANE DOE #21 (K.K.), of the propensities of Assailant #21 and by failing to provide a safe and secure environment for the JANE DOE #21 (K.K.).

719. As a result of the above-described conduct, JANE DOE #21 (K.K.) has suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life; was prevented and will continue to be prevented from performing JANE DOE #21 (K.K.)'s daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling.

WHEREFORE, the Plaintiff, JANE DOE #21 (K.K.), demands judgment against Defendant MASSAGE ENVY, in excess of Thirty Thousand Dollars (\$30,000.00), plus costs incurred herein and any other relief this court deems fit and proper.

COUNT 22 BY JANE DOE #22 (C.S.)

720. Plaintiff JANE DOE #22 (C.S.) realleges each and every allegation contained in paragraphs 1 through 92 and 180-182 above as if fully set forth herein.

721. Defendant, MASSAGE ENVY, by and through their agents, servants and employees, knew or reasonably should have known of Assailant #22's dangerous and exploitive propensities and/or that he was an unfit agent. It was foreseeable that if said Defendant did not adequately exercise or provide the duty of care owed to female customers in their care, including, but not limited to Plaintiff, they would be vulnerable to sexual assaults by massage therapists, including the subject incident involving JANE DOE #22 (C.S.).

722. For years prior to the sexual assault of JANE DOE #22 (C.S.), as set forth in this Complaint, Defendant knew that there were hundreds, if not more, more than one-hundred eighty allegations of sexual assaults and exploitation by Massage Envy therapists occurring in nationwide.

723. MASSAGE ENVY knew, and/or should have known, that those individuals who had sexually assaulted female customers, including Assailant #22, were likely to commit further acts of sexual assault/ exploitation.

724. MASSAGE ENVY owed to the public in general, and to JANE DOE #22 (C.S.) in particular, a duty to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) individuals who it knew, or should have known, were sexual predators in its service and employ.

725. MASSAGE ENVY owed to the public in general, and to JANE DOE #22 (C.S.) in particular, a duty to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

726. Having been in the care of MASSAGE ENVY at the time under circumstances such as to deprive JANE DOE #22 (C.S.) of her entitlement to safe care and protection, MASSAGE ENVY owed to Plaintiff a duty to aid and/or protect her and to control the actions of third parties, as set forth in Restatement (Second) of Torts §§ 314A (4), 315.

727. Having been in the care of MASSAGE ENVY at the time under circumstances such as to deprive JANE DOE #22 (C.S.) of her normal opportunities for protection, MASSAGE ENVY owed to Plaintiff a duty to control the acts of its actual and / or apparent agents, servants, and/or employees.

728. At all times relevant hereto, MASSAGE ENVY did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify (and deal with) sexual predators.

729. Despite actual knowledge of multiple instances in which sexual predators were employed, transferred, re-hired and/or assigned to positions within MASSAGE ENVY franchise locations and despite the foreseeable risk that said sexual predators would engage in repeated acts

of sexual perversion and assault, MASSAGE ENVY did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify, and deal with sexual predators.

730. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures for the removal of sexual predators in the employ and/or service of MASSAGE ENVY.

731. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to criminal authorities any known sexual predators in the employ and/or service of MASSAGE ENVY.

732. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to state boards of massage therapy the presence of sexual predators in the employ and/or service of MASSAGE ENVY.

733. As set forth in this Complaint, MASSAGE ENVY failed to fulfill its legal duty to protect JANE DOE #22 (C.S.) and other female customers from the depraved and vile acts of its massage therapists, including Assailant #22.

734. As set forth in this Complaint, MASSAGE ENVY failed to take reasonable steps to ensure that massage therapists at MASSAGE ENVY franchise locations were psychologically fit to provide massage therapy services to female customers. These failures included the following:

- a. Failure to investigate the background of massage therapists in its employ or service;
- b. Failure to prohibit, restrict, or limit the activities of massage therapists suspected of sexual assault and/or those known to be sexual predators;

- c. Failure to reasonably and properly investigate allegations of sexual assault;
- d. Failure to properly train and instruct investigators;
- e. Failure to have in place standards of acceptable and unacceptable conduct;
- f. Negligently training franchisee employees regarding the prevention, investigation and reporting of sexual misconduct by massage therapists;
- g. Failure to designate competent investigators to evaluate complaints of sexual assault; and
- h. Failure to have in place standards for reporting acts of sexual misconduct to law enforcement authorities and/or state boards of massage therapy.

735. Moreover, the negligent, reckless, intentional, outrageous, deliberately and recklessly indifferent and unlawful conduct of MASSAGE ENVY, as set forth above and herein, further consisted of:

- a. permitting massage therapists, including Assailant #22, to sexually assault female customers, including JANE DOE #22 (C.S.);
- b. permitting massage therapists, including Assailant #22, to engage in illegal sexual conduct with female customers, including JANE DOE #22 (C.S.), on the premises of MASSAGE ENVY franchise locations, including MASSAGE ENVY – JACKSONVILLE BEACH, during operating hours;
- c. permitting Assailant #22 to violate Florida criminal statutes (Title XLVI) prohibiting Battery (§784.03);
- d. failing to properly and adequately supervise and discipline its employees to prevent the sexual assault that occurred to Plaintiff;
- e. failing to adopt, enforce and/or follow adequate policies and procedures for the protection and reasonable supervision of customers who engaged the services of MASSAGE ENVY, including Plaintiff, and, in the alternative, failing to implement and comply with such procedures which had been adopted;

- f. failing to implement, enforce and/or follow adequate protective and supervisory measures for the protection of female customers, including Plaintiff;
- g. creating an environment that facilitated sexual assault by Assailant #22 on JANE DOE #22 (C.S.);
- h. failing to adopt, enforce and/or follow policies and procedures to protect female customers against harmful contact by massage therapists at franchise locations, including Assailant #22;
- i. breaching the duties imposed by Restatement (Second) of Torts, § 324A, as adopted in Florida;
- j. failing to warn Plaintiff of the risk of harm posed by Assailant #22 after Defendants knew or should have known of such risk;
- k. violation of duties imposed by Restatement (Second) of Agency § 213 and Restatement (Second) of Torts § 317, as adopted in Florida;
- l. failing to warn JANE DOE #22 (C.S.) of the risk of harm that JANE DOE #22 (C.S.) may suffer as a result of contact with Assailant #22;
- m. failing to warn or otherwise make reasonably safe the property which Defendants possessed and/or controlled, leading to the harm of JANE DOE #22 (C.S.);
- n. failing to adopt/implement and/or enforce policies and procedures for the reporting to law enforcement, state board of massage therapy and/or other authorities of sexual assaults by massage therapists;
- o. failing to report sexual assaults by massage therapists, including Assailant #22, to authorities;
- p. violating its own policies and/or by-laws regarding sexual assaults by staff;
- q. ignoring, concealing, or otherwise mitigating the seriousness of the known danger that Assailant #22 posed;
- r. failing to prevent the sexual assault that was committed by Assailant #22 on Plaintiff and other people he sexually assaulted;

- s. allowing Assailant #22 to remain employed after knowing that he sexually assaulted a female customer;
- t. failing to properly supervise and/or discipline its employees;
- u. failing to warn Plaintiff about the potential risks and dangers of obtaining a massage;
- v. failing to adequately and properly train its employees and/or franchisee employees regarding sexual assaults of customers by massage therapists; and
- w. negligently managing and/or operating Massage Envy franchise locations, including MASSAGE ENVY – JACKSONVILLE BEACH.

736. Defendant MASSAGE ENVY, having advertised and promoted itself as having a “zero tolerance” policy relating to sexual misconduct by massage therapists, explicitly and/or implicitly represented to the public in general, and to JANE DOE #22 (C.S.) in particular, that the massage therapists, including Assailant #22, in its employ and service were not only psychologically fit but were therapists who could be entrusted with the safety and well-being of female customers.

737. MASSAGE ENVY made these explicit and implied representations knowing that they were false and/or having reason to believe that they were false, and with the expectation that they would be relied upon by customers making decisions regarding their engagement of massage/spa services.

738. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures with respect to the removal and/or supervision of individuals in its employ or service who were suspected of being sexual predators.

739. MESSAGE ENVY failed to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) sexual predators in its service and employ.

740. MESSAGE ENVY failed to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

741. MESSAGE ENVY negligently failed to timely and reasonably identify, remove, and/or report (to law enforcement authorities and/or to state boards of massage therapy) Assailant #22 as a sexual predator.

742. Defendant hired, retained and/or assigned Assailant #22 to Plaintiff knowing or having reason to know that Assailant #22 was a sexual predator.

743. Defendant further breached its duty of care to JANE DOE #22 (C.S.), by failing to protect the Plaintiff from foreseeable harm from the sexual misconduct of employees of Defendants, including Assailant #22. Defendants further breached their duty of care by failing to warn JANE DOE #22 (C.S.), of the propensities of Assailant #22 and by failing to provide a safe and secure environment for the JANE DOE #22 (C.S.).

744. As a result of the above-described conduct, JANE DOE #22 (C.S.) has suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life; was prevented and will continue to be prevented from performing JANE DOE #22 (C.S.)'s daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling.

WHEREFORE, the Plaintiff, JANE DOE #22 (C.S.), demands judgment against Defendant MASSAGE ENVY, in excess of Thirty Thousand Dollars (\$30,000.00), plus costs incurred herein and any other relief this court deems fit and proper.

COUNT 23 BY JANE DOE #23 (S.S.)

745. Plaintiff JANE DOE #23 (S.S.) realleges each and every allegation contained in paragraphs 1 through 92 and 183-185 above as if fully set forth herein.

746. Defendant, MASSAGE ENVY, by and through their agents, servants and employees, knew or reasonably should have known of Assailant #23's dangerous and exploitive propensities and/or that he was an unfit agent. It was foreseeable that if said Defendant did not adequately exercise or provide the duty of care owed to female customers in their care, including, but not limited to Plaintiff, they would be vulnerable to sexual assaults by massage therapists, including the subject incident involving JANE DOE #23 (S.S.).

747. For years prior to the sexual assault of JANE DOE #23 (S.S.), as set forth in this Complaint, Defendant knew that there were hundreds, if not more, more than one-hundred eighty allegations of sexual assaults and exploitation by Massage Envy therapists occurring in nationwide.

748. MASSAGE ENVY knew, and/or should have known, that those individuals who had sexually assaulted female customers, including Assailant #23, were likely to commit further acts of sexual assault/ exploitation.

749. MASSAGE ENVY owed to the public in general, and to JANE DOE #23 (S.S.) in particular, a duty to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) individuals who it knew, or should have known, were sexual predators in its service and employ.

750. MASSAGE ENVY owed to the public in general, and to JANE DOE #23 (S.S.) in particular, a duty to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

751. Having been in the care of MASSAGE ENVY at the time under circumstances such as to deprive JANE DOE #23 (S.S.) of her entitlement to safe care and protection, MASSAGE ENVY owed to Plaintiff a duty to aid and/or protect her and to control the actions of third parties, as set forth in Restatement (Second) of Torts §§ 314A (4), 315.

752. Having been in the care of MASSAGE ENVY at the time under circumstances such as to deprive JANE DOE #23 (S.S.) of her normal opportunities for protection, MASSAGE ENVY owed to Plaintiff a duty to control the acts of its actual and / or apparent agents, servants, and/or employees.

753. At all times relevant hereto, MASSAGE ENVY did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify (and deal with) sexual predators.

754. Despite actual knowledge of multiple instances in which sexual predators were employed, transferred, re-hired and/or assigned to positions within MASSAGE ENVY franchise locations and despite the foreseeable risk that said sexual predators would engage in repeated acts of sexual perversion and assault, MASSAGE ENVY did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify, and deal with sexual predators.

755. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures for the removal of sexual predators in the employ and/or service of MASSAGE ENVY.

756. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to criminal authorities any known sexual predators in the employ and/or service of MASSAGE ENVY.

757. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to state boards of massage therapy the presence of sexual predators in the employ and/or service of MASSAGE ENVY.

758. As set forth in this Complaint, MASSAGE ENVY failed to fulfill its legal duty to protect JANE DOE #23 (S.S.) and other female customers from the depraved and vile acts of its massage therapists, including Assailant #23.

759. As set forth in this Complaint, MASSAGE ENVY failed to take reasonable steps to ensure that massage therapists at MASSAGE ENVY franchise locations were psychologically fit to provide massage therapy services to female customers. These failures included the following:

- a. Failure to investigate the background of massage therapists in its employ or service;
- b. Failure to prohibit, restrict, or limit the activities of massage therapists suspected of sexual assault and/or those known to be sexual predators;
- c. Failure to reasonably and properly investigate allegations of sexual assault;
- d. Failure to properly train and instruct investigators;
- e. Failure to have in place standards of acceptable and unacceptable conduct;
- f. Negligently training franchisee employees regarding the prevention, investigation and reporting of sexual misconduct by massage therapists;

- g. Failure to designate competent investigators to evaluate complaints of sexual assault; and
- h. Failure to have in place standards for reporting acts of sexual misconduct to law enforcement authorities and/or state boards of massage therapy.

760. Moreover, the negligent, reckless, intentional, outrageous, deliberately and recklessly indifferent and unlawful conduct of MASSAGE ENVY, as set forth above and herein, further consisted of:

- a. permitting massage therapists, including Assailant #23, to sexually assault female customers, including JANE DOE #23 (S.S.);
- b. permitting massage therapists, including Assailant #23, to engage in illegal sexual conduct with female customers, including JANE DOE #23 (S.S.), on the premises of MASSAGE ENVY franchise locations, including MASSAGE ENVY – JUPITER, during operating hours;
- c. permitting Assailant #23 to violate Florida criminal statutes (Title XLVI) prohibiting Battery (§784.03);
- d. failing to properly and adequately supervise and discipline its employees to prevent the sexual assault that occurred to Plaintiff;
- e. failing to adopt, enforce and/or follow adequate policies and procedures for the protection and reasonable supervision of customers who engaged the services of MASSAGE ENVY, including Plaintiff, and, in the alternative, failing to implement and comply with such procedures which had been adopted;
- f. failing to implement, enforce and/or follow adequate protective and supervisory measures for the protection of female customers, including Plaintiff;
- g. creating an environment that facilitated sexual assault by Assailant #23 on JANE DOE #23 (S.S.);
- h. failing to adopt, enforce and/or follow policies and procedures to protect female customers against harmful contact by massage therapists at franchise locations, including Assailant #23;

- i. breaching the duties imposed by Restatement (Second) of Torts, § 324A, as adopted in Florida;
- j. failing to warn Plaintiff of the risk of harm posed by Assailant #23 after Defendants knew or should have known of such risk;
- k. violation of duties imposed by Restatement (Second) of Agency § 213 and Restatement (Second) of Torts § 317, as adopted in Florida;
- l. failing to warn JANE DOE #23 (S.S.) of the risk of harm that JANE DOE #23 (S.S.) may suffer as a result of contact with Assailant #23;
- m. failing to warn or otherwise make reasonably safe the property which Defendants possessed and/or controlled, leading to the harm of JANE DOE #23 (S.S.);
- n. failing to adopt/implement and/or enforce policies and procedures for the reporting to law enforcement, state board of massage therapy and/or other authorities of sexual assaults by massage therapists;
- o. failing to report sexual assaults by massage therapists, including Assailant #23, to authorities;
- p. violating its own policies and/or by-laws regarding sexual assaults by staff;
- q. ignoring, concealing, or otherwise mitigating the seriousness of the known danger that Assailant #23 posed;
- r. failing to prevent the sexual assault that was committed by Assailant #23 on Plaintiff and other people he sexually assaulted;
- s. allowing Assailant #23 to remain employed after knowing that he sexually assaulted a female customer;
- t. failing to properly supervise and/or discipline its employees;
- u. failing to warn Plaintiff about the potential risks and dangers of obtaining a massage;
- v. failing to adequately and properly train its employees and/or franchisee employees regarding sexual assaults of customers by massage therapists; and

- w. negligently managing and/or operating Massage Envy franchise locations, including MASSAGE ENVY – JUPITER.

761. Defendant MASSAGE ENVY, having advertised and promoted itself as having a “zero tolerance” policy relating to sexual misconduct by massage therapists, explicitly and/or implicitly represented to the public in general, and to JANE DOE #23 (S.S.) in particular, that the massage therapists, including Assailant #23, in its employ and service were not only psychologically fit but were therapists who could be entrusted with the safety and well-being of female customers.

762. MASSAGE ENVY made these explicit and implied representations knowing that they were false and/or having reason to believe that they were false, and with the expectation that they would be relied upon by customers making decisions regarding their engagement of massage/spa services.

763. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures with respect to the removal and/or supervision of individuals in its employ or service who were suspected of being sexual predators.

764. MASSAGE ENVY failed to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) sexual predators in its service and employ.

765. MASSAGE ENVY failed to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

766. MASSAGE ENVY negligently failed to timely and reasonably identify, remove, and/or report (to law enforcement authorities and/or to state boards of massage therapy) Assailant #23 as a sexual predator.

767. Defendant hired, retained and/or assigned Assailant #23 to Plaintiff knowing or having reason to know that Assailant #23 was a sexual predator.

768. Defendant further breached its duty of care to JANE DOE #23 (S.S.), by failing to protect the Plaintiff from foreseeable harm from the sexual misconduct of employees of Defendants, including Assailant #23. Defendants further breached their duty of care by failing to warn JANE DOE #23 (S.S.), of the propensities of Assailant #23 and by failing to provide a safe and secure environment for the JANE DOE #23 (S.S.).

769. As a result of the above-described conduct, JANE DOE #23 (S.S.) has suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life; was prevented and will continue to be prevented from performing JANE DOE #23 (S.S.)'s daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling.

WHEREFORE, the Plaintiff, JANE DOE #23 (S.S.), demands judgment against Defendant MASSAGE ENVY, in excess of Thirty Thousand Dollars (\$30,000.00), plus costs incurred herein and any other relief this court deems fit and proper.

COUNT 24 BY JANE DOE #24 (C.R.)

770. Plaintiff JANE DOE #24 (C.R.) realleges each and every allegation contained in paragraphs 1 through 92 and 186-188 above as if fully set forth herein.

771. Defendant, MASSAGE ENVY, by and through their agents, servants and employees, knew or reasonably should have known of Assailant #24's dangerous and exploitive propensities and/or that he was an unfit agent. It was foreseeable that if said Defendant did not adequately exercise or provide the duty of care owed to female customers in their care, including,

but not limited to Plaintiff, they would be vulnerable to sexual assaults by massage therapists, including the subject incident involving JANE DOE #24 (C.R.).

772. For years prior to the sexual assault of JANE DOE #24 (C.R.), as set forth in this Complaint, Defendant knew that there were hundreds, if not more, more than one-hundred eighty allegations of sexual assaults and exploitation by Massage Envy therapists occurring in nationwide.

773. MASSAGE ENVY knew, and/or should have known, that those individuals who had sexually assaulted female customers, including Assailant #24, were likely to commit further acts of sexual assault/ exploitation.

774. MASSAGE ENVY owed to the public in general, and to JANE DOE #24 (C.R.) in particular, a duty to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) individuals who it knew, or should have known, were sexual predators in its service and employ.

775. MASSAGE ENVY owed to the public in general, and to JANE DOE #24 (C.R.) in particular, a duty to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

776. Having been in the care of MASSAGE ENVY at the time under circumstances such as to deprive JANE DOE #24 (C.R.) of her entitlement to safe care and protection, MASSAGE ENVY owed to Plaintiff a duty to aid and/or protect her and to control the actions of third parties, as set forth in Restatement (Second) of Torts §§ 314A (4), 315.

777. Having been in the care of MASSAGE ENVY at the time under circumstances such as to deprive JANE DOE #24 (C.R.) of her normal opportunities for protection, MASSAGE ENVY owed to Plaintiff a duty to control the acts of its actual and / or apparent agents, servants, and/or employees.

778. At all times relevant hereto, MASSAGE ENVY did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify (and deal with) sexual predators.

779. Despite actual knowledge of multiple instances in which sexual predators were employed, transferred, re-hired and/or assigned to positions within MASSAGE ENVY franchise locations and despite the foreseeable risk that said sexual predators would engage in repeated acts of sexual perversion and assault, MASSAGE ENVY did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify, and deal with sexual predators.

780. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures for the removal of sexual predators in the employ and/or service of MASSAGE ENVY.

781. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to criminal authorities any known sexual predators in the employ and/or service of MASSAGE ENVY.

782. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to state boards of massage therapy the presence of sexual predators in the employ and/or service of MASSAGE ENVY.

783. As set forth in this Complaint, MASSAGE ENVY failed to fulfill its legal duty to protect JANE DOE #24 (C.R.) and other female customers from the depraved and vile acts of its massage therapists, including Assailant #24.

784. As set forth in this Complaint, MASSAGE ENVY failed to take reasonable steps to ensure that massage therapists at MASSAGE ENVY franchise locations were psychologically fit to provide massage therapy services to female customers. These failures included the following:

- a. Failure to investigate the background of massage therapists in its employ or service;
- b. Failure to prohibit, restrict, or limit the activities of massage therapists suspected of sexual assault and/or those known to be sexual predators;
- c. Failure to reasonably and properly investigate allegations of sexual assault;
- d. Failure to properly train and instruct investigators;
- e. Failure to have in place standards of acceptable and unacceptable conduct;
- f. Negligently training franchisee employees regarding the prevention, investigation and reporting of sexual misconduct by massage therapists;
- g. Failure to designate competent investigators to evaluate complaints of sexual assault; and
- h. Failure to have in place standards for reporting acts of sexual misconduct to law enforcement authorities and/or state boards of massage therapy.

785. Moreover, the negligent, reckless, intentional, outrageous, deliberately and recklessly indifferent and unlawful conduct of MASSAGE ENVY, as set forth above and herein, further consisted of:

- a. permitting massage therapists, including Assailant #24, to sexually assault female customers, including JANE DOE #24 (C.R.);
- b. permitting massage therapists, including Assailant #24, to engage in illegal sexual conduct with female customers, including JANE DOE #24 (C.R.), on the premises of MASSAGE ENVY franchise locations, including MASSAGE ENVY – PLANTATION, during operating hours;

- c. permitting Assailant #24 to violate Florida criminal statutes (Title XLVI) prohibiting Battery (§784.03);
- d. failing to properly and adequately supervise and discipline its employees to prevent the sexual assault that occurred to Plaintiff;
- e. failing to adopt, enforce and/or follow adequate policies and procedures for the protection and reasonable supervision of customers who engaged the services of MASSAGE ENVY, including Plaintiff, and, in the alternative, failing to implement and comply with such procedures which had been adopted;
- f. failing to implement, enforce and/or follow adequate protective and supervisory measures for the protection of female customers, including Plaintiff;
- g. creating an environment that facilitated sexual assault by Assailant #24 on JANE DOE #24 (C.R.);
- h. failing to adopt, enforce and/or follow policies and procedures to protect female customers against harmful contact by massage therapists at franchise locations, including Assailant #24;
- i. breaching the duties imposed by Restatement (Second) of Torts, § 324A, as adopted in Florida;
- j. failing to warn Plaintiff of the risk of harm posed by Assailant #24 after Defendants knew or should have known of such risk;
- k. violation of duties imposed by Restatement (Second) of Agency § 213 and Restatement (Second) of Torts § 317, as adopted in Florida;
- l. failing to warn JANE DOE #24 (C.R.) of the risk of harm that JANE DOE #24 (C.R.) may suffer as a result of contact with Assailant #24;
- m. failing to warn or otherwise make reasonably safe the property which Defendants possessed and/or controlled, leading to the harm of JANE DOE #24 (C.R.);
- n. failing to adopt/implement and/or enforce policies and procedures for the reporting to law enforcement, state board of massage therapy and/or other authorities of sexual assaults by massage therapists;

- o. failing to report sexual assaults by massage therapists, including Assailant #24, to authorities;
- p. violating its own policies and/or by-laws regarding sexual assaults by staff;
- q. ignoring, concealing, or otherwise mitigating the seriousness of the known danger that Assailant #24 posed;
- r. failing to prevent the sexual assault that was committed by Assailant #24 on Plaintiff and other people he sexually assaulted;
- s. allowing Assailant #24 to remain employed after knowing that he sexually assaulted a female customer;
- t. failing to properly supervise and/or discipline its employees;
- u. failing to warn Plaintiff about the potential risks and dangers of obtaining a massage;
- v. failing to adequately and properly train its employees and/or franchisee employees regarding sexual assaults of customers by massage therapists; and
- w. negligently managing and/or operating Massage Envy franchise locations, including MASSAGE ENVY – PLANTATION.

786. Defendant MASSAGE ENVY, having advertised and promoted itself as having a “zero tolerance” policy relating to sexual misconduct by massage therapists, explicitly and/or implicitly represented to the public in general, and to JANE DOE #24 (C.R.) in particular, that the massage therapists, including Assailant #24, in its employ and service were not only psychologically fit but were therapists who could be entrusted with the safety and well-being of female customers.

787. MASSAGE ENVY made these explicit and implied representations knowing that they were false and/or having reason to believe that they were false, and with the expectation that they would be relied upon by customers making decisions regarding their engagement of massage/spa services.

788. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures with respect to the removal and/or supervision of individuals in its employ or service who were suspected of being sexual predators.

789. MASSAGE ENVY failed to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) sexual predators in its service and employ.

790. MASSAGE ENVY failed to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

791. MASSAGE ENVY negligently failed to timely and reasonably identify, remove, and/or report (to law enforcement authorities and/or to state boards of massage therapy) Assailant #24 as a sexual predator.

792. Defendant hired, retained and/or assigned Assailant #24 to Plaintiff knowing or having reason to know that Assailant #24 was a sexual predator.

793. Defendant further breached its duty of care to JANE DOE #24 (C.R.), by failing to protect the Plaintiff from foreseeable harm from the sexual misconduct of employees of Defendants, including Assailant #24. Defendants further breached their duty of care by failing to warn JANE DOE #24 (C.R.), of the propensities of Assailant #24 and by failing to provide a safe and secure environment for the JANE DOE #24 (C.R.).

794. As a result of the above-described conduct, JANE DOE #24 (C.R.) has suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life; was prevented and will continue to be prevented from performing JANE DOE #24 (C.R.)'s daily activities and obtaining the full enjoyment of life; has sustained and will

continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling.

WHEREFORE, the Plaintiff, JANE DOE #24 (C.R.), demands judgment against Defendant MASSAGE ENVY, in excess of Thirty Thousand Dollars (\$30,000.00), plus costs incurred herein and any other relief this court deems fit and proper.

COUNT 25 BY JANE DOE #25 (P.W.)

795. Plaintiff JANE DOE #25 (P.W.) realleges each and every allegation contained in paragraphs 1 through 92 and 189-191 above as if fully set forth herein.

796. Defendant, MASSAGE ENVY, by and through their agents, servants and employees, knew or reasonably should have known of Assailant #25's dangerous and exploitive propensities and/or that he was an unfit agent. It was foreseeable that if said Defendant did not adequately exercise or provide the duty of care owed to female customers in their care, including, but not limited to Plaintiff, they would be vulnerable to sexual assaults by massage therapists, including the subject incident involving JANE DOE #25 (P.W.).

797. For years prior to the sexual assault of JANE DOE #25 (P.W.), as set forth in this Complaint, Defendant knew that there were hundreds, if not more, more than one-hundred eighty allegations of sexual assaults and exploitation by Massage Envy therapists occurring in nationwide.

798. MASSAGE ENVY knew, and/or should have known, that those individuals who had sexually assaulted female customers, including Assailant #25, were likely to commit further acts of sexual assault/ exploitation.

799. MASSAGE ENVY owed to the public in general, and to JANE DOE #25 (P.W.) in particular, a duty to reasonably identify, remove, and/or report (to law enforcement authorities

and/or to state massage therapy boards) individuals who it knew, or should have known, were sexual predators in its service and employ.

800. MASSAGE ENVY owed to the public in general, and to JANE DOE #25 (P.W.) in particular, a duty to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

801. Having been in the care of MASSAGE ENVY at the time under circumstances such as to deprive JANE DOE #25 (P.W.) of her entitlement to safe care and protection, MASSAGE ENVY owed to Plaintiff a duty to aid and/or protect her and to control the actions of third parties, as set forth in Restatement (Second) of Torts §§ 314A (4), 315.

802. Having been in the care of MASSAGE ENVY at the time under circumstances such as to deprive JANE DOE #25 (P.W.) of her normal opportunities for protection, MASSAGE ENVY owed to Plaintiff a duty to control the acts of its actual and / or apparent agents, servants, and/or employees.

803. At all times relevant hereto, MASSAGE ENVY did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify (and deal with) sexual predators.

804. Despite actual knowledge of multiple instances in which sexual predators were employed, transferred, re-hired and/or assigned to positions within MASSAGE ENVY franchise locations and despite the foreseeable risk that said sexual predators would engage in repeated acts of sexual perversion and assault, MASSAGE ENVY did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify, and deal with sexual predators.

805. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures for the removal of sexual predators in the employ and/or service of MASSAGE ENVY.

806. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to criminal authorities any known sexual predators in the employ and/or service of MASSAGE ENVY.

807. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to state boards of massage therapy the presence of sexual predators in the employ and/or service of MASSAGE ENVY.

808. As set forth in this Complaint, MASSAGE ENVY failed to fulfill its legal duty to protect JANE DOE #25 (P.W.) and other female customers from the depraved and vile acts of its massage therapists, including Assailant #25.

809. As set forth in this Complaint, MASSAGE ENVY failed to take reasonable steps to ensure that massage therapists at MASSAGE ENVY franchise locations were psychologically fit to provide massage therapy services to female customers. These failures included the following:

- a. Failure to investigate the background of massage therapists in its employ or service;
- b. Failure to prohibit, restrict, or limit the activities of massage therapists suspected of sexual assault and/or those known to be sexual predators;
- c. Failure to reasonably and properly investigate allegations of sexual assault;
- d. Failure to properly train and instruct investigators;

- e. Failure to have in place standards of acceptable and unacceptable conduct;
- f. Negligently training franchisee employees regarding the prevention, investigation and reporting of sexual misconduct by massage therapists;
- g. Failure to designate competent investigators to evaluate complaints of sexual assault; and
- h. Failure to have in place standards for reporting acts of sexual misconduct to law enforcement authorities and/or state boards of massage therapy.

810. Moreover, the negligent, reckless, intentional, outrageous, deliberately and recklessly indifferent and unlawful conduct of MASSAGE ENVY, as set forth above and herein, further consisted of:

- a. permitting massage therapists, including Assailant #25, to sexually assault female customers, including JANE DOE #25 (P.W.);
- b. permitting massage therapists, including Assailant #25, to engage in illegal sexual conduct with female customers, including JANE DOE #25 (P.W.), on the premises of MASSAGE ENVY franchise locations, including MASSAGE ENVY – JACKSONVILLE BEACH, during operating hours;
- c. permitting Assailant #25 to violate Florida criminal statutes (Title XLVI) prohibiting Battery (§784.03);
- d. failing to properly and adequately supervise and discipline its employees to prevent the sexual assault that occurred to Plaintiff;
- e. failing to adopt, enforce and/or follow adequate policies and procedures for the protection and reasonable supervision of customers who engaged the services of MASSAGE ENVY, including Plaintiff, and, in the alternative, failing to implement and comply with such procedures which had been adopted;
- f. failing to implement, enforce and/or follow adequate protective and supervisory measures for the protection of female customers, including Plaintiff;

- g. creating an environment that facilitated sexual assault by Assailant #25 on JANE DOE #25 (P.W.);
- h. failing to adopt, enforce and/or follow policies and procedures to protect female customers against harmful contact by massage therapists at franchise locations, including Assailant #25;
- i. breaching the duties imposed by Restatement (Second) of Torts, § 324A, as adopted in Florida;
- j. failing to warn Plaintiff of the risk of harm posed by Assailant #25 after Defendants knew or should have known of such risk;
- k. violation of duties imposed by Restatement (Second) of Agency § 213 and Restatement (Second) of Torts § 317, as adopted in Florida;
- l. failing to warn JANE DOE #25 (P.W.) of the risk of harm that JANE DOE #25 (P.W.) may suffer as a result of contact with Assailant #25;
- m. failing to warn or otherwise make reasonably safe the property which Defendants possessed and/or controlled, leading to the harm of JANE DOE #25 (P.W.);
- n. failing to adopt/implement and/or enforce policies and procedures for the reporting to law enforcement, state board of massage therapy and/or other authorities of sexual assaults by massage therapists;
- o. failing to report sexual assaults by massage therapists, including Assailant #25, to authorities;
- p. violating its own policies and/or by-laws regarding sexual assaults by staff;
- q. ignoring, concealing, or otherwise mitigating the seriousness of the known danger that Assailant #25 posed;
- r. failing to prevent the sexual assault that was committed by Assailant #25 on Plaintiff and other people he sexually assaulted;
- s. allowing Assailant #25 to remain employed after knowing that he sexually assaulted a female customer;
- t. failing to properly supervise and/or discipline its employees;

- u. failing to warn Plaintiff about the potential risks and dangers of obtaining a massage;
- v. failing to adequately and properly train its employees and/or franchisee employees regarding sexual assaults of customers by massage therapists; and
- w. negligently managing and/or operating Massage Envy franchise locations, including MASSAGE ENVY – JACKSONVILLE BEACH.

811. Defendant MASSAGE ENVY, having advertised and promoted itself as having a “zero tolerance” policy relating to sexual misconduct by massage therapists, explicitly and/or implicitly represented to the public in general, and to JANE DOE #25 (P.W.) in particular, that the massage therapists, including Assailant #25, in its employ and service were not only psychologically fit but were therapists who could be entrusted with the safety and well-being of female customers.

812. MASSAGE ENVY made these explicit and implied representations knowing that they were false and/or having reason to believe that they were false, and with the expectation that they would be relied upon by customers making decisions regarding their engagement of massage/spa services.

813. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures with respect to the removal and/or supervision of individuals in its employ or service who were suspected of being sexual predators.

814. MASSAGE ENVY failed to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) sexual predators in its service and employ.

815. MASSAGE ENVY failed to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

816. MASSAGE ENVY negligently failed to timely and reasonably identify, remove, and/or report (to law enforcement authorities and/or to state boards of massage therapy) Assailant #25 as a sexual predator.

817. Defendant hired, retained and/or assigned Assailant #25 to Plaintiff knowing or having reason to know that Assailant #25 was a sexual predator.

818. Defendant further breached its duty of care to JANE DOE #25 (P.W.), by failing to protect the Plaintiff from foreseeable harm from the sexual misconduct of employees of Defendants, including Assailant #25. Defendants further breached their duty of care by failing to warn JANE DOE #25 (P.W.), of the propensities of Assailant #25 and by failing to provide a safe and secure environment for the JANE DOE #25 (P.W.).

819. As a result of the above-described conduct, JANE DOE #25 (P.W.) has suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life; was prevented and will continue to be prevented from performing JANE DOE #25 (P.W.)'s daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling.

WHEREFORE, the Plaintiff, JANE DOE #25 (P.W.), demands judgment against Defendant MASSAGE ENVY, in excess of Thirty Thousand Dollars (\$30,000.00), plus costs incurred herein and any other relief this court deems fit and proper.

COUNT 26 BY JOHN DOE #26 (D.P.)

820. Plaintiff JOHN DOE #26 (D.P.) realleges each and every allegation contained in paragraphs 1 through 92 and 192-194 above as if fully set forth herein.

821. Defendant, MASSAGE ENVY, by and through their agents, servants and employees, knew or reasonably should have known of Assailant #26's dangerous and exploitive propensities and/or that he was an unfit agent. It was foreseeable that if said Defendant did not adequately exercise or provide the duty of care owed to its customers in their care, including, but not limited to Plaintiff, they would be vulnerable to sexual assaults by massage therapists, including the subject incident involving JOHN DOE #26 (D.P.).

822. For years prior to the sexual assault of JOHN DOE #26 (D.P.), as set forth in this Complaint, Defendant knew that there were hundreds, if not more, more than one-hundred eighty allegations of sexual assaults and exploitation by Massage Envy therapists occurring in nationwide.

823. MASSAGE ENVY knew, and/or should have known, that those individuals who had sexually assaulted its customers, including Assailant #26, were likely to commit further acts of sexual assault/ exploitation.

824. MASSAGE ENVY owed to the public in general, and to JOHN DOE #26 (D.P.) in particular, a duty to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) individuals who it knew, or should have known, were sexual predators in its service and employ.

825. MASSAGE ENVY owed to the public in general, and to JOHN DOE #26 (D.P.) in particular, a duty to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

826. Having been in the care of MASSAGE ENVY at the time under circumstances such as to deprive JOHN DOE #26 (D.P.) of his entitlement to safe care and protection, MASSAGE

ENVY owed to Plaintiff a duty to aid and/or protect his and to control the actions of third parties, as set forth in Restatement (Second) of Torts §§ 314A (4), 315.

827. Having been in the care of MASSAGE ENVY at the time under circumstances such as to deprive JOHN DOE #26 (D.P.) of his normal opportunities for protection, MASSAGE ENVY owed to Plaintiff a duty to control the acts of its actual and / or apparent agents, servants, and/or employees.

828. At all times relevant hereto, MASSAGE ENVY did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify (and deal with) sexual predators.

829. Despite actual knowledge of multiple instances in which sexual predators were employed, transferred, re-hired and/or assigned to positions within MASSAGE ENVY franchise locations and despite the foreseeable risk that said sexual predators would engage in repeated acts of sexual perversion and assault, MASSAGE ENVY did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify, and deal with sexual predators.

830. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures for the removal of sexual predators in the employ and/or service of MASSAGE ENVY.

831. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to criminal authorities any known sexual predators in the employ and/or service of MASSAGE ENVY.

832. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the

reporting to state boards of massage therapy the presence of sexual predators in the employ and/or service of MASSAGE ENVY.

833. As set forth in this Complaint, MASSAGE ENVY failed to fulfill its legal duty to protect JOHN DOE #26 (D.P.) and other its customers from the depraved and vile acts of its massage therapists, including Assailant #26.

834. As set forth in this Complaint, MASSAGE ENVY failed to take reasonable steps to ensure that massage therapists at MASSAGE ENVY franchise locations were psychologically fit to provide massage therapy services to its customers. These failures included the following:

- a. Failure to investigate the background of massage therapists in its employ or service;
- b. Failure to prohibit, restrict, or limit the activities of massage therapists suspected of sexual assault and/or those known to be sexual predators;
- c. Failure to reasonably and properly investigate allegations of sexual assault;
- d. Failure to properly train and instruct investigators;
- e. Failure to have in place standards of acceptable and unacceptable conduct;
- f. Negligently training franchisee employees regarding the prevention, investigation and reporting of sexual misconduct by massage therapists;
- g. Failure to designate competent investigators to evaluate complaints of sexual assault; and
- h. Failure to have in place standards for reporting acts of sexual misconduct to law enforcement authorities and/or state boards of massage therapy.

835. Moreover, the negligent, reckless, intentional, outrageous, deliberately and recklessly indifferent and unlawful conduct of MASSAGE ENVY, as set forth above and herein, further consisted of:

- a. permitting massage therapists, including Assailant #26, to sexually assault its customers, including JOHN DOE #26 (D.P.);
- b. permitting massage therapists, including Assailant #26, to engage in illegal sexual conduct with its customers, including JOHN DOE #26 (D.P.), on the premises of MASSAGE ENVY franchise locations, including MASSAGE ENVY – WEST PALM BEACH, during operating hours;
- c. permitting Assailant #26 to violate Florida criminal statutes (Title XLVI) prohibiting Battery (§784.03);
- d. failing to properly and adequately supervise and discipline its employees to prevent the sexual assault that occurred to Plaintiff;
- e. failing to adopt, enforce and/or follow adequate policies and procedures for the protection and reasonable supervision of its customers who engaged the services of MASSAGE ENVY, including Plaintiff, and, in the alternative, failing to implement and comply with such procedures which had been adopted;
- f. failing to implement, enforce and/or follow adequate protective and supervisory measures for the protection of its customers, including Plaintiff;
- g. creating an environment that facilitated sexual assault by Assailant #26 on JOHN DOE #26 (D.P.);
- h. failing to adopt, enforce and/or follow policies and procedures to protect its customers against harmful contact by massage therapists at franchise locations, including Assailant #26;
- i. breaching the duties imposed by Restatement (Second) of Torts, § 324A, as adopted in Florida;
- j. failing to warn Plaintiff of the risk of harm posed by Assailant #26 after Defendants knew or should have known of such risk;
- k. violation of duties imposed by Restatement (Second) of Agency § 213 and Restatement (Second) of Torts § 317, as adopted in Florida;
- l. failing to warn JOHN DOE #26 (D.P.) of the risk of harm that JOHN DOE #26 (D.P.) may suffer as a result of contact with Assailant #26;

- m. failing to warn or otherwise make reasonably safe the property which Defendants possessed and/or controlled, leading to the harm of JOHN DOE #26 (D.P.);
- n. failing to adopt/implement and/or enforce policies and procedures for the reporting to law enforcement, state board of massage therapy and/or other authorities of sexual assaults by massage therapists;
- o. failing to report sexual assaults by massage therapists, including Assailant #26, to authorities;
- p. violating its own policies and/or by-laws regarding sexual assaults by staff;
- q. ignoring, concealing, or otherwise mitigating the seriousness of the known danger that Assailant #26 posed;
- r. failing to prevent the sexual assault that was committed by Assailant #26 on Plaintiff and other people he sexually assaulted;
- s. allowing Assailant #26 to remain employed after knowing that he sexually assaulted its customer;
- t. failing to properly supervise and/or discipline its employees;
- u. failing to warn Plaintiff about the potential risks and dangers of obtaining a massage;
- v. failing to adequately and properly train its employees regarding sexual assaults of its customers by massage therapists; and
- w. negligently managing and/or operating Massage Envy franchise locations, including MASSAGE ENVY – WEST PALM BEACH.

836. Defendant MASSAGE ENVY, having advertised and promoted itself as having a “zero tolerance” policy relating to sexual misconduct by massage therapists, explicitly and/or implicitly represented to the public in general, and to JOHN DOE #26 (D.P.) in particular, that the massage therapists, including Assailant #26, in its employ and service were not only psychologically fit but were therapists who could be entrusted with the safety and well-being of its customers.

837. MASSAGE ENVY made these explicit and implied representations knowing that they were false and/or having reason to believe that they were false, and with the expectation that they would be relied upon by its customers making decisions regarding their engagement of massage/spa services.

838. At all times relevant hereto, MASSAGE ENVY did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures with respect to the removal and/or supervision of individuals in its employ or service who were suspected of being sexual predators.

839. MASSAGE ENVY failed to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) sexual predators in its service and employ.

840. MASSAGE ENVY failed to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

841. MASSAGE ENVY negligently failed to timely and reasonably identify, remove, and/or report (to law enforcement authorities and/or to state boards of massage therapy) Assailant #26 as a sexual predator.

842. Defendant hired, retained and/or assigned Assailant #26 to Plaintiff knowing or having reason to know that Assailant #26 was a sexual predator.

843. Defendant further breached its duty of care to JOHN DOE #26 (D.P.), by failing to protect the Plaintiff from foreseeable harm from the sexual misconduct of employees of Defendants, including Assailant #26. Defendants further breached their duty of care by failing to warn JOHN DOE #26 (D.P.), of the propensities of Assailant #26 and by failing to provide a safe and secure environment for the JOHN DOE #26 (D.P.).

844. As a result of the above-described conduct, JOHN DOE #26 (D.P.) has suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life; was prevented and will continue to be prevented from performing JOHN DOE #26 (D.P.)'s daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling.

WHEREFORE, the Plaintiff, JOHN DOE #26 (D.P.), demands judgment against Defendant MASSAGE ENVY, in excess of Thirty Thousand Dollars (\$30,000.00), plus costs incurred herein and any other relief this court deems fit and proper.

DIRECT LIABILITY AGAINST FRANCHISEES

COUNT 27 BY JANE DOE # 1 (R.G.) AGAINST JK KRN ENTERPRISES, INC.

845. Plaintiff JANE DOE #1 (R.G.) realleges each and every allegation contained in paragraphs 1 through 96 above as if fully set forth herein.

846. Defendant MASSAGE ENVY – ROYAL PALM BEACH, by and through its agents, servants and employees, knew or reasonably should have known of Assailant #1's dangerous and exploitive propensities and/or that Assailant #1 was an unfit agent. It was foreseeable that if Defendant MASSAGE ENVY – ROYAL PALM BEACH did not adequately exercise or provide the duty of care owed to female customers in their care, including, but not limited to JANE DOE #1 (R.G.), that would be vulnerable to sexual assaults by Assailant #1.

847. Defendant MASSAGE ENVY – ROYAL PALM BEACH owed to the public in general, and to Plaintiff in particular, a duty to reasonably identify, remove, and/or report (to law

enforcement authorities and/or to state massage therapy boards) individuals who it knew, or should have known, were sexual predators in its service and employ, including Assailant #1.

848. Defendant MASSAGE ENVY – ROYAL PALM BEACH owed to the public in general, and to Plaintiff in particular, a duty to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ, including Assailant #1.

849. Having been in the care of Defendant MASSAGE ENVY – ROYAL PALM BEACH at the time under circumstances such as to deprive Plaintiff JANE DOE #1 (R.G.) of her entitlement to safe care and protection, Defendant owed to Plaintiff JANE DOE #1 (R.G.) a duty to aid and/or protect her and to control the actions of third parties.

850. Having been in the care of Defendant MASSAGE ENVY – ROYAL PALM BEACH at the time under circumstances such as to deprive Plaintiff JANE DOE #1 (R.G.) of her normal opportunities for protection, the Defendant owed to Plaintiff JANE DOE #1 (R.G.) a duty to control the acts of its actual and / or apparent agents, servants, and/or employees.

851. At all times relevant hereto, Defendant MASSAGE ENVY – ROYAL PALM BEACH did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify (and deal with) sexual predators.

852. Despite actual knowledge of Assailant #1 committing at least one sexual assault on a female customer at MASSAGE ENVY – ROYAL PALM BEACH and despite the foreseeable risk that Assailant #1 would engage in repeated acts of sexual perversion and assault, Defendant did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify, and deal with sexual predators, including Assailant #1.

853. At all times relevant hereto, Defendant MASSAGE ENVY – ROYAL PALM BEACH did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures for the removal of sexual predators in the employ and/or service of MASSAGE ENVY – ROYAL PALM BEACH and/or MASSAGE ENVY, including Assailant #1.

854. At all times relevant hereto, Defendant MASSAGE ENVY – ROYAL PALM BEACH did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to criminal authorities any known sexual predators, including Assailant #1, in the employ and/or service of Defendant MASSAGE ENVY – ROYAL PALM BEACH.

855. At all times relevant hereto, Defendant MASSAGE ENVY – ROYAL PALM BEACH did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to the state board of massage therapy the presence of sexual predators, including Assailant #1, in the employ and/or service of MASSAGE ENVY – ROYAL PALM BEACH.

856. As set forth in this Complaint, Defendant MASSAGE ENVY – ROYAL PALM BEACH failed to fulfill its legal duty to protect Plaintiff and other female customers from the depraved and vile acts of its massage therapist, Assailant #1.

857. As set forth in this Complaint, Defendant failed to take the reasonable steps to ensure that massage therapists at MASSAGE ENVY – ROYAL PALM BEACH were psychologically fit to provide massage therapy services to female customers. These failures included the following:

- a. Failure to investigate the background of massage therapists in its employ or service;

- b. Failure to prohibit, restrict, or limit the activities of massage therapists suspected of sexual assault and/or those known to be sexual predators;
- c. Failure to reasonably and properly investigate allegations of sexual assault;
- d. Failure to Follow Title XXXII Regulation of Professions and Occupations, Chapter 480 Massage Practice, Section 0485 Sexual Misconduct in The Practice of Massage Therapy
- e. Failure to properly train and instruct investigators;
- f. Failure to have in place standards of acceptable and unacceptable conduct;
- g. Failure to designate competent investigators to evaluate complaints of sexual assault; and
- h. Failure to have in place standards for reporting acts of sexual misconduct to law enforcement authorities and/or the state board of massage therapy.

858. Moreover, the conduct of Defendant MASSAGE ENVY – ROYAL PALM BEACH as set forth above and herein, further consisted of:

- a. permitting Assailant #1 to sexually assault female customers, including JANE DOE #1 (R.G.);
- b. permitting Assailant #1 to engage in illegal sexual conduct with female customers, including JANE DOE #1 (R.G.), on the premises of MASSAGE ENVY – ROYAL PALM BEACH, during operating hours;
- c. failing to properly and adequately supervise and discipline its employees to prevent the sexual assault that occurred to JANE DOE #1 (R.G.);
- d. failing to adopt, enforce and/or follow adequate policies and procedures for the protection and reasonable supervision of customers who engaged the services of MASSAGE ENVY – ROYAL PALM BEACH, including JANE DOE #1 (R.G.), and, in the alternative, failing to implement and comply with such procedures which had been adopted;
- e. failing to implement, enforce and/or follow adequate protective and supervisory measures for the protection of female customers, including JANE DOE #1 (R.G.);

- f. creating an environment that facilitated sexual assault by Assailant #1 on Plaintiff;
- g. failing to adopt, enforce and/or follow policies and procedures to protect female customers against harmful contact by massage therapists at franchise locations, including Assailant #1;
- h. failing to warn JANE DOE #1 (R.G.) of the risk of harm posed by Assailant #1 after Defendant knew or should have known of such risk;
- i. failing to warn JANE DOE #1 (R.G.) of the risk of harm that JANE DOE #1 (R.G.) may suffer as a result of contact with Assailant #1;
- j. failing to warn or otherwise make reasonably safe the property which Defendant possessed and/or controlled, leading to the harm of JANE DOE #1 (R.G.);
- k. failing to adopt/implement and/or enforce policies and procedures for the reporting to law enforcement, the state board of massage therapy and/or other authorities of sexual assaults by massage therapists, including Assailant #1;
- l. failing to report sexual assaults by massage therapists, including Assailant #1, to authorities;
- m. violating its own policies and/or by-laws regarding sexual assaults by staff;
- n. ignoring, concealing, or otherwise mitigating the seriousness of the known danger that Assailant #1 posed and, in fact, recommending Assailant #1 to female customers after it knew of the danger he posed;
- o. failing to prevent the sexual assault that was committed by Assailant #1 on JANE DOE #1 (R.G.) and other people he sexually assaulted;
- p. allowing Assailant #1 to remain employed after knowing that he sexually assaulted a female customer;
- q. failing to properly supervise and/or discipline its employees;
- r. failing to warn Plaintiff about the potential risks and dangers of obtaining a massage;
- s. failing to adequately and properly train its employees and/or franchisee employees regarding sexual assaults of customers by massage therapists; and
- t. negligently managing and/or operating MASSAGE ENVY – ROYAL PALM BEACH

859. Defendant MASSAGE ENVY – ROYAL PALM BEACH explicitly and/or implicitly represented to the public in general, and to JANE DOE #1 (R.G.) in particular, that the massage therapists, including Assailant #1, in its employ and service were not only psychologically fit but were therapists who could be entrusted with the safety and well-being of female customers.

860. Defendant MASSAGE ENVY – ROYAL PALM BEACH made these explicit and implied representations knowing that they were false and/or having reason to believe that they were false, and with the expectation that they would be relied upon by customers making decisions regarding their engagement of massage/spa services.

861. At all times relevant hereto, Defendant MASSAGE ENVY – ROYAL PALM BEACH did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures with respect to the removal and/or supervision of individuals in its employ or service who were suspected of being sexual predators.

862. Defendant MASSAGE ENVY – ROYAL PALM BEACH failed to reasonably identify, remove, and/or report (to law enforcement authorities and/or to the state massage therapy board) sexual predators in its service and employ.

863. Defendant MASSAGE ENVY – ROYAL PALM BEACH failed to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

864. Defendant MASSAGE ENVY – ROYAL PALM BEACH negligently failed to timely and reasonably identify, remove, and/or report (to law enforcement authorities and/or to state boards of massage therapy) Assailant #1 as a sexual predator.

865. Defendant hired, retained and/or assigned Assailant #1 to Plaintiff knowing or having reason to know that he was a sexual predator.

866. Defendant MASSAGE ENVY – ROYAL PALM BEACH further breached its duty of care to JANE DOE #1 (R.G.) by failing to protect JANE DOE #1 (R.G.) from foreseeable harm from the sexual misconduct of employees of Defendant, including Assailant #1. Defendant further breached its duty of care by failing to warn Plaintiff of the propensities of Assailant #1 and by failing to provide a safe and secure environment for JANE DOE #1 (R.G.).

867. As a result of the above-described conduct, JANE DOE #1 (R.G.) has suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling.

WHEREFORE, the Plaintiff, JANE DOE #1 (R.G.), demands judgment against Defendant MASSAGE ENVY – ROYAL PALM BEACH, in excess of Thirty Thousand Dollars (\$30,000.00), plus costs incurred herein and any other relief this court deems fit and proper.

COUNT 28 BY JANE DOE # 2 (B.P.) AGAINST VICALEX, LLC

868. Plaintiff JANE DOE #2 (B.P.) realleges each and every allegation contained in paragraphs 1 through 92 and 97-101 above as if fully set forth herein.

869. Defendant MASSAGE ENVY – WEST PALM BEACH, by and through its agents, servants and employees, knew or reasonably should have known of Assailant #2's dangerous and exploitive propensities and/or that Assailant #2 was an unfit agent. It was foreseeable that if Defendant MASSAGE ENVY – WEST PALM BEACH did not adequately exercise or provide the duty of care owed to female customers in their care, including, but not limited to JANE DOE #2 (B.P.), that would be vulnerable to sexual assaults by Assailant #2.

870. Defendant MASSAGE ENVY – WEST PALM BEACH owed to the public in general, and to Plaintiff in particular, a duty to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) individuals who it knew, or should have known, were sexual predators in its service and employ, including Assailant #2.

871. Defendant MASSAGE ENVY – WEST PALM BEACH owed to the public in general, and to Plaintiff in particular, a duty to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ, including Assailant #2.

872. Having been in the care of Defendant MASSAGE ENVY – WEST PALM BEACH at the time under circumstances such as to deprive Plaintiff JANE DOE #2 (B.P.) of her entitlement to safe care and protection, Defendant owed to Plaintiff JANE DOE #2 (B.P.) a duty to aid and/or protect her and to control the actions of third parties.

873. Having been in the care of Defendant MASSAGE ENVY – WEST PALM BEACH at the time under circumstances such as to deprive Plaintiff JANE DOE #2 (B.P.) of her normal opportunities for protection, the Defendant owed to Plaintiff JANE DOE #2 (B.P.) a duty to control the acts of its actual and / or apparent agents, servants, and/or employees.

874. At all times relevant hereto, Defendant MASSAGE ENVY – WEST PALM BEACH did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify (and deal with) sexual predators.

875. Despite actual knowledge of Assailant #2 committing at least one sexual assault on a female customer at MASSAGE ENVY – WEST PALM BEACH and despite the foreseeable risk that Assailant #2 would engage in repeated acts of sexual perversion and assault, Defendant did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify, and deal with sexual predators, including Assailant #2.

876. At all times relevant hereto, Defendant MASSAGE ENVY – WEST PALM BEACH did not have in place adequate, reasonable, and necessary rules, regulations, policies, and

procedures for the removal of sexual predators in the employ and/or service of MASSAGE ENVY – WEST PALM BEACH and/or MASSAGE ENVY, including Assailant #2.

877. At all times relevant hereto, Defendant MASSAGE ENVY – WEST PALM BEACH did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to criminal authorities any known sexual predators, including Assailant #2, in the employ and/or service of Defendant MASSAGE ENVY – WEST PALM BEACH.

878. At all times relevant hereto, Defendant MASSAGE ENVY – WEST PALM BEACH did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to the state board of massage therapy the presence of sexual predators, including Assailant #2, in the employ and/or service of MASSAGE ENVY – WEST PALM BEACH.

879. As set forth in this Complaint, Defendant MASSAGE ENVY – WEST PALM BEACH failed to fulfill its legal duty to protect Plaintiff and other female customers from the depraved and vile acts of its massage therapist, Assailant #2.

880. As set forth in this Complaint, Defendant failed to take the reasonable steps to ensure that massage therapists at MASSAGE ENVY – WEST PALM BEACH were psychologically fit to provide massage therapy services to female customers. These failures included the following:

- a. Failure to investigate the background of massage therapists in its employ or service;
- b. Failure to prohibit, restrict, or limit the activities of massage therapists suspected of sexual assault and/or those known to be sexual predators;
- c. Failure to reasonably and properly investigate allegations of sexual assault;

- d. Failure to Follow Title XXXII Regulation of Professions and Occupations, Chapter 480 Massage Practice, Section 0485 Sexual Misconduct in The Practice of Massage Therapy
- e. Failure to properly train and instruct investigators;
- f. Failure to have in place standards of acceptable and unacceptable conduct;
- g. Failure to designate competent investigators to evaluate complaints of sexual assault; and
- h. Failure to have in place standards for reporting acts of sexual misconduct to law enforcement authorities and/or the state board of massage therapy.

881. Moreover, the conduct of Defendant MASSAGE ENVY – WEST PALM BEACH as set forth above and herein, further consisted of:

- a. permitting Assailant #2 to sexually assault female customers, including JANE DOE #2 (B.P.);
- b. permitting Assailant #2 to engage in illegal sexual conduct with female customers, including JANE DOE #2 (B.P.), on the premises of MASSAGE ENVY – WEST PALM BEACH, during operating hours;
- c. failing to properly and adequately supervise and discipline its employees to prevent the sexual assault that occurred to JANE DOE #2 (B.P.);
- d. failing to adopt, enforce and/or follow adequate policies and procedures for the protection and reasonable supervision of customers who engaged the services of MASSAGE ENVY – WEST PALM BEACH, including JANE DOE #2 (B.P.), and, in the alternative, failing to implement and comply with such procedures which had been adopted;
- e. failing to implement, enforce and/or follow adequate protective and supervisory measures for the protection of female customers, including JANE DOE #2 (B.P.);
- f. creating an environment that facilitated sexual assault by Assailant #2 on Plaintiff;
- g. failing to adopt, enforce and/or follow policies and procedures to protect female customers against harmful contact by massage therapists at franchise locations, including Assailant #2;
- h. failing to warn JANE DOE #2 (B.P.) of the risk of harm posed by Assailant #2 after Defendant knew or should have known of such risk;

- i. failing to warn JANE DOE #2 (B.P.) of the risk of harm that JANE DOE #2 (B.P.) may suffer as a result of contact with Assailant #2;
- j. failing to warn or otherwise make reasonably safe the property which Defendant possessed and/or controlled, leading to the harm of JANE DOE #2 (B.P.);
- k. failing to adopt/implement and/or enforce policies and procedures for the reporting to law enforcement, the state board of massage therapy and/or other authorities of sexual assaults by massage therapists, including Assailant #2;
- l. failing to warn Plaintiff about the potential risks and dangers of obtaining a massage;
- m. failing to report sexual assaults by massage therapists, including Assailant #2, to authorities;
- n. violating its own policies and/or by-laws regarding sexual assaults by staff;
- o. ignoring, concealing, or otherwise mitigating the seriousness of the known danger that Assailant #2 posed and, in fact, recommending Assailant #2 to female customers after it knew of the danger he posed;
- p. failing to prevent the sexual assault that was committed by Assailant #2 on JANE DOE #2 (B.P.) and other people he sexually assaulted;
- q. allowing Assailant #2 to remain employed after knowing that he sexually assaulted a female customer;
- r. failing to properly supervise and/or discipline its employees;
- s. failing to adequately and properly train its employees and/or franchisee employees regarding sexual assaults of customers by massage therapists; and
- t. negligently managing and/or operating MASSAGE ENVY – WEST PALM BEACH

882. Defendant MASSAGE ENVY – WEST PALM BEACH explicitly and/or implicitly represented to the public in general, and to JANE DOE #2 (B.P.) in particular, that the massage therapists, including Assailant #2, in its employ and service were not only psychologically fit but were therapists who could be entrusted with the safety and well-being of female customers.

883. Defendant MASSAGE ENVY – WEST PALM BEACH made these explicit and implied representations knowing that they were false and/or having reason to believe that they were false, and with the expectation that they would be relied upon by customers making decisions regarding their engagement of massage/spa services.

884. At all times relevant hereto, Defendant MASSAGE ENVY – WEST PALM BEACH did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures with respect to the removal and/or supervision of individuals in its employ or service who were suspected of being sexual predators.

885. Defendant MASSAGE ENVY – WEST PALM BEACH failed to reasonably identify, remove, and/or report (to law enforcement authorities and/or to the state massage therapy board) sexual predators in its service and employ.

886. Defendant MASSAGE ENVY – WEST PALM BEACH failed to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

887. Defendant MASSAGE ENVY – WEST PALM BEACH negligently failed to timely and reasonably identify, remove, and/or report (to law enforcement authorities and/or to state boards of massage therapy) Assailant #2 as a sexual predator.

888. Defendant hired, retained and/or assigned Assailant #2 to Plaintiff knowing or having reason to know that he was a sexual predator.

889. Defendant MASSAGE ENVY – WEST PALM BEACH further breached its duty of care to JANE DOE #2 (B.P.) by failing to protect JANE DOE #2 (B.P.) from foreseeable harm from the sexual misconduct of employees of Defendant, including Assailant #2. Defendant further breached its duty of care by failing to warn Plaintiff of the propensities of Assailant #2 and by failing to provide a safe and secure environment for JANE DOE #2 (B.P.).

890. As a result of the above-described conduct, JANE DOE #2 (B.P.) has suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life; was prevented and will continue to be prevented from performing Plaintiff's

daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling.

WHEREFORE, the Plaintiff, JANE DOE #2 (B.P.), demands judgment against Defendant MASSAGE ENVY – WEST PALM BEACH, in excess of Thirty Thousand Dollars (\$30,000.00), plus costs incurred herein and any other relief this court deems fit and proper.

COUNT 29 BY JANE DOE # 3 (N.B.) AGAINST CB INVESTMENTS LLC

891. Plaintiff JANE DOE #3 (N.B.) realleges each and every allegation contained in paragraphs 1 through 92 and 102-106 above as if fully set forth herein.

892. Defendant MASSAGE ENVY – WEST BOCA, by and through its agents, servants and employees, knew or reasonably should have known of Assailant #3's dangerous and exploitive propensities and/or that Assailant #3 was an unfit agent. It was foreseeable that if Defendant MASSAGE ENVY – WEST BOCA did not adequately exercise or provide the duty of care owed to female customers in their care, including, but not limited to JANE DOE #3 (N.B.), that would be vulnerable to sexual assaults by Assailant #3.

893. Defendant MASSAGE ENVY – WEST BOCA owed to the public in general, and to Plaintiff in particular, a duty to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) individuals who it knew, or should have known, were sexual predators in its service and employ, including Assailant #3.

894. Defendant MASSAGE ENVY – WEST BOCA owed to the public in general, and to Plaintiff in particular, a duty to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ, including Assailant #3.

895. Having been in the care of Defendant MASSAGE ENVY – WEST BOCA at the time under circumstances such as to deprive Plaintiff JANE DOE #3 (N.B.) of her entitlement to safe care and protection, Defendant owed to Plaintiff JANE DOE #3 (N.B.) a duty to aid and/or protect her and to control the actions of third parties.

896. Having been in the care of Defendant MASSAGE ENVY – WEST BOCA at the time under circumstances such as to deprive Plaintiff JANE DOE #3 (N.B.) of her normal opportunities for protection, the Defendant owed to Plaintiff JANE DOE #3 (N.B.) a duty to control the acts of its actual and / or apparent agents, servants, and/or employees.

897. At all times relevant hereto, Defendant MASSAGE ENVY – WEST BOCA did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify (and deal with) sexual predators.

898. Despite actual knowledge of Assailant #3 committing at least one sexual assault on a female customer at MASSAGE ENVY – WEST BOCA and despite the foreseeable risk that Assailant #3 would engage in repeated acts of sexual perversion and assault, Defendant did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify, and deal with sexual predators, including Assailant #3.

899. At all times relevant hereto, Defendant MASSAGE ENVY – WEST BOCA did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures for the removal of sexual predators in the employ and/or service of MASSAGE ENVY – WEST BOCA and/or MASSAGE ENVY, including Assailant #3.

900. At all times relevant hereto, Defendant MASSAGE ENVY – WEST BOCA did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures

which provided for the reporting to criminal authorities any known sexual predators, including Assailant #3, in the employ and/or service of Defendant MASSAGE ENVY – WEST BOCA.

901. At all times relevant hereto, Defendant MASSAGE ENVY – WEST BOCA did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to the state board of massage therapy the presence of sexual predators, including Assailant #3, in the employ and/or service of MASSAGE ENVY – WEST BOCA.

902. As set forth in this Complaint, Defendant MASSAGE ENVY – WEST BOCA failed to fulfill its legal duty to protect Plaintiff and other female customers from the depraved and vile acts of its massage therapist, Assailant #3.

903. As set forth in this Complaint, Defendant failed to take the reasonable steps to ensure that massage therapists at MASSAGE ENVY – WEST BOCA were psychologically fit to provide massage therapy services to female customers. These failures included the following:

- a. Failure to investigate the background of massage therapists in its employ or service;
- b. Failure to prohibit, restrict, or limit the activities of massage therapists suspected of sexual assault and/or those known to be sexual predators;
- c. Failure to reasonably and properly investigate allegations of sexual assault;
- d. Failure to Follow Title XXXII Regulation of Professions and Occupations, Chapter 480 Massage Practice, Section 0485 Sexual Misconduct in The Practice of Massage Therapy
- e. Failure to properly train and instruct investigators;
- f. Failure to have in place standards of acceptable and unacceptable conduct;
- g. Failure to designate competent investigators to evaluate complaints of sexual assault; and

- h. Failure to have in place standards for reporting acts of sexual misconduct to law enforcement authorities and/or the state board of massage therapy.

904. Moreover, the conduct of Defendant MASSAGE ENVY – WEST BOCA as set forth above and herein, further consisted of:

- a. permitting Assailant #3 to sexually assault female customers, including JANE DOE #3 (N.B.);
- b. permitting Assailant #3 to engage in illegal sexual conduct with female customers, including JANE DOE #3 (N.B.), on the premises of MASSAGE ENVY – WEST BOCA, during operating hours;
- c. failing to properly and adequately supervise and discipline its employees to prevent the sexual assault that occurred to JANE DOE #3 (N.B.);
- d. failing to adopt, enforce and/or follow adequate policies and procedures for the protection and reasonable supervision of customers who engaged the services of MASSAGE ENVY – WEST BOCA, including JANE DOE #3 (N.B.), and, in the alternative, failing to implement and comply with such procedures which had been adopted;
- e. failing to implement, enforce and/or follow adequate protective and supervisory measures for the protection of female customers, including JANE DOE #3 (N.B.);
- f. creating an environment that facilitated sexual assault by Assailant #3 on Plaintiff;
- g. failing to adopt, enforce and/or follow policies and procedures to protect female customers against harmful contact by massage therapists at franchise locations, including Assailant #3;
- h. failing to warn JANE DOE #3 (N.B.) of the risk of harm posed by Assailant #3 after Defendant knew or should have known of such risk;
- i. failing to warn JANE DOE #3 (N.B.) of the risk of harm that JANE DOE #3 (N.B.) may suffer as a result of contact with Assailant #3;
- j. failing to warn or otherwise make reasonably safe the property which Defendant possessed and/or controlled, leading to the harm of JANE DOE #3 (N.B.);
- k. failing to adopt/implement and/or enforce policies and procedures for the reporting to law enforcement, the state board of massage therapy and/or other authorities of sexual assaults by massage therapists, including Assailant #3;
- l. failing to report sexual assaults by massage therapists, including Assailant #3, to authorities;
- m. violating its own policies and/or by-laws regarding sexual assaults by staff;

- n. ignoring, concealing, or otherwise mitigating the seriousness of the known danger that Assailant #3 posed and, in fact, recommending Assailant #3 to female customers after it knew of the danger he posed;
- o. failing to warn Plaintiff about the potential risks and dangers of obtaining a massage;
- p. failing to prevent the sexual assault that was committed by Assailant #3 on JANE DOE #3 (N.B.) and other people he sexually assaulted;
- q. allowing Assailant #3 to remain employed after knowing that he sexually assaulted a female customer;
- r. failing to properly supervise and/or discipline its employees;
- s. failing to adequately and properly train its employees and/or franchisee employees regarding sexual assaults of customers by massage therapists; and
- t. negligently managing and/or operating MASSAGE ENVY – WEST BOCA

905. Defendant MASSAGE ENVY – WEST BOCA explicitly and/or implicitly represented to the public in general, and to JANE DOE #3 (N.B.) in particular, that the massage therapists, including Assailant #3, in its employ and service were not only psychologically fit but were therapists who could be entrusted with the safety and well-being of female customers.

906. Defendant MASSAGE ENVY – WEST BOCA made these explicit and implied representations knowing that they were false and/or having reason to believe that they were false, and with the expectation that they would be relied upon by customers making decisions regarding their engagement of massage/spa services.

907. At all times relevant hereto, Defendant MASSAGE ENVY – WEST BOCA did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures with respect to the removal and/or supervision of individuals in its employ or service who were suspected of being sexual predators.

908. Defendant MASSAGE ENVY – WEST BOCA failed to reasonably identify, remove, and/or report (to law enforcement authorities and/or to the state massage therapy board) sexual predators in its service and employ.

909. Defendant MASSAGE ENVY – WEST BOCA failed to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

910. Defendant MASSAGE ENVY – WEST BOCA negligently failed to timely and reasonably identify, remove, and/or report (to law enforcement authorities and/or to state boards of massage therapy) Assailant #3 as a sexual predator.

911. Defendant hired, retained and/or assigned Assailant #3 to Plaintiff knowing or having reason to know that he was a sexual predator.

912. Defendant MASSAGE ENVY – WEST BOCA further breached its duty of care to JANE DOE #3 (N.B.) by failing to protect JANE DOE #3 (N.B.) from foreseeable harm from the sexual misconduct of employees of Defendant, including Assailant #3. Defendant further breached its duty of care by failing to warn Plaintiff of the propensities of Assailant #3 and by failing to provide a safe and secure environment for JANE DOE #3 (N.B.).

913. As a result of the above-described conduct, JANE DOE #3 (N.B.) has suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling.

WHEREFORE, the Plaintiff, JANE DOE #3 (N.B.), demands judgment against Defendant MASSAGE ENVY – WEST BOCA, in excess of Thirty Thousand Dollars (\$30,000.00), plus costs incurred herein and any other relief this court deems fit and proper.

COUNT 30 BY JANE DOE # 4 (D.W.) AGAINST MHL MESSAGE FOR HEALTHY LIVING, LLC

914. Plaintiff JANE DOE #4 (D.W.) realleges each and every allegation contained in paragraphs 1 through 92 and 107-112 above as if fully set forth herein.

915. Defendant MASSAGE ENVY – LARGO, by and through its agents, servants and employees, knew or reasonably should have known of Assailant #4's dangerous and exploitive propensities and/or that Assailant #4 was an unfit agent. It was foreseeable that if Defendant MASSAGE ENVY – LARGO did not adequately exercise or provide the duty of care owed to female customers in their care, including, but not limited to JANE DOE #4 (D.W.), that would be vulnerable to sexual assaults by Assailant #4.

916. Defendant MASSAGE ENVY – LARGO owed to the public in general, and to Plaintiff in particular, a duty to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) individuals who it knew, or should have known, were sexual predators in its service and employ, including Assailant #4.

917. Defendant MASSAGE ENVY – LARGO owed to the public in general, and to Plaintiff in particular, a duty to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ, including Assailant #4.

918. Having been in the care of Defendant MASSAGE ENVY – LARGO at the time under circumstances such as to deprive Plaintiff JANE DOE #4 (D.W.) of her entitlement to safe care and protection, Defendant owed to Plaintiff JANE DOE #4 (D.W.) a duty to aid and/or protect her and to control the actions of third parties.

919. Having been in the care of Defendant MASSAGE ENVY – LARGO at the time under circumstances such as to deprive Plaintiff JANE DOE #4 (D.W.) of her normal

opportunities for protection, the Defendant owed to Plaintiff JANE DOE #4 (D.W.) a duty to control the acts of its actual and / or apparent agents, servants, and/or employees.

920. At all times relevant hereto, Defendant MASSAGE ENVY – LARGO did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify (and deal with) sexual predators.

921. Despite actual knowledge of Assailant #4 committing at least one sexual assault on a female customer at MASSAGE ENVY – LARGO and despite the foreseeable risk that Assailant #4 would engage in repeated acts of sexual perversion and assault, Defendant did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify, and deal with sexual predators, including Assailant #4.

922. At all times relevant hereto, Defendant MASSAGE ENVY – LARGO did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures for the removal of sexual predators in the employ and/or service of MASSAGE ENVY – LARGO and/or MASSAGE ENVY, including Assailant #4.

923. At all times relevant hereto, Defendant MASSAGE ENVY – LARGO did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to criminal authorities any known sexual predators, including Assailant #4, in the employ and/or service of Defendant MASSAGE ENVY – LARGO.

924. At all times relevant hereto, Defendant MASSAGE ENVY – LARGO did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to the state board of massage therapy the presence of sexual predators, including Assailant #4, in the employ and/or service of MASSAGE ENVY – LARGO.

925. As set forth in this Complaint, Defendant MASSAGE ENVY – LARGO failed to fulfill its legal duty to protect Plaintiff and other female customers from the depraved and vile acts of its massage therapist, Assailant #4.

926. As set forth in this Complaint, Defendant failed to take the reasonable steps to ensure that massage therapists at MASSAGE ENVY – LARGO were psychologically fit to provide massage therapy services to female customers. These failures included the following:

- a. Failure to investigate the background of massage therapists in its employ or service;
- b. Failure to prohibit, restrict, or limit the activities of massage therapists suspected of sexual assault and/or those known to be sexual predators;
- c. Failure to reasonably and properly investigate allegations of sexual assault;
- d. Failure to Follow Title XXXII Regulation of Professions and Occupations, Chapter 480 Massage Practice, Section 0485 Sexual Misconduct in The Practice of Massage Therapy
- e. Failure to properly train and instruct investigators;
- f. Failure to have in place standards of acceptable and unacceptable conduct;
- g. Failure to designate competent investigators to evaluate complaints of sexual assault; and
- h. Failure to have in place standards for reporting acts of sexual misconduct to law enforcement authorities and/or the state board of massage therapy.

927. Moreover, the conduct of Defendant MASSAGE ENVY – LARGO as set forth above and herein, further consisted of:

- a. permitting Assailant #4 to sexually assault female customers, including JANE DOE #4 (D.W.);
- b. permitting Assailant #4 to engage in illegal sexual conduct with female customers, including JANE DOE #4 (D.W.), on the premises of MASSAGE ENVY – LARGO, during operating hours;

- c. failing to properly and adequately supervise and discipline its employees to prevent the sexual assault that occurred to JANE DOE #4 (D.W.);
- d. failing to adopt, enforce and/or follow adequate policies and procedures for the protection and reasonable supervision of customers who engaged the services of MASSAGE ENVY – LARGO, including JANE DOE #4 (D.W.), and, in the alternative, failing to implement and comply with such procedures which had been adopted;
- e. failing to implement, enforce and/or follow adequate protective and supervisory measures for the protection of female customers, including JANE DOE #4 (D.W.);
- f. creating an environment that facilitated sexual assault by Assailant #4 on Plaintiff;
- g. failing to adopt, enforce and/or follow policies and procedures to protect female customers against harmful contact by massage therapists at franchise locations, including Assailant #4;
- h. failing to warn JANE DOE #4 (D.W.) of the risk of harm posed by Assailant #4 after Defendant knew or should have known of such risk;
- i. failing to warn JANE DOE #4 (D.W.) of the risk of harm that JANE DOE #4 (D.W.) may suffer as a result of contact with Assailant #4;
- j. failing to warn or otherwise make reasonably safe the property which Defendant possessed and/or controlled, leading to the harm of JANE DOE #4 (D.W.);
- k. failing to adopt/implement and/or enforce policies and procedures for the reporting to law enforcement, the state board of massage therapy and/or other authorities of sexual assaults by massage therapists, including Assailant #4;
- l. failing to report sexual assaults by massage therapists, including Assailant #4, to authorities;
- m. violating its own policies and/or by-laws regarding sexual assaults by staff;
- n. ignoring, concealing, or otherwise mitigating the seriousness of the known danger that Assailant #4 posed and, in fact, recommending Assailant #4 to female customers after it knew of the danger he posed;
- o. failing to prevent the sexual assault that was committed by Assailant #4 on JANE DOE #4 (D.W.) and other people he sexually assaulted;
- p. allowing Assailant #4 to remain employed after knowing that he sexually assaulted a female customer;
- q. failing to properly supervise and/or discipline its employees;
- r. failing to warn Plaintiff about the potential risks and dangers of obtaining a massage;
- s. failing to adequately and properly train its employees and/or franchisee employees regarding sexual assaults of customers by massage therapists; and

t. negligently managing and/or operating MASSAGE ENVY – LARGO

928. Defendant MASSAGE ENVY – LARGO explicitly and/or implicitly represented to the public in general, and to JANE DOE #4 (D.W.) in particular, that the massage therapists, including Assailant #4, in its employ and service were not only psychologically fit but were therapists who could be entrusted with the safety and well-being of female customers.

929. Defendant MASSAGE ENVY – LARGO made these explicit and implied representations knowing that they were false and/or having reason to believe that they were false, and with the expectation that they would be relied upon by customers making decisions regarding their engagement of massage/spa services.

930. At all times relevant hereto, Defendant MASSAGE ENVY – LARGO did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures with respect to the removal and/or supervision of individuals in its employ or service who were suspected of being sexual predators.

931. Defendant MASSAGE ENVY – LARGO failed to reasonably identify, remove, and/or report (to law enforcement authorities and/or to the state massage therapy board) sexual predators in its service and employ.

932. Defendant MASSAGE ENVY – LARGO failed to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

933. Defendant MASSAGE ENVY – LARGO negligently failed to timely and reasonably identify, remove, and/or report (to law enforcement authorities and/or to state boards of massage therapy) Assailant #4 as a sexual predator.

934. Defendant hired, retained and/or assigned Assailant #4 to Plaintiff knowing or having reason to know that he was a sexual predator.

935. Defendant MASSAGE ENVY – LARGO further breached its duty of care to JANE DOE #4 (D.W.) by failing to protect JANE DOE #4 (D.W.) from foreseeable harm from the sexual misconduct of employees of Defendant, including Assailant #4. Defendant further breached its duty of care by failing to warn Plaintiff of the propensities of Assailant #4 and by failing to provide a safe and secure environment for JANE DOE #4 (D.W.).

936. As a result of the above-described conduct, JANE DOE #4 (D.W.) has suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling.

WHEREFORE, the Plaintiff, JANE DOE #4 (D.W.), demands judgment against Defendant MASSAGE ENVY – LARGO, in excess of Thirty Thousand Dollars (\$30,000.00), plus costs incurred herein and any other relief this court deems fit and proper.

COUNT 31 BY JANE DOE # 5 (T.G.) AGAINST NAMASTE LIFESTYLE, INC.

937. Plaintiff JANE DOE #5 (T.G.) realleges each and every allegation contained in paragraphs 1 through 92 and 113-118 above as if fully set forth herein.

938. Defendant MASSAGE ENVY – LUTZ, by and through its agents, servants and employees, knew or reasonably should have known of Assailant #5's dangerous and exploitive propensities and/or that Assailant #5 was an unfit agent. It was foreseeable that if Defendant

MASSAGE ENVY – LUTZ did not adequately exercise or provide the duty of care owed to female customers in their care, including, but not limited to JANE DOE #5 (T.G.), that would be vulnerable to sexual assaults by Assailant #5.

939. Defendant MASSAGE ENVY – LUTZ owed to the public in general, and to Plaintiff in particular, a duty to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) individuals who it knew, or should have known, were sexual predators in its service and employ, including Assailant #5.

940. Defendant MASSAGE ENVY – LUTZ owed to the public in general, and to Plaintiff in particular, a duty to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ, including Assailant #5.

941. Having been in the care of Defendant MASSAGE ENVY – LUTZ at the time under circumstances such as to deprive Plaintiff JANE DOE #5 (T.G.) of her entitlement to safe care and protection, Defendant owed to Plaintiff JANE DOE #5 (T.G.) a duty to aid and/or protect her and to control the actions of third parties.

942. Having been in the care of Defendant MASSAGE ENVY – LUTZ at the time under circumstances such as to deprive Plaintiff JANE DOE #5 (T.G.) of her normal opportunities for protection, the Defendant owed to Plaintiff JANE DOE #5 (T.G.) a duty to control the acts of its actual and / or apparent agents, servants, and/or employees.

943. At all times relevant hereto, Defendant MASSAGE ENVY – LUTZ did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify (and deal with) sexual predators.

944. Despite actual knowledge of Assailant #5 committing at least one sexual assault on a female customer at MASSAGE ENVY – LUTZ and despite the foreseeable risk that Assailant #5 would engage in repeated acts of sexual perversion and assault, Defendant did not have in place

(or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify, and deal with sexual predators, including Assailant #5.

945. At all times relevant hereto, Defendant MASSAGE ENVY – LUTZ did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures for the removal of sexual predators in the employ and/or service of MASSAGE ENVY – LUTZ and/or MASSAGE ENVY, including Assailant #5.

946. At all times relevant hereto, Defendant MASSAGE ENVY – LUTZ did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to criminal authorities any known sexual predators, including Assailant #5, in the employ and/or service of Defendant MASSAGE ENVY – LUTZ.

947. At all times relevant hereto, Defendant MASSAGE ENVY – LUTZ did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to the state board of massage therapy the presence of sexual predators, including Assailant #5, in the employ and/or service of MASSAGE ENVY – LUTZ.

948. As set forth in this Complaint, Defendant MASSAGE ENVY – LUTZ failed to fulfill its legal duty to protect Plaintiff and other female customers from the depraved and vile acts of its massage therapist, Assailant #5.

949. As set forth in this Complaint, Defendant failed to take the reasonable steps to ensure that massage therapists at MASSAGE ENVY – LUTZ were psychologically fit to provide massage therapy services to female customers. These failures included the following:

- a. Failure to investigate the background of massage therapists in its employ or service;

- b. Failure to prohibit, restrict, or limit the activities of massage therapists suspected of sexual assault and/or those known to be sexual predators;
- c. Failure to reasonably and properly investigate allegations of sexual assault;
- d. Failure to Follow Title XXXII Regulation of Professions and Occupations, Chapter 480 Massage Practice, Section 0485 Sexual Misconduct in The Practice of Massage Therapy
- e. Failure to properly train and instruct investigators;
- f. Failure to have in place standards of acceptable and unacceptable conduct;
- g. Failure to designate competent investigators to evaluate complaints of sexual assault; and
- h. Failure to have in place standards for reporting acts of sexual misconduct to law enforcement authorities and/or the state board of massage therapy.

950. Moreover, the conduct of Defendant MASSAGE ENVY – LUTZ as set forth above and herein, further consisted of:

- a. permitting Assailant #5 to sexually assault female customers, including JANE DOE #5 (T.G.);
- b. permitting Assailant #5 to engage in illegal sexual conduct with female customers, including JANE DOE #5 (T.G.), on the premises of MASSAGE ENVY – LUTZ, during operating hours;
- c. failing to properly and adequately supervise and discipline its employees to prevent the sexual assault that occurred to JANE DOE #5 (T.G.);
- d. failing to adopt, enforce and/or follow adequate policies and procedures for the protection and reasonable supervision of customers who engaged the services of MASSAGE ENVY – LUTZ, including JANE DOE #5 (T.G.), and, in the alternative, failing to implement and comply with such procedures which had been adopted;
- e. failing to implement, enforce and/or follow adequate protective and supervisory measures for the protection of female customers, including JANE DOE #5 (T.G.);
- f. creating an environment that facilitated sexual assault by Assailant #5 on Plaintiff;

- g. failing to adopt, enforce and/or follow policies and procedures to protect female customers against harmful contact by massage therapists at franchise locations, including Assailant #5;
- h. failing to warn JANE DOE #5 (T.G.) of the risk of harm posed by Assailant #5 after Defendant knew or should have known of such risk;
- i. failing to warn JANE DOE #5 (T.G.) of the risk of harm that JANE DOE #5 (T.G.) may suffer as a result of contact with Assailant #5;
- j. failing to warn or otherwise make reasonably safe the property which Defendant possessed and/or controlled, leading to the harm of JANE DOE #5 (T.G.);
- k. failing to adopt/implement and/or enforce policies and procedures for the reporting to law enforcement, the state board of massage therapy and/or other authorities of sexual assaults by massage therapists, including Assailant #5;
- l. failing to report sexual assaults by massage therapists, including Assailant #5, to authorities;
- m. violating its own policies and/or by-laws regarding sexual assaults by staff;
- n. ignoring, concealing, or otherwise mitigating the seriousness of the known danger that Assailant #5 posed and, in fact, recommending Assailant #5 to female customers after it knew of the danger he posed;
- o. failing to prevent the sexual assault that was committed by Assailant #5 on JANE DOE #5 (T.G.) and other people he sexually assaulted;
- p. allowing Assailant #5 to remain employed after knowing that he sexually assaulted a female customer;
- q. failing to warn Plaintiff about the potential risks and dangers of obtaining a massage;
- r. failing to properly supervise and/or discipline its employees;
- s. failing to adequately and properly train its employees and/or franchisee employees regarding sexual assaults of customers by massage therapists; and
- t. negligently managing and/or operating MASSAGE ENVY – LUTZ

951. Defendant MASSAGE ENVY – LUTZ explicitly and/or implicitly represented to the public in general, and to JANE DOE #5 (T.G.) in particular, that the massage therapists, including Assailant #5, in its employ and service were not only psychologically fit but were therapists who could be entrusted with the safety and well-being of female customers.

952. Defendant MASSAGE ENVY – LUTZ made these explicit and implied representations knowing that they were false and/or having reason to believe that they were false,

and with the expectation that they would be relied upon by customers making decisions regarding their engagement of massage/spa services.

953. At all times relevant hereto, Defendant MASSAGE ENVY – LUTZ did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures with respect to the removal and/or supervision of individuals in its employ or service who were suspected of being sexual predators.

954. Defendant MASSAGE ENVY – LUTZ failed to reasonably identify, remove, and/or report (to law enforcement authorities and/or to the state massage therapy board) sexual predators in its service and employ.

955. Defendant MASSAGE ENVY – LUTZ failed to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

956. Defendant MASSAGE ENVY – LUTZ negligently failed to timely and reasonably identify, remove, and/or report (to law enforcement authorities and/or to state boards of massage therapy) Assailant #5 as a sexual predator.

957. Defendant hired, retained and/or assigned Assailant #5 to Plaintiff knowing or having reason to know that he was a sexual predator.

958. Defendant MASSAGE ENVY – LUTZ further breached its duty of care to JANE DOE #5 (T.G.) by failing to protect JANE DOE #5 (T.G.) from foreseeable harm from the sexual misconduct of employees of Defendant, including Assailant #5. Defendant further breached its duty of care by failing to warn Plaintiff of the propensities of Assailant #5 and by failing to provide a safe and secure environment for JANE DOE #5 (T.G.).

959. As a result of the above-described conduct, JANE DOE #5 (T.G.) has suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations

of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling.

WHEREFORE, the Plaintiff, JANE DOE #5 (T.G.), demands judgment against Defendant MASSAGE ENVY – LUTZ, in excess of Thirty Thousand Dollars (\$30,000.00), plus costs incurred herein and any other relief this court deems fit and proper.

COUNT 32 BY JANE DOE # 6 (R.M.) AGAINST TRIPLE DOUBLE, USA LLC

960. Plaintiff JANE DOE #6 (R.M.) realleges each and every allegation contained in paragraphs 1 through 92 and 119-124 above as if fully set forth herein.

961. Defendant MASSAGE ENVY – SARASOTA, by and through its agents, servants and employees, knew or reasonably should have known of Assailant #6's dangerous and exploitive propensities and/or that Assailant #6 was an unfit agent. It was foreseeable that if Defendant MASSAGE ENVY – SARASOTA did not adequately exercise or provide the duty of care owed to female customers in their care, including, but not limited to JANE DOE #6 (R.M.), that would be vulnerable to sexual assaults by Assailant #6.

962. Defendant MASSAGE ENVY – SARASOTA owed to the public in general, and to Plaintiff in particular, a duty to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) individuals who it knew, or should have known, were sexual predators in its service and employ, including Assailant #6.

963. Defendant MASSAGE ENVY – SARASOTA owed to the public in general, and to Plaintiff in particular, a duty to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ, including Assailant #6.

964. Having been in the care of Defendant MASSAGE ENVY – SARASOTA at the time under circumstances such as to deprive Plaintiff JANE DOE #6 (R.M.) of her entitlement to safe care and protection, Defendant owed to Plaintiff JANE DOE #6 (R.M.) a duty to aid and/or protect her and to control the actions of third parties.

965. Having been in the care of Defendant MASSAGE ENVY – SARASOTA at the time under circumstances such as to deprive Plaintiff JANE DOE #6 (R.M.) of her normal opportunities for protection, the Defendant owed to Plaintiff JANE DOE #6 (R.M.) a duty to control the acts of its actual and / or apparent agents, servants, and/or employees.

966. At all times relevant hereto, Defendant MASSAGE ENVY – SARASOTA did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify (and deal with) sexual predators.

967. Despite actual knowledge of Assailant #6 committing at least one sexual assault on a female customer at MASSAGE ENVY – SARASOTA and despite the foreseeable risk that Assailant #6 would engage in repeated acts of sexual perversion and assault, Defendant did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify, and deal with sexual predators, including Assailant #6.

968. At all times relevant hereto, Defendant MASSAGE ENVY – SARASOTA did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures for the removal of sexual predators in the employ and/or service of MASSAGE ENVY – SARASOTA and/or MASSAGE ENVY, including Assailant #6.

969. At all times relevant hereto, Defendant MASSAGE ENVY – SARASOTA did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures

which provided for the reporting to criminal authorities any known sexual predators, including Assailant #6, in the employ and/or service of Defendant MASSAGE ENVY – SARASOTA.

970. At all times relevant hereto, Defendant MASSAGE ENVY – SARASOTA did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to the state board of massage therapy the presence of sexual predators, including Assailant #6, in the employ and/or service of MASSAGE ENVY – SARASOTA.

971. As set forth in this Complaint, Defendant MASSAGE ENVY – SARASOTA failed to fulfill its legal duty to protect Plaintiff and other female customers from the depraved and vile acts of its massage therapist, Assailant #6.

972. As set forth in this Complaint, Defendant failed to take the reasonable steps to ensure that massage therapists at MASSAGE ENVY – SARASOTA were psychologically fit to provide massage therapy services to female customers. These failures included the following:

- a. Failure to investigate the background of massage therapists in its employ or service;
- b. Failure to prohibit, restrict, or limit the activities of massage therapists suspected of sexual assault and/or those known to be sexual predators;
- c. Failure to reasonably and properly investigate allegations of sexual assault;
- d. Failure to Follow Title XXXII Regulation of Professions and Occupations, Chapter 480 Massage Practice, Section 0485 Sexual Misconduct in The Practice of Massage Therapy
- e. Failure to properly train and instruct investigators;
- f. Failure to have in place standards of acceptable and unacceptable conduct;
- g. Failure to designate competent investigators to evaluate complaints of sexual assault; and

- h. Failure to have in place standards for reporting acts of sexual misconduct to law enforcement authorities and/or the state board of massage therapy.

973. Moreover, the conduct of Defendant MASSAGE ENVY – SARASOTA as set forth above and herein, further consisted of:

- a. permitting Assailant #6 to sexually assault female customers, including JANE DOE #6 (R.M.);
- b. permitting Assailant #6 to engage in illegal sexual conduct with female customers, including JANE DOE #6 (R.M.), on the premises of MASSAGE ENVY – SARASOTA, during operating hours;
- c. failing to properly and adequately supervise and discipline its employees to prevent the sexual assault that occurred to JANE DOE #6 (R.M.);
- d. failing to adopt, enforce and/or follow adequate policies and procedures for the protection and reasonable supervision of customers who engaged the services of MASSAGE ENVY – SARASOTA, including JANE DOE #6 (R.M.), and, in the alternative, failing to implement and comply with such procedures which had been adopted;
- e. failing to implement, enforce and/or follow adequate protective and supervisory measures for the protection of female customers, including JANE DOE #6 (R.M.);
- f. creating an environment that facilitated sexual assault by Assailant #6 on Plaintiff;
- g. failing to adopt, enforce and/or follow policies and procedures to protect female customers against harmful contact by massage therapists at franchise locations, including Assailant #6;
- h. failing to warn JANE DOE #6 (R.M.) of the risk of harm posed by Assailant #6 after Defendant knew or should have known of such risk;
- i. failing to warn JANE DOE #6 (R.M.) of the risk of harm that JANE DOE #6 (R.M.) may suffer as a result of contact with Assailant #6;
- j. failing to warn or otherwise make reasonably safe the property which Defendant possessed and/or controlled, leading to the harm of JANE DOE #6 (R.M.);
- k. failing to adopt/implement and/or enforce policies and procedures for the reporting to law enforcement, the state board of massage therapy and/or other authorities of sexual assaults by massage therapists, including Assailant #6;
- l. failing to report sexual assaults by massage therapists, including Assailant #6, to authorities;
- m. violating its own policies and/or by-laws regarding sexual assaults by staff;

- n. ignoring, concealing, or otherwise mitigating the seriousness of the known danger that Assailant #6 posed and, in fact, recommending Assailant #6 to female customers after it knew of the danger he posed;
- o. failing to prevent the sexual assault that was committed by Assailant #6 on JANE DOE #6 (R.M.) and other people he sexually assaulted;
- p. allowing Assailant #6 to remain employed after knowing that he sexually assaulted a female customer;
- q. failing to warn Plaintiff about the potential risks and dangers of obtaining a massage;
- r. failing to properly supervise and/or discipline its employees;
- s. failing to adequately and properly train its employees and/or franchisee employees regarding sexual assaults of customers by massage therapists; and
- t. negligently managing and/or operating MASSAGE ENVY – SARASOTA

974. Defendant MASSAGE ENVY – SARASOTA explicitly and/or implicitly represented to the public in general, and to JANE DOE #6 (R.M.) in particular, that the massage therapists, including Assailant #6, in its employ and service were not only psychologically fit but were therapists who could be entrusted with the safety and well-being of female customers.

975. Defendant MASSAGE ENVY – SARASOTA made these explicit and implied representations knowing that they were false and/or having reason to believe that they were false, and with the expectation that they would be relied upon by customers making decisions regarding their engagement of massage/spa services.

976. At all times relevant hereto, Defendant MASSAGE ENVY – SARASOTA did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures with respect to the removal and/or supervision of individuals in its employ or service who were suspected of being sexual predators.

977. Defendant MASSAGE ENVY – SARASOTA failed to reasonably identify, remove, and/or report (to law enforcement authorities and/or to the state massage therapy board) sexual predators in its service and employ.

978. Defendant MESSAGE ENVY – SARASOTA failed to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

979. Defendant MESSAGE ENVY – SARASOTA negligently failed to timely and reasonably identify, remove, and/or report (to law enforcement authorities and/or to state boards of massage therapy) Assailant #6 as a sexual predator.

980. Defendant hired, retained and/or assigned Assailant #6 to Plaintiff knowing or having reason to know that he was a sexual predator.

981. Defendant MESSAGE ENVY – SARASOTA further breached its duty of care to JANE DOE #6 (R.M.) by failing to protect JANE DOE #6 (R.M.) from foreseeable harm from the sexual misconduct of employees of Defendant, including Assailant #6. Defendant further breached its duty of care by failing to warn Plaintiff of the propensities of Assailant #6 and by failing to provide a safe and secure environment for JANE DOE #6 (R.M.).

982. As a result of the above-described conduct, JANE DOE #6 (R.M.) has suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling.

WHEREFORE, the Plaintiff, JANE DOE #6 (R.M.), demands judgment against Defendant MESSAGE ENVY – SARASOTA, in excess of Thirty Thousand Dollars (\$30,000.00), plus costs incurred herein and any other relief this court deems fit and proper.

**COUNT 33 BY JANE DOE # 7 (A.J.) AGAINST SOUTHEAST CAUSEWAY
INVESTMENTS LLC**

983. Plaintiff JANE DOE #7 (A.J.) realleges each and every allegation contained in paragraphs 1 through 92 and 125-128 above as if fully set forth herein.

984. Defendant MASSAGE ENVY – FORT LAUDERDALE, by and through its agents, servants and employees, knew or reasonably should have known of Assailant #7's dangerous and exploitive propensities and/or that Assailant #7 was an unfit agent. It was foreseeable that if Defendant MASSAGE ENVY – FORT LAUDERDALE did not adequately exercise or provide the duty of care owed to female customers in their care, including, but not limited to JANE DOE #7 (A.J.), that would be vulnerable to sexual assaults by Assailant #7.

985. Defendant MASSAGE ENVY – FORT LAUDERDALE owed to the public in general, and to Plaintiff in particular, a duty to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) individuals who it knew, or should have known, were sexual predators in its service and employ, including Assailant #7.

986. Defendant MASSAGE ENVY – FORT LAUDERDALE owed to the public in general, and to Plaintiff in particular, a duty to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ, including Assailant #7.

987. Having been in the care of Defendant MASSAGE ENVY – FORT LAUDERDALE at the time under circumstances such as to deprive Plaintiff JANE DOE #7 (A.J.) of her entitlement to safe care and protection, Defendant owed to Plaintiff JANE DOE #7 (A.J.) a duty to aid and/or protect her and to control the actions of third parties.

988. Having been in the care of Defendant MASSAGE ENVY – FORT LAUDERDALE at the time under circumstances such as to deprive Plaintiff JANE DOE #7 (A.J.) of her normal

opportunities for protection, the Defendant owed to Plaintiff JANE DOE #7 (A.J.) a duty to control the acts of its actual and / or apparent agents, servants, and/or employees.

989. At all times relevant hereto, Defendant MASSAGE ENVY – FORT LAUDERDALE did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify (and deal with) sexual predators.

990. Despite actual knowledge of Assailant #7 committing at least one sexual assault on a female customer at MASSAGE ENVY – FORT LAUDERDALE and despite the foreseeable risk that Assailant #7 would engage in repeated acts of sexual perversion and assault, Defendant did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify, and deal with sexual predators, including Assailant #7.

991. At all times relevant hereto, Defendant MASSAGE ENVY – FORT LAUDERDALE did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures for the removal of sexual predators in the employ and/or service of MASSAGE ENVY – FORT LAUDERDALE and/or MASSAGE ENVY, including Assailant #7.

992. At all times relevant hereto, Defendant MASSAGE ENVY – FORT LAUDERDALE did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to criminal authorities any known sexual predators, including Assailant #7, in the employ and/or service of Defendant MASSAGE ENVY – FORT LAUDERDALE.

993. At all times relevant hereto, Defendant MASSAGE ENVY – FORT LAUDERDALE did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to the state board of massage therapy

the presence of sexual predators, including Assailant #7, in the employ and/or service of MASSAGE ENVY – FORT LAUDERDALE.

994. As set forth in this Complaint, Defendant MASSAGE ENVY – FORT LAUDERDALE failed to fulfill its legal duty to protect Plaintiff and other female customers from the depraved and vile acts of its massage therapist, Assailant #7.

995. As set forth in this Complaint, Defendant failed to take the reasonable steps to ensure that massage therapists at MASSAGE ENVY – FORT LAUDERDALE were psychologically fit to provide massage therapy services to female customers. These failures included the following:

- a. Failure to investigate the background of massage therapists in its employ or service;
- b. Failure to prohibit, restrict, or limit the activities of massage therapists suspected of sexual assault and/or those known to be sexual predators;
- c. Failure to reasonably and properly investigate allegations of sexual assault;
- d. Failure to Follow Title XXXII Regulation of Professions and Occupations, Chapter 480 Massage Practice, Section 0485 Sexual Misconduct in The Practice of Massage Therapy
- e. Failure to properly train and instruct investigators;
- f. Failure to have in place standards of acceptable and unacceptable conduct;
- g. Failure to designate competent investigators to evaluate complaints of sexual assault; and
- h. Failure to have in place standards for reporting acts of sexual misconduct to law enforcement authorities and/or the state board of massage therapy.

996. Moreover, the conduct of Defendant MASSAGE ENVY – FORT LAUDERDALE as set forth above and herein, further consisted of:

- a. permitting Assailant #7 to sexually assault female customers, including JANE DOE #7 (A.J.);
- b. permitting Assailant #7 to engage in illegal sexual conduct with female customers, including JANE DOE #7 (A.J.), on the premises of MASSAGE ENVY – FORT LAUDERDALE, during operating hours;
- c. failing to properly and adequately supervise and discipline its employees to prevent the sexual assault that occurred to JANE DOE #7 (A.J.);
- d. failing to adopt, enforce and/or follow adequate policies and procedures for the protection and reasonable supervision of customers who engaged the services of MASSAGE ENVY – FORT LAUDERDALE, including JANE DOE #7 (A.J.), and, in the alternative, failing to implement and comply with such procedures which had been adopted;
- e. failing to implement, enforce and/or follow adequate protective and supervisory measures for the protection of female customers, including JANE DOE #7 (A.J.);
- f. creating an environment that facilitated sexual assault by Assailant #7 on Plaintiff;
- g. failing to adopt, enforce and/or follow policies and procedures to protect female customers against harmful contact by massage therapists at franchise locations, including Assailant #7;
- h. failing to warn JANE DOE #7 (A.J.) of the risk of harm posed by Assailant #7 after Defendant knew or should have known of such risk;
- i. failing to warn JANE DOE #7 (A.J.) of the risk of harm that JANE DOE #7 (A.J.) may suffer as a result of contact with Assailant #7;
- j. failing to warn or otherwise make reasonably safe the property which Defendant possessed and/or controlled, leading to the harm of JANE DOE #7 (A.J.);
- k. failing to adopt/implement and/or enforce policies and procedures for the reporting to law enforcement, the state board of massage therapy and/or other authorities of sexual assaults by massage therapists, including Assailant #7;
- l. failing to report sexual assaults by massage therapists, including Assailant #7, to authorities;
- m. violating its own policies and/or by-laws regarding sexual assaults by staff;
- n. ignoring, concealing, or otherwise mitigating the seriousness of the known danger that Assailant #7 posed and, in fact, recommending Assailant #7 to female customers after it knew of the danger he posed;
- o. failing to prevent the sexual assault that was committed by Assailant #7 on JANE DOE #7 (A.J.) and other people he sexually assaulted;
- p. allowing Assailant #7 to remain employed after knowing that he sexually assaulted a female customer;

- q. failing to warn Plaintiff about the potential risks and dangers of obtaining a massage;
- r. failing to properly supervise and/or discipline its employees;
- s. failing to adequately and properly train its employees and/or franchisee employees regarding sexual assaults of customers by massage therapists; and
- t. negligently managing and/or operating MASSAGE ENVY – FORT LAUDERDALE

997. Defendant MASSAGE ENVY – FORT LAUDERDALE explicitly and/or implicitly represented to the public in general, and to JANE DOE #7 (A.J.) in particular, that the massage therapists, including Assailant #7, in its employ and service were not only psychologically fit but were therapists who could be entrusted with the safety and well-being of female customers.

998. Defendant MASSAGE ENVY – FORT LAUDERDALE made these explicit and implied representations knowing that they were false and/or having reason to believe that they were false, and with the expectation that they would be relied upon by customers making decisions regarding their engagement of massage/spa services.

999. At all times relevant hereto, Defendant MASSAGE ENVY – FORT LAUDERDALE did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures with respect to the removal and/or supervision of individuals in its employ or service who were suspected of being sexual predators.

1000. Defendant MASSAGE ENVY – FORT LAUDERDALE failed to reasonably identify, remove, and/or report (to law enforcement authorities and/or to the state massage therapy board) sexual predators in its service and employ.

1001. Defendant MASSAGE ENVY – FORT LAUDERDALE failed to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

1002. Defendant MASSAGE ENVY – FORT LAUDERDALE negligently failed to timely and reasonably identify, remove, and/or report (to law enforcement authorities and/or to state boards of massage therapy) Assailant #7 as a sexual predator.

1003. Defendant hired, retained and/or assigned Assailant #7 to Plaintiff knowing or having reason to know that he was a sexual predator.

1004. Defendant MASSAGE ENVY – FORT LAUDERDALE further breached its duty of care to JANE DOE #7 (A.J.) by failing to protect JANE DOE #7 (A.J.) from foreseeable harm from the sexual misconduct of employees of Defendant, including Assailant #7. Defendant further breached its duty of care by failing to warn Plaintiff of the propensities of Assailant #7 and by failing to provide a safe and secure environment for JANE DOE #7 (A.J.).

1005. As a result of the above-described conduct, JANE DOE #7 (A.J.) has suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling.

WHEREFORE, the Plaintiff, JANE DOE #7 (A.J.), demands judgment against Defendant MASSAGE ENVY – FORT LAUDERDALE, in excess of Thirty Thousand Dollars (\$30,000.00), plus costs incurred herein and any other relief this court deems fit and proper.

**COUNT 34 BY JANE DOE # 8 (B.L.) AGAINST SOUTHEAST CAUSEWAY
INVESTMENTS LLC**

1006. Plaintiff JANE DOE #8 (B.L.) realleges each and every allegation contained in paragraphs 1 through 92 and 129-134 above as if fully set forth herein.

1007. Defendant MASSAGE ENVY – FORT LAUDERDALE, by and through its agents, servants and employees, knew or reasonably should have known of Assailants #8 and #9's dangerous and exploitive propensities and/or that Assailants #8 and #9 was an unfit agent. It was foreseeable that if Defendant MASSAGE ENVY – FORT LAUDERDALE did not adequately exercise or provide the duty of care owed to female customers in their care, including, but not limited to JANE DOE #8 (B.L.), that would be vulnerable to sexual assaults by Assailants #8 and #9.

1008. Defendant MASSAGE ENVY – FORT LAUDERDALE owed to the public in general, and to Plaintiff in particular, a duty to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) individuals who it knew, or should have known, were sexual predators in its service and employ, including Assailants #8 and #9.

1009. Defendant MASSAGE ENVY – FORT LAUDERDALE owed to the public in general, and to Plaintiff in particular, a duty to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ, including Assailants #8 and #9.

1010. Having been in the care of Defendant MASSAGE ENVY – FORT LAUDERDALE at the time under circumstances such as to deprive Plaintiff JANE DOE #8 (B.L.) of her entitlement to safe care and protection, Defendant owed to Plaintiff JANE DOE #8 (B.L.) a duty to aid and/or protect her and to control the actions of third parties.

1011. Having been in the care of Defendant MASSAGE ENVY – FORT LAUDERDALE at the time under circumstances such as to deprive Plaintiff JANE DOE #8 (B.L.) of her normal opportunities for protection, the Defendant owed to Plaintiff JANE DOE #8 (B.L.) a duty to control the acts of its actual and / or apparent agents, servants, and/or employees.

1012. At all times relevant hereto, Defendant MASSAGE ENVY – FORT LAUDERDALE did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify (and deal with) sexual predators.

1013. Despite actual knowledge of Assailants #8 and #9 committing at least one sexual assault on a female customer at MASSAGE ENVY – FORT LAUDERDALE and despite the foreseeable risk that Assailants #8 and #9 would engage in repeated acts of sexual perversion and assault, Defendant did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify, and deal with sexual predators, including Assailants #8 and #9.

1014. At all times relevant hereto, Defendant MASSAGE ENVY – FORT LAUDERDALE did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures for the removal of sexual predators in the employ and/or service of MASSAGE ENVY – FORT LAUDERDALE and/or MASSAGE ENVY, including Assailants #8 and #9.

1015. At all times relevant hereto, Defendant MASSAGE ENVY – FORT LAUDERDALE did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to criminal authorities any known sexual predators, including Assailants #8 and #9, in the employ and/or service of Defendant MASSAGE ENVY – FORT LAUDERDALE.

1016. At all times relevant hereto, Defendant MASSAGE ENVY – FORT LAUDERDALE did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to the state board of massage therapy

the presence of sexual predators, including Assailants #8 and #9, in the employ and/or service of MASSAGE ENVY – FORT LAUDERDALE.

1017. As set forth in this Complaint, Defendant MASSAGE ENVY – FORT LAUDERDALE failed to fulfill its legal duty to protect Plaintiff and other female customers from the depraved and vile acts of its massage therapist, Assailants #8 and #9.

1018. As set forth in this Complaint, Defendant failed to take the reasonable steps to ensure that massage therapists at MASSAGE ENVY – FORT LAUDERDALE were psychologically fit to provide massage therapy services to female customers. These failures included the following:

- a. Failure to investigate the background of massage therapists in its employ or service;
- b. Failure to prohibit, restrict, or limit the activities of massage therapists suspected of sexual assault and/or those known to be sexual predators;
- c. Failure to reasonably and properly investigate allegations of sexual assault;
- d. Failure to Follow Title XXXII Regulation of Professions and Occupations, Chapter 480 Massage Practice, Section 0485 Sexual Misconduct in The Practice of Massage Therapy
- e. Failure to properly train and instruct investigators;
- f. Failure to have in place standards of acceptable and unacceptable conduct;
- g. Failure to designate competent investigators to evaluate complaints of sexual assault; and
- h. Failure to have in place standards for reporting acts of sexual misconduct to law enforcement authorities and/or the state board of massage therapy.

1019. Moreover, the conduct of Defendant MASSAGE ENVY – FORT LAUDERDALE as set forth above and herein, further consisted of:

- a. permitting Assailants #8 and #9 to sexually assault female customers, including JANE DOE #8 (B.L.);
- b. permitting Assailants #8 and #9 to engage in illegal sexual conduct with female customers, including JANE DOE #8 (B.L.), on the premises of MASSAGE ENVY – FORT LAUDERDALE, during operating hours;
- c. failing to properly and adequately supervise and discipline its employees to prevent the sexual assault that occurred to JANE DOE #8 (B.L.);
- d. failing to adopt, enforce and/or follow adequate policies and procedures for the protection and reasonable supervision of customers who engaged the services of MASSAGE ENVY – FORT LAUDERDALE, including JANE DOE #8 (B.L.), and, in the alternative, failing to implement and comply with such procedures which had been adopted;
- e. failing to implement, enforce and/or follow adequate protective and supervisory measures for the protection of female customers, including JANE DOE #8 (B.L.);
- f. creating an environment that facilitated sexual assault by Assailants #8 and #9 on Plaintiff;
- g. failing to adopt, enforce and/or follow policies and procedures to protect female customers against harmful contact by massage therapists at franchise locations, including Assailants #8 and #9;
- h. failing to warn JANE DOE #8 (B.L.) of the risk of harm posed by Assailants #8 and #9 after Defendant knew or should have known of such risk;
- i. failing to warn JANE DOE #8 (B.L.) of the risk of harm that JANE DOE #8 (B.L.) may suffer as a result of contact with Assailants #8 and #9;
- j. failing to warn or otherwise make reasonably safe the property which Defendant possessed and/or controlled, leading to the harm of JANE DOE #8 (B.L.);
- k. failing to adopt/implement and/or enforce policies and procedures for the reporting to law enforcement, the state board of massage therapy and/or other authorities of sexual assaults by massage therapists, including Assailants #8 and #9;
- l. failing to report sexual assaults by massage therapists, including Assailants #8 and #9, to authorities;
- m. violating its own policies and/or by-laws regarding sexual assaults by staff;
- n. ignoring, concealing, or otherwise mitigating the seriousness of the known danger that Assailants #8 and #9 posed and, in fact, recommending Assailants #8 and #9 to female customers after it knew of the danger he posed;
- o. failing to prevent the sexual assault that was committed by Assailants #8 and #9 on JANE DOE #8 (B.L.) and other people he sexually assaulted;

- p. allowing Assailants #8 and #9 to remain employed after knowing that he sexually assaulted a female customer;
- q. failing to warn Plaintiff about the potential risks and dangers of obtaining a massage;
- r. failing to properly supervise and/or discipline its employees;
- s. failing to adequately and properly train its employees and/or franchisee employees regarding sexual assaults of customers by massage therapists; and
- t. negligently managing and/or operating MASSAGE ENVY – FORT LAUDERDALE

1020. Defendant MASSAGE ENVY – FORT LAUDERDALE explicitly and/or implicitly represented to the public in general, and to JANE DOE #8 (B.L.) in particular, that the massage therapists, including Assailants #8 and #9, in its employ and service were not only psychologically fit but were therapists who could be entrusted with the safety and well-being of female customers.

1021. Defendant MASSAGE ENVY – FORT LAUDERDALE made these explicit and implied representations knowing that they were false and/or having reason to believe that they were false, and with the expectation that they would be relied upon by customers making decisions regarding their engagement of massage/spa services.

1022. At all times relevant hereto, Defendant MASSAGE ENVY – FORT LAUDERDALE did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures with respect to the removal and/or supervision of individuals in its employ or service who were suspected of being sexual predators.

1023. Defendant MASSAGE ENVY – FORT LAUDERDALE failed to reasonably identify, remove, and/or report (to law enforcement authorities and/or to the state massage therapy board) sexual predators in its service and employ.

1024. Defendant MASSAGE ENVY – FORT LAUDERDALE failed to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

1025. Defendant MASSAGE ENVY – FORT LAUDERDALE negligently failed to timely and reasonably identify, remove, and/or report (to law enforcement authorities and/or to state boards of massage therapy) Assailants #8 and #9 as a sexual predator.

1026. Defendant hired, retained and/or assigned Assailants #8 and #9 to Plaintiff knowing or having reason to know that he was a sexual predator.

1027. Defendant MASSAGE ENVY – FORT LAUDERDALE further breached its duty of care to JANE DOE #8 (B.L.) by failing to protect JANE DOE #8 (B.L.) from foreseeable harm from the sexual misconduct of employees of Defendant, including Assailants #8 and #9. Defendant further breached its duty of care by failing to warn Plaintiff of the propensities of Assailants #8 and #9 and by failing to provide a safe and secure environment for JANE DOE #8 (B.L.).

1028. As a result of the above-described conduct, JANE DOE #8 (B.L.) has suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling.

WHEREFORE, the Plaintiff, JANE DOE #8 (B.L.), demands judgment against Defendant MASSAGE ENVY – FORT LAUDERDALE, in excess of Thirty Thousand Dollars (\$30,000.00), plus costs incurred herein and any other relief this court deems fit and proper.

COUNT 35 BY JANE DOE #9 (A.K.) AGAINST SUMMIT REGENCY, LLC

1029. Plaintiff JANE DOE #9 (A.K.) realleges each and every allegation contained in paragraphs 1 through 92 and 135-139 above as if fully set forth herein.

1030. Defendant MASSAGE ENVY – ORTEGA, by and through its agents, servants and employees, knew or reasonably should have known of Assailant #10's dangerous and exploitive propensities and/or that Assailant #10 was an unfit agent. It was foreseeable that if Defendant MASSAGE ENVY – ORTEGA did not adequately exercise or provide the duty of care owed to female customers in their care, including, but not limited to JANE DOE #9 (A.K.), that would be vulnerable to sexual assaults by Assailant #10.

1031. Defendant MASSAGE ENVY – ORTEGA owed to the public in general, and to Plaintiff in particular, a duty to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) individuals who it knew, or should have known, were sexual predators in its service and employ, including Assailant #10.

1032. Defendant MASSAGE ENVY – ORTEGA owed to the public in general, and to Plaintiff in particular, a duty to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ, including Assailant #10.

1033. Having been in the care of Defendant MASSAGE ENVY – ORETEGA at the time under circumstances such as to deprive Plaintiff JANE DOE #9 (A.K.) of her entitlement to safe care and protection, Defendant owed to Plaintiff JANE DOE #9 (A.K.) a duty to aid and/or protect her and to control the actions of third parties.

1034. Having been in the care of Defendant MASSAGE ENVY – ORTEGA at the time under circumstances such as to deprive Plaintiff JANE DOE #9 (A.K.) of her normal opportunities for protection, the Defendant owed to Plaintiff JANE DOE #9 (A.K.) a duty to control the acts of its actual and / or apparent agents, servants, and/or employees.

1035. At all times relevant hereto, Defendant MASSAGE ENVY – ORTEGA did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify (and deal with) sexual predators.

1036. Despite actual knowledge of Assailant #10 committing at least one sexual assault on a female customer at MASSAGE ENVY – ORTEGA and despite the foreseeable risk that Assailant #10 would engage in repeated acts of sexual perversion and assault, Defendant did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify, and deal with sexual predators, including Assailant #10.

1037. At all times relevant hereto, Defendant MASSAGE ENVY – ORTEGA did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures for the removal of sexual predators in the employ and/or service of MASSAGE ENVY – ORTEGA and/or MASSAGE ENVY, including Assailant #10.

1038. At all times relevant hereto, Defendant MASSAGE ENVY – ORTEGA did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to criminal authorities any known sexual predators, including Assailant #10, in the employ and/or service of Defendant MASSAGE ENVY – ORTEGA.

1039. At all times relevant hereto, Defendant MASSAGE ENVY – ORTEGA did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to the state board of massage therapy the presence of sexual predators, including Assailant #10, in the employ and/or service of MASSAGE ENVY – ORTEGA.

1040. As set forth in this Complaint, Defendant MASSAGE ENVY –ORTEGA failed to fulfill its legal duty to protect Plaintiff and other female customers from the depraved and vile acts of its massage therapist, Assailant #10.

1041. As set forth in this Complaint, Defendant failed to take the reasonable steps to ensure that massage therapists at MASSAGE ENVY – ORTEGA were psychologically fit to provide massage therapy services to female customers. These failures included the following:

- a. Failure to investigate the background of massage therapists in its employ or service;
- b. Failure to prohibit, restrict, or limit the activities of massage therapists suspected of sexual assault and/or those known to be sexual predators;
- c. Failure to reasonably and properly investigate allegations of sexual assault;
- d. Failure to Follow Title XXXII Regulation of Professions and Occupations, Chapter 480 Massage Practice, Section 0485 Sexual Misconduct in The Practice of Massage Therapy
- e. Failure to properly train and instruct investigators;
- f. Failure to have in place standards of acceptable and unacceptable conduct;
- g. Failure to designate competent investigators to evaluate complaints of sexual assault; and
- h. Failure to have in place standards for reporting acts of sexual misconduct to law enforcement authorities and/or the state board of massage therapy.

1042. Moreover, the conduct of Defendant MASSAGE ENVY – ORTEGA as set forth above and herein, further consisted of:

- a. permitting Assailant #10 to sexually assault female customers, including JANE DOE #9 (A.K.);
- b. permitting Assailant #10 to engage in illegal sexual conduct with female customers, including JANE DOE #9 (A.K.), on the premises of MASSAGE ENVY – ORTEGA, during operating hours;

- c. failing to properly and adequately supervise and discipline its employees to prevent the sexual assault that occurred to JANE DOE #9 (A.K.);
- d. failing to adopt, enforce and/or follow adequate policies and procedures for the protection and reasonable supervision of customers who engaged the services of MASSAGE ENVY – ORTEGA, including JANE DOE #9 (A.K.), and, in the alternative, failing to implement and comply with such procedures which had been adopted;
- e. failing to implement, enforce and/or follow adequate protective and supervisory measures for the protection of female customers, including JANE DOE #9 (A.K.);
- f. creating an environment that facilitated sexual assault by Assailant #10 on Plaintiff;
- g. failing to adopt, enforce and/or follow policies and procedures to protect female customers against harmful contact by massage therapists at franchise locations, including Assailant #10;
- h. failing to warn JANE DOE #9 (A.K.) of the risk of harm posed by Assailant #10 after Defendant knew or should have known of such risk;
- i. failing to warn JANE DOE #9 (A.K.) of the risk of harm that JANE DOE #9 (A.K.) may suffer as a result of contact with Assailant #10;
- j. failing to warn or otherwise make reasonably safe the property which Defendant possessed and/or controlled, leading to the harm of JANE DOE #9 (A.K.);
- k. failing to adopt/implement and/or enforce policies and procedures for the reporting to law enforcement, the state board of massage therapy and/or other authorities of sexual assaults by massage therapists, including Assailant #10;
- l. failing to report sexual assaults by massage therapists, including Assailant #10, to authorities;
- m. violating its own policies and/or by-laws regarding sexual assaults by staff;
- n. ignoring, concealing, or otherwise mitigating the seriousness of the known danger that Assailant #10 posed and, in fact, recommending Assailant #10 to female customers after it knew of the danger he posed;
- o. failing to prevent the sexual assault that was committed by Assailant #10 on JANE DOE #9 (A.K.) and other people he sexually assaulted;
- p. allowing Assailant #10 to remain employed after knowing that he sexually assaulted a female customer;
- q. failing to warn Plaintiff about the potential risks and dangers of obtaining a massage;
- r. failing to properly supervise and/or discipline its employees;

- s. failing to adequately and properly train its employees and/or franchisee employees regarding sexual assaults of customers by massage therapists; and
- t. negligently managing and/or operating MASSAGE ENVY – ORTEGA

1043. Defendant MASSAGE ENVY – ORTEGA explicitly and/or implicitly represented to the public in general, and to JANE DOE #9 (A.K.) in particular, that the massage therapists, including Assailant #10, in its employ and service were not only psychologically fit but were therapists who could be entrusted with the safety and well-being of female customers.

1044. Defendant MASSAGE ENVY – ORTEGA made these explicit and implied representations knowing that they were false and/or having reason to believe that they were false, and with the expectation that they would be relied upon by customers making decisions regarding their engagement of massage/spa services.

1045. At all times relevant hereto, Defendant MASSAGE ENVY – ORTEGA did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures with respect to the removal and/or supervision of individuals in its employ or service who were suspected of being sexual predators.

1046. Defendant MASSAGE ENVY – ORTEGA failed to reasonably identify, remove, and/or report (to law enforcement authorities and/or to the state massage therapy board) sexual predators in its service and employ.

1047. Defendant MASSAGE ENVY – ORTEGA failed to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

1048. Defendant MASSAGE ENVY – ORTEGA negligently failed to timely and reasonably identify, remove, and/or report (to law enforcement authorities and/or to state boards of massage therapy) Assailant #10 as a sexual predator.

1049. Defendant hired, retained and/or assigned Assailant #10 to Plaintiff knowing or having reason to know that he was a sexual predator.

1050. Defendant MASSAGE ENVY – ORTEGA further breached its duty of care to JANE DOE #9 (A.K.) by failing to protect JANE DOE #9 (A.K.) from foreseeable harm from the sexual misconduct of employees of Defendant, including Assailant #10. Defendant further breached its duty of care by failing to warn Plaintiff of the propensities of Assailant #10 and by failing to provide a safe and secure environment for JANE DOE #9 (A.K.).

1051. As a result of the above-described conduct, JANE DOE #9 (A.K.) has suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling.

WHEREFORE, the Plaintiff, JANE DOE #9 (A.K.), demands judgment against Defendant MASSAGE ENVY – ORTEGA, in excess of Thirty Thousand Dollars (\$30,000.00), plus costs incurred herein and any other relief this court deems fit and proper.

COUNT 36 BY JANE DOE #10 (S.G.) AGAINST SPANISH RIVER ENVY LLC

1052. Plaintiff JANE DOE #10 (S.G.) realleges each and every allegation contained in paragraphs 1 through 92 and 140-148 above as if fully set forth herein.

1053. Defendant MASSAGE ENVY – SPANISH RIVER, by and through its agents, servants and employees, knew or reasonably should have known of Assailant #11’s dangerous and exploitive propensities and/or that Assailant #11 was an unfit agent. It was foreseeable that if Defendant MASSAGE ENVY – SPANISH RIVER did not adequately exercise or provide the duty of care owed to female customers in their care, including, but not limited to JANE DOE #10 (S.G.), that would be vulnerable to sexual assaults by Assailant #11.

1054. Defendant MASSAGE ENVY – SPANISH RIVER owed to the public in general, and to Plaintiff in particular, a duty to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) individuals who it knew, or should have known, were sexual predators in its service and employ, including Assailant #11.

1055. Defendant MASSAGE ENVY – SPANISH RIVER owed to the public in general, and to Plaintiff in particular, a duty to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ, including Assailant #11.

1056. Having been in the care of Defendant MASSAGE ENVY – SPANISH RIVER at the time under circumstances such as to deprive Plaintiff JANE DOE #10 (S.G.) of her entitlement to safe care and protection, Defendant owed to Plaintiff JANE DOE #10 (S.G.) a duty to aid and/or protect her and to control the actions of third parties.

1057. Having been in the care of Defendant MASSAGE ENVY – SPANISH RIVER at the time under circumstances such as to deprive Plaintiff JANE DOE #10 (S.G.) of her normal opportunities for protection, the Defendant owed to Plaintiff JANE DOE #10 (S.G.) a duty to control the acts of its actual and / or apparent agents, servants, and/or employees.

1058. At all times relevant hereto, Defendant MASSAGE ENVY – SPANISH RIVER did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify (and deal with) sexual predators.

1059. Despite actual knowledge of Assailant #11 committing at least one sexual assault on a female customer at MASSAGE ENVY – SPANISH RIVER and despite the foreseeable risk that Assailant #11 would engage in repeated acts of sexual perversion and assault, Defendant did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify, and deal with sexual predators, including Assailant #11.

1060. At all times relevant hereto, Defendant MASSAGE ENVY – SPANISH RIVER did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures for the removal of sexual predators in the employ and/or service of MASSAGE ENVY – SPANISH RIVER and/or MASSAGE ENVY, including Assailant #11.

1061. At all times relevant hereto, Defendant MASSAGE ENVY – SPANISH RIVER did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to criminal authorities any known sexual predators, including Assailant #11, in the employ and/or service of Defendant MASSAGE ENVY – SPANISH RIVER.

1062. At all times relevant hereto, Defendant MASSAGE ENVY – SPANISH RIVER did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to the state board of massage therapy the presence of sexual predators, including Assailant #11, in the employ and/or service of MASSAGE ENVY – SPANISH RIVER.

1063. As set forth in this Complaint, Defendant MASSAGE ENVY – SPANISH RIVER failed to fulfill its legal duty to protect Plaintiff and other female customers from the depraved and vile acts of its massage therapist, Assailant #11.

1064. As set forth in this Complaint, Defendant failed to take the reasonable steps to ensure that massage therapists at MASSAGE ENVY – SPANISH RIVER were psychologically fit to provide massage therapy services to female customers. These failures included the following:

- a. Failure to investigate the background of massage therapists in its employ or service;
- b. Failure to prohibit, restrict, or limit the activities of massage therapists suspected of sexual assault and/or those known to be sexual predators;
- c. Failure to reasonably and properly investigate allegations of sexual assault;
- d. Failure to Follow Title XXXII Regulation of Professions and Occupations, Chapter 480 Massage Practice, Section 0485 Sexual Misconduct in The Practice of Massage Therapy
- e. Failure to properly train and instruct investigators;
- f. Failure to have in place standards of acceptable and unacceptable conduct;
- g. Failure to designate competent investigators to evaluate complaints of sexual assault; and
- h. Failure to have in place standards for reporting acts of sexual misconduct to law enforcement authorities and/or the state board of massage therapy.

1065. Moreover, the conduct of Defendant MASSAGE ENVY – SPANISH RIVER as set forth above and herein, further consisted of:

- a. permitting Assailant #11 to sexually assault female customers, including JANE DOE #10 (S.G.);
- b. permitting Assailant #11 to engage in illegal sexual conduct with female customers, including JANE DOE #10 (S.G.), on the premises of MASSAGE ENVY – SPANISH RIVER, during operating hours;

- c. failing to properly and adequately supervise and discipline its employees to prevent the sexual assault that occurred to JANE DOE #10 (S.G.);
- d. failing to adopt, enforce and/or follow adequate policies and procedures for the protection and reasonable supervision of customers who engaged the services of MASSAGE ENVY – SPANISH RIVER, including JANE DOE #10 (S.G.), and, in the alternative, failing to implement and comply with such procedures which had been adopted;
- e. failing to implement, enforce and/or follow adequate protective and supervisory measures for the protection of female customers, including JANE DOE #10 (S.G.);
- f. creating an environment that facilitated sexual assault by Assailant #11 on Plaintiff;
- g. failing to adopt, enforce and/or follow policies and procedures to protect female customers against harmful contact by massage therapists at franchise locations, including Assailant #11;
- h. failing to warn JANE DOE #10 (S.G.) of the risk of harm posed by Assailant #11 after Defendant knew or should have known of such risk;
- i. failing to warn JANE DOE #10 (S.G.) of the risk of harm that JANE DOE #10 (S.G.) may suffer as a result of contact with Assailant #11;
- j. failing to warn or otherwise make reasonably safe the property which Defendant possessed and/or controlled, leading to the harm of JANE DOE #10 (S.G.);
- k. failing to adopt/implement and/or enforce policies and procedures for the reporting to law enforcement, the state board of massage therapy and/or other authorities of sexual assaults by massage therapists, including Assailant #11;
- l. failing to report sexual assaults by massage therapists, including Assailant #11, to authorities;
- m. violating its own policies and/or by-laws regarding sexual assaults by staff;
- n. ignoring, concealing, or otherwise mitigating the seriousness of the known danger that Assailant #11 posed and, in fact, recommending Assailant #11 to female customers after it knew of the danger he posed;
- o. failing to prevent the sexual assault that was committed by Assailant #11 on JANE DOE #10 (S.G.) and other people he sexually assaulted;
- p. allowing Assailant #11 to remain employed after knowing that he sexually assaulted a female customer;
- q. failing to properly supervise and/or discipline its employees;
- r. failing to warn Plaintiff about the potential risks and dangers of obtaining a massage;

- s. failing to adequately and properly train its employees and/or franchisee employees regarding sexual assaults of customers by massage therapists; and
- t. negligently managing and/or operating MASSAGE ENVY – SPANISH RIVER

1066. Defendant MASSAGE ENVY – SPANISH RIVER explicitly and/or implicitly represented to the public in general, and to JANE DOE #10 (S.G.) in particular, that the massage therapists, including Assailant #11, in its employ and service were not only psychologically fit but were therapists who could be entrusted with the safety and well-being of female customers.

1067. Defendant MASSAGE ENVY – SPANISH RIVER made these explicit and implied representations knowing that they were false and/or having reason to believe that they were false, and with the expectation that they would be relied upon by customers making decisions regarding their engagement of massage/spa services.

1068. At all times relevant hereto, Defendant MASSAGE ENVY – SPANISH RIVER did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures with respect to the removal and/or supervision of individuals in its employ or service who were suspected of being sexual predators.

1069. Defendant MASSAGE ENVY – SPANISH RIVER failed to reasonably identify, remove, and/or report (to law enforcement authorities and/or to the state massage therapy board) sexual predators in its service and employ.

1070. Defendant MASSAGE ENVY – SPANISH RIVER failed to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

1071. Defendant MASSAGE ENVY – SPANISH RIVER negligently failed to timely and reasonably identify, remove, and/or report (to law enforcement authorities and/or to state boards of massage therapy) Assailant #11 as a sexual predator.

1072. Defendant hired, retained and/or assigned Assailant #11 to Plaintiff knowing or having reason to know that he was a sexual predator.

1073. Defendant MASSAGE ENVY – SPANISH RIVER further breached its duty of care to JANE DOE #10 (S.G.) by failing to protect JANE DOE #10 (S.G.) from foreseeable harm from the sexual misconduct of employees of Defendant, including Assailant #11. Defendant further breached its duty of care by failing to warn Plaintiff of the propensities of Assailant #11 and by failing to provide a safe and secure environment for JANE DOE #10 (S.G.).

1074. As a result of the above-described conduct, JANE DOE #10 (S.G.) has suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling.

WHEREFORE, the Plaintiff, JANE DOE #10 (S.G.), demands judgment against Defendant MASSAGE ENVY – SPANISH RIVER, in excess of Thirty Thousand Dollars (\$30,000.00), plus costs incurred herein and any other relief this court deems fit and proper.

COUNT 37 BY JANE DOE # 11 (D.H.) AGAINST SPANISH RIVER ENVY LLC

1075. Plaintiff JANE DOE #11 (D.H.) realleges each and every allegation contained in paragraphs 1 through 92 and 140-148 above as if fully set forth herein.

1076. Defendant MASSAGE ENVY – SPANISH RIVER, by and through its agents, servants and employees, knew or reasonably should have known of Assailant #12's dangerous and exploitive propensities and/or that Assailant #12 was an unfit agent. It was foreseeable that if Defendant MASSAGE ENVY – SPANISH RIVER did not adequately exercise or provide the duty of care owed to female customers in their care, including, but not limited to JANE DOE #11 (D.H.), that would be vulnerable to sexual assaults by Assailant #12.

1077. Defendant MASSAGE ENVY – SPANISH RIVER owed to the public in general, and to Plaintiff in particular, a duty to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) individuals who it knew, or should have known, were sexual predators in its service and employ, including Assailant #12.

1078. Defendant MASSAGE ENVY – SPANISH RIVER owed to the public in general, and to Plaintiff in particular, a duty to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ, including Assailant #12.

1079. Having been in the care of Defendant MASSAGE ENVY – SPANISH RIVER at the time under circumstances such as to deprive Plaintiff JANE DOE #11 (D.H.) of her entitlement to safe care and protection, Defendant owed to Plaintiff JANE DOE #11 (D.H.) a duty to aid and/or protect her and to control the actions of third parties.

1080. Having been in the care of Defendant MASSAGE ENVY – SPANISH RIVER at the time under circumstances such as to deprive Plaintiff JANE DOE #11 (D.H.) of her normal opportunities for protection, the Defendant owed to Plaintiff JANE DOE #11 (D.H.) a duty to control the acts of its actual and / or apparent agents, servants, and/or employees.

1081. At all times relevant hereto, Defendant MASSAGE ENVY – SPANISH RIVER did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify (and deal with) sexual predators.

1082. Despite actual knowledge of Assailant #12 committing at least one sexual assault on a female customer at MASSAGE ENVY – SPANISH RIVER and despite the foreseeable risk that Assailant #12 would engage in repeated acts of sexual perversion and assault, Defendant did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify, and deal with sexual predators, including Assailant #12.

1083. At all times relevant hereto, Defendant MASSAGE ENVY – SPANISH RIVER did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures for the removal of sexual predators in the employ and/or service of MASSAGE ENVY – SPANISH RIVER and/or MASSAGE ENVY, including Assailant #12.

1084. At all times relevant hereto, Defendant MASSAGE ENVY – SPANISH RIVER did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to criminal authorities any known sexual predators, including Assailant #12, in the employ and/or service of Defendant MASSAGE ENVY – SPANISH RIVER.

1085. At all times relevant hereto, Defendant MASSAGE ENVY – SPANISH RIVER did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to the state board of massage therapy the presence of sexual predators, including Assailant #12, in the employ and/or service of MASSAGE ENVY – SPANISH RIVER.

1086. As set forth in this Complaint, Defendant MASSAGE ENVY – SPANISH RIVER failed to fulfill its legal duty to protect Plaintiff and other female customers from the depraved and vile acts of its massage therapist, Assailant #12.

1087. As set forth in this Complaint, Defendant failed to take the reasonable steps to ensure that massage therapists at MASSAGE ENVY – SPANISH RIVER were psychologically fit to provide massage therapy services to female customers. These failures included the following:

- a. Failure to investigate the background of massage therapists in its employ or service;
- b. Failure to prohibit, restrict, or limit the activities of massage therapists suspected of sexual assault and/or those known to be sexual predators;
- c. Failure to reasonably and properly investigate allegations of sexual assault;
- d. Failure to Follow Title XXXII Regulation of Professions and Occupations, Chapter 480 Massage Practice, Section 0485 Sexual Misconduct in The Practice of Massage Therapy
- e. Failure to properly train and instruct investigators;
- f. Failure to have in place standards of acceptable and unacceptable conduct;
- g. Failure to designate competent investigators to evaluate complaints of sexual assault; and
- h. Failure to have in place standards for reporting acts of sexual misconduct to law enforcement authorities and/or the state board of massage therapy.

1088. Moreover, the conduct of Defendant MASSAGE ENVY – SPANISH RIVER as set forth above and herein, further consisted of:

- a. permitting Assailant #12 to sexually assault female customers, including JANE DOE #11 (D.H.);
- b. permitting Assailant #12 to engage in illegal sexual conduct with female customers, including JANE DOE #11 (D.H.), on the premises of MASSAGE ENVY – SPANISH RIVER, during operating hours;

- c. failing to properly and adequately supervise and discipline its employees to prevent the sexual assault that occurred to JANE DOE #11 (D.H.);
- d. failing to adopt, enforce and/or follow adequate policies and procedures for the protection and reasonable supervision of customers who engaged the services of MASSAGE ENVY – SPANISH RIVER, including JANE DOE #11 (D.H.), and, in the alternative, failing to implement and comply with such procedures which had been adopted;
- e. failing to implement, enforce and/or follow adequate protective and supervisory measures for the protection of female customers, including JANE DOE #11 (D.H.);
- f. creating an environment that facilitated sexual assault by Assailant #12 on Plaintiff;
- g. failing to adopt, enforce and/or follow policies and procedures to protect female customers against harmful contact by massage therapists at franchise locations, including Assailant #12;
- h. failing to warn JANE DOE #11 (D.H.) of the risk of harm posed by Assailant #12 after Defendant knew or should have known of such risk;
- i. failing to warn JANE DOE #11 (D.H.) of the risk of harm that JANE DOE #11 (D.H.) may suffer as a result of contact with Assailant #12;
- j. failing to warn or otherwise make reasonably safe the property which Defendant possessed and/or controlled, leading to the harm of JANE DOE #11 (D.H.);
- k. failing to adopt/implement and/or enforce policies and procedures for the reporting to law enforcement, the state board of massage therapy and/or other authorities of sexual assaults by massage therapists, including Assailant #12;
- l. failing to report sexual assaults by massage therapists, including Assailant #12, to authorities;
- m. violating its own policies and/or by-laws regarding sexual assaults by staff;
- n. ignoring, concealing, or otherwise mitigating the seriousness of the known danger that Assailant #12 posed and, in fact, recommending Assailant #12 to female customers after it knew of the danger he posed;
- o. failing to prevent the sexual assault that was committed by Assailant #12 on JANE DOE #11 (D.H.) and other people he sexually assaulted;
- p. allowing Assailant #12 to remain employed after knowing that he sexually assaulted a female customer;
- q. failing to warn Plaintiff about the potential risks and dangers of obtaining a massage;
- r.
- s. failing to properly supervise and/or discipline its employees;

- t. failing to adequately and properly train its employees and/or franchisee employees regarding sexual assaults of customers by massage therapists; and
- u. negligently managing and/or operating MASSAGE ENVY – SPANISH RIVER

1089. Defendant MASSAGE ENVY – SPANISH RIVER explicitly and/or implicitly represented to the public in general, and to JANE DOE #11 (D.H.) in particular, that the massage therapists, including Assailant #12, in its employ and service were not only psychologically fit but were therapists who could be entrusted with the safety and well-being of female customers.

1090. Defendant MASSAGE ENVY – SPANISH RIVER made these explicit and implied representations knowing that they were false and/or having reason to believe that they were false, and with the expectation that they would be relied upon by customers making decisions regarding their engagement of massage/spa services.

1091. At all times relevant hereto, Defendant MASSAGE ENVY – SPANISH RIVER did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures with respect to the removal and/or supervision of individuals in its employ or service who were suspected of being sexual predators.

1092. Defendant MASSAGE ENVY – SPANISH RIVER failed to reasonably identify, remove, and/or report (to law enforcement authorities and/or to the state massage therapy board) sexual predators in its service and employ.

1093. Defendant MASSAGE ENVY – SPANISH RIVER failed to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

1094. Defendant MASSAGE ENVY – SPANISH RIVER negligently failed to timely and reasonably identify, remove, and/or report (to law enforcement authorities and/or to state boards of massage therapy) Assailant #12 as a sexual predator.

1095. Defendant hired, retained and/or assigned Assailant #12 to Plaintiff knowing or having reason to know that he was a sexual predator.

1096. Defendant MASSAGE ENVY – SPANISH RIVER further breached its duty of care to JANE DOE #11 (D.H.) by failing to protect JANE DOE #11 (D.H.) from foreseeable harm from the sexual misconduct of employees of Defendant, including Assailant #12. Defendant further breached its duty of care by failing to warn Plaintiff of the propensities of Assailant #12 and by failing to provide a safe and secure environment for JANE DOE #11 (D.H.).

1097. As a result of the above-described conduct, JANE DOE #11 (D.H.) has suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling.

WHEREFORE, the Plaintiff, JANE DOE #11 (D.H.), demands judgment against Defendant MASSAGE ENVY – SPANISH RIVER, in excess of Thirty Thousand Dollars (\$30,000.00), plus costs incurred herein and any other relief this court deems fit and proper.

COUNT 38 BY JANE DOE # 12 (K.J.) AGAINST BLACKHORSE SERVICES CORP

1098. Plaintiff JANE DOE #12 (K.J.) realleges each and every allegation contained in paragraphs 1 through 92 and 148-151 above as if fully set forth herein.

1099. Defendant MASSAGE ENVY – POMPANO BEACH, by and through its agents, servants and employees, knew or reasonably should have known of Assailant #11's dangerous and exploitive propensities and/or that Assailant #11 was an unfit agent. It was foreseeable that if Defendant MASSAGE ENVY – POMPANO BEACH did not adequately exercise or provide the duty of care owed to female customers in their care, including, but not limited to JANE DOE #12 (K.J.), that would be vulnerable to sexual assaults by Assailant #11.

1100. Defendant MASSAGE ENVY – POMPANO BEACH owed to the public in general, and to Plaintiff in particular, a duty to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) individuals who it knew, or should have known, were sexual predators in its service and employ, including Assailant #11.

1101. Defendant MASSAGE ENVY – POMPANO BEACH owed to the public in general, and to Plaintiff in particular, a duty to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ, including Assailant #11.

1102. Having been in the care of Defendant MASSAGE ENVY – POMPANO BEACH at the time under circumstances such as to deprive Plaintiff JANE DOE #12 (K.J.) of her entitlement to safe care and protection, Defendant owed to Plaintiff JANE DOE #12 (K.J.) a duty to aid and/or protect her and to control the actions of third parties.

1103. Having been in the care of Defendant MASSAGE ENVY – POMPANO BEACH at the time under circumstances such as to deprive Plaintiff JANE DOE #12 (K.J.) of her normal opportunities for protection, the Defendant owed to Plaintiff JANE DOE #12 (K.J.) a duty to control the acts of its actual and / or apparent agents, servants, and/or employees.

1104. At all times relevant hereto, Defendant MASSAGE ENVY – POMPANO BEACH did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify (and deal with) sexual predators.

1105. Despite actual knowledge of Assailant #11 committing at least one sexual assault on a female customer at MASSAGE ENVY – POMPANO BEACH and despite the foreseeable risk that Assailant #11 would engage in repeated acts of sexual perversion and assault, Defendant did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify, and deal with sexual predators, including Assailant #11.

1106. At all times relevant hereto, Defendant MASSAGE ENVY – POMPANO BEACH did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures for the removal of sexual predators in the employ and/or service of MASSAGE ENVY – POMPANO BEACH and/or MASSAGE ENVY, including Assailant #11.

1107. At all times relevant hereto, Defendant MASSAGE ENVY – POMPANO BEACH did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to criminal authorities any known sexual predators, including Assailant #11, in the employ and/or service of Defendant MASSAGE ENVY – POMPANO BEACH.

1108. At all times relevant hereto, Defendant MASSAGE ENVY – POMPANO BEACH did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to the state board of massage therapy the presence of sexual predators, including Assailant #11, in the employ and/or service of MASSAGE ENVY – POMPANO BEACH.

1109. As set forth in this Complaint, Defendant MASSAGE ENVY – POMPANO BEACH failed to fulfill its legal duty to protect Plaintiff and other female customers from the depraved and vile acts of its massage therapist, Assailant #11.

1110. As set forth in this Complaint, Defendant failed to take the reasonable steps to ensure that massage therapists at MASSAGE ENVY – POMPANO BEACH were psychologically fit to provide massage therapy services to female customers. These failures included the following:

- a. Failure to investigate the background of massage therapists in its employ or service;
- b. Failure to prohibit, restrict, or limit the activities of massage therapists suspected of sexual assault and/or those known to be sexual predators;
- c. Failure to reasonably and properly investigate allegations of sexual assault;
- d. Failure to Follow Title XXXII Regulation of Professions and Occupations, Chapter 480 Massage Practice, Section 0485 Sexual Misconduct in The Practice of Massage Therapy
- e. Failure to properly train and instruct investigators;
- f. Failure to have in place standards of acceptable and unacceptable conduct;
- g. Failure to designate competent investigators to evaluate complaints of sexual assault; and
- h. Failure to have in place standards for reporting acts of sexual misconduct to law enforcement authorities and/or the state board of massage therapy.

1111. Moreover, the conduct of Defendant MASSAGE ENVY – POMPANO BEACH as set forth above and herein, further consisted of:

- a. permitting Assailant #11 to sexually assault female customers, including JANE DOE #12 (K.J.);
- b. permitting Assailant #11 to engage in illegal sexual conduct with female customers, including JANE DOE #12 (K.J.), on the premises of MASSAGE ENVY – POMPANO BEACH, during operating hours;

- c. failing to properly and adequately supervise and discipline its employees to prevent the sexual assault that occurred to JANE DOE #12 (K.J.);
- d. failing to adopt, enforce and/or follow adequate policies and procedures for the protection and reasonable supervision of customers who engaged the services of MASSAGE ENVY – POMPANO BEACH, including JANE DOE #12 (K.J.), and, in the alternative, failing to implement and comply with such procedures which had been adopted;
- e. failing to implement, enforce and/or follow adequate protective and supervisory measures for the protection of female customers, including JANE DOE #12 (K.J.);
- f. creating an environment that facilitated sexual assault by Assailant #11 on Plaintiff;
- g. failing to adopt, enforce and/or follow policies and procedures to protect female customers against harmful contact by massage therapists at franchise locations, including Assailant #11;
- h. failing to warn JANE DOE #12 (K.J.) of the risk of harm posed by Assailant #11 after Defendant knew or should have known of such risk;
- i. failing to warn JANE DOE #12 (K.J.) of the risk of harm that JANE DOE #12 (K.J.) may suffer as a result of contact with Assailant #11;
- j. failing to warn or otherwise make reasonably safe the property which Defendant possessed and/or controlled, leading to the harm of JANE DOE #12 (K.J.);
- k. failing to adopt/implement and/or enforce policies and procedures for the reporting to law enforcement, the state board of massage therapy and/or other authorities of sexual assaults by massage therapists, including Assailant #11;
- l. failing to report sexual assaults by massage therapists, including Assailant #11, to authorities;
- m. violating its own policies and/or by-laws regarding sexual assaults by staff;
- n. ignoring, concealing, or otherwise mitigating the seriousness of the known danger that Assailant #11 posed and, in fact, recommending Assailant #11 to female customers after it knew of the danger he posed;
- o. failing to prevent the sexual assault that was committed by Assailant #11 on JANE DOE #12 (K.J.) and other people he sexually assaulted;
- p. allowing Assailant #11 to remain employed after knowing that he sexually assaulted a female customer;
- q. failing to properly supervise and/or discipline its employees;
- r. failing to warn Plaintiff about the potential risks and dangers of obtaining a massage;

- s. failing to adequately and properly train its employees and/or franchisee employees regarding sexual assaults of customers by massage therapists; and
- t. negligently managing and/or operating MASSAGE ENVY – POMPANO BEACH

1112. Defendant MASSAGE ENVY – POMPANO BEACH explicitly and/or implicitly represented to the public in general, and to JANE DOE #12 (K.J.) in particular, that the massage therapists, including Assailant #11, in its employ and service were not only psychologically fit but were therapists who could be entrusted with the safety and well-being of female customers.

1113. Defendant MASSAGE ENVY – POMPANO BEACH made these explicit and implied representations knowing that they were false and/or having reason to believe that they were false, and with the expectation that they would be relied upon by customers making decisions regarding their engagement of massage/spa services.

1114. At all times relevant hereto, Defendant MASSAGE ENVY – POMPANO BEACH did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures with respect to the removal and/or supervision of individuals in its employ or service who were suspected of being sexual predators.

1115. Defendant MASSAGE ENVY – POMPANO BEACH failed to reasonably identify, remove, and/or report (to law enforcement authorities and/or to the state massage therapy board) sexual predators in its service and employ.

1116. Defendant MASSAGE ENVY – POMPANO BEACH failed to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

1117. Defendant MASSAGE ENVY – POMPANO BEACH negligently failed to timely and reasonably identify, remove, and/or report (to law enforcement authorities and/or to state boards of massage therapy) Assailant #11 as a sexual predator.

1118. Defendant hired, retained and/or assigned Assailant #11 to Plaintiff knowing or having reason to know that he was a sexual predator.

1119. Defendant MASSAGE ENVY – POMPANO BEACH further breached its duty of care to JANE DOE #12 (K.J.) by failing to protect JANE DOE #12 (K.J.) from foreseeable harm from the sexual misconduct of employees of Defendant, including Assailant #11. Defendant further breached its duty of care by failing to warn Plaintiff of the propensities of Assailant #11 and by failing to provide a safe and secure environment for JANE DOE #12 (K.J.).

1120. As a result of the above-described conduct, JANE DOE #12 (K.J.) has suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling.

WHEREFORE, the Plaintiff, JANE DOE #12 (K.J.), demands judgment against Defendant MASSAGE ENVY – POMPANO BEACH, in excess of Thirty Thousand Dollars (\$30,000.00), plus costs incurred herein and any other relief this court deems fit and proper.

COUNT 39 BY JANE DOE # 13 (G.G.) AGAINST JK KRN ENTERPRISES, INC.

1121. Plaintiff JANE DOE #13 (G.G) realleges each and every allegation contained in paragraphs 1 through 92 and 152-155 above as if fully set forth herein.

1122. Defendant MASSAGE ENVY – ROYAL PALM BEACH, by and through its agents, servants and employees, knew or reasonably should have known of Assailant #1's dangerous and exploitive propensities and/or that Assailant #1 was an unfit agent. It was foreseeable that if Defendant MASSAGE ENVY – ROYAL PALM BEACH did not adequately

exercise or provide the duty of care owed to female customers in their care, including, but not limited to JANE DOE #13 (G.G), that would be vulnerable to sexual assaults by Assailant #1.

1123. Defendant MASSAGE ENVY – ROYAL PALM BEACH owed to the public in general, and to Plaintiff in particular, a duty to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) individuals who it knew, or should have known, were sexual predators in its service and employ, including Assailant #1.

1124. Defendant MASSAGE ENVY – ROYAL PALM BEACH owed to the public in general, and to Plaintiff in particular, a duty to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ, including Assailant #1.

1125. Having been in the care of Defendant MASSAGE ENVY – ROYAL PALM BEACH at the time under circumstances such as to deprive Plaintiff JANE DOE #13 (G.G) of her entitlement to safe care and protection, Defendant owed to Plaintiff JANE DOE #13 (G.G) a duty to aid and/or protect her and to control the actions of third parties.

1126. Having been in the care of Defendant MASSAGE ENVY – ROYAL PALM BEACH at the time under circumstances such as to deprive Plaintiff JANE DOE #13 (G.G) of her normal opportunities for protection, the Defendant owed to Plaintiff JANE DOE #13 (G.G) a duty to control the acts of its actual and / or apparent agents, servants, and/or employees.

1127. At all times relevant hereto, Defendant MASSAGE ENVY – ROYAL PALM BEACH did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify (and deal with) sexual predators.

1128. Despite actual knowledge of Assailant #1 committing at least one sexual assault on a female customer at MASSAGE ENVY – ROYAL PALM BEACH and despite the foreseeable

risk that Assailant #1 would engage in repeated acts of sexual perversion and assault, Defendant did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify, and deal with sexual predators, including Assailant #1.

1129. At all times relevant hereto, Defendant MASSAGE ENVY – ROYAL PALM BEACH did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures for the removal of sexual predators in the employ and/or service of MASSAGE ENVY – ROYAL PALM BEACH and/or MASSAGE ENVY, including Assailant #1.

1130. At all times relevant hereto, Defendant MASSAGE ENVY – ROYAL PALM BEACH did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to criminal authorities any known sexual predators, including Assailant #1, in the employ and/or service of Defendant MASSAGE ENVY – ROYAL PALM BEACH.

1131. At all times relevant hereto, Defendant MASSAGE ENVY – ROYAL PALM BEACH did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to the state board of massage therapy the presence of sexual predators, including Assailant #1, in the employ and/or service of MASSAGE ENVY – ROYAL PALM BEACH.

1132. As set forth in this Complaint, Defendant MASSAGE ENVY – ROYAL PALM BEACH failed to fulfill its legal duty to protect Plaintiff and other female customers from the depraved and vile acts of its massage therapist, Assailant #1.

1133. As set forth in this Complaint, Defendant failed to take the reasonable steps to ensure that massage therapists at MASSAGE ENVY – ROYAL PALM BEACH were

psychologically fit to provide massage therapy services to female customers. These failures included the following:

- a. Failure to investigate the background of massage therapists in its employ or service;
- b. Failure to prohibit, restrict, or limit the activities of massage therapists suspected of sexual assault and/or those known to be sexual predators;
- c. Failure to reasonably and properly investigate allegations of sexual assault;
- d. Failure to Follow Title XXXII Regulation of Professions and Occupations, Chapter 480 Massage Practice, Section 0485 Sexual Misconduct in The Practice of Massage Therapy
- e. Failure to properly train and instruct investigators;
- f. Failure to have in place standards of acceptable and unacceptable conduct;
- g. Failure to designate competent investigators to evaluate complaints of sexual assault; and
- h. Failure to have in place standards for reporting acts of sexual misconduct to law enforcement authorities and/or the state board of massage therapy.

1134. Moreover, the conduct of Defendant MASSAGE ENVY – ROYAL PALM BEACH as set forth above and herein, further consisted of:

- a. permitting Assailant #1 to sexually assault female customers, including JANE DOE #13 (G.G);
- b. permitting Assailant #1 to engage in illegal sexual conduct with female customers, including JANE DOE #13 (G.G), on the premises of MASSAGE ENVY – ROYAL PALM BEACH, during operating hours;
- c. failing to properly and adequately supervise and discipline its employees to prevent the sexual assault that occurred to JANE DOE #13 (G.G);
- d. failing to adopt, enforce and/or follow adequate policies and procedures for the protection and reasonable supervision of customers who engaged the services of MASSAGE ENVY – ROYAL PALM BEACH, including JANE DOE #13 (G.G), and, in

- the alternative, failing to implement and comply with such procedures which had been adopted;
- e. failing to implement, enforce and/or follow adequate protective and supervisory measures for the protection of female customers, including JANE DOE #13 (G.G);
 - f. creating an environment that facilitated sexual assault by Assailant #1 on Plaintiff;
 - g. failing to adopt, enforce and/or follow policies and procedures to protect female customers against harmful contact by massage therapists at franchise locations, including Assailant #1;
 - h. failing to warn JANE DOE #13 (G.G) of the risk of harm posed by Assailant #1 after Defendant knew or should have known of such risk;
 - i. failing to warn JANE DOE #13 (G.G) of the risk of harm that JANE DOE #13 (G.G) may suffer as a result of contact with Assailant #1;
 - j. failing to warn or otherwise make reasonably safe the property which Defendant possessed and/or controlled, leading to the harm of JANE DOE #13 (G.G);
 - k. failing to adopt/implement and/or enforce policies and procedures for the reporting to law enforcement, the state board of massage therapy and/or other authorities of sexual assaults by massage therapists, including Assailant #1;
 - l. failing to report sexual assaults by massage therapists, including Assailant #1, to authorities;
 - m. violating its own policies and/or by-laws regarding sexual assaults by staff;
 - n. ignoring, concealing, or otherwise mitigating the seriousness of the known danger that Assailant #1 posed and, in fact, recommending Assailant #1 to female customers after it knew of the danger he posed;
 - o. failing to prevent the sexual assault that was committed by Assailant #1 on JANE DOE #13 (G.G) and other people he sexually assaulted;
 - p. allowing Assailant #1 to remain employed after knowing that he sexually assaulted a female customer;
 - q. failing to properly supervise and/or discipline its employees;
 - r. failing to warn Plaintiff about the potential risks and dangers of obtaining a massage;
 - s. failing to adequately and properly train its employees and/or franchisee employees regarding sexual assaults of customers by massage therapists; and
 - t. negligently managing and/or operating MASSAGE ENVY – ROYAL PALM BEACH

1135. Defendant MASSAGE ENVY – ROYAL PALM BEACH explicitly and/or implicitly represented to the public in general, and to JANE DOE #13 (G.G) in particular, that the

massage therapists, including Assailant #1, in its employ and service were not only psychologically fit but were therapists who could be entrusted with the safety and well-being of female customers.

1136. Defendant MASSAGE ENVY – ROYAL PALM BEACH made these explicit and implied representations knowing that they were false and/or having reason to believe that they were false, and with the expectation that they would be relied upon by customers making decisions regarding their engagement of massage/spa services.

1137. At all times relevant hereto, Defendant MASSAGE ENVY – ROYAL PALM BEACH did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures with respect to the removal and/or supervision of individuals in its employ or service who were suspected of being sexual predators.

1138. Defendant MASSAGE ENVY – ROYAL PALM BEACH failed to reasonably identify, remove, and/or report (to law enforcement authorities and/or to the state massage therapy board) sexual predators in its service and employ.

1139. Defendant MASSAGE ENVY – ROYAL PALM BEACH failed to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

1140. Defendant MASSAGE ENVY – ROYAL PALM BEACH negligently failed to timely and reasonably identify, remove, and/or report (to law enforcement authorities and/or to state boards of massage therapy) Assailant #1 as a sexual predator.

1141. Defendant hired, retained and/or assigned Assailant #1 to Plaintiff knowing or having reason to know that he was a sexual predator.

1142. Defendant MASSAGE ENVY – ROYAL PALM BEACH further breached its duty of care to JANE DOE #13 (G.G) by failing to protect JANE DOE #13 (G.G) from foreseeable harm from the sexual misconduct of employees of Defendant, including Assailant #1. Defendant

further breached its duty of care by failing to warn Plaintiff of the propensities of Assailant #1 and by failing to provide a safe and secure environment for JANE DOE #13 (G.G).

1143. As a result of the above-described conduct, JANE DOE #13 (G.G) has suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling.

WHEREFORE, the Plaintiff, JANE DOE #13 (G.G), demands judgment against Defendant MASSAGE ENVY – ROYAL PALM BEACH, in excess of Thirty Thousand Dollars (\$30,000.00), plus costs incurred herein and any other relief this court deems fit and proper.

COUNT 40 BY JANE DOE # 14 (T.L.) AGAINST KAM CONCEPTS, LLC

1144. Plaintiff JANE DOE #14 (T.L) realleges each and every allegation contained in paragraphs 1 through 92 and 156-158 above as if fully set forth herein.

1145. Defendant MASSAGE ENVY – NORTH PALM BEACH, by and through its agents, servants and employees, knew or reasonably should have known of Assailant #14's dangerous and exploitive propensities and/or that Assailant #14 was an unfit agent. It was foreseeable that if Defendant MASSAGE ENVY – NORTH PALM BEACH did not adequately exercise or provide the duty of care owed to female customers in their care, including, but not limited to JANE DOE #14 (T.L), that would be vulnerable to sexual assaults by Assailant #14.

1146. Defendant MASSAGE ENVY – NORTH PALM BEACH owed to the public in general, and to Plaintiff in particular, a duty to reasonably identify, remove, and/or report (to law

enforcement authorities and/or to state massage therapy boards) individuals who it knew, or should have known, were sexual predators in its service and employ, including Assailant #14.

1147. Defendant MASSAGE ENVY – NORTH PALM BEACH owed to the public in general, and to Plaintiff in particular, a duty to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ, including Assailant #14.

1148. Having been in the care of Defendant MASSAGE ENVY – NORTH PALM BEACH at the time under circumstances such as to deprive Plaintiff JANE DOE #14 (T.L) of her entitlement to safe care and protection, Defendant owed to Plaintiff JANE DOE #14 (T.L) a duty to aid and/or protect her and to control the actions of third parties.

1149. Having been in the care of Defendant MASSAGE ENVY – NORTH PALM BEACH at the time under circumstances such as to deprive Plaintiff JANE DOE #14 (T.L) of her normal opportunities for protection, the Defendant owed to Plaintiff JANE DOE #14 (T.L) a duty to control the acts of its actual and / or apparent agents, servants, and/or employees.

1150. At all times relevant hereto, Defendant MASSAGE ENVY – NORTH PALM BEACH did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify (and deal with) sexual predators.

1151. Despite actual knowledge of Assailant #14 committing at least one sexual assault on a female customer at MASSAGE ENVY – NORTH PALM BEACH and despite the foreseeable risk that Assailant #14 would engage in repeated acts of sexual perversion and assault, Defendant did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify, and deal with sexual predators, including Assailant #14.

1152. At all times relevant hereto, Defendant MASSAGE ENVY – NORTH PALM BEACH did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures for the removal of sexual predators in the employ and/or service of MASSAGE ENVY – NORTH PALM BEACH and/or MASSAGE ENVY, including Assailant #14.

1153. At all times relevant hereto, Defendant MASSAGE ENVY – NORTH PALM BEACH did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to criminal authorities any known sexual predators, including Assailant #14, in the employ and/or service of Defendant MASSAGE ENVY – NORTH PALM BEACH.

1154. At all times relevant hereto, Defendant MASSAGE ENVY – NORTH PALM BEACH did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to the state board of massage therapy the presence of sexual predators, including Assailant #14, in the employ and/or service of MASSAGE ENVY – NORTH PALM BEACH.

1155. As set forth in this Complaint, Defendant MASSAGE ENVY – NORTH PALM BEACH failed to fulfill its legal duty to protect Plaintiff and other female customers from the depraved and vile acts of its massage therapist, Assailant #14.

1156. As set forth in this Complaint, Defendant failed to take the reasonable steps to ensure that massage therapists at MASSAGE ENVY – NORTH PALM BEACH were psychologically fit to provide massage therapy services to female customers. These failures included the following:

- a. Failure to investigate the background of massage therapists in its employ or service;

- b. Failure to prohibit, restrict, or limit the activities of massage therapists suspected of sexual assault and/or those known to be sexual predators;
- c. Failure to reasonably and properly investigate allegations of sexual assault;
- d. Failure to Follow Title XXXII Regulation of Professions and Occupations, Chapter 480 Massage Practice, Section 0485 Sexual Misconduct in The Practice of Massage Therapy
- e. Failure to properly train and instruct investigators;
- f. Failure to have in place standards of acceptable and unacceptable conduct;
- g. Failure to designate competent investigators to evaluate complaints of sexual assault; and
- h. Failure to have in place standards for reporting acts of sexual misconduct to law enforcement authorities and/or the state board of massage therapy.

1157. Moreover, the conduct of Defendant MASSAGE ENVY – NORTH PALM BEACH as set forth above and herein, further consisted of:

- a. permitting Assailant #14 to sexually assault female customers, including JANE DOE #14 (T.L);
- b. permitting Assailant #14 to engage in illegal sexual conduct with female customers, including JANE DOE #14 (T.L), on the premises of MASSAGE ENVY – NORTH PALM BEACH, during operating hours;
- c. failing to properly and adequately supervise and discipline its employees to prevent the sexual assault that occurred to JANE DOE #14 (T.L);
- d. failing to adopt, enforce and/or follow adequate policies and procedures for the protection and reasonable supervision of customers who engaged the services of MASSAGE ENVY – NORTH PALM BEACH, including JANE DOE #14 (T.L), and, in the alternative, failing to implement and comply with such procedures which had been adopted;
- e. failing to implement, enforce and/or follow adequate protective and supervisory measures for the protection of female customers, including JANE DOE #14 (T.L);
- f. creating an environment that facilitated sexual assault by Assailant #14 on Plaintiff;

- g. failing to adopt, enforce and/or follow policies and procedures to protect female customers against harmful contact by massage therapists at franchise locations, including Assailant #14;
- h. failing to warn JANE DOE #14 (T.L) of the risk of harm posed by Assailant #14 after Defendant knew or should have known of such risk;
- i. failing to warn JANE DOE #14 (T.L) of the risk of harm that JANE DOE #14 (T.L) may suffer as a result of contact with Assailant #14;
- j. failing to warn or otherwise make reasonably safe the property which Defendant possessed and/or controlled, leading to the harm of JANE DOE #14 (T.L);
- k. failing to adopt/implement and/or enforce policies and procedures for the reporting to law enforcement, the state board of massage therapy and/or other authorities of sexual assaults by massage therapists, including Assailant #14;
- l. failing to report sexual assaults by massage therapists, including Assailant #14, to authorities;
- m. violating its own policies and/or by-laws regarding sexual assaults by staff;
- n. ignoring, concealing, or otherwise mitigating the seriousness of the known danger that Assailant #14 posed and, in fact, recommending Assailant #14 to female customers after it knew of the danger he posed;
- o. failing to prevent the sexual assault that was committed by Assailant #14 on JANE DOE #14 (T.L) and other people he sexually assaulted;
- p. allowing Assailant #14 to remain employed after knowing that he sexually assaulted a female customer;
- q. failing to properly supervise and/or discipline its employees;
- r. failing to warn Plaintiff about the potential risks and dangers of obtaining a massage;
- s. failing to adequately and properly train its employees and/or franchisee employees regarding sexual assaults of customers by massage therapists; and
- t. negligently managing and/or operating MASSAGE ENVY – NORTH PALM BEACH

1158. Defendant MASSAGE ENVY – NORTH PALM BEACH explicitly and/or implicitly represented to the public in general, and to JANE DOE #14 (T.L) in particular, that the massage therapists, including Assailant #14, in its employ and service were not only psychologically fit but were therapists who could be entrusted with the safety and well-being of female customers.

1159. Defendant MASSAGE ENVY – NORTH PALM BEACH made these explicit and implied representations knowing that they were false and/or having reason to believe that they were false, and with the expectation that they would be relied upon by customers making decisions regarding their engagement of massage/spa services.

1160. At all times relevant hereto, Defendant MASSAGE ENVY – NORTH PALM BEACH did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures with respect to the removal and/or supervision of individuals in its employ or service who were suspected of being sexual predators.

1161. Defendant MASSAGE ENVY – NORTH PALM BEACH failed to reasonably identify, remove, and/or report (to law enforcement authorities and/or to the state massage therapy board) sexual predators in its service and employ.

1162. Defendant MASSAGE ENVY – NORTH PALM BEACH failed to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

1163. Defendant MASSAGE ENVY – NORTH PALM BEACH negligently failed to timely and reasonably identify, remove, and/or report (to law enforcement authorities and/or to state boards of massage therapy) Assailant #14 as a sexual predator.

1164. Defendant hired, retained and/or assigned Assailant #14 to Plaintiff knowing or having reason to know that he was a sexual predator.

1165. Defendant MASSAGE ENVY – NORTH PALM BEACH further breached its duty of care to JANE DOE #14 (T.L) by failing to protect JANE DOE #14 (T.L) from foreseeable harm from the sexual misconduct of employees of Defendant, including Assailant #14. Defendant further breached its duty of care by failing to warn Plaintiff of the propensities of Assailant #14 and by failing to provide a safe and secure environment for JANE DOE #14 (T.L).

1166. As a result of the above-described conduct, JANE DOE #14 (T.L) has suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling.

WHEREFORE, the Plaintiff, JANE DOE #14 (T.L), demands judgment against Defendant MASSAGE ENVY – NORTH PALM BEACH, in excess of Thirty Thousand Dollars (\$30,000.00), plus costs incurred herein and any other relief this court deems fit and proper.

COUNT 41 BY JANE DOE # 15 (T.S.) AGAINST SOUTHEAST CAUSEWAY INVESTMENTS, LLC

1167. Plaintiff JANE DOE #15 (T.S.) realleges each and every allegation contained in paragraphs 1 through 92 and 159-161 above as if fully set forth herein.

1168. Defendant MASSAGE ENVY – FORT LAUDERDALE, by and through its agents, servants and employees, knew or reasonably should have known of Assailant #15's dangerous and exploitive propensities and/or that Assailant #15 was an unfit agent. It was foreseeable that if Defendant MASSAGE ENVY – FORT LAUDERDALE did not adequately exercise or provide the duty of care owed to female customers in their care, including, but not limited to JANE DOE #15 (T.S.), that would be vulnerable to sexual assaults by Assailant #15.

1169. Defendant MASSAGE ENVY – FORT LAUDERDALE owed to the public in general, and to Plaintiff in particular, a duty to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) individuals who it knew, or should have known, were sexual predators in its service and employ, including Assailant #15.

1170. Defendant MASSAGE ENVY – FORT LAUDERDALE owed to the public in general, and to Plaintiff in particular, a duty to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ, including Assailant #15.

1171. Having been in the care of Defendant MASSAGE ENVY – FORT LAUDERDALE at the time under circumstances such as to deprive Plaintiff JANE DOE #15 (T.S.) of her entitlement to safe care and protection, Defendant owed to Plaintiff JANE DOE #15 (T.S.) a duty to aid and/or protect her and to control the actions of third parties.

1172. Having been in the care of Defendant MASSAGE ENVY – FORT LAUDERDALE at the time under circumstances such as to deprive Plaintiff JANE DOE #15 (T.S.) of her normal opportunities for protection, the Defendant owed to Plaintiff JANE DOE #15 (T.S.) a duty to control the acts of its actual and / or apparent agents, servants, and/or employees.

1173. At all times relevant hereto, Defendant MASSAGE ENVY – FORT LAUDERDALE did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify (and deal with) sexual predators.

1174. Despite actual knowledge of Assailant #15 committing at least one sexual assault on a female customer at MASSAGE ENVY – FORT LAUDERDALE and despite the foreseeable risk that Assailant #15 would engage in repeated acts of sexual perversion and assault, Defendant did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify, and deal with sexual predators, including Assailant #15.

1175. At all times relevant hereto, Defendant MASSAGE ENVY – FORT LAUDERDALE did not have in place adequate, reasonable, and necessary rules, regulations,

policies, and procedures for the removal of sexual predators in the employ and/or service of MASSAGE ENVY – FORT LAUDERDALE and/or MASSAGE ENVY, including Assailant #15.

1176. At all times relevant hereto, Defendant MASSAGE ENVY – FORT LAUDERDALE did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to criminal authorities any known sexual predators, including Assailant #15, in the employ and/or service of Defendant MASSAGE ENVY – FORT LAUDERDALE.

1177. At all times relevant hereto, Defendant MASSAGE ENVY – FORT LAUDERDALE did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to the state board of massage therapy the presence of sexual predators, including Assailant #15, in the employ and/or service of MASSAGE ENVY – FORT LAUDERDALE.

1178. As set forth in this Complaint, Defendant MASSAGE ENVY – FORT LAUDERDALE failed to fulfill its legal duty to protect Plaintiff and other female customers from the depraved and vile acts of its massage therapist, Assailant #15.

1179. As set forth in this Complaint, Defendant failed to take the reasonable steps to ensure that massage therapists at MASSAGE ENVY – FORT LAUDERDALE were psychologically fit to provide massage therapy services to female customers. These failures included the following:

- a. Failure to investigate the background of massage therapists in its employ or service;
- b. Failure to prohibit, restrict, or limit the activities of massage therapists suspected of sexual assault and/or those known to be sexual predators;
- c. Failure to reasonably and properly investigate allegations of sexual assault;

- d. Failure to Follow Title XXXII Regulation of Professions and Occupations, Chapter 480 Massage Practice, Section 0485 Sexual Misconduct in The Practice of Massage Therapy
- e. Failure to properly train and instruct investigators;
- f. Failure to have in place standards of acceptable and unacceptable conduct;
- g. Failure to designate competent investigators to evaluate complaints of sexual assault; and
- h. Failure to have in place standards for reporting acts of sexual misconduct to law enforcement authorities and/or the state board of massage therapy.

1180. Moreover, the conduct of Defendant MASSAGE ENVY – FORT LAUDERDALE as set forth above and herein, further consisted of:

- a. permitting Assailant #15 to sexually assault female customers, including JANE DOE #15 (T.S.);
- b. permitting Assailant #15 to engage in illegal sexual conduct with female customers, including JANE DOE #15 (T.S.), on the premises of MASSAGE ENVY – FORT LAUDERDALE, during operating hours;
- c. failing to properly and adequately supervise and discipline its employees to prevent the sexual assault that occurred to JANE DOE #15 (T.S.);
- d. failing to adopt, enforce and/or follow adequate policies and procedures for the protection and reasonable supervision of customers who engaged the services of MASSAGE ENVY – FORT LAUDERDALE, including JANE DOE #15 (T.S.), and, in the alternative, failing to implement and comply with such procedures which had been adopted;
- e. failing to implement, enforce and/or follow adequate protective and supervisory measures for the protection of female customers, including JANE DOE #15 (T.S.);
- f. creating an environment that facilitated sexual assault by Assailant #15 on Plaintiff;
- g. failing to adopt, enforce and/or follow policies and procedures to protect female customers against harmful contact by massage therapists at franchise locations, including Assailant #15;
- h. failing to warn JANE DOE #15 (T.S.) of the risk of harm posed by Assailant #15 after Defendant knew or should have known of such risk;

- i. failing to warn JANE DOE #15 (T.S.) of the risk of harm that JANE DOE #15 (T.S.) may suffer as a result of contact with Assailant #15;
- j. failing to warn or otherwise make reasonably safe the property which Defendant possessed and/or controlled, leading to the harm of JANE DOE #15 (T.S.);
- k. failing to adopt/implement and/or enforce policies and procedures for the reporting to law enforcement, the state board of massage therapy and/or other authorities of sexual assaults by massage therapists, including Assailant #15;
- l. failing to report sexual assaults by massage therapists, including Assailant #15, to authorities;
- m. violating its own policies and/or by-laws regarding sexual assaults by staff;
- n. ignoring, concealing, or otherwise mitigating the seriousness of the known danger that Assailant #15 posed and, in fact, recommending Assailant #15 to female customers after it knew of the danger he posed;
- o. failing to prevent the sexual assault that was committed by Assailant #15 on JANE DOE #15 (T.S.) and other people he sexually assaulted;
- p. allowing Assailant #15 to remain employed after knowing that he sexually assaulted a female customer;
- q. failing to properly supervise and/or discipline its employees;
- r. failing to warn Plaintiff about the potential risks and dangers of obtaining a massage;
- s. failing to adequately and properly train its employees and/or franchisee employees regarding sexual assaults of customers by massage therapists; and
- t. negligently managing and/or operating MASSAGE ENVY – FORT LAUDERDALE

1181. Defendant MASSAGE ENVY – FORT LAUDERDALE explicitly and/or implicitly represented to the public in general, and to JANE DOE #15 (T.S.) in particular, that the massage therapists, including Assailant #15, in its employ and service were not only psychologically fit but were therapists who could be entrusted with the safety and well-being of female customers.

1182. Defendant MASSAGE ENVY – FORT LAUDERDALE made these explicit and implied representations knowing that they were false and/or having reason to believe that they

were false, and with the expectation that they would be relied upon by customers making decisions regarding their engagement of massage/spa services.

1183. At all times relevant hereto, Defendant MASSAGE ENVY – FORT LAUDERDALE did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures with respect to the removal and/or supervision of individuals in its employ or service who were suspected of being sexual predators.

1184. Defendant MASSAGE ENVY – FORT LAUDERDALE failed to reasonably identify, remove, and/or report (to law enforcement authorities and/or to the state massage therapy board) sexual predators in its service and employ.

1185. Defendant MASSAGE ENVY – FORT LAUDERDALE failed to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

1186. Defendant MASSAGE ENVY – FORT LAUDERDALE negligently failed to timely and reasonably identify, remove, and/or report (to law enforcement authorities and/or to state boards of massage therapy) Assailant #15 as a sexual predator.

1187. Defendant hired, retained and/or assigned Assailant #15 to Plaintiff knowing or having reason to know that he was a sexual predator.

1188. Defendant MASSAGE ENVY – FORT LAUDERDALE further breached its duty of care to JANE DOE #15 (T.S.) by failing to protect JANE DOE #15 (T.S.) from foreseeable harm from the sexual misconduct of employees of Defendant, including Assailant #15. Defendant further breached its duty of care by failing to warn Plaintiff of the propensities of Assailant #15 and by failing to provide a safe and secure environment for JANE DOE #15 (T.S.).

1189. As a result of the above-described conduct, JANE DOE #15 (T.S.) has suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical

manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling.

WHEREFORE, the Plaintiff, JANE DOE #15 (T.S.), demands judgment against Defendant MASSAGE ENVY – FORT LAUDERDALE, in excess of Thirty Thousand Dollars (\$30,000.00), plus costs incurred herein and any other relief this court deems fit and proper.

COUNT 42 BY JANE DOE # 16 (I.G.) AGAINST MOL INVESTMENTS, LLC

1190. Plaintiff JANE DOE #16 (I.G.) realleges each and every allegation contained in paragraphs 1 through 92 and 162-164 above as if fully set forth herein.

1191. Defendant MASSAGE ENVY – TAMIAMI, by and through its agents, servants and employees, knew or reasonably should have known of Assailant #16's dangerous and exploitive propensities and/or that Assailant #16 was an unfit agent. It was foreseeable that if Defendant MASSAGE ENVY – TAMIAMI did not adequately exercise or provide the duty of care owed to female customers in their care, including, but not limited to JANE DOE #16 (I.G.), that would be vulnerable to sexual assaults by Assailant #16.

1192. Defendant MASSAGE ENVY – TAMIAMI owed to the public in general, and to Plaintiff in particular, a duty to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) individuals who it knew, or should have known, were sexual predators in its service and employ, including Assailant #16.

1193. Defendant MASSAGE ENVY – TAMIAMI owed to the public in general, and to Plaintiff in particular, a duty to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ, including Assailant #16.

1194. Having been in the care of Defendant MESSAGE ENVY – TAMIAMI at the time under circumstances such as to deprive Plaintiff JANE DOE #16 (I.G.) of her entitlement to safe care and protection, Defendant owed to Plaintiff JANE DOE #16 (I.G.) a duty to aid and/or protect her and to control the actions of third parties.

1195. Having been in the care of Defendant MESSAGE ENVY – TAMIAMI at the time under circumstances such as to deprive Plaintiff JANE DOE #16 (I.G.) of her normal opportunities for protection, the Defendant owed to Plaintiff JANE DOE #16 (I.G.) a duty to control the acts of its actual and / or apparent agents, servants, and/or employees.

1196. At all times relevant hereto, Defendant MESSAGE ENVY – TAMIAMI did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify (and deal with) sexual predators.

1197. Despite actual knowledge of Assailant #16 committing at least one sexual assault on a female customer at MESSAGE ENVY – TAMIAMI and despite the foreseeable risk that Assailant #16 would engage in repeated acts of sexual perversion and assault, Defendant did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify, and deal with sexual predators, including Assailant #16.

1198. At all times relevant hereto, Defendant MESSAGE ENVY – TAMIAMI did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures for the removal of sexual predators in the employ and/or service of MESSAGE ENVY – TAMIAMI and/or MESSAGE ENVY, including Assailant #16.

1199. At all times relevant hereto, Defendant MESSAGE ENVY – TAMIAMI did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures

which provided for the reporting to criminal authorities any known sexual predators, including Assailant #16, in the employ and/or service of Defendant MASSAGE ENVY – TAMIAMI.

1200. At all times relevant hereto, Defendant MASSAGE ENVY – TAMIAMI did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to the state board of massage therapy the presence of sexual predators, including Assailant #16, in the employ and/or service of MASSAGE ENVY – TAMIAMI.

1201. As set forth in this Complaint, Defendant MASSAGE ENVY – TAMIAMI failed to fulfill its legal duty to protect Plaintiff and other female customers from the depraved and vile acts of its massage therapist, Assailant #16.

1202. As set forth in this Complaint, Defendant failed to take the reasonable steps to ensure that massage therapists at MASSAGE ENVY – TAMIAMI were psychologically fit to provide massage therapy services to female customers. These failures included the following:

- a. Failure to investigate the background of massage therapists in its employ or service;
- b. Failure to prohibit, restrict, or limit the activities of massage therapists suspected of sexual assault and/or those known to be sexual predators;
- c. Failure to reasonably and properly investigate allegations of sexual assault;
- d. Failure to Follow Title XXXII Regulation of Professions and Occupations, Chapter 480 Massage Practice, Section 0485 Sexual Misconduct in The Practice of Massage Therapy
- e. Failure to properly train and instruct investigators;
- f. Failure to have in place standards of acceptable and unacceptable conduct;
- g. Failure to designate competent investigators to evaluate complaints of sexual assault; and

- h. Failure to have in place standards for reporting acts of sexual misconduct to law enforcement authorities and/or the state board of massage therapy.

1203. Moreover, the conduct of Defendant MASSAGE ENVY – TAMIAMI as set forth above and herein, further consisted of:

- a. permitting Assailant #16 to sexually assault female customers, including JANE DOE #16 (I.G.);
- b. permitting Assailant #16 to engage in illegal sexual conduct with female customers, including JANE DOE #16 (I.G.), on the premises of MASSAGE ENVY – TAMIAMI, during operating hours;
- c. failing to properly and adequately supervise and discipline its employees to prevent the sexual assault that occurred to JANE DOE #16 (I.G.);
- d. failing to adopt, enforce and/or follow adequate policies and procedures for the protection and reasonable supervision of customers who engaged the services of MASSAGE ENVY – TAMIAMI, including JANE DOE #16 (I.G.), and, in the alternative, failing to implement and comply with such procedures which had been adopted;
- e. failing to implement, enforce and/or follow adequate protective and supervisory measures for the protection of female customers, including JANE DOE #16 (I.G.);
- f. creating an environment that facilitated sexual assault by Assailant #16 on Plaintiff;
- g. failing to adopt, enforce and/or follow policies and procedures to protect female customers against harmful contact by massage therapists at franchise locations, including Assailant #16;
- h. failing to warn JANE DOE #16 (I.G.) of the risk of harm posed by Assailant #16 after Defendant knew or should have known of such risk;
- i. failing to warn JANE DOE #16 (I.G.) of the risk of harm that JANE DOE #16 (I.G.) may suffer as a result of contact with Assailant #16;
- j. failing to warn or otherwise make reasonably safe the property which Defendant possessed and/or controlled, leading to the harm of JANE DOE #16 (I.G.);
- k. failing to adopt/implement and/or enforce policies and procedures for the reporting to law enforcement, the state board of massage therapy and/or other authorities of sexual assaults by massage therapists, including Assailant #16;
- l. failing to report sexual assaults by massage therapists, including Assailant #16, to authorities;
- m. violating its own policies and/or by-laws regarding sexual assaults by staff;

- n. ignoring, concealing, or otherwise mitigating the seriousness of the known danger that Assailant #16 posed and, in fact, recommending Assailant #16 to female customers after it knew of the danger he posed;
- o. failing to prevent the sexual assault that was committed by Assailant #16 on JANE DOE #16 (I.G.) and other people he sexually assaulted;
- p. allowing Assailant #16 to remain employed after knowing that he sexually assaulted a female customer;
- q. failing to properly supervise and/or discipline its employees;
- r. failing to warn Plaintiff about the potential risks and dangers of obtaining a massage;
- s.
- t. failing to adequately and properly train its employees and/or franchisee employees regarding sexual assaults of customers by massage therapists; and
- u. negligently managing and/or operating MASSAGE ENVY – TAMIAMI

1204. Defendant MASSAGE ENVY – TAMIAMI explicitly and/or implicitly represented to the public in general, and to JANE DOE #16 (I.G.) in particular, that the massage therapists, including Assailant #16, in its employ and service were not only psychologically fit but were therapists who could be entrusted with the safety and well-being of female customers.

1205. Defendant MASSAGE ENVY – TAMIAMI made these explicit and implied representations knowing that they were false and/or having reason to believe that they were false, and with the expectation that they would be relied upon by customers making decisions regarding their engagement of massage/spa services.

1206. At all times relevant hereto, Defendant MASSAGE ENVY – TAMIAMI did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures with respect to the removal and/or supervision of individuals in its employ or service who were suspected of being sexual predators.

1207. Defendant MASSAGE ENVY – TAMIAMI failed to reasonably identify, remove, and/or report (to law enforcement authorities and/or to the state massage therapy board) sexual predators in its service and employ.

1208. Defendant MASSAGE ENVY – TAMIAMI failed to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

1209. Defendant MASSAGE ENVY – TAMIAMI negligently failed to timely and reasonably identify, remove, and/or report (to law enforcement authorities and/or to state boards of massage therapy) Assailant #16 as a sexual predator.

1210. Defendant hired, retained and/or assigned Assailant #16 to Plaintiff knowing or having reason to know that he was a sexual predator.

1211. Defendant MASSAGE ENVY – TAMIAMI further breached its duty of care to JANE DOE #16 (I.G.) by failing to protect JANE DOE #16 (I.G.) from foreseeable harm from the sexual misconduct of employees of Defendant, including Assailant #16. Defendant further breached its duty of care by failing to warn Plaintiff of the propensities of Assailant #16 and by failing to provide a safe and secure environment for JANE DOE #16 (I.G.).

1212. As a result of the above-described conduct, JANE DOE #16 (I.G.) has suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling.

WHEREFORE, the Plaintiff, JANE DOE #16 (I.G.), demands judgment against Defendant MASSAGE ENVY – TAMIAMI, in excess of Thirty Thousand Dollars (\$30,000.00), plus costs incurred herein and any other relief this court deems fit and proper.

COUNT 43 BY JANE DOE # 17 (A.E.) AGAINST VICALEX, LLC

1213. Plaintiff JANE DOE #17 (A.E.) realleges each and every allegation contained in paragraphs 1 through 92 and 165-167 above as if fully set forth herein.

1214. Defendant MASSAGE ENVY – WEST PALM BEACH, by and through its agents, servants and employees, knew or reasonably should have known of Assailant #17's dangerous and exploitive propensities and/or that Assailant #17 was an unfit agent. It was foreseeable that if Defendant MASSAGE ENVY – WEST PALM BEACH did not adequately exercise or provide the duty of care owed to female customers in their care, including, but not limited to JANE DOE #17 (A.E.), that would be vulnerable to sexual assaults by Assailant #17.

1215. Defendant MASSAGE ENVY – WEST PALM BEACH owed to the public in general, and to Plaintiff in particular, a duty to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) individuals who it knew, or should have known, were sexual predators in its service and employ, including Assailant #17.

1216. Defendant MASSAGE ENVY – WEST PALM BEACH owed to the public in general, and to Plaintiff in particular, a duty to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ, including Assailant #17.

1217. Having been in the care of Defendant MASSAGE ENVY – WEST PALM BEACH at the time under circumstances such as to deprive Plaintiff JANE DOE #17 (A.E.) of her entitlement to safe care and protection, Defendant owed to Plaintiff JANE DOE #17 (A.E.) a duty to aid and/or protect her and to control the actions of third parties.

1218. Having been in the care of Defendant MASSAGE ENVY – WEST PALM BEACH at the time under circumstances such as to deprive Plaintiff JANE DOE #17 (A.E.) of her normal opportunities for protection, the Defendant owed to Plaintiff JANE DOE #17 (A.E.) a duty to control the acts of its actual and / or apparent agents, servants, and/or employees.

1219. At all times relevant hereto, Defendant MASSAGE ENVY – WEST PALM BEACH did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify (and deal with) sexual predators.

1220. Despite actual knowledge of Assailant #17 committing at least one sexual assault on a female customer at MASSAGE ENVY – WEST PALM BEACH and despite the foreseeable risk that Assailant #17 would engage in repeated acts of sexual perversion and assault, Defendant did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify, and deal with sexual predators, including Assailant #17.

1221. At all times relevant hereto, Defendant MASSAGE ENVY – WEST PALM BEACH did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures for the removal of sexual predators in the employ and/or service of MASSAGE ENVY – WEST PALM BEACH and/or MASSAGE ENVY, including Assailant #17.

1222. At all times relevant hereto, Defendant MASSAGE ENVY – WEST PALM BEACH did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to criminal authorities any known sexual predators, including Assailant #17, in the employ and/or service of Defendant MASSAGE ENVY – WEST PALM BEACH.

1223. At all times relevant hereto, Defendant MASSAGE ENVY – WEST PALM BEACH did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to the state board of massage therapy the presence of sexual predators, including Assailant #17, in the employ and/or service of MASSAGE ENVY – WEST PALM BEACH.

1224. As set forth in this Complaint, Defendant MASSAGE ENVY – WEST PALM BEACH failed to fulfill its legal duty to protect Plaintiff and other female customers from the depraved and vile acts of its massage therapist, Assailant #17.

1225. As set forth in this Complaint, Defendant failed to take the reasonable steps to ensure that massage therapists at MASSAGE ENVY – WEST PALM BEACH were psychologically fit to provide massage therapy services to female customers. These failures included the following:

- a. Failure to investigate the background of massage therapists in its employ or service;
- b. Failure to prohibit, restrict, or limit the activities of massage therapists suspected of sexual assault and/or those known to be sexual predators;
- c. Failure to reasonably and properly investigate allegations of sexual assault;
- d. Failure to Follow Title XXXII Regulation of Professions and Occupations, Chapter 480 Massage Practice, Section 0485 Sexual Misconduct in The Practice of Massage Therapy
- e. Failure to properly train and instruct investigators;
- f. Failure to have in place standards of acceptable and unacceptable conduct;
- g. Failure to designate competent investigators to evaluate complaints of sexual assault; and

- h. Failure to have in place standards for reporting acts of sexual misconduct to law enforcement authorities and/or the state board of massage therapy.

1226. Moreover, the conduct of Defendant MASSAGE ENVY – WEST PALM BEACH as set forth above and herein, further consisted of:

- a. permitting Assailant #17 to sexually assault female customers, including JANE DOE #17 (A.E.);
- b. permitting Assailant #17 to engage in illegal sexual conduct with female customers, including JANE DOE #17 (A.E.), on the premises of MASSAGE ENVY – WEST PALM BEACH, during operating hours;
- c. failing to properly and adequately supervise and discipline its employees to prevent the sexual assault that occurred to JANE DOE #17 (A.E.);
- d. failing to adopt, enforce and/or follow adequate policies and procedures for the protection and reasonable supervision of customers who engaged the services of MASSAGE ENVY – WEST PALM BEACH, including JANE DOE #17 (A.E.), and, in the alternative, failing to implement and comply with such procedures which had been adopted;
- e. failing to implement, enforce and/or follow adequate protective and supervisory measures for the protection of female customers, including JANE DOE #17 (A.E.);
- f. creating an environment that facilitated sexual assault by Assailant #17 on Plaintiff;
- g. failing to adopt, enforce and/or follow policies and procedures to protect female customers against harmful contact by massage therapists at franchise locations, including Assailant #17;
- h. failing to warn JANE DOE #17 (A.E.) of the risk of harm posed by Assailant #17 after Defendant knew or should have known of such risk;
- i. failing to warn JANE DOE #17 (A.E.) of the risk of harm that JANE DOE #17 (A.E.) may suffer as a result of contact with Assailant #17;
- j. failing to warn or otherwise make reasonably safe the property which Defendant possessed and/or controlled, leading to the harm of JANE DOE #17 (A.E.);
- k. failing to adopt/implement and/or enforce policies and procedures for the reporting to law enforcement, the state board of massage therapy and/or other authorities of sexual assaults by massage therapists, including Assailant #17;
- l. failing to report sexual assaults by massage therapists, including Assailant #17, to authorities;
- m. violating its own policies and/or by-laws regarding sexual assaults by staff;

- n. ignoring, concealing, or otherwise mitigating the seriousness of the known danger that Assailant #17 posed and, in fact, recommending Assailant #17 to female customers after it knew of the danger he posed;
- o. failing to prevent the sexual assault that was committed by Assailant #17 on JANE DOE #17 (A.E.) and other people he sexually assaulted;
- p. allowing Assailant #17 to remain employed after knowing that he sexually assaulted a female customer;
- q. failing to warn Plaintiff about the potential risks and dangers of obtaining a massage;
- r. failing to properly supervise and/or discipline its employees;
- s. failing to adequately and properly train its employees and/or franchisee employees regarding sexual assaults of customers by massage therapists; and
- t. negligently managing and/or operating MASSAGE ENVY – WEST PALM BEACH

1227. Defendant MASSAGE ENVY – WEST PALM BEACH explicitly and/or implicitly represented to the public in general, and to JANE DOE #17 (A.E.) in particular, that the massage therapists, including Assailant #17, in its employ and service were not only psychologically fit but were therapists who could be entrusted with the safety and well-being of female customers.

1228. Defendant MASSAGE ENVY – WEST PALM BEACH made these explicit and implied representations knowing that they were false and/or having reason to believe that they were false, and with the expectation that they would be relied upon by customers making decisions regarding their engagement of massage/spa services.

1229. At all times relevant hereto, Defendant MASSAGE ENVY – WEST PALM BEACH did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures with respect to the removal and/or supervision of individuals in its employ or service who were suspected of being sexual predators.

1230. Defendant MASSAGE ENVY – WEST PALM BEACH failed to reasonably identify, remove, and/or report (to law enforcement authorities and/or to the state massage therapy board) sexual predators in its service and employ.

1231. Defendant MASSAGE ENVY – WEST PALM BEACH failed to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

1232. Defendant MASSAGE ENVY – WEST PALM BEACH negligently failed to timely and reasonably identify, remove, and/or report (to law enforcement authorities and/or to state boards of massage therapy) Assailant #17 as a sexual predator.

1233. Defendant hired, retained and/or assigned Assailant #17 to Plaintiff knowing or having reason to know that he was a sexual predator.

1234. Defendant MASSAGE ENVY – WEST PALM BEACH further breached its duty of care to JANE DOE #17 (A.E.) by failing to protect JANE DOE #17 (A.E.) from foreseeable harm from the sexual misconduct of employees of Defendant, including Assailant #17. Defendant further breached its duty of care by failing to warn Plaintiff of the propensities of Assailant #17 and by failing to provide a safe and secure environment for JANE DOE #17 (A.E.).

1235. As a result of the above-described conduct, JANE DOE #17 (A.E.) has suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling.

WHEREFORE, the Plaintiff, JANE DOE #17 (A.E.), demands judgment against Defendant MASSAGE ENVY – WEST PALM BEACH, in excess of Thirty Thousand Dollars (\$30,000.00), plus costs incurred herein and any other relief this court deems fit and proper.

COUNT 44 BY JANE DOE # 18 (S.N.) AGAINST MY SISTERS KEEPER, LLC

1236. Plaintiff JANE DOE #18 (S.N.) realleges each and every allegation contained in paragraphs 1 through 92 and 168-170 above as if fully set forth herein.

1237. Defendant MASSAGE ENVY – BOYNTON BEACH, by and through its agents, servants and employees, knew or reasonably should have known of Assailant #18's dangerous and exploitive propensities and/or that Assailant #18 was an unfit agent. It was foreseeable that if Defendant MASSAGE ENVY – BOYNTON BEACH did not adequately exercise or provide the duty of care owed to female customers in their care, including, but not limited to JANE DOE #18 (S.N.), that would be vulnerable to sexual assaults by Assailant #18.

1238. Defendant MASSAGE ENVY – BOYNTON BEACH owed to the public in general, and to Plaintiff in particular, a duty to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) individuals who it knew, or should have known, were sexual predators in its service and employ, including Assailant #18.

1239. Defendant MASSAGE ENVY – BOYNTON BEACH owed to the public in general, and to Plaintiff in particular, a duty to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ, including Assailant #18.

1240. Having been in the care of Defendant MASSAGE ENVY – BOYNTON BEACH at the time under circumstances such as to deprive Plaintiff JANE DOE #18 (S.N.) of her entitlement to safe care and protection, Defendant owed to Plaintiff JANE DOE #18 (S.N.) a duty to aid and/or protect her and to control the actions of third parties.

1241. Having been in the care of Defendant MASSAGE ENVY – BOYNTON BEACH at the time under circumstances such as to deprive Plaintiff JANE DOE #18 (S.N.) of her normal opportunities for protection, the Defendant owed to Plaintiff JANE DOE #18 (S.N.) a duty to control the acts of its actual and / or apparent agents, servants, and/or employees.

1242. At all times relevant hereto, Defendant MASSAGE ENVY – BOYNTON BEACH did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify (and deal with) sexual predators.

1243. Despite actual knowledge of Assailant #18 committing at least one sexual assault on a female customer at MASSAGE ENVY – BOYNTON BEACH and despite the foreseeable risk that Assailant #18 would engage in repeated acts of sexual perversion and assault, Defendant did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify, and deal with sexual predators, including Assailant #18.

1244. At all times relevant hereto, Defendant MASSAGE ENVY – BOYNTON BEACH did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures for the removal of sexual predators in the employ and/or service of MASSAGE ENVY – BOYNTON BEACH and/or MASSAGE ENVY, including Assailant #18.

1245. At all times relevant hereto, Defendant MASSAGE ENVY – BOYNTON BEACH did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to criminal authorities any known sexual predators, including Assailant #18, in the employ and/or service of Defendant MASSAGE ENVY – BOYNTON BEACH.

1246. At all times relevant hereto, Defendant MASSAGE ENVY – BOYNTON BEACH did not have in place adequate, reasonable, and necessary rules, regulations, policies, and

procedures which provided for the reporting to the state board of massage therapy the presence of sexual predators, including Assailant #18, in the employ and/or service of MASSAGE ENVY – BOYNTON BEACH.

1247. As set forth in this Complaint, Defendant MASSAGE ENVY – BOYNTON BEACH failed to fulfill its legal duty to protect Plaintiff and other female customers from the depraved and vile acts of its massage therapist, Assailant #18.

1248. As set forth in this Complaint, Defendant failed to take the reasonable steps to ensure that massage therapists at MASSAGE ENVY – BOYNTON BEACH were psychologically fit to provide massage therapy services to female customers. These failures included the following:

- a. Failure to investigate the background of massage therapists in its employ or service;
- b. Failure to prohibit, restrict, or limit the activities of massage therapists suspected of sexual assault and/or those known to be sexual predators;
- c. Failure to reasonably and properly investigate allegations of sexual assault;
- d. Failure to Follow Title XXXII Regulation of Professions and Occupations, Chapter 480 Massage Practice, Section 0485 Sexual Misconduct in The Practice of Massage Therapy
- e. Failure to properly train and instruct investigators;
- f. Failure to have in place standards of acceptable and unacceptable conduct;
- g. Failure to designate competent investigators to evaluate complaints of sexual assault; and
- h. Failure to have in place standards for reporting acts of sexual misconduct to law enforcement authorities and/or the state board of massage therapy.

1249. Moreover, the conduct of Defendant MASSAGE ENVY – BOYNTON BEACH as set forth above and herein, further consisted of:

- a. permitting Assailant #18 to sexually assault female customers, including JANE DOE #18 (S.N.);
- b. permitting Assailant #18 to engage in illegal sexual conduct with female customers, including JANE DOE #18 (S.N.), on the premises of MASSAGE ENVY – BOYNTON BEACH, during operating hours;
- c. failing to properly and adequately supervise and discipline its employees to prevent the sexual assault that occurred to JANE DOE #18 (S.N.);
- d. failing to adopt, enforce and/or follow adequate policies and procedures for the protection and reasonable supervision of customers who engaged the services of MASSAGE ENVY – BOYNTON BEACH, including JANE DOE #18 (S.N.), and, in the alternative, failing to implement and comply with such procedures which had been adopted;
- e. failing to implement, enforce and/or follow adequate protective and supervisory measures for the protection of female customers, including JANE DOE #18 (S.N.);
- f. creating an environment that facilitated sexual assault by Assailant #18 on Plaintiff;
- g. failing to adopt, enforce and/or follow policies and procedures to protect female customers against harmful contact by massage therapists at franchise locations, including Assailant #18;
- h. failing to warn JANE DOE #18 (S.N.) of the risk of harm posed by Assailant #18 after Defendant knew or should have known of such risk;
- i. failing to warn JANE DOE #18 (S.N.) of the risk of harm that JANE DOE #18 (S.N.) may suffer as a result of contact with Assailant #18;
- j. failing to warn or otherwise make reasonably safe the property which Defendant possessed and/or controlled, leading to the harm of JANE DOE #18 (S.N.);
- k. failing to adopt/implement and/or enforce policies and procedures for the reporting to law enforcement, the state board of massage therapy and/or other authorities of sexual assaults by massage therapists, including Assailant #18;
- l. failing to report sexual assaults by massage therapists, including Assailant #18, to authorities;
- m. violating its own policies and/or by-laws regarding sexual assaults by staff;
- n. ignoring, concealing, or otherwise mitigating the seriousness of the known danger that Assailant #18 posed and, in fact, recommending Assailant #18 to female customers after it knew of the danger he posed;
- o. failing to prevent the sexual assault that was committed by Assailant #18 on JANE DOE #18 (S.N.) and other people he sexually assaulted;

- p. allowing Assailant #18 to remain employed after knowing that he sexually assaulted a female customer;
- q. failing to warn Plaintiff about the potential risks and dangers of obtaining a massage;
- r. failing to properly supervise and/or discipline its employees;
- s. failing to adequately and properly train its employees and/or franchisee employees regarding sexual assaults of customers by massage therapists; and
- t. negligently managing and/or operating MASSAGE ENVY – BOYNTON BEACH

1250. Defendant MASSAGE ENVY – BOYNTON BEACH explicitly and/or implicitly represented to the public in general, and to JANE DOE #18 (S.N.) in particular, that the massage therapists, including Assailant #18, in its employ and service were not only psychologically fit but were therapists who could be entrusted with the safety and well-being of female customers.

1251. Defendant MASSAGE ENVY – BOYNTON BEACH made these explicit and implied representations knowing that they were false and/or having reason to believe that they were false, and with the expectation that they would be relied upon by customers making decisions regarding their engagement of massage/spa services.

1252. At all times relevant hereto, Defendant MASSAGE ENVY – BOYNTON BEACH did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures with respect to the removal and/or supervision of individuals in its employ or service who were suspected of being sexual predators.

1253. Defendant MASSAGE ENVY – BOYNTON BEACH failed to reasonably identify, remove, and/or report (to law enforcement authorities and/or to the state massage therapy board) sexual predators in its service and employ.

1254. Defendant MASSAGE ENVY – BOYNTON BEACH failed to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

1255. Defendant MASSAGE ENVY – BOYNTON BEACH negligently failed to timely and reasonably identify, remove, and/or report (to law enforcement authorities and/or to state boards of massage therapy) Assailant #18 as a sexual predator.

1256. Defendant hired, retained and/or assigned Assailant #18 to Plaintiff knowing or having reason to know that he was a sexual predator.

1257. Defendant MASSAGE ENVY – BOYNTON BEACH further breached its duty of care to JANE DOE #18 (S.N.) by failing to protect JANE DOE #18 (S.N.) from foreseeable harm from the sexual misconduct of employees of Defendant, including Assailant #18. Defendant further breached its duty of care by failing to warn Plaintiff of the propensities of Assailant #18 and by failing to provide a safe and secure environment for JANE DOE #18 (S.N.).

1258. As a result of the above-described conduct, JANE DOE #18 (S.N.) has suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling.

WHEREFORE, the Plaintiff, JANE DOE #18 (S.N.), demands judgment against Defendant MASSAGE ENVY – BOYNTON BEACH, in excess of Thirty Thousand Dollars (\$30,000.00), plus costs incurred herein and any other relief this court deems fit and proper.

COUNT 45 BY JANE DOE # 19 (J.A.) AGAINST JK KRN ENTERPRISES, INC.

1259. Plaintiff JANE DOE #19 (J.A.) realleges each and every allegation contained in paragraphs 1 through 92 and 171-173 above as if fully set forth herein.

1260. Defendant MASSAGE ENVY – SARASOTA MIDTOWN, by and through its agents, servants and employees, knew or reasonably should have known of Assailant #19's dangerous and exploitive propensities and/or that Assailant #19 was an unfit agent. It was foreseeable that if Defendant MASSAGE ENVY – SARASOTA MIDTOWN did not adequately exercise or provide the duty of care owed to female customers in their care, including, but not limited to JANE DOE #19 (J.A.), that would be vulnerable to sexual assaults by Assailant #19.

1261. Defendant MASSAGE ENVY – SARASOTA MIDTOWN owed to the public in general, and to Plaintiff in particular, a duty to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) individuals who it knew, or should have known, were sexual predators in its service and employ, including Assailant #19.

1262. Defendant MASSAGE ENVY – SARASOTA MIDTOWN owed to the public in general, and to Plaintiff in particular, a duty to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ, including Assailant #19.

1263. Having been in the care of Defendant MASSAGE ENVY – SARASOTA MIDTOWN at the time under circumstances such as to deprive Plaintiff JANE DOE #19 (J.A.) of her entitlement to safe care and protection, Defendant owed to Plaintiff JANE DOE #19 (J.A.) a duty to aid and/or protect her and to control the actions of third parties.

1264. Having been in the care of Defendant MASSAGE ENVY – SARASOTA MIDTOWN at the time under circumstances such as to deprive Plaintiff JANE DOE #19 (J.A.) of her normal opportunities for protection, the Defendant owed to Plaintiff JANE DOE #19 (J.A.) a duty to control the acts of its actual and / or apparent agents, servants, and/or employees.

1265. At all times relevant hereto, Defendant MASSAGE ENVY – SARASOTA MIDTOWN did not have in place (or failed to enforce) adequate, reasonable, and necessary rules,

regulations, policies, and procedures which could effectively identify (and deal with) sexual predators.

1266. Despite actual knowledge of Assailant #19 committing at least one sexual assault on a female customer at MASSAGE ENVY – SARASOTA MIDTOWN and despite the foreseeable risk that Assailant #19 would engage in repeated acts of sexual perversion and assault, Defendant did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify, and deal with sexual predators, including Assailant #19.

1267. At all times relevant hereto, Defendant MASSAGE ENVY – SARASOTA MIDTOWN did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures for the removal of sexual predators in the employ and/or service of MASSAGE ENVY – SARASOTA MIDTOWN and/or MASSAGE ENVY, including Assailant #19.

1268. At all times relevant hereto, Defendant MASSAGE ENVY – SARASOTA MIDTOWN did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to criminal authorities any known sexual predators, including Assailant #19, in the employ and/or service of Defendant MASSAGE ENVY – SARASOTA MIDTOWN.

1269. At all times relevant hereto, Defendant MASSAGE ENVY – SARASOTA MIDTOWN did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to the state board of massage therapy the presence of sexual predators, including Assailant #19, in the employ and/or service of MASSAGE ENVY – SARASOTA MIDTOWN.

1270. As set forth in this Complaint, Defendant MASSAGE ENVY – SARASOTA MIDTOWN failed to fulfill its legal duty to protect Plaintiff and other female customers from the depraved and vile acts of its massage therapist, Assailant #19.

1271. As set forth in this Complaint, Defendant failed to take the reasonable steps to ensure that massage therapists at MASSAGE ENVY – SARASOTA MIDTOWN were psychologically fit to provide massage therapy services to female customers. These failures included the following:

- a. Failure to investigate the background of massage therapists in its employ or service;
- b. Failure to prohibit, restrict, or limit the activities of massage therapists suspected of sexual assault and/or those known to be sexual predators;
- c. Failure to reasonably and properly investigate allegations of sexual assault;
- d. Failure to Follow Title XXXII Regulation of Professions and Occupations, Chapter 480 Massage Practice, Section 0485 Sexual Misconduct in The Practice of Massage Therapy
- e. Failure to properly train and instruct investigators;
- f. Failure to have in place standards of acceptable and unacceptable conduct;
- g. Failure to designate competent investigators to evaluate complaints of sexual assault; and
- h. Failure to have in place standards for reporting acts of sexual misconduct to law enforcement authorities and/or the state board of massage therapy.

1272. Moreover, the conduct of Defendant MASSAGE ENVY – SARASOTA MIDTOWN as set forth above and herein, further consisted of:

- a. permitting Assailant #19 to sexually assault female customers, including JANE DOE #19 (J.A.);
- b. permitting Assailant #19 to engage in illegal sexual conduct with female customers, including JANE DOE #19 (J.A.), on the premises

- of MESSAGE ENVY – SARASOTA MIDTOWN, during operating hours;
- c. failing to properly and adequately supervise and discipline its employees to prevent the sexual assault that occurred to JANE DOE #19 (J.A.);
 - d. failing to adopt, enforce and/or follow adequate policies and procedures for the protection and reasonable supervision of customers who engaged the services of MESSAGE ENVY – SARASOTA MIDTOWN, including JANE DOE #19 (J.A.), and, in the alternative, failing to implement and comply with such procedures which had been adopted;
 - e. failing to implement, enforce and/or follow adequate protective and supervisory measures for the protection of female customers, including JANE DOE #19 (J.A.);
 - f. creating an environment that facilitated sexual assault by Assailant #19 on Plaintiff;
 - g. failing to adopt, enforce and/or follow policies and procedures to protect female customers against harmful contact by massage therapists at franchise locations, including Assailant #19;
 - h. failing to warn JANE DOE #19 (J.A.) of the risk of harm posed by Assailant #19 after Defendant knew or should have known of such risk;
 - i. failing to warn JANE DOE #19 (J.A.) of the risk of harm that JANE DOE #19 (J.A.) may suffer as a result of contact with Assailant #19;
 - j. failing to warn or otherwise make reasonably safe the property which Defendant possessed and/or controlled, leading to the harm of JANE DOE #19 (J.A.);
 - k. failing to adopt/implement and/or enforce policies and procedures for the reporting to law enforcement, the state board of massage therapy and/or other authorities of sexual assaults by massage therapists, including Assailant #19;
 - l. failing to report sexual assaults by massage therapists, including Assailant #19, to authorities;
 - m. violating its own policies and/or by-laws regarding sexual assaults by staff;
 - n. ignoring, concealing, or otherwise mitigating the seriousness of the known danger that Assailant #19 posed and, in fact, recommending Assailant #19 to female customers after it knew of the danger he posed;
 - o. failing to prevent the sexual assault that was committed by Assailant #19 on JANE DOE #19 (J.A.) and other people he sexually assaulted;
 - p. allowing Assailant #19 to remain employed after knowing that he sexually assaulted a female customer;
 - q. failing to properly supervise and/or discipline its employees;

- r. failing to adequately and properly train its employees and/or franchisee employees regarding sexual assaults of customers by massage therapists; and
- s. negligently managing and/or operating MASSAGE ENVY – SARASOTA MIDTOWN

1273. Defendant MASSAGE ENVY – SARASOTA MIDTOWN explicitly and/or implicitly represented to the public in general, and to JANE DOE #19 (J.A.) in particular, that the massage therapists, including Assailant #19, in its employ and service were not only psychologically fit but were therapists who could be entrusted with the safety and well-being of female customers.

1274. Defendant MASSAGE ENVY – SARASOTA MIDTOWN made these explicit and implied representations knowing that they were false and/or having reason to believe that they were false, and with the expectation that they would be relied upon by customers making decisions regarding their engagement of massage/spa services.

1275. At all times relevant hereto, Defendant MASSAGE ENVY – SARASOTA MIDTOWN did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures with respect to the removal and/or supervision of individuals in its employ or service who were suspected of being sexual predators.

1276. Defendant MASSAGE ENVY – SARASOTA MIDTOWN failed to reasonably identify, remove, and/or report (to law enforcement authorities and/or to the state massage therapy board) sexual predators in its service and employ.

1277. Defendant MASSAGE ENVY – SARASOTA MIDTOWN failed to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

1278. Defendant MASSAGE ENVY – SARASOTA MIDTOWN negligently failed to timely and reasonably identify, remove, and/or report (to law enforcement authorities and/or to state boards of massage therapy) Assailant #19 as a sexual predator.

1279. Defendant hired, retained and/or assigned Assailant #19 to Plaintiff knowing or having reason to know that he was a sexual predator.

1280. Defendant MASSAGE ENVY – SARASOTA MIDTOWN further breached its duty of care to JANE DOE #19 (J.A.) by failing to protect JANE DOE #19 (J.A.) from foreseeable harm from the sexual misconduct of employees of Defendant, including Assailant #19. Defendant further breached its duty of care by failing to warn Plaintiff of the propensities of Assailant #19 and by failing to provide a safe and secure environment for JANE DOE #19 (J.A.).

1281. As a result of the above-described conduct, JANE DOE #19 (J.A.) has suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling.

WHEREFORE, the Plaintiff, JANE DOE #19 (J.A.), demands judgment against Defendant MASSAGE ENVY – SARASOTA MIDTOWN, in excess of Thirty Thousand Dollars (\$30,000.00), plus costs incurred herein and any other relief this court deems fit and proper.

COUNT 46 BY JANE DOE # 20 (M.D.) AGAINST M.E. BRICKELL, LLC

1282. Plaintiff JANE DOE #20 (M.D.) realleges each and every allegation contained in paragraphs 1 through 92 and 174-176 above as if fully set forth herein.

1283. Defendant MASSAGE ENVY – BRICKELL, by and through its agents, servants and employees, knew or reasonably should have known of Assailant #20's dangerous and exploitive propensities and/or that Assailant #20 was an unfit agent. It was foreseeable that if Defendant MASSAGE ENVY – BRICKELL did not adequately exercise or provide the duty of care owed to female customers in their care, including, but not limited to JANE DOE #20 (M.D.), that would be vulnerable to sexual assaults by Assailant #20.

1284. Defendant MASSAGE ENVY – BRICKELL owed to the public in general, and to Plaintiff in particular, a duty to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) individuals who it knew, or should have known, were sexual predators in its service and employ, including Assailant #20.

1285. Defendant MASSAGE ENVY – BRICKELL owed to the public in general, and to Plaintiff in particular, a duty to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ, including Assailant #20.

1286. Having been in the care of Defendant MASSAGE ENVY – BRICKELL at the time under circumstances such as to deprive Plaintiff JANE DOE #20 (M.D.) of her entitlement to safe care and protection, Defendant owed to Plaintiff JANE DOE #20 (M.D.) a duty to aid and/or protect her and to control the actions of third parties.

1287. Having been in the care of Defendant MASSAGE ENVY – BRICKELL at the time under circumstances such as to deprive Plaintiff JANE DOE #20 (M.D.) of her normal opportunities for protection, the Defendant owed to Plaintiff JANE DOE #20 (M.D.) a duty to control the acts of its actual and / or apparent agents, servants, and/or employees.

1288. At all times relevant hereto, Defendant MASSAGE ENVY – BRICKELL did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify (and deal with) sexual predators.

1289. Despite actual knowledge of Assailant #20 committing at least one sexual assault on a female customer at MASSAGE ENVY – BRICKELL and despite the foreseeable risk that Assailant #20 would engage in repeated acts of sexual perversion and assault, Defendant did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify, and deal with sexual predators, including Assailant #20.

1290. At all times relevant hereto, Defendant MASSAGE ENVY – BRICKELL did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures for the removal of sexual predators in the employ and/or service of MASSAGE ENVY – BRICKELL and/or MASSAGE ENVY, including Assailant #20.

1291. At all times relevant hereto, Defendant MASSAGE ENVY – BRICKELL did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to criminal authorities any known sexual predators, including Assailant #20, in the employ and/or service of Defendant MASSAGE ENVY – BRICKELL.

1292. At all times relevant hereto, Defendant MASSAGE ENVY – BRICKELL did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to the state board of massage therapy the presence of sexual predators, including Assailant #20, in the employ and/or service of MASSAGE ENVY – BRICKELL.

1293. As set forth in this Complaint, Defendant MASSAGE ENVY – BRICKELL failed to fulfill its legal duty to protect Plaintiff and other female customers from the depraved and vile acts of its massage therapist, Assailant #20.

1294. As set forth in this Complaint, Defendant failed to take the reasonable steps to ensure that massage therapists at MASSAGE ENVY – BRICKELL were psychologically fit to provide massage therapy services to female customers. These failures included the following:

- a. Failure to investigate the background of massage therapists in its employ or service;
- b. Failure to prohibit, restrict, or limit the activities of massage therapists suspected of sexual assault and/or those known to be sexual predators;
- c. Failure to reasonably and properly investigate allegations of sexual assault;
- d. Failure to Follow Title XXXII Regulation of Professions and Occupations, Chapter 480 Massage Practice, Section 0485 Sexual Misconduct in The Practice of Massage Therapy
- e. Failure to properly train and instruct investigators;
- f. Failure to have in place standards of acceptable and unacceptable conduct;
- g. Failure to designate competent investigators to evaluate complaints of sexual assault; and
- h. Failure to have in place standards for reporting acts of sexual misconduct to law enforcement authorities and/or the state board of massage therapy.

1295. Moreover, the conduct of Defendant MASSAGE ENVY – BRICKELL as set forth above and herein, further consisted of:

- a. permitting Assailant #20 to sexually assault female customers, including JANE DOE #20 (M.D.);
- b. permitting Assailant #20 to engage in illegal sexual conduct with female customers, including JANE DOE #20 (M.D.), on the premises of MASSAGE ENVY – BRICKELL, during operating hours;
- c. failing to properly and adequately supervise and discipline its employees to prevent the sexual assault that occurred to JANE DOE #20 (M.D.);
- d. failing to adopt, enforce and/or follow adequate policies and procedures for the protection and reasonable supervision of customers who engaged the services of MASSAGE ENVY –

- BRICKELL, including JANE DOE #20 (M.D.), and, in the alternative, failing to implement and comply with such procedures which had been adopted;
- e. failing to implement, enforce and/or follow adequate protective and supervisory measures for the protection of female customers, including JANE DOE #20 (M.D.);
 - f. creating an environment that facilitated sexual assault by Assailant #20 on Plaintiff;
 - g. failing to adopt, enforce and/or follow policies and procedures to protect female customers against harmful contact by massage therapists at franchise locations, including Assailant #20;
 - h. failing to warn JANE DOE #20 (M.D.) of the risk of harm posed by Assailant #20 after Defendant knew or should have known of such risk;
 - i. failing to warn JANE DOE #20 (M.D.) of the risk of harm that JANE DOE #20 (M.D.) may suffer as a result of contact with Assailant #20;
 - j. failing to warn or otherwise make reasonably safe the property which Defendant possessed and/or controlled, leading to the harm of JANE DOE #20 (M.D.);
 - k. failing to adopt/implement and/or enforce policies and procedures for the reporting to law enforcement, the state board of massage therapy and/or other authorities of sexual assaults by massage therapists, including Assailant #20;
 - l. failing to report sexual assaults by massage therapists, including Assailant #20, to authorities;
 - m. violating its own policies and/or by-laws regarding sexual assaults by staff;
 - n. ignoring, concealing, or otherwise mitigating the seriousness of the known danger that Assailant #20 posed and, in fact, recommending Assailant #20 to female customers after it knew of the danger he posed;
 - o. failing to prevent the sexual assault that was committed by Assailant #20 on JANE DOE #20 (M.D.) and other people he sexually assaulted;
 - p. allowing Assailant #20 to remain employed after knowing that he sexually assaulted a female customer;
 - q. failing to properly supervise and/or discipline its employees;
 - r. failing to adequately and properly train its employees and/or franchisee employees regarding sexual assaults of customers by massage therapists; and
 - s. negligently managing and/or operating MASSAGE ENVY – BRICKELL

1296. Defendant MASSAGE ENVY – BRICKELL explicitly and/or implicitly represented to the public in general, and to JANE DOE #20 (M.D.) in particular, that the massage

therapists, including Assailant #20, in its employ and service were not only psychologically fit but were therapists who could be entrusted with the safety and well-being of female customers.

1297. Defendant MASSAGE ENVY – BRICKELL made these explicit and implied representations knowing that they were false and/or having reason to believe that they were false, and with the expectation that they would be relied upon by customers making decisions regarding their engagement of massage/spa services.

1298. At all times relevant hereto, Defendant MASSAGE ENVY – BRICKELL did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures with respect to the removal and/or supervision of individuals in its employ or service who were suspected of being sexual predators.

1299. Defendant MASSAGE ENVY – BRICKELL failed to reasonably identify, remove, and/or report (to law enforcement authorities and/or to the state massage therapy board) sexual predators in its service and employ.

1300. Defendant MASSAGE ENVY – BRICKELL failed to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

1301. Defendant MASSAGE ENVY – BRICKELL negligently failed to timely and reasonably identify, remove, and/or report (to law enforcement authorities and/or to state boards of massage therapy) Assailant #20 as a sexual predator.

1302. Defendant hired, retained and/or assigned Assailant #20 to Plaintiff knowing or having reason to know that he was a sexual predator.

1303. Defendant MASSAGE ENVY – BRICKELL further breached its duty of care to JANE DOE #20 (M.D.) by failing to protect JANE DOE #20 (M.D.) from foreseeable harm from the sexual misconduct of employees of Defendant, including Assailant #20. Defendant further

breached its duty of care by failing to warn Plaintiff of the propensities of Assailant #20 and by failing to provide a safe and secure environment for JANE DOE #20 (M.D.).

1304. As a result of the above-described conduct, JANE DOE #20 (M.D.) has suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling.

WHEREFORE, the Plaintiff, JANE DOE #20 (M.D.), demands judgment against Defendant MASSAGE ENVY – BRICKELL, in excess of Thirty Thousand Dollars (\$30,000.00), plus costs incurred herein and any other relief this court deems fit and proper.

COUNT 47 BY JANE DOE # 21 (K.K.) AGAINST AGH ENTERTAINMENT, LLC

1305. Plaintiff JANE DOE #21 (K.K.) realleges each and every allegation contained in paragraphs 1 through 92 and 177-179 above as if fully set forth herein.

1306. Defendant MASSAGE ENVY – LAKE WORTH, by and through its agents, servants and employees, knew or reasonably should have known of Assailant #21's dangerous and exploitive propensities and/or that Assailant #21 was an unfit agent. It was foreseeable that if Defendant MASSAGE ENVY – LAKE WORTH did not adequately exercise or provide the duty of care owed to female customers in their care, including, but not limited to JANE DOE #21 (K.K.), that would be vulnerable to sexual assaults by Assailant #21.

1307. Defendant MASSAGE ENVY – LAKE WORTH owed to the public in general, and to Plaintiff in particular, a duty to reasonably identify, remove, and/or report (to law

enforcement authorities and/or to state massage therapy boards) individuals who it knew, or should have known, were sexual predators in its service and employ, including Assailant #21.

1308. Defendant MASSAGE ENVY – LAKE WORTH owed to the public in general, and to Plaintiff in particular, a duty to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ, including Assailant #21.

1309. Having been in the care of Defendant MASSAGE ENVY – LAKE WORTH at the time under circumstances such as to deprive Plaintiff JANE DOE #21 (K.K.) of her entitlement to safe care and protection, Defendant owed to Plaintiff JANE DOE #21 (K.K.) a duty to aid and/or protect her and to control the actions of third parties.

1310. Having been in the care of Defendant MASSAGE ENVY – LAKE WORTH at the time under circumstances such as to deprive Plaintiff JANE DOE #21 (K.K.) of her normal opportunities for protection, the Defendant owed to Plaintiff JANE DOE #21 (K.K.) a duty to control the acts of its actual and / or apparent agents, servants, and/or employees.

1311. At all times relevant hereto, Defendant MASSAGE ENVY – LAKE WORTH did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify (and deal with) sexual predators.

1312. Despite actual knowledge of Assailant #21 committing at least one sexual assault on a female customer at MASSAGE ENVY – LAKE WORTH and despite the foreseeable risk that Assailant #21 would engage in repeated acts of sexual perversion and assault, Defendant did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify, and deal with sexual predators, including Assailant #21.

1313. At all times relevant hereto, Defendant MASSAGE ENVY – LAKE WORTH did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures for the removal of sexual predators in the employ and/or service of MASSAGE ENVY – LAKE WORTH and/or MASSAGE ENVY, including Assailant #21.

1314. At all times relevant hereto, Defendant MASSAGE ENVY – LAKE WORTH did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to criminal authorities any known sexual predators, including Assailant #21, in the employ and/or service of Defendant MASSAGE ENVY – LAKE WORTH.

1315. At all times relevant hereto, Defendant MASSAGE ENVY – LAKE WORTH did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to the state board of massage therapy the presence of sexual predators, including Assailant #21, in the employ and/or service of MASSAGE ENVY – LAKE WORTH.

1316. As set forth in this Complaint, Defendant MASSAGE ENVY – LAKE WORTH failed to fulfill its legal duty to protect Plaintiff and other female customers from the depraved and vile acts of its massage therapist, Assailant #21.

1317. As set forth in this Complaint, Defendant failed to take the reasonable steps to ensure that massage therapists at MASSAGE ENVY – LAKE WORTH were psychologically fit to provide massage therapy services to female customers. These failures included the following:

- a. Failure to investigate the background of massage therapists in its employ or service;
- b. Failure to prohibit, restrict, or limit the activities of massage therapists suspected of sexual assault and/or those known to be sexual predators;
- c. Failure to reasonably and properly investigate allegations of sexual assault;

- d. Failure to Follow Title XXXII Regulation of Professions and Occupations, Chapter 480 Massage Practice, Section 0485 Sexual Misconduct in The Practice of Massage Therapy
- e. Failure to properly train and instruct investigators;
- f. Failure to have in place standards of acceptable and unacceptable conduct;
- g. Failure to designate competent investigators to evaluate complaints of sexual assault; and
- h. Failure to have in place standards for reporting acts of sexual misconduct to law enforcement authorities and/or the state board of massage therapy.

1318. Moreover, the conduct of Defendant MASSAGE ENVY – LAKE WORTH as set forth above and herein, further consisted of:

- a. permitting Assailant #21 to sexually assault female customers, including JANE DOE #21 (K.K.);
- b. permitting Assailant #21 to engage in illegal sexual conduct with female customers, including JANE DOE #21 (K.K.), on the premises of MASSAGE ENVY – LAKE WORTH, during operating hours;
- c. failing to properly and adequately supervise and discipline its employees to prevent the sexual assault that occurred to JANE DOE #21 (K.K.);
- d. failing to adopt, enforce and/or follow adequate policies and procedures for the protection and reasonable supervision of customers who engaged the services of MASSAGE ENVY – LAKE WORTH, including JANE DOE #21 (K.K.), and, in the alternative, failing to implement and comply with such procedures which had been adopted;
- e. failing to implement, enforce and/or follow adequate protective and supervisory measures for the protection of female customers, including JANE DOE #21 (K.K.);
- f. creating an environment that facilitated sexual assault by Assailant #21 on Plaintiff;
- g. failing to adopt, enforce and/or follow policies and procedures to protect female customers against harmful contact by massage therapists at franchise locations, including Assailant #21;
- h. failing to warn JANE DOE #21 (K.K.) of the risk of harm posed by Assailant #21 after Defendant knew or should have known of such risk;

- i. failing to warn JANE DOE #21 (K.K.) of the risk of harm that JANE DOE #21 (K.K.) may suffer as a result of contact with Assailant #21;
- j. failing to warn or otherwise make reasonably safe the property which Defendant possessed and/or controlled, leading to the harm of JANE DOE #21 (K.K.);
- k. failing to adopt/implement and/or enforce policies and procedures for the reporting to law enforcement, the state board of massage therapy and/or other authorities of sexual assaults by massage therapists, including Assailant #21;
- l. failing to report sexual assaults by massage therapists, including Assailant #21, to authorities;
- m. violating its own policies and/or by-laws regarding sexual assaults by staff;
- n. ignoring, concealing, or otherwise mitigating the seriousness of the known danger that Assailant #21 posed and, in fact, recommending Assailant #21 to female customers after it knew of the danger he posed;
- o. failing to prevent the sexual assault that was committed by Assailant #21 on JANE DOE #21 (K.K.) and other people he sexually assaulted;
- p. allowing Assailant #21 to remain employed after knowing that he sexually assaulted a female customer;
- q. failing to properly supervise and/or discipline its employees;
- r. failing to adequately and properly train its employees and/or franchisee employees regarding sexual assaults of customers by massage therapists; and
- s. negligently managing and/or operating MASSAGE ENVY – LAKE WORTH

1319. Defendant MASSAGE ENVY – LAKE WORTH explicitly and/or implicitly represented to the public in general, and to JANE DOE #21 (K.K.) in particular, that the massage therapists, including Assailant #21, in its employ and service were not only psychologically fit but were therapists who could be entrusted with the safety and well-being of female customers.

1320. Defendant MASSAGE ENVY – LAKE WORTH made these explicit and implied representations knowing that they were false and/or having reason to believe that they were false, and with the expectation that they would be relied upon by customers making decisions regarding their engagement of massage/spa services.

1321. At all times relevant hereto, Defendant MASSAGE ENVY – LAKE WORTH did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures with respect to the removal and/or supervision of individuals in its employ or service who were suspected of being sexual predators.

1322. Defendant MASSAGE ENVY – LAKE WORTH failed to reasonably identify, remove, and/or report (to law enforcement authorities and/or to the state massage therapy board) sexual predators in its service and employ.

1323. Defendant MASSAGE ENVY – LAKE WORTH failed to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

1324. Defendant MASSAGE ENVY – LAKE WORTH negligently failed to timely and reasonably identify, remove, and/or report (to law enforcement authorities and/or to state boards of massage therapy) Assailant #21 as a sexual predator.

1325. Defendant hired, retained and/or assigned Assailant #21 to Plaintiff knowing or having reason to know that he was a sexual predator.

1326. Defendant MASSAGE ENVY – LAKE WORTH further breached its duty of care to JANE DOE #21 (K.K.) by failing to protect JANE DOE #21 (K.K.) from foreseeable harm from the sexual misconduct of employees of Defendant, including Assailant #21. Defendant further breached its duty of care by failing to warn Plaintiff of the propensities of Assailant #21 and by failing to provide a safe and secure environment for JANE DOE #21 (K.K.).

1327. As a result of the above-described conduct, JANE DOE #21 (K.K.) has suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life; was prevented and will continue to be prevented from performing

Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling.

WHEREFORE, the Plaintiff, JANE DOE #21 (K.K.), demands judgment against Defendant MASSAGE ENVY – LAKE WORTH, in excess of Thirty Thousand Dollars (\$30,000.00), plus costs incurred herein and any other relief this court deems fit and proper.

COUNT 48 BY JANE DOE # 22 (C.S.) AGAINST J&J FLASH, LLC

1328. Plaintiff JANE DOE #22 (C.S.) realleges each and every allegation contained in paragraphs 1 through 92 and 159-161 above as if fully set forth herein.

1329. Defendant MASSAGE ENVY – JACKSONVILLE BEACH, by and through its agents, servants and employees, knew or reasonably should have known of Assailant #22's dangerous and exploitive propensities and/or that Assailant #22 was an unfit agent. It was foreseeable that if Defendant MASSAGE ENVY – JACKSONVILLE BEACH did not adequately exercise or provide the duty of care owed to female customers in their care, including, but not limited to JANE DOE #22 (C.S.), that would be vulnerable to sexual assaults by Assailant #22.

1330. Defendant MASSAGE ENVY – JACKSONVILLE BEACH owed to the public in general, and to Plaintiff in particular, a duty to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) individuals who it knew, or should have known, were sexual predators in its service and employ, including Assailant #22.

1331. Defendant MASSAGE ENVY – JACKSONVILLE BEACH owed to the public in general, and to Plaintiff in particular, a duty to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ, including Assailant #22.

1332. Having been in the care of Defendant MASSAGE ENVY – JACKSONVILLE BEACH at the time under circumstances such as to deprive Plaintiff JANE DOE #22 (C.S.) of her entitlement to safe care and protection, Defendant owed to Plaintiff JANE DOE #22 (C.S.) a duty to aid and/or protect her and to control the actions of third parties.

1333. Having been in the care of Defendant MASSAGE ENVY – JACKSONVILLE BEACH at the time under circumstances such as to deprive Plaintiff JANE DOE #22 (C.S.) of her normal opportunities for protection, the Defendant owed to Plaintiff JANE DOE #22 (C.S.) a duty to control the acts of its actual and / or apparent agents, servants, and/or employees.

1334. At all times relevant hereto, Defendant MASSAGE ENVY – JACKSONVILLE BEACH did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify (and deal with) sexual predators.

1335. Despite actual knowledge of Assailant #22 committing at least one sexual assault on a female customer at MASSAGE ENVY – JACKSONVILLE BEACH and despite the foreseeable risk that Assailant #22 would engage in repeated acts of sexual perversion and assault, Defendant did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify, and deal with sexual predators, including Assailant #22.

1336. At all times relevant hereto, Defendant MASSAGE ENVY – JACKSONVILLE BEACH did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures for the removal of sexual predators in the employ and/or service of MASSAGE ENVY – JACKSONVILLE BEACH and/or MASSAGE ENVY, including Assailant #22.

1337. At all times relevant hereto, Defendant MASSAGE ENVY – JACKSONVILLE BEACH did not have in place adequate, reasonable, and necessary rules, regulations, policies, and

procedures which provided for the reporting to criminal authorities any known sexual predators, including Assailant #22, in the employ and/or service of Defendant MASSAGE ENVY – JACKSONVILLE BEACH.

1338. At all times relevant hereto, Defendant MASSAGE ENVY – JACKSONVILLE BEACH did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to the state board of massage therapy the presence of sexual predators, including Assailant #22, in the employ and/or service of MASSAGE ENVY – JACKSONVILLE BEACH.

1339. As set forth in this Complaint, Defendant MASSAGE ENVY – JACKSONVILLE BEACH failed to fulfill its legal duty to protect Plaintiff and other female customers from the depraved and vile acts of its massage therapist, Assailant #22.

1340. As set forth in this Complaint, Defendant failed to take the reasonable steps to ensure that massage therapists at MASSAGE ENVY – JACKSONVILLE BEACH were psychologically fit to provide massage therapy services to female customers. These failures included the following:

- a. Failure to investigate the background of massage therapists in its employ or service;
- b. Failure to prohibit, restrict, or limit the activities of massage therapists suspected of sexual assault and/or those known to be sexual predators;
- c. Failure to reasonably and properly investigate allegations of sexual assault;
- d. Failure to Follow Title XXXII Regulation of Professions and Occupations, Chapter 480 Massage Practice, Section 0485 Sexual Misconduct in The Practice of Massage Therapy
- e. Failure to properly train and instruct investigators;

- f. Failure to have in place standards of acceptable and unacceptable conduct;
- g. Failure to designate competent investigators to evaluate complaints of sexual assault; and
- h. Failure to have in place standards for reporting acts of sexual misconduct to law enforcement authorities and/or the state board of massage therapy.

1341. Moreover, the conduct of Defendant MASSAGE ENVY – JACKSONVILLE

BEACH as set forth above and herein, further consisted of:

- a. permitting Assailant #22 to sexually assault female customers, including JANE DOE #22 (C.S.);
- b. permitting Assailant #22 to engage in illegal sexual conduct with female customers, including JANE DOE #22 (C.S.), on the premises of MASSAGE ENVY – JACKSONVILLE BEACH, during operating hours;
- c. failing to properly and adequately supervise and discipline its employees to prevent the sexual assault that occurred to JANE DOE #22 (C.S.);
- d. failing to adopt, enforce and/or follow adequate policies and procedures for the protection and reasonable supervision of customers who engaged the services of MASSAGE ENVY – JACKSONVILLE BEACH, including JANE DOE #22 (C.S.), and, in the alternative, failing to implement and comply with such procedures which had been adopted;
- e. failing to implement, enforce and/or follow adequate protective and supervisory measures for the protection of female customers, including JANE DOE #22 (C.S.);
- f. creating an environment that facilitated sexual assault by Assailant #22 on Plaintiff;
- g. failing to adopt, enforce and/or follow policies and procedures to protect female customers against harmful contact by massage therapists at franchise locations, including Assailant #22;
- h. failing to warn JANE DOE #22 (C.S.) of the risk of harm posed by Assailant #22 after Defendant knew or should have known of such risk;
- i. failing to warn JANE DOE #22 (C.S.) of the risk of harm that JANE DOE #22 (C.S.) may suffer as a result of contact with Assailant #22;
- j. failing to warn or otherwise make reasonably safe the property which Defendant possessed and/or controlled, leading to the harm of JANE DOE #22 (C.S.);
- k. failing to adopt/implement and/or enforce policies and procedures for the reporting to law enforcement, the state board of massage

- therapy and/or other authorities of sexual assaults by massage therapists, including Assailant #22;
- l. failing to report sexual assaults by massage therapists, including Assailant #22, to authorities;
 - m. violating its own policies and/or by-laws regarding sexual assaults by staff;
 - n. ignoring, concealing, or otherwise mitigating the seriousness of the known danger that Assailant #22 posed and, in fact, recommending Assailant #22 to female customers after it knew of the danger he posed;
 - o. failing to prevent the sexual assault that was committed by Assailant #22 on JANE DOE #22 (C.S.) and other people he sexually assaulted;
 - p. allowing Assailant #22 to remain employed after knowing that he sexually assaulted a female customer;
 - q. failing to properly supervise and/or discipline its employees;
 - r. failing to adequately and properly train its employees and/or franchisee employees regarding sexual assaults of customers by massage therapists; and
 - s. negligently managing and/or operating MASSAGE ENVY – JACKSONVILLE BEACH

1342. Defendant MASSAGE ENVY – JACKSONVILLE BEACH explicitly and/or implicitly represented to the public in general, and to JANE DOE #22 (C.S.) in particular, that the massage therapists, including Assailant #22, in its employ and service were not only psychologically fit but were therapists who could be entrusted with the safety and well-being of female customers.

1343. Defendant MASSAGE ENVY – JACKSONVILLE BEACH made these explicit and implied representations knowing that they were false and/or having reason to believe that they were false, and with the expectation that they would be relied upon by customers making decisions regarding their engagement of massage/spa services.

1344. At all times relevant hereto, Defendant MASSAGE ENVY – JACKSONVILLE BEACH did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures with respect to the removal and/or supervision of individuals in its employ or service who were suspected of being sexual predators.

1345. Defendant MASSAGE ENVY – JACKSONVILLE BEACH failed to reasonably identify, remove, and/or report (to law enforcement authorities and/or to the state massage therapy board) sexual predators in its service and employ.

1346. Defendant MASSAGE ENVY – JACKSONVILLE BEACH failed to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

1347. Defendant MASSAGE ENVY – JACKSONVILLE BEACH negligently failed to timely and reasonably identify, remove, and/or report (to law enforcement authorities and/or to state boards of massage therapy) Assailant #22 as a sexual predator.

1348. Defendant hired, retained and/or assigned Assailant #22 to Plaintiff knowing or having reason to know that he was a sexual predator.

1349. Defendant MASSAGE ENVY – JACKSONVILLE BEACH further breached its duty of care to JANE DOE #22 (C.S.) by failing to protect JANE DOE #22 (C.S.) from foreseeable harm from the sexual misconduct of employees of Defendant, including Assailant #22. Defendant further breached its duty of care by failing to warn Plaintiff of the propensities of Assailant #22 and by failing to provide a safe and secure environment for JANE DOE #22 (C.S.).

1350. As a result of the above-described conduct, JANE DOE #22 (C.S.) has suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling.

WHEREFORE, the Plaintiff, JANE DOE #22 (C.S.), demands judgment against Defendant MASSAGE ENVY – JACKSONVILLE BEACH, in excess of Thirty Thousand Dollars (\$30,000.00), plus costs incurred herein and any other relief this court deems fit and proper.

COUNT 49 BY JANE DOE # 23 (S.S.) AGAINST VICCELIN, LLC

1351. Plaintiff JANE DOE #23 (S.S.) realleges each and every allegation contained in paragraphs 1 through 92 and 183-185 above as if fully set forth herein.

1352. Defendant MASSAGE ENVY – JUPITER, by and through its agents, servants and employees, knew or reasonably should have known of Assailant #23's dangerous and exploitive propensities and/or that Assailant #23 was an unfit agent. It was foreseeable that if Defendant MASSAGE ENVY – JUPITER did not adequately exercise or provide the duty of care owed to female customers in their care, including, but not limited to JANE DOE #23 (S.S.), that would be vulnerable to sexual assaults by Assailant #23.

1353. Defendant MASSAGE ENVY – JUPITER owed to the public in general, and to Plaintiff in particular, a duty to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) individuals who it knew, or should have known, were sexual predators in its service and employ, including Assailant #23.

1354. Defendant MASSAGE ENVY – JUPITER owed to the public in general, and to Plaintiff in particular, a duty to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ, including Assailant #23.

1355. Having been in the care of Defendant MASSAGE ENVY – JUPITER at the time under circumstances such as to deprive Plaintiff JANE DOE #23 (S.S.) of her entitlement to safe care and protection, Defendant owed to Plaintiff JANE DOE #23 (S.S.) a duty to aid and/or protect her and to control the actions of third parties.

1356. Having been in the care of Defendant MASSAGE ENVY – JUPITER at the time under circumstances such as to deprive Plaintiff JANE DOE #23 (S.S.) of her normal opportunities for protection, the Defendant owed to Plaintiff JANE DOE #23 (S.S.) a duty to control the acts of its actual and / or apparent agents, servants, and/or employees.

1357. At all times relevant hereto, Defendant MASSAGE ENVY – JUPITER did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify (and deal with) sexual predators.

1358. Despite actual knowledge of Assailant #23 committing at least one sexual assault on a female customer at MASSAGE ENVY – JUPITER and despite the foreseeable risk that Assailant #23 would engage in repeated acts of sexual perversion and assault, Defendant did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify, and deal with sexual predators, including Assailant #23.

1359. At all times relevant hereto, Defendant MASSAGE ENVY – JUPITER did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures for the removal of sexual predators in the employ and/or service of MASSAGE ENVY – JUPITER and/or MASSAGE ENVY, including Assailant #23.

1360. At all times relevant hereto, Defendant MASSAGE ENVY – JUPITER did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to criminal authorities any known sexual predators, including Assailant #23, in the employ and/or service of Defendant MASSAGE ENVY – JUPITER.

1361. At all times relevant hereto, Defendant MASSAGE ENVY – JUPITER did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which

provided for the reporting to the state board of massage therapy the presence of sexual predators, including Assailant #23, in the employ and/or service of MASSAGE ENVY – JUPITER.

1362. As set forth in this Complaint, Defendant MASSAGE ENVY – JUPITER failed to fulfill its legal duty to protect Plaintiff and other female customers from the depraved and vile acts of its massage therapist, Assailant #23.

1363. As set forth in this Complaint, Defendant failed to take the reasonable steps to ensure that massage therapists at MASSAGE ENVY – JUPITER were psychologically fit to provide massage therapy services to female customers. These failures included the following:

- a. Failure to investigate the background of massage therapists in its employ or service;
- b. Failure to prohibit, restrict, or limit the activities of massage therapists suspected of sexual assault and/or those known to be sexual predators;
- c. Failure to reasonably and properly investigate allegations of sexual assault;
- d. Failure to Follow Title XXXII Regulation of Professions and Occupations, Chapter 480 Massage Practice, Section 0485 Sexual Misconduct in The Practice of Massage Therapy
- e. Failure to properly train and instruct investigators;
- f. Failure to have in place standards of acceptable and unacceptable conduct;
- g. Failure to designate competent investigators to evaluate complaints of sexual assault; and
- h. Failure to have in place standards for reporting acts of sexual misconduct to law enforcement authorities and/or the state board of massage therapy.

1364. Moreover, the conduct of Defendant MASSAGE ENVY – JUPITER as set forth above and herein, further consisted of:

- a. permitting Assailant #23 to sexually assault female customers, including JANE DOE #23 (S.S.);

- b. permitting Assailant #23 to engage in illegal sexual conduct with female customers, including JANE DOE #23 (S.S.), on the premises of MASSAGE ENVY – JUPITER, during operating hours;
- c. failing to properly and adequately supervise and discipline its employees to prevent the sexual assault that occurred to JANE DOE #23 (S.S.);
- d. failing to adopt, enforce and/or follow adequate policies and procedures for the protection and reasonable supervision of customers who engaged the services of MASSAGE ENVY – JUPITER, including JANE DOE #23 (S.S.), and, in the alternative, failing to implement and comply with such procedures which had been adopted;
- e. failing to implement, enforce and/or follow adequate protective and supervisory measures for the protection of female customers, including JANE DOE #23 (S.S.);
- f. creating an environment that facilitated sexual assault by Assailant #23 on Plaintiff;
- g. failing to adopt, enforce and/or follow policies and procedures to protect female customers against harmful contact by massage therapists at franchise locations, including Assailant #23;
- h. failing to warn JANE DOE #23 (S.S.) of the risk of harm posed by Assailant #23 after Defendant knew or should have known of such risk;
- i. failing to warn JANE DOE #23 (S.S.) of the risk of harm that JANE DOE #23 (S.S.) may suffer as a result of contact with Assailant #23;
- j. failing to warn or otherwise make reasonably safe the property which Defendant possessed and/or controlled, leading to the harm of JANE DOE #23 (S.S.);
- k. failing to adopt/implement and/or enforce policies and procedures for the reporting to law enforcement, the state board of massage therapy and/or other authorities of sexual assaults by massage therapists, including Assailant #23;
- l. failing to report sexual assaults by massage therapists, including Assailant #23, to authorities;
- m. violating its own policies and/or by-laws regarding sexual assaults by staff;
- n. ignoring, concealing, or otherwise mitigating the seriousness of the known danger that Assailant #23 posed and, in fact, recommending Assailant #23 to female customers after it knew of the danger he posed;
- o. failing to prevent the sexual assault that was committed by Assailant #23 on JANE DOE #23 (S.S.) and other people he sexually assaulted;
- p. allowing Assailant #23 to remain employed after knowing that he sexually assaulted a female customer;
- q. failing to properly supervise and/or discipline its employees;

- r. failing to adequately and properly train its employees and/or franchisee employees regarding sexual assaults of customers by massage therapists; and
- s. negligently managing and/or operating MASSAGE ENVY – JUPITER

1365. Defendant MASSAGE ENVY – JUPITER explicitly and/or implicitly represented to the public in general, and to JANE DOE #23 (S.S.) in particular, that the massage therapists, including Assailant #23, in its employ and service were not only psychologically fit but were therapists who could be entrusted with the safety and well-being of female customers.

1366. Defendant MASSAGE ENVY – JUPITER made these explicit and implied representations knowing that they were false and/or having reason to believe that they were false, and with the expectation that they would be relied upon by customers making decisions regarding their engagement of massage/spa services.

1367. At all times relevant hereto, Defendant MASSAGE ENVY – JUPITER did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures with respect to the removal and/or supervision of individuals in its employ or service who were suspected of being sexual predators.

1368. Defendant MASSAGE ENVY – JUPITER failed to reasonably identify, remove, and/or report (to law enforcement authorities and/or to the state massage therapy board) sexual predators in its service and employ.

1369. Defendant MASSAGE ENVY – JUPITER failed to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

1370. Defendant MASSAGE ENVY – JUPITER negligently failed to timely and reasonably identify, remove, and/or report (to law enforcement authorities and/or to state boards of massage therapy) Assailant #23 as a sexual predator.

1371. Defendant hired, retained and/or assigned Assailant #23 to Plaintiff knowing or having reason to know that he was a sexual predator.

1372. Defendant MASSAGE ENVY – JUPITER further breached its duty of care to JANE DOE #23 (S.S.) by failing to protect JANE DOE #23 (S.S.) from foreseeable harm from the sexual misconduct of employees of Defendant, including Assailant #23. Defendant further breached its duty of care by failing to warn Plaintiff of the propensities of Assailant #23 and by failing to provide a safe and secure environment for JANE DOE #23 (S.S.).

1373. As a result of the above-described conduct, JANE DOE #23 (S.S.) has suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling.

WHEREFORE, the Plaintiff, JANE DOE #23 (S.S.), demands judgment against Defendant MASSAGE ENVY – JUPITER, in excess of Thirty Thousand Dollars (\$30,000.00), plus costs incurred herein and any other relief this court deems fit and proper.

COUNT 50 BY JANE DOE # 24 (R.G.) AGAINST JK KRN ENTERPRISES, INC.

1374. Plaintiff JANE DOE #24 (C.R.) realleges each and every allegation contained in paragraphs 1 through 92 and 186-188 above as if fully set forth herein.

1375. Defendant MASSAGE ENVY – PLANTATION, by and through its agents, servants and employees, knew or reasonably should have known of Assailant #24's dangerous and exploitive propensities and/or that Assailant #24 was an unfit agent. It was foreseeable that if Defendant MASSAGE ENVY – PLANTATION did not adequately exercise or provide the duty

of care owed to female customers in their care, including, but not limited to JANE DOE #24 (C.R.), that would be vulnerable to sexual assaults by Assailant #24.

1376. Defendant MASSAGE ENVY – PLANTATION owed to the public in general, and to Plaintiff in particular, a duty to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) individuals who it knew, or should have known, were sexual predators in its service and employ, including Assailant #24.

1377. Defendant MASSAGE ENVY – PLANTATION owed to the public in general, and to Plaintiff in particular, a duty to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ, including Assailant #24.

1378. Having been in the care of Defendant MASSAGE ENVY – PLANTATION at the time under circumstances such as to deprive Plaintiff JANE DOE #24 (C.R.) of her entitlement to safe care and protection, Defendant owed to Plaintiff JANE DOE #24 (C.R.) a duty to aid and/or protect her and to control the actions of third parties.

1379. Having been in the care of Defendant MASSAGE ENVY – PLANTATION at the time under circumstances such as to deprive Plaintiff JANE DOE #24 (C.R.) of her normal opportunities for protection, the Defendant owed to Plaintiff JANE DOE #24 (C.R.) a duty to control the acts of its actual and / or apparent agents, servants, and/or employees.

1380. At all times relevant hereto, Defendant MASSAGE ENVY – PLANTATION did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify (and deal with) sexual predators.

1381. Despite actual knowledge of Assailant #24 committing at least one sexual assault on a female customer at MASSAGE ENVY – PLANTATION and despite the foreseeable risk that Assailant #24 would engage in repeated acts of sexual perversion and assault, Defendant did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies,

and procedures which could effectively identify, and deal with sexual predators, including Assailant #24.

1382. At all times relevant hereto, Defendant MASSAGE ENVY – PLANTATION did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures for the removal of sexual predators in the employ and/or service of MASSAGE ENVY – PLANTATION and/or MASSAGE ENVY, including Assailant #24.

1383. At all times relevant hereto, Defendant MASSAGE ENVY – PLANTATION did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to criminal authorities any known sexual predators, including Assailant #24, in the employ and/or service of Defendant MASSAGE ENVY – PLANTATION.

1384. At all times relevant hereto, Defendant MASSAGE ENVY – PLANTATION did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to the state board of massage therapy the presence of sexual predators, including Assailant #24, in the employ and/or service of MASSAGE ENVY – PLANTATION.

1385. As set forth in this Complaint, Defendant MASSAGE ENVY – PLANTATION failed to fulfill its legal duty to protect Plaintiff and other female customers from the depraved and vile acts of its massage therapist, Assailant #24.

1386. As set forth in this Complaint, Defendant failed to take the reasonable steps to ensure that massage therapists at MASSAGE ENVY – PLANTATION were psychologically fit to provide massage therapy services to female customers. These failures included the following:

- a. Failure to investigate the background of massage therapists in its employ or service;

- b. Failure to prohibit, restrict, or limit the activities of massage therapists suspected of sexual assault and/or those known to be sexual predators;
- c. Failure to reasonably and properly investigate allegations of sexual assault;
- d. Failure to Follow Title XXXII Regulation of Professions and Occupations, Chapter 480 Massage Practice, Section 0485 Sexual Misconduct in The Practice of Massage Therapy
- e. Failure to properly train and instruct investigators;
- f. Failure to have in place standards of acceptable and unacceptable conduct;
- g. Failure to designate competent investigators to evaluate complaints of sexual assault; and
- h. Failure to have in place standards for reporting acts of sexual misconduct to law enforcement authorities and/or the state board of massage therapy.

1387. Moreover, the conduct of Defendant MASSAGE ENVY – PLANTATION as set forth above and herein, further consisted of:

- a. permitting Assailant #24 to sexually assault female customers, including JANE DOE #24 (C.R.);
- b. permitting Assailant #24 to engage in illegal sexual conduct with female customers, including JANE DOE #24 (C.R.), on the premises of MASSAGE ENVY – PLANTATION, during operating hours;
- c. failing to properly and adequately supervise and discipline its employees to prevent the sexual assault that occurred to JANE DOE #24 (C.R.);
- d. failing to adopt, enforce and/or follow adequate policies and procedures for the protection and reasonable supervision of customers who engaged the services of MASSAGE ENVY – PLANTATION, including JANE DOE #24 (C.R.), and, in the alternative, failing to implement and comply with such procedures which had been adopted;
- e. failing to implement, enforce and/or follow adequate protective and supervisory measures for the protection of female customers, including JANE DOE #24 (C.R.);
- f. creating an environment that facilitated sexual assault by Assailant #24 on Plaintiff;

- g. failing to adopt, enforce and/or follow policies and procedures to protect female customers against harmful contact by massage therapists at franchise locations, including Assailant #24;
- h. failing to warn JANE DOE #24 (C.R.) of the risk of harm posed by Assailant #24 after Defendant knew or should have known of such risk;
- i. failing to warn JANE DOE #24 (C.R.) of the risk of harm that JANE DOE #24 (C.R.) may suffer as a result of contact with Assailant #24;
- j. failing to warn or otherwise make reasonably safe the property which Defendant possessed and/or controlled, leading to the harm of JANE DOE #24 (C.R.);
- k. failing to adopt/implement and/or enforce policies and procedures for the reporting to law enforcement, the state board of massage therapy and/or other authorities of sexual assaults by massage therapists, including Assailant #24;
- l. failing to report sexual assaults by massage therapists, including Assailant #24, to authorities;
- m. violating its own policies and/or by-laws regarding sexual assaults by staff;
- n. ignoring, concealing, or otherwise mitigating the seriousness of the known danger that Assailant #24 posed and, in fact, recommending Assailant #24 to female customers after it knew of the danger he posed;
- o. failing to prevent the sexual assault that was committed by Assailant #24 on JANE DOE #24 (C.R.) and other people he sexually assaulted;
- p. allowing Assailant #24 to remain employed after knowing that he sexually assaulted a female customer;
- q. failing to properly supervise and/or discipline its employees;
- r. failing to adequately and properly train its employees and/or franchisee employees regarding sexual assaults of customers by massage therapists; and
- s. negligently managing and/or operating MASSAGE ENVY – PLANTATION

1388. Defendant MASSAGE ENVY – PLANTATION explicitly and/or implicitly represented to the public in general, and to JANE DOE #24 (C.R.) in particular, that the massage therapists, including Assailant #24, in its employ and service were not only psychologically fit but were therapists who could be entrusted with the safety and well-being of female customers.

1389. Defendant MASSAGE ENVY – PLANTATION made these explicit and implied representations knowing that they were false and/or having reason to believe that they were false,

and with the expectation that they would be relied upon by customers making decisions regarding their engagement of massage/spa services.

1390. At all times relevant hereto, Defendant MASSAGE ENVY – PLANTATION did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures with respect to the removal and/or supervision of individuals in its employ or service who were suspected of being sexual predators.

1391. Defendant MASSAGE ENVY – PLANTATION failed to reasonably identify, remove, and/or report (to law enforcement authorities and/or to the state massage therapy board) sexual predators in its service and employ.

1392. Defendant MASSAGE ENVY – PLANTATION failed to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

1393. Defendant MASSAGE ENVY – PLANTATION negligently failed to timely and reasonably identify, remove, and/or report (to law enforcement authorities and/or to state boards of massage therapy) Assailant #24 as a sexual predator.

1394. Defendant hired, retained and/or assigned Assailant #24 to Plaintiff knowing or having reason to know that he was a sexual predator.

1395. Defendant MASSAGE ENVY – PLANTATION further breached its duty of care to JANE DOE #24 (C.R.) by failing to protect JANE DOE #24 (C.R.) from foreseeable harm from the sexual misconduct of employees of Defendant, including Assailant #24. Defendant further breached its duty of care by failing to warn Plaintiff of the propensities of Assailant #24 and by failing to provide a safe and secure environment for JANE DOE #24 (C.R.).

1396. As a result of the above-described conduct, JANE DOE #24 (C.R.) has suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical

manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling.

WHEREFORE, the Plaintiff, JANE DOE #24 (C.R.), demands judgment against Defendant MASSAGE ENVY – PLANTATION, in excess of Thirty Thousand Dollars (\$30,000.00), plus costs incurred herein and any other relief this court deems fit and proper.

COUNT 51 BY JANE DOE # 25 (P.W.) AGAINST J&J FLASH, LLC

1397. Plaintiff JANE DOE #25 (P.W.) realleges each and every allegation contained in paragraphs 1 through 92 and 189-191 above as if fully set forth herein.

1398. Defendant J&J FLASH, LLC d/b/a MASSAGE ENVY referred to previously as MASSAGE ENVY – JACKSONVILLE BEACH, by and through its agents, servants and employees, knew or reasonably should have known of Assailant #25's dangerous and exploitive propensities and/or that Assailant #25 was an unfit agent. It was foreseeable that if Defendant MASSAGE ENVY – JACKSONVILLE BEACH did not adequately exercise or provide the duty of care owed to female customers in their care, including, but not limited to JANE DOE #25 (P.W.), that would be vulnerable to sexual assaults by Assailant #25.

1399. Defendant MASSAGE ENVY – JACKSONVILLE BEACH owed to the public in general, and to Plaintiff in particular, a duty to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) individuals who it knew, or should have known, were sexual predators in its service and employ, including Assailant #25.

1400. Defendant MASSAGE ENVY – JACKSONVILLE BEACH owed to the public in general, and to Plaintiff in particular, a duty to reasonably supervise and/or monitor individuals

who it knew, or should have known, were sexual predators in its service and employ, including Assailant #25.

1401. Having been in the care of Defendant MASSAGE ENVY – JACKSONVILLE BEACH at the time under circumstances such as to deprive Plaintiff JANE DOE #25 (P.W.) of her entitlement to safe care and protection, Defendant owed to Plaintiff JANE DOE #25 (P.W.) a duty to aid and/or protect her and to control the actions of third parties.

1402. Having been in the care of Defendant MASSAGE ENVY – JACKSONVILLE BEACH at the time under circumstances such as to deprive Plaintiff JANE DOE #25 (P.W.) of her normal opportunities for protection, the Defendant owed to Plaintiff JANE DOE #25 (P.W.) a duty to control the acts of its actual and / or apparent agents, servants, and/or employees.

1403. At all times relevant hereto, Defendant MASSAGE ENVY – JACKSONVILLE BEACH did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify (and deal with) sexual predators.

1404. Despite actual knowledge of Assailant #25 committing at least one sexual assault on a female customer at MASSAGE ENVY – JACKSONVILLE BEACH and despite the foreseeable risk that Assailant #25 would engage in repeated acts of sexual perversion and assault, Defendant did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify, and deal with sexual predators, including Assailant #25.

1405. At all times relevant hereto, Defendant MASSAGE ENVY – JACKSONVILLE BEACH did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures for the removal of sexual predators in the employ and/or service of MASSAGE ENVY – JACKSONVILLE BEACH and/or MASSAGE ENVY, including Assailant #25.

1406. At all times relevant hereto, Defendant MASSAGE ENVY – JACKSONVILLE BEACH did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to criminal authorities any known sexual predators, including Assailant #25, in the employ and/or service of Defendant MASSAGE ENVY – JACKSONVILLE BEACH.

1407. At all times relevant hereto, Defendant MASSAGE ENVY – JACKSONVILLE BEACH did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to the state board of massage therapy the presence of sexual predators, including Assailant #25, in the employ and/or service of MASSAGE ENVY – JACKSONVILLE BEACH.

1408. As set forth in this Complaint, Defendant MASSAGE ENVY – JACKSONVILLE BEACH failed to fulfill its legal duty to protect Plaintiff and other female customers from the depraved and vile acts of its massage therapist, Assailant #25.

1409. As set forth in this Complaint, Defendant failed to take the reasonable steps to ensure that massage therapists at MASSAGE ENVY – JACKSONVILLE BEACH were psychologically fit to provide massage therapy services to female customers. These failures included the following:

- a. Failure to investigate the background of massage therapists in its employ or service;
- b. Failure to prohibit, restrict, or limit the activities of massage therapists suspected of sexual assault and/or those known to be sexual predators;
- c. Failure to reasonably and properly investigate allegations of sexual assault;
- d. Failure to Follow Title XXXII Regulation of Professions and Occupations, Chapter 480 Massage Practice, Section 0485 Sexual Misconduct in The Practice of Massage Therapy

- e. Failure to properly train and instruct investigators;
- f. Failure to have in place standards of acceptable and unacceptable conduct;
- g. Failure to designate competent investigators to evaluate complaints of sexual assault; and
- h. Failure to have in place standards for reporting acts of sexual misconduct to law enforcement authorities and/or the state board of massage therapy.

1410. Moreover, the conduct of Defendant MASSAGE ENVY – JACKSONVILLE BEACH as set forth above and herein, further consisted of:

- a. permitting Assailant #25 to sexually assault female customers, including JANE DOE #25 (P.W.);
- b. permitting Assailant #25 to engage in illegal sexual conduct with female customers, including JANE DOE #25 (P.W.), on the premises of MASSAGE ENVY – JACKSONVILLE BEACH, during operating hours;
- c. failing to properly and adequately supervise and discipline its employees to prevent the sexual assault that occurred to JANE DOE #25 (P.W.);
- d. failing to adopt, enforce and/or follow adequate policies and procedures for the protection and reasonable supervision of customers who engaged the services of MASSAGE ENVY – JACKSONVILLE BEACH, including JANE DOE #25 (P.W.), and, in the alternative, failing to implement and comply with such procedures which had been adopted;
- e. failing to implement, enforce and/or follow adequate protective and supervisory measures for the protection of female customers, including JANE DOE #25 (P.W.);
- f. creating an environment that facilitated sexual assault by Assailant #25 on Plaintiff;
- g. failing to adopt, enforce and/or follow policies and procedures to protect female customers against harmful contact by massage therapists at franchise locations, including Assailant #25;
- h. failing to warn JANE DOE #25 (P.W.) of the risk of harm posed by Assailant #25 after Defendant knew or should have known of such risk;
- i. failing to warn JANE DOE #25 (P.W.) of the risk of harm that JANE DOE #25 (P.W.) may suffer as a result of contact with Assailant #25;

- j. failing to warn or otherwise make reasonably safe the property which Defendant possessed and/or controlled, leading to the harm of JANE DOE #25 (P.W.);
- k. failing to adopt/implement and/or enforce policies and procedures for the reporting to law enforcement, the state board of massage therapy and/or other authorities of sexual assaults by massage therapists, including Assailant #25;
- l. failing to report sexual assaults by massage therapists, including Assailant #25, to authorities;
- m. violating its own policies and/or by-laws regarding sexual assaults by staff;
- n. ignoring, concealing, or otherwise mitigating the seriousness of the known danger that Assailant #25 posed and, in fact, recommending Assailant #25 to female customers after it knew of the danger he posed;
- o. failing to prevent the sexual assault that was committed by Assailant #25 on JANE DOE #25 (P.W.) and other people he sexually assaulted;
- p. allowing Assailant #25 to remain employed after knowing that he sexually assaulted a female customer;
- q. failing to properly supervise and/or discipline its employees;
- r. failing to adequately and properly train its employees and/or franchisee employees regarding sexual assaults of customers by massage therapists; and
- s. negligently managing and/or operating MASSAGE ENVY – JACKSONVILLE BEACH

1411. Defendant MASSAGE ENVY – JACKSONVILLE BEACH explicitly and/or implicitly represented to the public in general, and to JANE DOE #25 (P.W.) in particular, that the massage therapists, including Assailant #25, in its employ and service were not only psychologically fit but were therapists who could be entrusted with the safety and well-being of female customers.

1412. Defendant MASSAGE ENVY – JACKSONVILLE BEACH made these explicit and implied representations knowing that they were false and/or having reason to believe that they were false, and with the expectation that they would be relied upon by customers making decisions regarding their engagement of massage/spa services.

1413. At all times relevant hereto, Defendant MASSAGE ENVY – JACKSONVILLE BEACH did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures with respect to the removal and/or supervision of individuals in its employ or service who were suspected of being sexual predators.

1414. Defendant MASSAGE ENVY – JACKSONVILLE BEACH failed to reasonably identify, remove, and/or report (to law enforcement authorities and/or to the state massage therapy board) sexual predators in its service and employ.

1415. Defendant MASSAGE ENVY – JACKSONVILLE BEACH failed to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

1416. Defendant MASSAGE ENVY – JACKSONVILLE BEACH negligently failed to timely and reasonably identify, remove, and/or report (to law enforcement authorities and/or to state boards of massage therapy) Assailant #25 as a sexual predator.

1417. Defendant hired, retained and/or assigned Assailant #25 to Plaintiff knowing or having reason to know that he was a sexual predator.

1418. Defendant MASSAGE ENVY – JACKSONVILLE BEACH further breached its duty of care to JANE DOE #25 (P.W.) by failing to protect JANE DOE #25 (P.W.) from foreseeable harm from the sexual misconduct of employees of Defendant, including Assailant #25. Defendant further breached its duty of care by failing to warn Plaintiff of the propensities of Assailant #25 and by failing to provide a safe and secure environment for JANE DOE #25 (P.W.).

1419. As a result of the above-described conduct, JANE DOE #25 (P.W.) has suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life; was prevented and will continue to be prevented from performing

Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling.

WHEREFORE, the Plaintiff, JANE DOE #25 (P.W.), demands judgment against Defendant MASSAGE ENVY – JACKSONVILLE BEACH, in excess of Thirty Thousand Dollars (\$30,000.00), plus costs incurred herein and any other relief this court deems fit and proper.

COUNT 52 BY JOHN DOE #26 (D.P.) AGAINST VICALEX, LLC

1420. Plaintiff JOHN DOE #26 (D.P.) realleges each and every allegation contained in paragraphs 1 through 92 and 192-194 above as if fully set forth herein.

1421. Defendant MASSAGE ENVY – WEST PALM BEACH, by and through its agents, servants and employees, knew or reasonably should have known of Assailant #26's dangerous and exploitive propensities and/or that Assailant #26 was an unfit agent. It was foreseeable that if Defendant MASSAGE ENVY – WEST PALM BEACH did not adequately exercise or provide the duty of care owed to its customers in their care, including, but not limited to JOHN DOE #26 (D.P.), that would be vulnerable to sexual assaults by Assailant #26.

1422. Defendant MASSAGE ENVY – WEST PALM BEACH owed to the public in general, and to Plaintiff in particular, a duty to reasonably identify, remove, and/or report (to law enforcement authorities and/or to state massage therapy boards) individuals who it knew, or should have known, were sexual predators in its service and employ, including Assailant #26.

1423. Defendant MASSAGE ENVY – WEST PALM BEACH owed to the public in general, and to Plaintiff in particular, a duty to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ, including Assailant #26.

1424. Having been in the care of Defendant MASSAGE ENVY – WEST PALM BEACH at the time under circumstances such as to deprive Plaintiff JOHN DOE #26 (D.P.) of his entitlement to safe care and protection, Defendant owed to Plaintiff JOHN DOE #26 (D.P.) a duty to aid and/or protect his and to control the actions of third parties.

1425. Having been in the care of Defendant MASSAGE ENVY – WEST PALM BEACH at the time under circumstances such as to deprive Plaintiff JOHN DOE #26 (D.P.) of his normal opportunities for protection, the Defendant owed to Plaintiff JOHN DOE #26 (D.P.) a duty to control the acts of its actual and / or apparent agents, servants, and/or employees.

1426. At all times relevant hereto, Defendant MASSAGE ENVY – WEST PALM BEACH did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify (and deal with) sexual predators.

1427. Despite actual knowledge of Assailant #26 committing at least one sexual assault on its customer at MASSAGE ENVY – WEST PALM BEACH and despite the foreseeable risk that Assailant #26 would engage in repeated acts of sexual perversion and assault, Defendant did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify, and deal with sexual predators, including Assailant #26.

1428. At all times relevant hereto, Defendant MASSAGE ENVY – WEST PALM BEACH did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures for the removal of sexual predators in the employ and/or service of MASSAGE ENVY – WEST PALM BEACH and/or MASSAGE ENVY, including Assailant #26.

1429. At all times relevant hereto, Defendant MASSAGE ENVY – WEST PALM BEACH did not have in place adequate, reasonable, and necessary rules, regulations, policies, and

procedures which provided for the reporting to criminal authorities any known sexual predators, including Assailant #26, in the employ and/or service of Defendant MASSAGE ENVY – WEST PALM BEACH.

1430. At all times relevant hereto, Defendant MASSAGE ENVY – WEST PALM BEACH did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for the reporting to the state board of massage therapy the presence of sexual predators, including Assailant #26, in the employ and/or service of MASSAGE ENVY – WEST PALM BEACH.

1431. As set forth in this Complaint, Defendant MASSAGE ENVY – WEST PALM BEACH failed to fulfill its legal duty to protect Plaintiff and other its customers from the depraved and vile acts of its massage therapist, Assailant #26.

1432. As set forth in this Complaint, Defendant failed to take the reasonable steps to ensure that massage therapists at MASSAGE ENVY – WEST PALM BEACH were psychologically fit to provide massage therapy services to its customers. These failures included the following:

- a. Failure to investigate the background of massage therapists in its employ or service;
- b. Failure to prohibit, restrict, or limit the activities of massage therapists suspected of sexual assault and/or those known to be sexual predators;
- c. Failure to reasonably and properly investigate allegations of sexual assault;
- d. Failure to Follow Title XXXII Regulation of Professions and Occupations, Chapter 480 Massage Practice, Section 0485 Sexual Misconduct in The Practice of Massage Therapy
- e. Failure to properly train and instruct investigators;

- f. Failure to have in place standards of acceptable and unacceptable conduct;
- g. Failure to designate competent investigators to evaluate complaints of sexual assault; and
- h. Failure to have in place standards for reporting acts of sexual misconduct to law enforcement authorities and/or the state board of massage therapy.

1433. Moreover, the conduct of Defendant MASSAGE ENVY – WEST PALM BEACH as set forth above and herein, further consisted of:

- a. permitting Assailant #26 to sexually assault its customers, including JOHN DOE #26 (D.P.);
- b. permitting Assailant #26 to engage in illegal sexual conduct with its customers, including JOHN DOE #26 (D.P.), on the premises of MASSAGE ENVY – WEST PALM BEACH, during operating hours;
- c. failing to properly and adequately supervise and discipline its employees to prevent the sexual assault that occurred to JOHN DOE #26 (D.P.);
- d. failing to adopt, enforce and/or follow adequate policies and procedures for the protection and reasonable supervision of its customers who engaged the services of MASSAGE ENVY – WEST PALM BEACH, including JOHN DOE #26 (D.P.), and, in the alternative, failing to implement and comply with such procedures which had been adopted;
- e. failing to implement, enforce and/or follow adequate protective and supervisory measures for the protection of its customers, including JOHN DOE #26 (D.P.);
- f. creating an environment that facilitated sexual assault by Assailant #26 on Plaintiff;
- g. failing to adopt, enforce and/or follow policies and procedures to protect its customers against harmful contact by massage therapists at franchise locations, including Assailant #26;
- h. failing to warn JOHN DOE #26 (D.P.) of the risk of harm posed by Assailant #26 after Defendant knew or should have known of such risk;
- i. failing to warn JOHN DOE #26 (D.P.) of the risk of harm that JOHN DOE #26 (D.P.) may suffer as a result of contact with Assailant #26;
- j. failing to warn or otherwise make reasonably safe the property which Defendant possessed and/or controlled, leading to the harm of JOHN DOE #26 (D.P.);
- k. failing to adopt/implement and/or enforce policies and procedures for the reporting to law enforcement, the state board of massage

- therapy and/or other authorities of sexual assaults by massage therapists, including Assailant #26;
- l. failing to report sexual assaults by massage therapists, including Assailant #26, to authorities;
 - m. violating its own policies and/or by-laws regarding sexual assaults by staff;
 - n. ignoring, concealing, or otherwise mitigating the seriousness of the known danger that Assailant #26 posed and, in fact, recommending Assailant #26 to its customers after it knew of the danger he posed;
 - o. failing to prevent the sexual assault that was committed by Assailant #26 on JOHN DOE #26 (D.P.) and other people he sexually assaulted;
 - p. allowing Assailant #26 to remain employed after knowing that he sexually assaulted its customer;
 - q. failing to properly supervise and/or discipline its employees;
 - r. failing to adequately and properly train its employees regarding sexual assaults of its customers by massage therapists; and
 - s. negligently managing and/or operating MASSAGE ENVY – WEST PALM BEACH

1434. Defendant MASSAGE ENVY – WEST PALM BEACH explicitly and/or implicitly represented to the public in general, and to JOHN DOE #26 (D.P.) in particular, that the massage therapists, including Assailant #26, in its employ and service were not only psychologically fit but were therapists who could be entrusted with the safety and well-being of its customers.

1435. Defendant MASSAGE ENVY – WEST PALM BEACH made these explicit and implied representations knowing that they were false and/or having reason to believe that they were false, and with the expectation that they would be relied upon by its customers making decisions regarding their engagement of massage/spa services.

1436. At all times relevant hereto, Defendant MASSAGE ENVY – WEST PALM BEACH did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures with respect to the removal and/or supervision of individuals in its employ or service who were suspected of being sexual predators.

1437. Defendant MASSAGE ENVY – WEST PALM BEACH failed to reasonably identify, remove, and/or report (to law enforcement authorities and/or to the state massage therapy board) sexual predators in its service and employ.

1438. Defendant MASSAGE ENVY – WEST PALM BEACH failed to reasonably supervise and/or monitor individuals who it knew, or should have known, were sexual predators in its service and employ.

1439. Defendant MASSAGE ENVY – WEST PALM BEACH negligently failed to timely and reasonably identify, remove, and/or report (to law enforcement authorities and/or to state boards of massage therapy) Assailant #26 as a sexual predator.

1440. Defendant hired, retained and/or assigned Assailant #26 to Plaintiff knowing or having reason to know that he was a sexual predator.

1441. Defendant MASSAGE ENVY – WEST PALM BEACH further breached its duty of care to JOHN DOE #26 (D.P.) by failing to protect JOHN DOE #26 (D.P.) from foreseeable harm from the sexual misconduct of employees of Defendant, including Assailant #26. Defendant further breached its duty of care by failing to warn Plaintiff of the propensities of Assailant #26 and by failing to provide a safe and secure environment for JOHN DOE #26 (D.P.).

1442. As a result of the above-described conduct, JOHN DOE #26 (D.P.) has suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling.

WHEREFORE, the Plaintiff, JOHN DOE #26 (D.P.), demands judgment against Defendant MASSAGE ENVY – WEST PALM BEACH, in excess of Thirty Thousand Dollars (\$30,000.00), plus costs incurred herein and any other relief this court deems fit and proper.

VICARIOUS LIABILITY – COUNT 53

1443. Plaintiffs hereby incorporate by reference the allegations contained in paragraphs 1 through 194 of this Complaint, as if fully set forth herein.

1444. Massage Envy Franchising owed a duty to plaintiffs as Massage Envy Franchising received a portion of the funds paid by Plaintiff in order for Plaintiffs to obtain their massage.

1445. Upon information and belief, Massage Envy Franchising advertised its services and products to consumers, including Plaintiffs, in order to entice them to obtain massages at Massage Envy.

1446. Upon information and belief, all franchisees and Massage Envy Franchising entered into a franchise agreement. A copy of the franchise agreement that was entered into by each franchisee with massage envy franchising is attached as Exhibit B.

1447. As outlined extensively within Exhibit B, Massage Envy Franchising exercised substantial control over the Franchisees, including, but not limited to, handling of customers, system in which employees were hired, training, supervision, ability to correct franchisees if they were not compliant with Massage Envy Franchising policy, the ability to terminate a franchisee agreement if a franchisee failed to comply with Massage Envy System Standards, filing complaints, procedures between the two, among other agreements.

1448. As outlined in Exhibit B, Assailants in performing massages to Plaintiffs were doing so to further Massage Envy Franchising's financial interest. Without massage therapists performing massages to consumers, including Plaintiffs, Massage Envy Franchising is unable to make any profits.

1449. Massage Envy Franchising requires massage therapists, including Assailants to perform massages as part of their job description.

1450. Massage Envy Franchising knew that of the risk of potential sexual assaults because they required Massage Envy Franchisees to purchase a minimum of \$1,000,000 insurance policies because of the risk of sexual assault. Exhibit B.

1451. Additionally, in order to serve the master, Massage Envy Franchisee's agreement with Massage Envy Franchising maintain minimum requirements of revenue and scheduling of appointments in order to maintain the franchise.

1452. None of these Plaintiffs came to obtain a massage because of the brand recognition of JK KRN ENTERPRISES, INC.; VICALEX, LLC; CB INVESTMENTS LLC; MHL MASSAGE FOR HEALTHY LIVING; TRIPLE DOUBLE, USA LLC; NAMASTE LIFESTYLE, INC.; SOUTHEAST CAUSEWAY INVESTMENTS, LLC; SPANISH RIVER ENVY LLC; SUMMIT REGENCY, LLC; BLACKHORSE SERVICES CORP; KAM CONCEPTS, LLC; MOL INVESTMENTS, LLC; MY SISTERS KEEPER, LLC; NORTH SPACE LLC; M.E. BRICKELL, LLC; AGH ENTERTAINMENT, LLC; VICCELIN, LLC; STURMEX, LLC; and J&J FLASH, LLC. Rather, they went to Massage Envy to obtain a massage as advertised by Massage Envy Franchising.

1453. Assailants #1-26 engaged in unpermitted, harmful and offensive sexual conduct and contact upon Plaintiffs in violation of Florida State law. Said conduct was undertaken while Assailants #1-26 were employees and agents of Defendants, while in the course and scope of employment with said Defendants after Plaintiffs had removed their clothing pursuant to their Massage Envy protocols and procedures and the therapists had their hands on the bodies of the Plaintiffs pursuant to said massage service purchased by Plaintiffs, and/or was ratified by said Defendants after the assault.

1454. Prior to the assault alleged above, upon information and belief, all Defendants knew, had reason to know, or were otherwise on notice of the unlawful sexual conduct and/or behavior of Assailants #1-26 and/or other massage therapists at franchise locations nationwide. All Defendants failed to take reasonable steps and failed to implement reasonable safeguards to avoid acts of unlawful sexual conduct in the future by Assailants #1-26, including, but not limited to, preventing or avoiding placement of Assailants #1-26 in functions or environments in which contact with its customers in vulnerable positions was an inherent part of those functions or environments. Furthermore, at no time during the periods of time alleged did the Defendants have in place a system or procedure to supervise and/or monitor employees, representatives or agents to ensure they did not sexually assault its customers at franchise locations.

1455. Moreover, incidents of sexual predators and/or mentally ill individuals in Massage Envy's service or employment were neither isolated nor unusual. Rather, as described more fully above and below, said predators are rampant throughout Massage Envy locations nationwide.

1456. Upon information and belief, Massage Envy has, for years, failed to reprimand, punish, report, or otherwise sanction massage therapists which it knew or had reason to know were sexual predators and/or mentally ill, including, but not limited to, Assailants #1-26.

1457. MASSAGE ENVY'S knowing acquiescence and silence with respect to the known, or reasonably knowable, activities of sexual predators and/or mentally ill individuals, including, but not limited to, Assailants #1-26, constituted a course of conduct through which acts of sexual perversion and the violation of its customers were condoned, approved, and effectively authorized.

1458. Through its failure to timely reprimand and sanction the acts referenced herein, and for all of the other reasons set forth in this Complaint including, without limitation, its failure to take the steps necessary to prevent the occurrence of such reprehensible acts, MASSAGE ENVY ratified said actions and, accordingly, are vicariously liable for the actions of Assailants #1-26.

1459. As a result of the above-described conduct, Plaintiffs suffered and continue to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life; were prevented and will continue to be prevented from performing Plaintiffs' daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or have incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling.

WHEREFORE, the Plaintiffs each demand judgment against Defendant MESSAGE ENVY FRANCHISING, LLC, a Foreign for Profit Corporation, as well as the Franchisee location where Plaintiff was assaulted as outlined in paragraphs 1 through 194 of this Complaint in excess of Thirty Thousand Dollars (\$30,000.00), plus costs incurred herein and any other relief this court deems fit and proper.

**VIOLATION OF FLA STAT. § 501.201 (FUDTPA) AGAINST ALL DEFENDANTS –
COUNT 54**

1460. Plaintiffs hereby incorporate by reference the allegations contained in paragraphs 1 through 194 of this Complaint, as if fully set forth herein.

1461. Defendants' business acts and practices alleged herein constitute unfair, unconscionable and/or deceptive methods, acts or practices under the Florida Deceptive and Unfair Trade Practices Act, § 501.201, *et seq.*, Florida Statutes ("FDUTPA").

1462. When addressing a deceptive or unfair trade practice claim, the issue is not whether the plaintiff actually relied on the alleged practice, but whether the practice was likely to deceive a consumer acting reasonably in the same circumstances. A deceptive or unfair trade practice constitutes a somewhat unique tortious act because, although it is similar to a claim of fraud, it is different in that, unlike fraud, a party asserting a deceptive trade practice claim need not show

actual reliance on the representation or omission at issue. *Office of Attorney Gen., Dept. of Legal Affairs v. Wyndham Int'l, Inc.*, 869 So.2d 592, 598 (Fla. 1st DCA 2004) (citing *Davis v. Powertel, Inc.*, 776 So.2d 971, 974 (Fla. 1st DCA 2000)); *see also Florida v. Tenet Healthcare Corp.*, 420 F.Supp. 2d 1288, 1311-12 (S.D. Fla. 2005).

1463. Massage Envy made several false statements to deceive consumers including Plaintiff.

- a. Upon information and belief, all Plaintiffs entered into a Wellness Agreement with Defendants prior to obtaining their massage. See Exhibit C attached.
- b. Upon information and belief, all Plaintiffs were promised Plaintiff would not be sexually assaulted. Specifically, the Wellness Agreement stated, “Male/female genitalia and women’s breasts will not be exposed or massaged at any time.” See Exhibit C – Sample Membership Agreement, Pg. 2, ¶1.
- c. Based upon Massage Envy’s knowledge of its own employees sexually assaulting customers, which is estimated to be in the hundreds (if not thousands), Massage Envy knew even before Plaintiff had their massage that this information had a real possibility of being false.
- d. Further, Plaintiffs were in fact assaulted during the massage.
- e. All Defendants knew that employees and/or agents were sexually assaulting customers that their policies and procedures were ineffective to prevent same, but all Defendants intentionally concealed those material facts.

- f. Upon information and belief, all Defendants knew that prior sexual assaults were happening not only in their franchise location, but at other franchise locations across their country, their state, and the United States.
- g. All Defendants made material omissions and/or affirmative misrepresentations regarding the safety of their employees and/or agents in massaging customers, including Plaintiffs.
- h. All Defendants each knew these representations were false when they were made them and, in fact, represented to the public that consumers would have increased wellness, physically and emotionally, if they purchased massage services from the Defendants.
- i. Plaintiffs had no knowledge of the magnitude of sexual assaults happening at Massage Envy before scheduled/attended their massages at MASSAGE ENVY.

1464. Massage Envy knew that information was false.

- a. Upon information and belief, all Defendants received training on reporting instances of sexual misconduct at Massage Envy into a database.
- b. Defendants chose to actively hide and conceal this information from Plaintiffs.
- c. Plaintiffs were frequently assigned male massage therapists when they specifically requested female massage therapists.

- d. Upon information and belief, Defendants attend seminars and/or conferences put on by Massage Envy Franchising LLC where all Franchisees are trained on the prevalence of sexual assaults at Massage Envy.
- e. Upon information and belief, Defendants are aware of multiple prior sexual assaults that occurred at their location, as well as the locations of other Defendants.
- f. Upon information and belief, all Defendants knew that prior sexual assaults were happening not only in their franchise location, but at other franchise locations across their country, their state, and the United States.

1465. Defendants knew that Plaintiffs had no knowledge of dangerous massages that may result in sexual assaults, and Plaintiffs did not have an equal opportunity to discover the facts to inform them of those defects as that knowledge was solely in the possession of Defendants.

1466. Massage Envy's intentions to deceive Plaintiffs to obtain massages despite these known risks to Massage Envy were an attempt to protect the brand, protect profits, continue membership agreements, and protect the franchisee's locations.

1467. At all relevant times, the Florida Plaintiffs were "consumers" within the meaning of the FDUTPA as they were customers / business invitees of Massage Envy. See § 501.203(7), Fla. Stat.

1468. Defendants' conduct, as set forth herein, occurred in the conduct of "trade or commerce" within the meaning of the FDUTPA as Massage Envy advertised its massages, solicited business for massages, provided massages, offered massages to consumers. Further, the

massages provided a service and Massage Envy also sold products to accompany their massages. See § 501.203(8), Fla. Stat.

1469. Massage Envy engaged in unconscionable commercial practices in failing to reveal material facts and information about the dangers associated with their massage therapists and service, which did, or tended to, mislead the Florida Plaintiffs about facts that could not reasonably be known by the consumer.

1470. Massage Envy engaged and continue to engage in a concerted effort to hide and conceal dangers (dangers associated with its massage therapists including but not limited to the rampant epidemic of sexual assaults perpetrated on its customers during massage services it provides) associated with its service from the public, including Plaintiffs, which has and will continue to strip customers of decision making authority concerning their own well-being and safety when purchasing massage services from Massage Envy.

1471. Massage Envy caused Florida Plaintiffs to suffer a probability of confusion and a misunderstanding of legal rights, obligations, and/or remedies by and through its conduct.

1472. Massage Envy's actions impact the public interest because the Florida Plaintiffs were injured in exactly the same way as hundreds, if not thousands, of others purchasing massages throughout the State of Florida and nationwide as a result of and pursuant to Defendants' generalized course of deception.

1473. The statement heard/read by Plaintiffs that was that Defendants promised Plaintiffs would not be sexually assaulted. Specifically, the Wellness Agreement stated, "Male/female genitalia and women's breasts will not be exposed or massaged at any time." See Exhibit C—Sample Membership Agreement, Pg. 2, ¶1.

1474. This representation was made to all Plaintiffs by Massage Envy Franchising and the Defendant Franchisees when Plaintiff came to said individual locations.

1475. This statement is important because not only does it fail to warn about the potential dangers of sexual assaults at Massage Envy, it promises Plaintiffs that their genitalia and women's breasts will not be exposed or massaged at any time. This was clearly contradictory to what happened to all Plaintiffs.

1476. As established earlier herein, Plaintiffs were assaulted as outlined in paragraphs 1 through 194 of this Complaint.

1477. In furtherance of the deceptive trade practices violations, following Plaintiffs reports of sexual assaults, Massage Envy responded as follows:

- a. Plaintiff just wants free massage so that must be why Plaintiff is reporting.
- a. Plaintiff should just try another massage therapist in the future.
- b. A manager will call you to discuss what happens, but a manager or corporate representative never does.
- c. Defendant's employees / agents promise to report the massage therapist to the Florida Massage Therapy board, but never do.
- d. Defendants continued to allow customers to obtain massages from Assailants who had prior reports of sexual assault.
- e. Other instances of minimizing the customer's complaints after being sexually assaulted at Massage Envy.
- f. Attempting to white wash incident report forms after Plaintiffs fill out forms.
- g. Requiring individuals to sign forms after they are assaulted if they want to cancel their membership that release liability from any claims. Exhibit H.

- h. Falsely advertising that Massage Envy was a safe place to obtain a massage.
- i. Permitting employees/agents/assailants to continue their employment/ affiliation after assaulting customers.
- j. Improperly training front desk personnel on responding to customers, including Plaintiffs, after they were sexually assaulted by employees/agents/assailants.
- k. Providing a poorly implemented / failed “Commitment to Safety” at some point in approximately in 2017 advising Plaintiffs of an improvement to their handling of sexual assaults, which does not appear to be effective whatsoever.

1478. Had the Florida Plaintiffs known of the defective nature of Defendant’s product, service, employees and/or agents, they would not have purchased massages at Massage Envy.

1479. As a result of the deceptive actions of Defendants, Plaintiffs have suffered significant damages, including, the cost of the massage. .

1480. The foregoing acts, omissions and practices proximately caused Florida Plaintiff to suffer actual damages in the form of, *inter alia*, in paying for massages where they were sexually assaulted, and are entitled to recover such damages, together with all other appropriate damages, attorneys’ fees and costs of suit.

WHEREFORE, the Plaintiffs each demand judgment against Defendant MASSAGE ENVY FRANCHISING, LLC, a Foreign for Profit Corporation, as well as the Franchisee location where Plaintiff was assaulted as outlined in paragraphs 1 through 194 of this Complaint in excess of Thirty Thousand Dollars (\$30,000.00), plus costs incurred herein and any other relief this court deems fit and proper.

FRAUD AGAINST ALL DEFENDANTS – COUNT 55

1481. Plaintiffs hereby incorporate by reference the allegations contained in paragraphs 1 through 194 of this Complaint, as if fully set forth herein.

1482. The elements of fraudulent misrepresentation and fraudulent inducement are: (1) a false statement concerning a material fact; (2) the representor's knowledge that the representation is false; (3) an intention that the representation induce another to act on it; and (4) consequent injury by the party acting in reliance on the representation. *Moriber v. Dreiling*, 194 So. 3d 369, 373 (Fla. 3d DCA 2016) citing *See Butler v. Yusem*, 44 So.3d 102, 105 (Fla.2010); *GEICO Gen. Ins. Co. v. Hoy*, 136 So.3d 647, 651 (Fla. 2d DCA 2013)

1483. .Massage Envy made several false statements regarding material facts.

- l. Upon information and belief, all Plaintiffs entered into a Wellness Agreement with Defendants prior to obtaining their massage. See Exhibit C attached.
- m. Upon information and belief, all Plaintiffs were promised Plaintiff would not be sexually assaulted. Specifically, the Wellness Agreement stated, “Male/female genitalia and women’s breasts will not be exposed or massaged at any time.” See Exhibit C – Sample Membership Agreement, Pg. 2, ¶1.
- n. Based upon Massage Envy’s knowledge of its own employees sexually assaulting customers, which is estimated to be in the hundreds (if not thousands), Massage Envy knew even before Plaintiffs had their massages that this information had a real possibility of being false.

- o. Further, Plaintiffs were in fact assaulted during the massage.
- p. All Defendants knew that employees and/or agents were sexually assaulting customers and that their policies and procedures were ineffective to prevent same, but all Defendants intentionally concealed those material facts.
- q. Upon information and belief, all Defendants knew that prior sexual assaults were happening not only in their franchise location, but at other franchise locations across their county, their state, and the United States.
- r. All Defendants made material omissions and/or affirmative misrepresentations regarding the safety of their employees and/or agents in massaging customers, including Plaintiffs.
- s. All Defendants each knew these representations were false when they were made them and, in fact, represented to the public that consumers would have increased wellness, physically and emotionally, if they purchased massage services from the Defendants.
- t. Plaintiffs had no knowledge of the magnitude of sexual assaults happening at Massage Envy before scheduled/attended their massages at MASSAGE ENVY.

1481. Plaintiffs hereby incorporate by reference the allegations contained in paragraphs 1 through 194 of this Complaint, as if fully set forth herein.

1482. Massage Envy knew that information was false.

- a. Upon information and belief, all Defendants received training on reporting instances of sexual misconduct at Massage Envy into a database.
- b. Defendants chose to actively hide and conceal this information from Plaintiffs.
- c. Plaintiffs were frequently assigned male massage therapists when they specifically requested female massage therapists.
- d. Upon information and belief, Defendants attend seminars and/or conferences put on by Massage Envy Franchising LLC where all Franchisees are trained on the prevalence of sexual assaults at Massage Envy.
- e. Upon information and belief, Defendants are aware of multiple prior sexual assaults that occurred at their location, as well as the locations of other Defendants.

1483. Indeed, Plaintiffs trusted Defendants not to sell them massages that were dangerous, criminal, and defective or that violated Florida law.

1484. Upon information and belief, Defendants knew Plaintiffs would rely on this representations that they would be safe.

1485. Defendants knew that Plaintiffs had no knowledge of dangerous massages that may result in sexual assaults, and Plaintiffs did not have an equal opportunity to discover the facts to inform them of those defects as that knowledge was solely in the possession of Defendants.

1486. Massage Envy wanted to conceal this information to induce Plaintiffs to start memberships, obtain massages, and/or continue to maintain Plaintiff's memberships.

1487. The statement heard/read by Plaintiffs that was that Defendants promised Plaintiffs would not be sexually assaulted. Specifically, the Wellness Agreement stated, “Male/female genitalia and women’s breasts will not be exposed or massaged at any time.” See Exhibit C – Sample Membership Agreement, Pg. 2, ¶1.

1488. This representation was made to all Plaintiffs by Massage Envy Franchising and the Defendant Franchisees when Plaintiff came to said individual locations.

1489. Defendants knew that failure to disclose the rampant problem of sexual assaults to Plaintiffs would ensure they would not be deterred from engaging in business with Defendants.

1490. This statement is important because not only does it fail to warn about the potential dangers of sexual assaults at Massage Envy, it promises Plaintiffs that their genitalia and women’s breasts will not be exposed or massaged at any time. This was clearly contradictory to what happened to all Plaintiffs.

1491. The statement heard/read by Plaintiffs that was that Defendants promised Plaintiffs would not be sexually assaulted. Specifically, the Wellness Agreement stated, “Male/female genitalia and women’s breasts will not be exposed or massaged at any time.” See Exhibit C – Sample Membership Agreement, Pg. 2, ¶1.

1492. This representation was made to all Plaintiffs by Massage Envy Franchising and the Defendant Franchisees when Plaintiff came to said individual locations.

1493. This statement is important because not only does it fail to warn about the potential dangers of sexual assaults at Massage Envy, it promises Plaintiffs that their genitalia and women’s breasts will not be exposed or massaged at any time. This was clearly contradictory to what happened to all Plaintiffs.

1494. Plaintiffs would not have scheduled massages at Massage Envy Franchising and the Defendant Franchisee's locations had they have known of the rampant problem of sexual assaults at their locations.

1495. As established earlier herein, Plaintiffs were assaulted as outlined in paragraphs 1 through 194 of this Complaint.

1496. Massage Envy did not attempt to advise Plaintiff in any way of the potential risks or provide warnings that Plaintiffs may be assaulted during the massage.

1497. Further, Massage Envy provided no tools to Plaintiff on how to respond if Plaintiff was sexually assaulted or molested during a massage.

1498. Instead, Massage Envy's response provided additional evidence of the fraudulent concealment including stating:

- a. Plaintiff just wants free massage so that must be why Plaintiff is reporting.
- b. Plaintiff should just try another massage therapist in the future.
- c. A manager will call you to discuss what happens, but a manager or corporate representative never does.
- d. Defendant's employees / agents promise to report the massage therapist to the Florida Massage Therapy board, but never do.
- e. Defendants continued to allow customers to obtain massages from Assailants who had prior reports of sexual assault.
- f. Providing a poorly implemented / failed "Commitment to Safety" at some point in approximately in 2017 advising Plaintiffs of an improvement to their handling of sexual assaults, which does not appear to be effective whatsoever.

- g. Other instances of minimizing the customer's complaints after being sexually assaulted at Massage Envy.

1499. All Defendants had a duty to disclose these safety issues to Plaintiffs, the public, and the Florida Board of Massage Therapy, but failed to do so.

1500. The aforementioned concealment was material, because if it had been disclosed, Plaintiffs would not have bought massages at MASSAGE ENVY.

1501. Massage Envy's intentions to induce Plaintiffs to obtain massages despite these known risks to Massage Envy were an attempt to protect the brand, protect profits, and protect the franchisee's locations.

1502. Defendants recklessly assigned these sexual predators masked as massage therapists to Plaintiffs, even though Defendants knew, or should have known, at the time of the scheduling of appointments, that employees and/or agents were sexually assaulting customers.

1503. Plaintiffs had no knowledge of these risks at the time that they scheduled/attended their massages at MASSAGE ENVY.

1504. As a result of the actions of Defendants, Plaintiffs have suffered significant damages, including, the cost of the massage, pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life; loss of earnings and earning capacity; medical expenses psychological treatment, therapy and counseling.

WHEREFORE, the Plaintiffs each demand judgment against Defendant MASSAGE ENVY FRANCHISING, LLC, a Foreign for Profit Corporation, as well as the Franchisee location where Plaintiff was assaulted as outlined in paragraphs 1 through 194 of this Complaint in excess of Thirty Thousand Dollars (\$30,000.00), plus costs incurred herein and any other relief this court deems fit and proper.

CIVIL CONSPIRACY AGAINST ALL DEFENDANTS – COUNT 56

1505. Plaintiffs hereby incorporate by reference the allegations contained in paragraphs 1 through 194 of this Complaint, as if fully set forth herein.

1506. Defendant MASSAGE ENVY FRANCHISING, LLC, a Foreign for Profit Corporation, was a franchisor of Massage Therapy businesses (hereinafter referred to as “Franchisor”).

1507. At all times material hereto, Defendants JK KRN ENTERPRISES, INC., a Florida for Profit Corporation d/b/a MASSAGE ENVY; VICALEX, LLC, a Florida Limited Liability Company d/b/a MASSAGE ENVY; CB INVESTMENTS LLC, a Florida for Profit Corporation d/b/a MASSAGE ENVY; MHL MASSAGE FOR HEALTHY LIVING, LLC a Florida Limited Liability Company d/b/a MASSAGE ENVY; TRIPLE DOUBLE, USA LLC, a Florida Limited Liability Company d/b/a MASSAGE ENVY; NAMASTE LIFESTYLE, INC., a Florida for Profit Corporation d/b/a MASSAGE ENVY; SOUTHEAST CAUSEWAY INVESTMENTS, LLC, a Florida Limited Liability Company d/b/a MASSAGE ENVY; SPANISH RIVER ENVY LLC, a Florida Limited Liability Company, d/b/a MASSAGE ENVY; SUMMIT REGENCY, LLC, a Florida Limited Liability Company, d/b/a MASSAGE ENVY; BLACKHORSE SERVICES CORP., a Florida for Profit Corporation d/b/a MASSAGE ENVY; KAM CONCEPTS, LLC a Florida Limited Liability Company, d/b/a MASSAGE ENVY; MOL INVESTMENTS, LLC a Florida for Profit Corporation d/b/a MASSAGE ENVY; MY SISTERS KEEPER, LLC a Florida Limited Liability Company, d/b/a MASSAGE ENVY; NORTH SPACE LLC, a Florida Limited Liability Company, d/b/a MASSAGE ENVY; M.E. BRICKELL, LLC, a Florida Limited Liability Company, d/b/a MASSAGE ENVY; AGH ENTERTAINMENT, LLC, a Florida Limited Liability Company, d/b/a MASSAGE ENVY; VICCELIN, LLC, a Florida Limited Liability Company, d/b/a MASSAGE ENVY; STURMEX, LLC, a Florida Limited Liability Company, d/b/a

MASSAGE ENVY; and J&J FLASH, LLC, a Florida Limited Liability Company, d/b/a MASSAGE ENVY (Collectively referred to within this Count as “Franchisees.”)

1508. In Florida, civil conspiracy requires: (1) Agreement between two or more parties, (2) to do an unlawful act or to do a lawful act by unlawful means, (3) an overt act in furtherance of the conspiracy (4) damage to Plaintiffs. *Eagletech Communications, Inc. v. Bryn Mawr Inv. Group, Inc.*, 79 So. 3d 855, 863 (Fla. 4th DCA 2012) citing *Raimi v. Furlong*, 702 So.2d 1273, 1284 (Fla. 3d DCA 1997). “General allegations of conspiracy are inadequate.” *World Class Yachts, Inc. v. Murphy*, 731 So.2d 798, 799 (Fla. 4th DCA 1999).

1509. Massage Envy Franchising, Massage Envy Franchisees, employees/ agents of Massage Envy Franchising, Massage Envy Franchisees, and assailants worked together to provide services and products to Plaintiffs.

1510. Massage Envy Franchising and Massage Envy Franchisees are separate entities as indicated on the Florida Division of Corporations. Each have their own registered agents, employees, business addresses, and staff, among other separations.

1511. Massage Envy Franchising denies any Massage Envy Franchisees are their agents.

1512. Upon information and belief, all Plaintiffs entered into a Wellness Agreement with Defendants prior to obtaining their massage. See. Exhibit C attached.

1513. This Wellness Agreement was constructed by Massage Envy Franchising and provided by the respective Massage Envy Franchisees to Plaintiffs as outlined in paragraphs 1-173 within the Complaint.

1514. Massage Envy Franchising required this Wellness Agreement to be provided to the Plaintiffs to sign before any services were performed or products sold.

1515. The statement heard/read by Plaintiffs that was that Defendants promised Plaintiffs would not be sexually assaulted. Specifically, the Wellness Agreement stated, “Male/female

genitalia and women's breasts will not be exposed or massaged at any time." See Exhibit C – Sample Membership Agreement, Pg. 2, ¶1.

1516. This representation was made to all Plaintiffs by Massage Envy Franchising and the Defendant Franchisees when Plaintiff came to said individual locations.

1517. This statement is important because not only does it fail to warn about the potential dangers of sexual assaults at Massage Envy, it promises Plaintiffs that their genitalia and women's breasts will not be exposed or massaged at any time. This was clearly contradictory to what happened to all Plaintiffs.

1518. As established earlier herein, Plaintiffs were assaulted as outlined in paragraphs 1 through 194 of this Complaint.

1519. Based upon Massage Envy's knowledge of its own employees sexually assaulting customers, which is estimated to be in the hundreds (if not thousands), Massage Envy knew even before Plaintiff had their massage that this information had a real possibility of being false given their internal history of sexual assaults.

1520. Massage Envy Franchising, Massage Envy Franchisees, employees/ agents of Massage Envy Franchising, Massage Envy Franchisees, and assailants knowingly were defrauding the public and all involved knew of the rampant problem of sexual assaults occurring at Defendants' locations.

1521. Further, Massage Envy Franchising and Massage Envy Franchisees have since advertised to the public that they have a zero tolerance policy of sexual assaults and that they take sexual assaults seriously, which contradicts the handling of Plaintiffs' claims.

1522. Massage Envy Franchising and Massage Envy Franchisees responses in order to cover up these sexual assaults included the following:

- a. Plaintiff just wants free massage so that must be why Plaintiff is reporting.
- b. Plaintiff should just try another massage therapist in the future.
- c. A manager will call you to discuss what happens, but a manager or corporate representative never does.
- d. Defendant's employees / agents promise to report the massage therapist to the Florida Massage Therapy board, but never do.
- e. Defendants continued to allow customers to obtain massages from Assailants who had prior reports of sexual assault.
- f. Other instances of minimizing the customer's complaints after being sexually assaulted at Massage Envy.
- g. Attempting to white wash incident report forms after Plaintiffs fill out forms.
- h. Requiring individuals to sign forms after they are assaulted if they want to cancel their membership that release liability from any claims. Exhibit H.
- i. Falsely advertising that Massage Envy was a safe place to obtain a massage.
- j. Permitting employees/agents/assailants to continue their employment/ affiliation after assaulting customers.
- k. Improperly training front desk personnel on responding to customers, including Plaintiffs, after they were sexually assaulted by employees/agents/assailants.

- l. Providing a poorly implemented / failed “Commitment to Safety” at some point in approximately in 2017 advising Plaintiffs of an improvement to their handling of sexual assaults, which does not appear to be effective whatsoever.
- m. All Defendants knew that employees and/or agents were sexually assaulting customers that their policies and procedures were ineffective to prevent same, but all Defendants intentionally concealed those material facts.
- n. All Defendants made material omissions and/or affirmative misrepresentations regarding the safety of their employees and/or agents in massaging customers, including Plaintiffs.
- o. All Defendants each knew these representations were false when they were made them and, in fact, represented to the public that consumers would have increased wellness, physically and emotionally, if they purchased massage services from the Defendants.

1523. Plaintiffs are informed and believe and thereon allege Defendant Franchisor conspired with Defendant Franchisees to knowingly and willfully agree among themselves to misrepresent to Plaintiffs (and all of Defendants’ customers) that there was a problem of women and men being sexually assaulted at their Massage Envy franchise locations by its massage therapists. This conspiracy continues to this day.

1524. Defendants knew that failure to disclose the rampant problem of sexual assaults to Plaintiffs would ensure they would not be deterred from engaging in business with Defendants.

1525. Plaintiffs had no knowledge of the magnitude of sexual assaults happening at Massage Envy before scheduled/attended their massages at MASSAGE ENVY.

1526. Upon information and belief, despite the estimated hundreds (if not thousands, or even tens of thousands) prior reports of sexual assault, Defendants have not reported any of the alleged assaults to law enforcement.

1527. Upon information and belief, all Defendants attended seminars and/or conferences put on by Massage Envy Franchising LLC where all Franchisees are trained on the prevalence of sexual assaults at Massage Envy. During said training sessions / conferences / seminars, the agents/employees of Massage Envy had discussions about the risks of sexual assaults affecting the brand and the prevalence of sexual assaults around the country. These communications were the foundation in furtherance of continuing the conspiracy of hiding the prevalence of sexual assaults from the public, including Plaintiffs.

1528. Upon information and belief, despite the estimated hundreds (if not thousands) prior reports of sexual assault within Florida, Defendants have not reported any of the alleged assaults to the Florida Massage Therapy board.

1529. Defendants named herein conspired to keep reports of sexual assault allegations by massage therapists at Massage Envy franchise locations from the public, customers, law enforcement and the Florida Board of Massage Therapy in order to protect the brand of Massage Envy at the expense of the safety of its customers, including Plaintiffs. In furtherance of their conspiracy, rather than informing customers, including Plaintiffs, about the problem of customers being sexually assaulted at its franchise locations by massage therapists, Defendants intentionally and falsely told Plaintiffs that safety is at the core of their company's mission, that it has a zero tolerance policy towards sexual assaults committed by their massage therapists, that they protect their customers, that they carefully select and thoroughly train their massage therapists, that they

are dedicated to providing a comfortable and professional environment, that Plaintiffs can be confident they will have a positive experience, that they will bring joy to Plaintiffs' lives, among other intentionally false statements to Plaintiffs.

1530. Defendants knew that Plaintiffs had no knowledge of dangerous massages that may result in sexual assaults, and Plaintiffs did not have an equal opportunity to discover the facts to inform them of those defects as that knowledge was solely in the possession of Defendants.

1531. Massage Envy wanted to conceal this information to induce Plaintiffs to start memberships, obtain massages, and/or continue to maintain Plaintiff's memberships.

1532. Massage Envy did not attempt to advise Plaintiff in any way of the potential risks or provide warnings that Plaintiffs may be assaulted during the massage.

1533. Further, Massage Envy provided no tools to Plaintiff on how to respond if Plaintiff was sexually assaulted or molested during a massage.

1534. Plaintiffs would not have scheduled massages at Massage Envy Franchising and the Defendant Franchisee's locations had they have known of the rampant problem of sexual assaults at their locations.

1535. In furtherance of said conspiracy and agreement as outlined herein, Defendants engaged in fraudulent representations, omissions and concealment of facts, acts of cover-up and statements calculated to obtain Plaintiffs as customers in their Massage Envy franchise locations for the benefit of Defendants and as set forth in detail herein.

1536. All of the actions of Defendants were in violation of the rights of Plaintiffs and committed in furtherance of the aforementioned conspiracies and agreements.

1537. Moreover, each of the aforementioned Defendants lent aid and encouragement and knowingly financed, ratified, and adopted the acts of the other.

1538. As a proximate result of the wrongful acts set forth herein, Plaintiffs have suffered significant damages, including, the cost of the massage, pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life; loss of enjoyment of life; loss of earnings and earning capacity; medical expenses psychological treatment, therapy and counseling.

WHEREFORE, the Plaintiffs each demand judgment against Defendant MASSAGE ENVY FRANCHISING, LLC, a Foreign for Profit Corporation, as well as the Franchisee location where Plaintiff was assaulted as outlined in paragraphs 1 through 194 of this Complaint in excess of Thirty Thousand Dollars (\$30,000.00), plus costs incurred herein and any other relief this court deems fit and proper.

DEMAND FOR TRIAL BY JURY

Plaintiffs hereby demands a trial by jury of all issues so triable, as a matter of right.

DATED this 15th day of January, 2020.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been e-filed with the Clerk of the Court via the Florida Court's E-Filing Portal on January 15, 2020, with electronic copies issued to the attorneys listed on the service reflected on the Court's E-Filing Portal.

/e/ Jennifer M. Lipinski

Jennifer M. Lipinski, Esq.

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