

SUMMONS
(CITACION JUDICIAL)

NOTICE TO DEFENDANT:

(AVISO AL DEMANDADO):

Massage Envy Franchising, LLC; Sandia Enterprises, Inc.; Robert D. Barnes; Sandra D. Barnes; DOES 1-40, inclusive

YOU ARE BEING SUED BY PLAINTIFF:

(LO ESTÁ DEMANDANDO EL DEMANDANTE):

Jane Doe

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

FILED
Superior Court Of California,
Sacramento
03/30/2017
cfreemanj
By _____, Deputy
Case Number:
34-2017-00210331

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.**

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

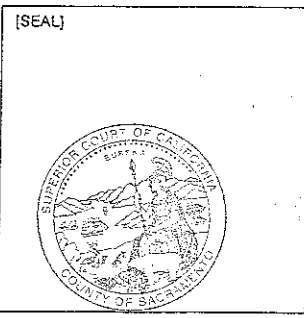
The name and address of the court is:
(El nombre y dirección de la corte es):
Sacramento County Superior Court, 720 9th Street, Sacramento, CA 95814

CASE NUMBER:
(Número del Caso):

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Robert W. Thompson, Thompson Law Offices, P.C., 700 Airport Blvd., Ste 160, Burlingame, CA 94010, 650-51

DATE: **MAR 30 2017** Clerk, by **C. FREEMAN**, Deputy
(Fecha) *(Secretario)* *(Adjunto)*

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



- NOTICE TO THE PERSON SERVED:** You are served
- as an individual defendant.
 - as the person sued under the fictitious name of *(specify):*
 - on behalf of *(specify):*
under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 other *(specify):*
 - by personal delivery on *(date):*

1 Robert W. Thompson, Esq. (SBN: 250038)
2 THOMPSON LAW OFFICES, P.C.
3 700 Airport Boulevard, Suite 160
4 Burlingame, CA 94010
5 Telephone: (650) 513-6111
6 Facsimile: (650) 513-6071
7
8 Brian D. Kent (Pro Hac Vice Admission Pending)
9 LAFHEY, BUCCI & KENT, LLP
10 1435 Walnut Street, Suite 700
11 Philadelphia, PA 19102
12 Telephone: (215) 399-9255
13 Facsimile: (215) 241-8700
14
15 Attorneys for Plaintiff JANE DOE

FILED
Superior Court Of California,
Sacramento
03/30/2017
cfreeman3
By _____, Deputy
Case Number:
34-2017-00210331

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 IN AND FOR THE COUNTY OF SACRAMENTO
12 UNLIMITED JURISDICTION

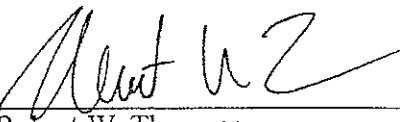
13 JANE DOE,
14 Plaintiff,
15 v.
16 MASSAGE ENVY FRANCHISING, LLC;
17 SANDIA ENTERPRISES, INC.; ROBERT D.
18 BARNES; SANDRA D. BARNES; DOES 1
19 TO 40, inclusive,
20 Defendants.

Case No.
NOTICE OF JURY FEE DEPOSIT

21 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:
22 PLEASE TAKE NOTICE that Plaintiff Jane Doe has deposited jury fees pursuant
23 to California *Code of Civil Procedure* Section 631.

24 Dated: March 29, 2017

THOMPSON LAW OFFICES, P.C.

25
26 By: 
27 Robert W. Thompson
28 Attorney for Plaintiff Jane Doe

FILE BY FAX

1 Robert W. Thompson, Esq. (SBN: 250038)
THOMPSON LAW OFFICES, P.C.
2 700 Airport Boulevard, Suite 160
3 Burlingame, CA 94010
Telephone: (650) 513-6111
4 Facsimile: (650) 513-6071
5 Brian D. Kent (Pro Hac Vice Admission Pending)
LAFHEY, BUCCI & KENT, LLP
6 1435 Walnut Street, Suite 700
7 Philadelphia, PA 19102
Telephone: (215) 399-9255
8 Facsimile: (215) 241-8700

9 Attorneys for Plaintiff JANE DOE

FILED
Superior Court Of California,
Sacramento
03/30/2017
cfreemanj
By _____, Deputy
Case Number:
34-2017-00210331

10
11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 IN AND FOR THE COUNTY OF SACRAMENTO
13 UNLIMITED JURISDICTION

14 JANE DOE,
15
16 Plaintiff,
17 vs.
18 MASSAGE ENVY FRANCHISING, LLC;
SANDIA ENTERPRISES, INC.; ROBERT D.
19 BARNES; SANDRA D. BARNES; DOES 1 TO
40, inclusive,
20 Defendants.

Case No.
COMPLAINT FOR:
(1) Negligence
(2) Premises Liability
(3) Intentional Infliction of Emotional Distress
(4) Sexual Battery (Civ. Code § 1708.5)
(5) Gender Violence (Civ. Code § 52.4)
(6) Ralph Act Violation (Civ. Code § 51.7)
(7) False Imprisonment

21
22
23 Plaintiff JANE DOE hereby submit their Complaint against Defendants MASSAGE ENVY
24 FRANCHISING, LLC; SANDIA ENTERPRISES, INC.; ROBERT D. BARNES; and SANDRA D.
25 BARNES; and DOES 1-40, and each of them, and allege as follows:

26 ///
27 ///

FILE BY FAX

1 PARTIES

2 1. Plaintiff JANE DOE ("Plaintiff") is an individual who was and is at all times herein a
3 resident of the City of Elk Grove, County of Sacramento, State of California. Plaintiff went to the
4 Massage Envy, located at 4810 Elk Grove Boulevard, Suite 190, Elk Grove, California ("Massage
5 Envy Location") for a massage. During the course of the massage, an employee of Defendants
6 touched and fondled Plaintiff's bare breasts, buttocks, and vagina. Plaintiff has suffered, and
7 continues to suffer, severe and prolonged emotional distress.

8
9 2. Defendant MASSAGE ENVY FRANCHISING, LLC ("MASSAGE ENVY
10 FRANCHISING") is, and at all relevant times mentioned herein was, a corporation organized under
11 the laws of the State of California. At all relevant times mentioned herein, MASSAGE ENVY
12 FRANCHISING's primary place of business was located in the City of Scottsdale, County of
13 Maricopa, State of Arizona, and performed work on Massage Envy Location.

14
15 3. Defendant SANDIA ENTERPRISES, INC. ("SANDIA ENTERPRISES") is, and at
16 all relevant times mentioned herein was, a corporation organized under the laws of the State of
17 California. At all relevant times mentioned herein, SANDIA ENTERPRISES's primary place of
18 business was located in the City of Elk Grove, County of Sacramento, State of California, and
19 performed work on Massage Envy Location.

20
21 4. Defendants ROBERT D. BARNES and SANDRA D. BARNES ("ROBERT and
22 SANDRA") are, and at all relevant times mentioned herein was, individuals. At all relevant times
23 mentioned herein, ROBERT and SANDRA reside in the City of Newcastle, County of Placer, State
24 of California, and performed work on Massage Envy Location. At all relevant times mentioned
25 herein, ROBERT and SANDRA were officers and/or directors of SANDIA ENTERPRISES, and are
26 liable to Plaintiff because of their failures to act, their failure to act constituted a breach of their
27
28

1 fiduciary duties as a officers and/or directors; and/or their breach of those duties involved intentional
2 misconduct, fraud or a knowing violation of law.

3 5. The true names and capacities, whether individual, corporate, associate, partner or
4 otherwise, of DOES 1-40, inclusive, are unknown to Plaintiff, who therefore sue said Defendants by
5 such fictitious names. Plaintiff will move to amend this Complaint to substitute their true names and
6 capacities when the same have been ascertained.
7

8 6. Plaintiff is also unaware of the basis of liability as to some or all of such fictitious
9 Defendants sued herein as DOES 1-40, inclusive, but believe that their liability arises out of the
10 same general facts as set forth herein. Plaintiff will move to amend this Complaint to assert the
11 theories of liability of said fictitiously named Defendants when they have been ascertained.
12

13 7. Plaintiff is informed and believe and thereon alleges that each Defendant and DOES
14 1-40 are legally responsible in some manner for the events, happenings, omissions and/or
15 occurrences causing damages referred to herein, and legally and proximately caused damage to
16 Plaintiff. Further, each and every Defendant, including DOES 1-40, had a duty to Plaintiff, as a
17 customer of the Massage Envy Location.
18

19 8. Plaintiff is informed and believes, and thereon alleges that DOES 1-40, inclusive,
20 were franchisees, contractors, individuals, sole proprietorships, partnerships and/or corporations, and
21 all their employees and agents who performed services as an employee, agent, ostensible agent,
22 servant, partner, joint venturer, and aider and abettor of each of the Defendants and was, in doing the
23 business of things herein complained of, acting within the course and scope of such relationship and
24 therefore is responsible for damages to Plaintiff as hereinafter alleged. Whenever a Defendant is the
25 subject of any charging allegation by Plaintiff, it shall be deemed that DOES 1-40, inclusive, and
26 each of them, are likewise subject to this charging allegation.
27
28

1 JURISDICTION AND VENUE

2 9. This Court has jurisdiction over this action pursuant to *California Code of Civil*
3 *Procedure* Section 410.10. Plaintiffs seek damages under the statutory and common law of the State
4 of California.

5
6 10. Venue is proper in this Court pursuant to *California Code of Civil Procedure* Sections
7 392, 393 and 395 because (a) the described injuries to property occurred in this county; (b) some of
8 the acts and transactions described herein occurred within this county; (c) Defendants are or were
9 registered to do business in the State of California and/or are or were doing business within this
10 county; and (d) because Defendants did do business in this county by operating and/or exercising
11 complete control over the operations of the Massage Envy Location.
12

13 FACTS COMMON TO ALL CAUSES OF ACTIONS

14 11. Sexual assaults committed by massage therapists at MASSAGE ENVY
15 FRANCHISING franchise locations is a national epidemic, with more than fifty (50) allegations of
16 improper touching by its therapists occurring in approximately fifteen (15) different states. One of
17 the reasons this epidemic exists is as a result of MASSAGE ENVY FRANCHISING's
18 incomprehensible policy and procedure of directing franchisees to conceal reports of allegations of
19 improper touching involving its massage therapists and directing franchisees not to report said
20 allegations to local law enforcement and/or state massage therapy boards.
21

22 12. MASSAGE ENVY FRANCHISING company protocol encourages employees to
23 handle any allegations of improper touching by its massage therapists "in-house." MASSAGE
24 ENVY FRANCHISING also does not require documentation by its franchisees of any reports of
25 inappropriate conduct and/or improper touching committed by its therapists to ensure that said
26 reports are documented. MASSAGE ENVY FRANCHISING protocol also instructs franchisees to
27
28

1 put customers who have a complaint in a private room and to avoid admitting to anything or making
2 any promise to do anything more other than to internally investigate the matter, then to create an
3 incident report and send it to the corporate headquarters. MASSAGE ENVY FRANCHISING has
4 created a procedure wherein a woman who is improperly touched is sent out the door of its
5 franchise locations with only the promise to investigate and take appropriate action.
6

7 13. In numerous cases involving improper touching at its franchise locations by its
8 message therapists, MASSAGE ENVY FRANCHISING therapists were allowed to remain
9 employed and/or were transferred and/or hired/re-hired at another Massage Envy franchise location,
10 only to go on to improperly touch multiple other female customers.
11

12 14. At all times relevant hereto, Carlos Ocampo was a male massage therapist working
13 at Massage Envy location who was assigned to massage Plaintiff on the date at issue, and was
14 assigned to give massages to multiple female customers in his capacity as an employee and/or agent
15 of MASSAGE ENVY FRANCHISING, SANDIA ENTERPRISES, and ROBERT and SANDRA.
16

17 15. At all times relevant hereto, Defendants authorized and/or entrusted Mr. Ocampo to
18 have skin-to-skin contact with female customers and to be alone with them while the customers
19 were undressed and in a vulnerable position. Mr. Ocampo was aided in his commission of the
20 improper touching described more fully above and below by virtue of his duties as a massage
21 therapist because Plaintiff was already undressed in a private room in a vulnerable position per the
22 protocol of massage clients at Massage Envy franchises, including, but not limited to, MASSAGE
23 ENVY FRANCHISING and SANDIA ENTERPRISES, and ROBERT and SANDRA.
24

25 16. The improper touching described herein occurred on a massage table, on the
26 premises operated and/or controlled by MASSAGE ENVY FRANCHISING and SANDIA
27 ENTERPRISES, and ROBERT and SANDRA. The improper touching of Plaintiff occurred during
28

1 normal business hours of MASSAGE ENVY FRANCHISING, SANDIA ENTERPRISES, and
2 ROBERT and SANDRA, and occurred in the course and scope of the performance of duties of Mr.
3 Ocampo while he was making skin-to-skin contact with female customers' bodies, including
4 Plaintiff's body.

5
6 17. At all times relevant herein, Mr. Ocampo was an employee, agent, and/or servant of
7 MASSAGE ENVY FRANCHISING, SANDIA ENTERPRISES, and ROBERT and SANDRA.
8 Defendants are liable for the harm to the Plaintiff resulting from the conduct of their employee,
9 agent and/or servant's conduct because Defendants knew or should have known their massage
10 therapist's unfitness and propensities prior to his assault on the Plaintiff and at the time of his hire.
11 Defendants are liable for the acts and omissions of Mr. Ocampo and other employees at Massage
12 Envy Location under the theories of respondeat superior, vicarious liability, master-servant, agency,
13 and right of control. Upon information and belief, Defendants failed to conduct any criminal
14 background check or any reference check in making the determination to hire Mr. Ocampo. Upon
15 information and belief, long before this incident, Defendants knew or should have known that Mr.
16 Ocampo had improperly touched many other women at the Massage Envy Location.
17

18
19 18. Mr. Ocampo engaged in unpermitted, harmful and offensive touching and contact
20 upon the person of Plaintiff in violation of California law. Said conduct was undertaken while Mr.
21 Ocampo was an employee and agent of Defendants, while in the course and scope of employment
22 with said Defendants, and/or was ratified by said Defendants. Incidents of improper touching by
23 massage therapist in Massage Envy's service or employment were neither isolated nor unusual. For
24 years, Defendants failed to reprimand, punish, report, or otherwise sanction massage therapists,
25 including Mr. Ocampo, which it knew or had reason to know were sexual predators and/or mentally
26 ill.
27
28

1 19. On January 3, 2016, Plaintiff went the Massage Envy Location for a massage, where
2 she had been numerous times before without incident. This was her second massage with Mr.
3 Ocampo. Plaintiff's prior massage with Mr. Ocampo was without incident. On January 3, 2016,
4 Plaintiff was improperly touched by Mr. Ocampo on the premises of Defendants. Specifically, Mr.
5 Ocampo led Plaintiff to a massage room and told her to undress. Plaintiff then undressed and got
6 face down on the massage table underneath a sheet.
7

8 20. During the massage, Mr. Ocampo massaged the side of Plaintiff's body, and then
9 fondled and groped the sides of Plaintiff's breast. Mr. Ocampo repeated the fondling and groping
10 of Plaintiff's breast. Mr. Ocampo did not touch Plaintiff's breast during the prior massage she had
11 with him. Later Mr. Ocampo began massaging Plaintiff's glutes and then her buttocks. Mr.
12 Ocampo pressed down on Plaintiff's buttocks cheeks and spread them apart. Mr. Ocampo did not
13 do this during the prior massage Plaintiff had with him. Plaintiff did not understand why Mr.
14 Ocampo was massaging her in this manner.
15

16 21. Mr. Ocampo asked Plaintiff to turn onto her back. When Plaintiff was on her back,
17 she started falling asleep. Mr. Ocampo uncovered one of Plaintiff's legs and massaged up her leg.
18 Plaintiff awoke and discovered Mr. Ocampo's hand touching her vagina. Plaintiff moved slightly to
19 avoid the contact. However Mr. Ocampo's began touching her vagina again. Mr. Ocampo's hand
20 was moving up and down over Plaintiff's entire vagina. Mr. Ocampo did and/or attempted to place
21 his fingers in and on Plaintiff's vagina. Plaintiff was frozen with fear and did not know what to do.
22 Subsequently, Mr. Ocampo leaned over and said: "I wish it wasn't over. I'd love to continue to
23 practice massaging you
24
25

26 22. Afterwards, Plaintiff reported Mr. Ocampo's improper touching to Defendants, and
27 their officers, directors and/or managing agents, who failed to take any action in response to Mr.
28

1 Ocampo's improper touching, thereby ratifying the actions of Mr. Ocampo and giving him access to
2 further sexually assault other female customers in the future. Plaintiff reported Mr. Ocampo's
3 improper touching to Defendants, and their officers, directors and/or managing agents, because she
4 did not want anyone else to be improperly touched by Mr. Ocampo. Despite Plaintiff's reporting
5 Mr. Ocampo's improper touching, Mr. Ocampo's employment at the Massage Envy Location
6 continued. By allowing Mr. Ocampo to continue working as a massage therapist after his improper
7 touching of Plaintiff, Defendants approved, aided and abetted, adopted, and ratified Mr. Ocampo's
8 improper touching. No one from Defendants reported the improper touching to law enforcement,
9 the Department of Fair Housing and Employment or any governmental licensing or regulatory
10 agency, or anyone for that matter.
11

12
13 23. Defendants owed a duty to female customers, including Plaintiff, to provide a
14 reasonably safe environment for them, to ensure their safety, and to provide reasonably necessary
15 supervision and oversight for their safety and welfare while at Massage Envy franchise locations,
16 including Massage Envy Location. Defendants failed to fulfill their legal duty to provide a
17 reasonably safe environment for female customers at Massage Envy franchise locations, including
18 Massage Envy Location.
19

20 24. Defendants had a duty to take reasonable steps to ensure that massage therapists at
21 Massage Envy franchise locations were psychologically fit to provide massage therapy services to
22 female customers at their franchise locations, including Massage Envy Location. Defendants failed
23 to fulfill their legal duty to ensure that massage therapists were psychologically fit to provide
24 massage therapy services to female customers at their franchise locations, including Massage Envy
25 Location.
26
27
28

1 25. To the contrary, Defendants hired, retained, transferred and/or re-hired individuals
2 who it knew and/or had reason to know were sexual predators, including, but not limited to Mr.
3 Ocampo. As a result, numerous women nationwide have been sexual assaults by massage therapists
4 at Massage Envy franchise locations and Defendants did not report these assaults to police or to
5 other public authorities including, but not limited to, assaults pertaining to Mr. Ocampo.
6

7 26. As a result of Defendants' negligent, careless, and reckless acts and omissions,
8 numerous women, including Plaintiff, were improperly touched by depraved predators, including
9 Mr. Ocampo, who exploited their position as massage therapists to violate innocent and
10 unsuspecting women. Defendants failed to take reasonable steps to ensure that massage therapists,
11 including Mr. Ocampo, at Massage Envy franchise locations, including Massage Envy Location,
12 were psychologically fit to provide massage therapy services to unsuspecting, vulnerable female
13 customers. As a direct result of Defendants' tortious acts and omissions, Plaintiff suffered severe
14 emotional distress. Defendants knowingly permitted massage therapists, including Mr. Ocampo, to
15 be employed, retained, rehired, and/or assigned who they knew and/or had reason to know, were
16 psychologically unfit to provide massage therapy services to unsuspecting, vulnerable female
17 customers. As a direct result of Defendants' acts, Plaintiff suffered severe physical injuries and
18 emotional distress. Defendants employed, retained, transferred, re-hired and/or assigned massage
19 therapists, including Mr. Ocampo, who it knew or should have known were sexual predators and/or
20 mentally ill.
21

22 27. Defendants failed to take reasonable steps to ensure that massage therapists,
23 including Mr. Ocampo, at Massage Envy franchise locations, including Massage Envy Location,
24 were psychologically fit to provide massage therapy services to unsuspecting, vulnerable female
25 customers. These failures included the following:
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- a. Failure to investigate the backgrounds of massage therapists in the employ or service of the Defendants;
- b. Failure to prohibit, restrict, or limit the activities of massage therapists suspected of sexual misconduct and/or those known to be sexual predators;
- c. Failure to reasonably and properly investigate allegations of sexual misconduct;
- d. Failure to properly train and instruct investigators;
- e. Failure to have in place standards of acceptable and unacceptable conduct;
- f. Failure to formulate, effectuate, and enforce policies to prevent and/or minimize the risk of sexual misconduct to female customers by agents, servants, and/or employees of the Defendants;
- g. Failure to designate competent investigators to evaluate complaints of sexual misconduct;
- h. Failure to have in place standards for reporting acts of sexual misconduct to law enforcement authorities; and
- i. Failure to have in place standards for reporting acts of sexual misconduct to public officials and/or state massage therapy boards.

28. Defendants had a duty to take reasonable steps to ensure that massage therapists, including Mr. Ocampo, whose duties placed them in close proximity to unsuspecting female customers were psychologically fit to perform those duties without jeopardizing the safety of said women. Defendants had a duty to take reasonable steps to supervise the actions of their massage therapists, including Mr. Ocampo, while providing services to female customers at Massage Envy franchises.

29. Defendants failed to take reasonable steps to ensure that Mr. Ocampo was psychologically fit to provide massage therapy services to female customers at Massage Envy franchise locations, including Massage Envy Location, after the Defendants knew, and/or should have known, of the dangers posed by Mr. Ocampo. As a direct result of the Defendants' acts and/or omissions, Plaintiff suffered severe emotional distress. Defendants employed, retained, transferred, re-hired and/or assigned massage therapists, including Mr. Ocampo, who it knew and/or had reason to know were psychologically unfit to provide massage therapy services to unsuspecting, innocent female customers. Defendants employed, retained, transferred, re-hired and/or assigned massage

1 therapists, including Mr. Ocampo, who it knew and/or had reason to know or should have known
2 were sexual predators and/or mentally ill.

3 30. Defendants' wrongdoing, however, did not stop there. Defendants employed
4 deliberate strategies to conceal known sexual misconduct by massage therapists, including Mr.
5 Ocampo, in the employ or service of Defendants. These strategies included the following:
6

- 7 a. Conducting sham investigations which were designed to avoid
- 8 b. Failing to interview witnesses or persons who possessed, or may have
- 9 c. Routinely transferring, assigning and/or re-hiring massage therapists
- 10 d. Purposefully failing to inform customers of the acts of sexual
- 11 e. Knowingly harboring sexual predators that were suspected and/or accused of
- 12 f. Purposefully refusing to notify law enforcement and/or state massage therapy
- 13 g. Directing local franchisees not to report allegations of sexual abuse;

14
15
16
17
18
19 31. Defendants outrageously employed these strategies knowing that they exposed female
20 customers, including Plaintiff, to a significant risk of serious physical and psychological harm,
21 including a significant risk of improper touching. Defendants' actions were willful, malicious,
22 wanton, outrageous, abhorrent, abominable, revolting, vile, and unconscionable because Defendants
23 were motivated by a desire to protect themselves at the expense of female customers who would
24 foreseeably be improperly touched. Through the negligent hiring and supervision by Defendants,
25 Mr. Ocampo's unfitness and dangerous propensities proximately caused the resulting injuries to the
26 Plaintiff. Defendants breached their duty of reasonable care in hiring Mr. Ocampo because of the
27
28

1 sensitive nature of the employment, which predictably involved a close degree of contact with
2 vulnerable persons such as the Plaintiff.

3 32. Defendants were willful, wanton, reckless, negligent in overseeing and supervising
4 and grossly negligent as a result of its employee, agent and/or servant's acts as follows:
5

- 6 a) In failing to supervise and control their employee, Mr. Ocampo;
- 7 b) In negligently supervising Mr. Ocampo's interaction with the patrons of the
8 Defendants;
- 9 c) In failing to use reasonable measures to ensure the safety of patrons of
10 Defendants and to prevent Mr. Ocampo from improperly touching customers
11 of Defendants;
- 12 d) In failing to provide adequate supervision of Mr. Ocampo;
- 13 e) In failing to make themselves aware of the ongoing activity of the patrons of
14 Defendants and/or Mr. Ocampo;
- 15 f) In failing to take the usual and ordinary means by which the safety of the
16 patrons of Defendants would be ensured;
- 17 g) In failing to use ordinary skill and care to protect the Plaintiff, which
18 Defendants undertook to perform;
- 19 h) In failing to ensure that the Plaintiff would not be injured by Mr. Ocampo;
- 20 i) In failing to follow up and investigate complaints made regarding Mr.
21 Ocampo by patrons; and
- 22 j) In such other ways as will become evident during discovery.

23 33. Defendants then became directly liable because they approved, aided and abetted,
24 adopted, and ratified Mr. Ocampo's improperly touching of Plaintiff. Defendants' knowing
25 acquiescence and silence with respect to the known, or reasonably knowable, activities of Mr.
26 Ocampo constituted a course of conduct through which acts of sexual perversion and the violation of
27 Massage Envy customers, including Plaintiff, were condoned, approved and effectively authorized.
28 Through Defendants' 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 the Defendants ratified said
actions and, accordingly, are vicariously liable for the actions of Mr. Ocampo.

1 34. As a direct and proximate result of the foregoing, Plaintiff has suffered, and continues
2 to suffer, severe emotional distress. Plaintiff has suffered and continues to suffer great pain of mind
3 and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment,
4 loss of self-esteem, disgrace, humiliation and loss of enjoyment of life; was prevented and will
5 continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment
6 of life; and/or has suffered a loss of income and/or loss of earning capacity and incurred and will
7 continue to incur expenses for medical and psychological treatment, therapy and counseling.

9 35. Defendants and each of them, engaged in the conduct alleged herein with malice,
10 oppression, and fraud. The conduct of Defendants, and each of them, was despicable and was done
11 with a willful and knowing disregard of the rights or safety of Plaintiff and other female customers.
12 Defendants, and each of them, knew that Mr. Ocampo had a propensity to improperly touch female
13 customers and were aware of the probable dangerous consequences of allowing Mr. Ocampo to
14 continue to massages for female customers, yet they continued to pay Mr. Ocampo to work as a
15 massage therapist with physical access to more unsuspecting female victims, including Plaintiff.
16 Defendants' conduct was despicable and subjected Plaintiff to cruel and unjust hardship in knowing
17 disregard of her rights. Their conduct was so vile, base, and contemptible that it would be looked
18 down on and despised by reasonable people. Defendants intentionally concealed Mr. Ocampo's
19 dangerous propensities from Plaintiff with reckless indifference toward Plaintiff's health, safety, and
20 emotional wellbeing. Defendants' conduct alleged herein is outrageous and so extreme that it goes
21 beyond all possible bounds of decency. A reasonable person would regard the conduct of defendants
22 as intolerable in a civilized community.

26 ///

27 ///

FIRST CAUSE OF ACTION
NEGLIGENCE
(Against All Defendants)

1
2
3 36. Plaintiff incorporates herein by reference, as though set forth in full, all preceding
4 Paragraphs of this Complaint.

5
6 37. At all times herein mentioned, Defendants, and each of them, provided massage
7 services.

8 38. Prior to January 3, 2016, Defendants, and each of them, expressly and implicitly
9 warranted to Plaintiff that Defendants were competent, and that they possessed and exercised
10 reasonable care and skill in providing massages without physically or emotionally harming
11 customers such as Plaintiff.

12
13 39. At all relevant times herein Mr. Ocampo, while in the course and scope of his
14 employment at Defendants, intended to cause harmful or offensive contact with an intimate part of
15 Plaintiff, and a sexually offensive contact with Plaintiff directly and indirectly resulted therefrom.

16
17 40. At all relevant times herein, Mr. Ocampo, while in the course and scope of his
18 employment with Defendants, acted to cause Plaintiff in imminent apprehension of sexually
19 offensive contact, and a sexually offensive contact with Plaintiff directly and indirectly resulted
20 therefrom.

21 41. Defendants owed to the public in general, and to Plaintiff in particular, a duty to
22 reasonably identify, remove, and/or report to law enforcement authorities and/or to government
23 agencies individuals who it knew, or should have known, were sexual predators in its service and
24 employ. Defendants owed to the public in general, and to Plaintiff in particular, a duty to reasonably
25 supervise and/or monitor individuals who it knew, or should have known, were sexual predators in
26
27
28

1 its service and employ. Defendants owed to Plaintiff a duty to control the acts of its agents, servants,
2 and/or employees.

3 42. The acts and omissions of Defendants complained of herein constitute negligent and
4 reckless hiring, training, supervision, and retention of Mr. Ocampo. It was foreseeable that if
5 Defendant did not adequately exercise or provide the duty of care owed to female customers in their
6 care, including, but not limited to Plaintiff, they would be vulnerable to improper touching by
7 massage therapists, including Mr. Ocampo. Defendants also negligently and improperly failed to
8 exercise the minimal and reasonable care by failing to warn Plaintiff about Mr. Ocampo's known
9 history and propensity to improperly touch women, and by permitting and encouraging Mr. Ocampo
10 to have physical access to Plaintiff's body on the premises of Defendants. Based on the acts alleged
11 above, Defendants knew, or should have known, that their failure to exercise due care towards
12 Plaintiff would, and did, cause Plaintiff severe emotional distress.

13
14
15 43. Despite actual knowledge of multiple instances in which sexual predators were
16 employed, transferred, re-hired and/or assigned to positions within Massage Envy franchise
17 locations and despite the foreseeable risk that said sexual predators would engage in repeated acts of
18 sexual misconduct, Defendants did not have in place or failed to enforce adequate, reasonable, and
19 necessary rules, regulations, policies, and procedures which could effectively identify, and deal with
20 sexual predators. Defendants did not have in place adequate, reasonable, and necessary rules,
21 regulations, policies, and procedures for the removal of sexual predators in the employ and/or
22 service of Defendants. Defendants did not have in place adequate, reasonable, and necessary rules,
23 regulations, policies, and procedures, which provided for the reporting to criminal authorities sexual
24 predators in the employ and/or service of Defendants. Defendants did not have in place adequate,
25 reasonable, and necessary rules, regulations, policies, and procedures, which provided for the
26
27
28

1 reporting to state boards of massage therapy the presence of sexual predators in the employ and/or
2 service of Defendants.

3 44. Defendants failed to fulfill its legal duty to protect Plaintiff and other female
4 customers from the sexual misconduct of its massage therapists, including Mr. Ocampo. Defendants
5 failed to take reasonable steps to ensure that massage therapists at Massage Envy franchise locations
6 were psychologically fit to provide massage therapy services to female customers. These failures
7 included the following: (a) failure to investigate the background of massage therapists in its employ
8 or service; (b) failure to prohibit, restrict, or limit the activities of massage therapists suspected of
9 sexual misconduct and/or those known to be sexual predators; (c) failure to reasonably and properly
10 investigate allegations of sexual misconduct; (d) failure to properly train and instruct investigators;
11 (e) failure to have in place standards of acceptable and unacceptable conduct; (f) failure to designate
12 competent investigators to evaluate complaints of sexual misconduct; and (g) failure to have in place
13 standards for reporting acts of sexual misconduct to law enforcement authorities and/or state boards
14 of massage therapy.
15

16
17 45. Moreover, the negligent, reckless, outrageous, deliberately and recklessly indifferent
18 and unlawful conduct of Defendants, as set forth above and herein, further consisted of: (a)
19 permitting massage therapists, including Mr. Ocampo, to improperly touch female customers,
20 including Plaintiff; (b) permitting massage therapists, including Mr. Ocampo, to engage in sexual
21 misconduct with female customers, including Plaintiff, on the premises of Massage Envy franchise
22 locations, including Massage Envy Location, during operating hours; (d) failing to properly and
23 adequately supervise and discipline its employees to prevent the improper touching that occurred to
24 Plaintiff; (e) failing to adopt, enforce and/or follow adequate policies and procedures for the
25 protection and reasonable supervision of female customers who engaged the services of Defendants,
26
27
28

1 including Plaintiff, and, in the alternative, failing to implement and comply with such procedures
2 which had been adopted; (f) failing to implement, enforce and/or follow adequate protective and
3 supervisory measures for the protection of female customers, including Plaintiff; (g) creating an
4 environment that facilitated improper touching by Mr. Ocampo on Plaintiff; (h) failing to adopt,
5 enforce and/or follow policies and procedures to protect female customers against harmful contact
6 by its massage therapists, including Mr. Ocampo; (i) failing to warn Plaintiff of the risk of harm
7 posed by Mr. Ocampo after Defendant knew or should have known of such risk; (j) failing to warn
8 Plaintiff of the risk of harm that Plaintiff may suffer as a result of contact with Mr. Ocampo; (k)
9 failing to warn or otherwise make reasonably safe the property which Defendant possessed and/or
10 controlled, leading to the harm of Plaintiff; (l) failing to adopt/implement and/or enforce policies and
11 procedures for the reporting to law enforcement, state board of massage therapy and/or other
12 authorities of sexual misconduct by massage therapists; (m) failing to report improper touching by
13 massage therapists, including Mr. Ocampo, to authorities; (n) violating its own policies and/or by-
14 laws regarding sexual misconduct by staff; (o) ignoring, concealing, or otherwise mitigating the
15 seriousness of the known danger that Mr. Ocampo posed; (p) failing to prevent the sexual
16 misconduct that was committed by Mr. Ocampo on Plaintiff and other women he improperly
17 touched; (q) allowing Mr. Ocampo to remain employed after knowing that he improperly touched a
18 female customer; (r) failing to properly supervise and/or discipline its employees; (s) failing to
19 adequately and properly train its employees regarding sexual misconduct of female customers by
20 massage therapists; and (t) negligently managing and/or operating Massage Envy franchise
21 locations, including Massage Envy location.

26 46. Defendants having advertised and promoted itself as having a "zero tolerance" policy
27 relating to sexual misconduct by massage therapists, explicitly and/or implicitly represented to the
28

1 public in general, and to Plaintiff in particular, that the massage therapists, including Mr. Ocampo, in
2 its employ and service were not only psychologically fit but were therapists who could be entrusted
3 with the safety and well-being of female customers. Defendants made these explicit and implied
4 representations knowing that they were false and/or having reason to believe that they were false,
5 and with the expectation that they would be relied upon by female customers making decisions
6 regarding their engagement of massage/spa services. Defendants did not have in place adequate,
7 reasonable, and necessary rules, regulations, policies, and procedures with respect to the removal
8 and/or supervision of individuals in its employ or service who were suspected of being sexual
9 predators. Defendants failed to reasonably identify, remove, and/or report (to law enforcement
10 authorities and/or to state massage therapy boards) sexual predators in its service and employ.
11 Defendants failed to reasonably supervise and/or monitor individuals who it knew, or should have
12 known, were sexual predators in its service and employ. Defendants negligently, carelessly, and/or
13 intentionally failed to timely and reasonably identify, remove, and/or report (to law enforcement
14 authorities and/or to state boards of massage therapy) Mr. Ocampo as a sexual predator. Defendants
15 hired, retained and/or assigned Mr. Ocampo to Plaintiff knowing or having reason to know that Mr.
16 Ocampo was a sexual predator. Defendants further breached their duty of care to Plaintiff by failing
17 to protect the Plaintiff from foreseeable harm from the sexual misconduct of employees of
18 Defendant, including Mr. Ocampo. Defendants further breached their duty of care by failing to warn
19 Plaintiff of the propensities of Mr. Ocampo and by failing to provide a safe and secure environment
20 for the Plaintiff.

21
22
23
24
25 47. Defendants ratified the improper touching committed by Mr. Ocampo by continuing
26 to employ him as a masseuse and giving him access to touch the bodies of female customers
27
28

1 including Plaintiff, after having actual knowledge that Mr. Ocampo had improperly touched prior
2 customers.

3 48. Plaintiff is informed and believes and thereon alleges that she will continue to suffer
4 extreme mental, physical, and pain and suffering in the future as a result of the injuries alleged
5 herein.
6

7 49. As a further proximate result, Plaintiff has been damaged in that she has been
8 required to expend money and incur obligations for medical services, drugs, and sundries reasonably
9 required in the treatment and relief of the injuries alleged according to proof. As a further proximate
10 result, Plaintiff will continue to incur, medical and related expenses.
11

12 **SECOND CAUSE OF ACTION**
13 **PREMISES LIABILITY**
14 **(Against All Defendants)**

15 50. Plaintiff incorporates herein by reference, as though set forth in full, all preceding
16 Paragraphs of this complaint.

17 51. Defendants owned, occupied, managed, operated, controlled, leased or serviced the
18 subject premises.

19 52. Defendants owed a duty to plaintiff to own, occupy, manage, operate, control, lease,
20 or service the premises in a safe and prudent manner.

21 53. The acts and/or omissions of Defendants were a breach of the duties Defendants
22 owed to plaintiff.

23 54. Plaintiff is informed and believes and thereon alleges that she will continue to suffer
24 extreme mental, physical, and pain and suffering in the future as a result of the injuries alleged
25 herein.
26

27 55. As a further proximate result, Plaintiff has been damaged in that she has been
28

1 required to expend money and incur obligations for medical services, drugs, and sundries reasonably
2 required in the treatment and relief of the injuries alleged according to proof. As a further proximate
3 result, Plaintiff will continue to incur, medical and related expenses.

4
5 **THIRD CAUSE OF ACTION**
6 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**
7 **(Against All Defendants)**

8 56. Plaintiff incorporates herein by reference, as though set forth in full, all preceding
9 Paragraphs of this complaint.

10 57. Without Plaintiff's consent, Mr. Ocampo fondled and groped Plaintiff's breast,
11 buttocks, and vagina, thereby causing severe emotional distress.

12 58. Defendants allowed, adopted, approved, aided, abetted, and ratified the behavior of
13 Mr. Ocampo by allowing him to continue to work as a masseuse with physical access to female
14 customers knowing that Mr. Ocampo had a history of improperly touching female customers.

15 59. Plaintiff is informed and believes and thereon alleges that she will continue to suffer
16 extreme mental, physical, and pain and suffering in the future as a result of the injuries alleged
17 herein.

18 60. As a further proximate result, Plaintiff has been damaged in that she has been
19 required to expend money and incur obligations for medical services, drugs, and sundries reasonably
20 required in the treatment and relief of the injuries alleged according to proof. As a further proximate
21 result, Plaintiff will continue to incur, medical and related expenses.

22 61. The acts of Defendants alleged above were willful, wanton, malicious, oppressive,
23 fraudulent, despicable, and outrageous and justify the awarding of exemplary and punitive damages.

24 ///

25 ///

26
27
28

FOURTH CAUSE OF ACTION
SEXUAL BATTERY
(Against All Defendants)

1
2
3 62. Plaintiff incorporates herein by reference, as though set forth in full, all preceding
4 Paragraphs of this complaint.

5
6 63. Mr. Ocampo, without Plaintiff's consent, offensively fondled and groped Plaintiff's
7 breasts, buttocks, and vagina, and attempted to place in finger or fingers on, or in, Plaintiff's vagina,
8 with the intent of sexual arousal in violation of Civil Code § 1708.5 and Penal Code § 243.4(e)(1).

9 64. Defendants' conduct was a substantial factor in causing Plaintiff's physical and
10 emotional harm.

11
12 65. Mr. Ocampo was still employed as a massage therapist at Defendants. Defendants
13 failed to adequately investigate and reprimand Mr. Ocampo. By allowing Mr. Ocampo to continue
14 working as a massage therapist after each of the aforementioned incidents and failing to adequately
15 investigate and reprimand Mr. Ocampo, Defendants approved, aided and abetted, adopted, and
16 ratified Mr. Ocampo's improper touching.

17
18 66. Plaintiff is informed and believes and thereon alleges that she will continue to suffer
19 extreme mental, physical, and pain and suffering in the future as a result of the injuries alleged
20 herein.

21 67. As a further proximate result, Plaintiff has been damaged in that she has been
22 required to expend money and incur obligations for medical services, drugs, and sundries reasonably
23 required in the treatment and relief of the injuries alleged according to proof. As a further proximate
24 result, Plaintiff will continue to incur, medical and related expenses.
25
26
27
28

1 68. Plaintiff has also been required to expend attorney fees to pursue her rights under
2 Civil Code § 1708.5, and requests that she be awarded all attorney fees and costs reasonably required
3 to pursue her claim pursuant to Civil Code § 1708.5.
4

5 **FIFTH CAUSE OF ACTION**
6 **GENDER VIOLENCE - Violation of California Civil Code § 52.4**
7 **(Against All Defendants)**

8 69. Plaintiff incorporates herein by reference, as though set forth in full, all preceding
9 Paragraphs of this complaint.

10 70. Defendants adopted, approved, ratified, and aided and abetted Mr. Ocampo's gender
11 violence on Plaintiff, which constituted criminal offenses under California law, including Penal
12 Code § 243.4, sexual battery, which includes the use, attempted use, or threatened use of physical
13 force against a person.

14 71. These crimes at least in part based on the gender of the Plaintiff.

15 72. Defendants caused a physical intrusion or a physical invasion of a sexual nature under
16 coercive conditions to Plaintiff's person in that Plaintiff's breasts, buttocks, and vagina were fondled
17 and groped without consent.
18

19 73. The acts of violence as alleged above were directed at Plaintiff because she was a
20 woman. These acts were intended to humiliate and degrade Plaintiff because she was a woman.
21 These acts robbed Plaintiff of her dignity.

22 74. Plaintiff is informed and believes and thereon alleges that she will continue to suffer
23 extreme mental, physical, and pain and suffering in the future as a result of the injuries alleged
24 herein.
25

26 75. As a further proximate result, Plaintiff has been damaged in that she has been
27 required to expend money and incur obligations for medical services, drugs, and sundries reasonably
28

1 required in the treatment and relief of the injuries alleged according to proof. As a further proximate
2 result, Plaintiff will continue to incur, medical and related expenses.

3 76. Defendants' aforementioned conduct was accomplished intentionally and/or
4 recklessly with conscious disregard for Plaintiff's health, safety, privacy, freedom, and human
5 dignity. The aforementioned conduct was so outrageous in character and so extreme in degree as to
6 go beyond all possible bounds of decency, and should be regarded as despicable, atrocious, and
7 utterly intolerable in a civilized community. The acts of Defendants alleged above were willful,
8 wanton, malicious, oppressive, fraudulent, despicable, and outrageous and justify the awarding of
9 exemplary and punitive damages.
10
11

12 **SIXTH CAUSE OF ACTION**
13 **FREEDOM FROM VIOLENCE PURSUANT TO THE RALPH ACT - Violation of California**
14 **Civil Code §§ 51.7 and 52**
15 **(Against All Defendants)**

16 77. Plaintiff incorporates herein by reference, as though set forth in full, all preceding
17 Paragraphs of this complaint.

18 78. Defendants subjected plaintiff to violence based on her sex, causing physical and
19 psychological injuries to her. A motivating reason for their conduct was Plaintiff's sex.

20 79. Plaintiff is informed and believes and thereon alleges that she will continue to suffer
21 extreme mental, physical, and pain and suffering in the future as a result of the injuries alleged
22 herein.

23 80. As a further proximate result, Plaintiff has been damaged in that she has been
24 required to expend money and incur obligations for medical services, drugs, and sundries reasonably
25 required in the treatment and relief of the injuries alleged according to proof. As a further proximate
26 result, Plaintiff will continue to incur, medical and related expenses.
27

28 81. Defendants' conduct was a substantial factor in causing plaintiff's harm.

1 82. As a result of the aforementioned conduct, Plaintiff is entitled to a \$25,000.00 penalty
2 and/or punitive damages for Defendants' conduct in violation of Civil Code § 51.7, as well as
3 attorney's fees and costs pursuant to Civil Code § 52.

4 83. The aforementioned conduct was accomplished intentionally and/or recklessly with
5 conscious disregard for said plaintiff's health, safety, privacy, freedom, and human dignity.
6 Defendant's aforementioned conduct was so outrageous in character and so extreme in degree as to
7 go beyond all possible bounds of decency, and should be regarded as despicable, atrocious, and
8 utterly intolerable in a civilized community. The acts of Defendants alleged above were willful,
9 wanton, malicious, oppressive, fraudulent, despicable, and outrageous and justify the awarding of
10 exemplary and punitive damages.
11

12
13 **SEVENTH CAUSE OF ACTION**
14 **FALSE IMPRISONMENT**
15 **(Against All Defendants)**

16 84. Plaintiff incorporates herein by reference, as though set forth in full, all preceding
17 Paragraphs of this complaint.

18 85. Mr. Ocampo recklessly, negligently, and wrongly restrained, confined, and detained
19 Plaintiff by depriving her of her freedom of movement by use of physical force without Plaintiff's
20 consent.

21 86. Mr. Ocampo was still employed as a massage therapist at Defendants. Defendants
22 failed to adequately investigate and reprimand Mr. Ocampo. By allowing Mr. Ocampo to continue
23 working as a massage therapist after each of the aforementioned incidents and failing to adequately
24 investigate and reprimand Mr. Ocampo, Defendants approved, aided and abetted, adopted, and
25 ratified Mr. Ocampo's false imprisonment of Plaintiff.

26 87. Defendants' conduct was a substantial factor in causing plaintiff's harm.
27
28

1 88. Plaintiff is informed and believes and thereon alleges that she will continue to suffer
2 extreme mental, physical, and pain and suffering in the future as a result of the injuries alleged
3 herein.

4
5 89. As a further proximate result, Plaintiff has been damaged in that she has been
6 required to expend money and incur obligations for medical services, drugs, and sundries reasonably
7 required in the treatment and relief of the injuries alleged according to proof. As a further proximate
8 result, Plaintiff will continue to incur, medical and related expenses.

9 90. The acts of Defendants alleged above were willful, wanton, malicious, oppressive,
10 fraudulent, despicable, and outrageous and justify the awarding of exemplary and punitive damages.
11

12 **PRAYER FOR RELIEF**

13 WHEREFORE, Plaintiff prays for judgment against Defendants, and each of them as follows
14 as to each cause of action:

- 15 1. For general damages;
- 16 2. For special damages for medical, hospital, and incidental expenses;
- 17 3. For punitive damages/exemplary damages according to proof and pursuant to Civil
18 Code § 1708.5(3)(b);
- 19 4. For attorney fees and/or penalties pursuant to Civil Code § 1708.5(3)(b), and Civil
20 Code § 51.7, 52, and 52.4,
- 21 5. For costs of suit herein incurred; and
- 22 6. For such other and further relief as the court may deem proper.

23
24
25 ///

26 ///

27 ///

28

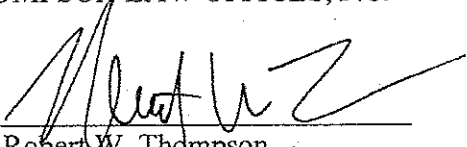
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

JURY DEMAND

Plaintiff hereby demands a trial by jury on all triable issues.

Dated: March 29, 2017

THOMPSON LAW OFFICES, P.C.

By: 

Robert W. Thompson
Attorneys for Plaintiff JANE DOE

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Robert W. Thompson (SBN: 250038) Thompson Law Offices, P.C. 700 Airport Blvd., Suite 160 Burlingame, California 94010 TELEPHONE NO.: 650.513.6111 FAX NO.: 650.513.6071		FOR COURT USE ONLY FILED Superior Court Of California, Sacramento 03/30/2017 cfreenan3 By _____, Deputy Case Number: 34-2017-00210331
ATTORNEY FOR (Name): Plaintiff Jane Doe SUPERIOR COURT OF CALIFORNIA, COUNTY OF Sacramento STREET ADDRESS: 720 9 th Street MAILING ADDRESS: CITY AND ZIP CODE: Sacramento, CA 95814 BRANCH NAME: Gordon D. Schaber Sacramento County Courthouse		
CASE NAME: Jane Doe v. Massage Envy Franchising, LLC, et al.		
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	CASE NUMBER: JUDGE: DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

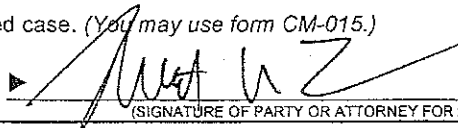
Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input checked="" type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
---	--	--

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive
4. Number of causes of action (specify): 7
5. This case is is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: March 29, 2017

Robert W. Thompson

(TYPE OR PRINT NAME)



(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

FILED
 Superior Court Of California,
 Sacramento
 03/30/2017
 cfreenan3
 By _____, Deputy
 Case Number:
 34-2017-00210331

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO STREET ADDRESS: 720 Ninth STREET MAILING ADDRESS: 720 Ninth STREET CITY AND ZIPCODE: Sacramento, CA 95814-1311 BRANCH NAME: Gordon D Schaber Courthouse PHONE NUMBER: (916) 874-5522	<i>FOR COURT USE ONLY</i>
SHORT TITLE: Doe vs. Massage Envy Franchising LLC	
NOTICE OF CASE MANAGEMENT CONFERENCE AND ORDER TO APPEAR	CASE NUMBER: 34-2017-00210331-CU-PO-GDS

Hearing Date

The above entitled action has been set for a case management conference at 08:30 AM on 10/05/2017 in Department 30 in accordance with California Rules of Court 212. You must be familiar with the case and fully prepared to participate effectively in the case management conference.

Case Management Statement

All parties must file and serve a case management statement at least 15 calendar days before the case management conference. Parties are encouraged to file a single joint case management statement.

Minimum Requirements

Prior to the filing of the case management statement, the parties should have done the following:

- Served all parties named in the complaint within 60 days after the summons has been issued
- Ensured that all defendants and cross-defendants have answered, been dismissed, or had their defaults entered
- Met and conferred with all parties as required by CRC 212 (f) to discuss and resolve issues set forth therein.

Tentative Ruling

Following its review of the case management statement(s), the court may determine that a case management conference is not necessary.

To determine whether an appearance is required, the parties must check the court's tentative rulings after 2:00 p.m. on the Court day before the Thursday calendar by accessing the court's internet website at www.saccourt.ca.gov

Case Management Orders

At the case management conference, the court will consider whether the case should be ordered to judicial arbitration or referred to other forms of Alternative Dispute Resolution. Whether or not a case management conference is held, the court will issue a case management order shortly after the scheduled conference date.

Service of Case Management Notice

Unless otherwise ordered by the court, plaintiff shall serve a copy of this notice on any party to the complaint appearing after the court issued this notice. The cross-complainant shall have the same obligation with respect to the cross-complaint.

Certification Filed in Lieu of Case Management Statement

If parties in the action file a certification on a form provided by the court at least 15 calendar days prior to the date of the case management conference that the case is short cause (five hours or less of trial time), that the pleading stage is complete and that the case will be ready for trial within 60 days, the case will be exempted from any further case management requirements and will be set for trial within 60-120 days. The certification shall be filed in lieu of a case management statement.

Compliance

Failure to comply with this notice or to appear at the case management conference may result in the imposition of sanctions (including dismissal of the case, striking of the answer, or payment of money).

Continuances

Case management conference will not be continued except on a showing of good cause. If your case management conference is continued on motion or by the court on its own motion all parties shall file and serve a new case management statement at least 15 calendar days before the continued case management conference.

Dated: 04/04/2017



David De Alba, Judge of the Superior Court