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11 STACEY STOUT

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14 SUPERIOR COURT OF THE STATE OF CALIFORNIA
15 FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT

16 STACEY STOUT,)
17 Plaintiff,)
18 v.)
19 PUREBEAUTY, INC., a corporation,)
20 BRIAN PEARCE, an individual, ADAM)
21 SHUMAN, an individual, and DOES 1)
22 through 50, inclusive,)
23 Defendants.)
24
25

26 Case No. BC 343315

27
28 **COMPLAINT FOR DAMAGES:**

- (1) SEXUAL/GENDER HARASSMENT AND DISCRIMINATION [Cal. Gov't Code § 12940];
- (2) RETALIATION FOR OPPOSING UNLAWFUL EMPLOYMENT PRACTICES PURSUANT TO FEHA [Cal. Gov't Code § 12940(h)];
- (3) WRONGFUL TERMINATION AND OTHER ADVERSE EMPLOYMENT ACTIONS IN VIOLATION OF PUBLIC POLICY;
- (4) INTENTIONAL INFILCTION OF EMOTIONAL DISTRESS;
- (5) NEGLIGENT INFILCTION OF EMOTIONAL DISTRESS

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1 Plaintiff STACEY STOUT (hereinafter "MS. STOUT" or "PLAINTIFF"), as an
2 individual, complains and alleges as follows:

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4 **I.**

5 **INTRODUCTION**

6 1. In this case, plaintiff Stacey Stout (hereinafter "MS. STOUT" and/or
7 "PLAINTIFF"), a highly-regarded District Manager for defendant PureBeauty, Inc. (hereinafter
8 "PUREBEAUTY" and/or the "COMPANY"), alleges, *inter alia*, that her employment was
9 terminated in retaliation for (1) her complaints to the COMPANY about being subjected to sexual
10 harassment by defendant Adam Shuman – one of the COMPANY's high profile clients, and (2) for
11 reporting complaints by one of her subordinate employees about being subjected to sexual
12 harassment by defendant Adam Shuman, and thereafter protesting the unlawful retaliation by the
13 COMPANY against her subordinate employee. As a result of Defendants' conduct, MS. STOUT has
14 sustained substantial economic and emotional distress damages.

15

16 **JURISDICTION AND VENUE**

17 2. The Court has personal jurisdiction over the defendants because they are
18 residents of and/or doing business in the State of California.

19

20 3. Venue is proper in this county in accordance with Section 395(a) of the
21 California Code of Civil Procedure because the defendants, or some of them, reside in this county,
22 and the injuries alleged herein, or some of them, occurred in this county. Venue is further
23 appropriate in this county in accordance with Section 395(a) and Section 395.5 of the California
24 Code of Civil Procedure because defendants and PLAINTIFF contracted to perform some of their
25 obligations in this county, the contract was entered into in this county, because the liability,
26 obligation and breach occurred, at least in part, within this county, and because the principal place of
27 business of defendants, or some of them, are situated in this county. Venue is further appropriate in
28 this county in accordance with Section 12965(b) of the California Government Code because some

1 of the unlawful practices alleged by PLAINTIFF in violation of the California Fair Employment and
2 Housing Act [Cal. Gov't Code §§ 12940, et seq.] were committed in this county.

3

4 **PARTIES**

5 4. MS. STOUT is an individual who resides and, at relevant times during the
6 events alleged herein, resided in Orange County and San Bernardino County.

7

8 5. MS. STOUT is informed and believes, and thereon alleges, that defendant
9 PUREBEAUTY, INC., and DOES 1 through 50, and each of them, are, and at all times herein
10 mentioned were, corporations, unincorporated associations, partnerships or other business entities
11 qualified to do business and/or doing business in the State of California. MS. STOUT is further
12 informed and believes, and thereon alleges, that said defendants are and were, at all relevant times
13 mentioned herein, "employer[s]" within the meaning of Sections 12926(d) and 12940(j)(4)(A) of the
14 California Government Code.

15

16 6. MS. STOUT is informed and believes, and thereon alleges, that defendant
17 BRIAN PEARCE (hereinafter "PEARCE") is an individual who, at all relevant times herein
18 mentioned, was employed as the Vice President of Stores of defendant PUREBEAUTY. As such,
19 defendant PEARCE was a director, officer and/or managing agent of defendants, and each of them,
20 and held supervisory authority over MS. STOUT.

21

22 7. MS. STOUT is informed and believes, and thereon alleges, that defendant
23 ADAM SHUMAN (hereinafter "SHUMAN") is an individual who, at all relevant times herein
24 mentioned, was an independent contractor of the COMPANY and President and CEO of
25 Adamsphere, Inc.

26

27 //

28 //

1 8. The true names and capacities, whether corporate, associate, individual or
2 otherwise of defendants DOES 1 through 50, inclusive, are unknown to MS. STOUT, who therefore
3 sues said defendants by such fictitious names. Each of the defendants designated herein as a DOE is
4 negligently or otherwise legally responsible in some manner for the events and happenings herein
5 referred to and caused injuries and damages proximately thereby to MS. STOUT, as herein alleged.
6 MS. STOUT will seek leave of Court to amend this Complaint to show their names and capacities
7 when the same have been ascertained.

9 9. At all times herein mentioned, defendants, and each of them, were the
10 agents, representatives, employees, successors and/or assigns, each of the other, and at all times
11 pertinent hereto were acting within the course and scope of their authority as such agents,
12 representatives, employees, successors and/or assigns and acting on behalf of, under the authority of,
13 and subject to the control of each other.

FACTS COMMON TO ALL CAUSES OF ACTION

16 10. Defendant PUREBEAUTY is a beauty-supply retailer, offering a variety of
17 beauty supply products in its many stores throughout California and several other states. Its stores
18 also function as salons, providing hair care and skin care, together with consulting services designed
19 to assist customers in selecting products for purchase. The COMPANY's stores are spread out
20 through various regions, which the COMPANY divides into several numerical districts.

22 11. On November 20, 2002, MS. STOUT was hired by defendant PUREBEAUTY
23 as District Manager for District 7 – an area that covered seven (7) stores throughout Southern
24 California at the time MS. STOUT was hired and expanded to eight (8) stores under her leadership.

26 12. When MS. STOUT began as District Manager, District 7 was the worst
27 performing district throughout the COMPANY's history. The District never "Made Plan" (i.e., in its
28 four year history, it never reached its monthly or yearly sales goals as set by the COMPANY). In

1 fact, MS. STOUT, when she was hired, was informed that two of the seven stores in her district
2 would likely close during the next fiscal year. However, through MS. STOUT's everyday efforts and
3 management skills, the lackluster performance history of District 7 began to reverse and eventually
4 outperformed all of the other districts in sales and profitability.

5

6 13. Under the leadership of MS. STOUT, District 7 performed exceptionally well
7 for defendant PUREBEAUTY, as reflected in the COMPANY's own ranking system. By the end of
8 January, 2003, less than three months into her employment as the new District Manager, District 7
9 reached its performance targets for the first time and ranked first among the seven districts in the
10 COMPANY's month-to-date sales ranking. One year later, at the end of January, 2004, District 7
11 was ranked in first position, ahead of all the other districts, in "year-to-date sales plan" – a category
12 that measures the extent to which a District exceeded or fell short of its sales projections for the
13 entire fiscal year.

14

15 14. MS. STOUT implemented new management ideas and training methods that
16 were recognized by the COMPANY as models to be used by other District Managers. Because of
17 her achievements in her own district, MS. STOUT was asked to contribute her management and
18 training skills in other districts and invited to lead several training programs for entire staffs of team
19 members including other District Managers. MS. STOUT was commended for her management
20 skills, operations knowledge and ability to train team members and District Managers.

21

22 15. During her first year of employment, MS. STOUT was highly valued and
23 trusted by her supervisors, including the Vice President of Sales, defendant PEARCE, who spoke to,
24 and consulted with, her on a regular basis. Based on MS. STOUT's superior performance, defendant
25 PEARCE intimated that she was eligible for promotion to the position of Regional Manager. MS.
26 STOUT's achievements were also recognized by the Vice President of Human Resources, Linda
27 Erikson, who entrusted MS. STOUT with top level information and staffing decisions. Even as
28 recently as November 7, 2003, only weeks before participating in a retaliatory campaign against MS.

1 STOUT, Ms. Erikson kept MS. STOUT abreast of what were deemed "confidential" staffing
2 decisions.

3

4 16. In or around November, 2003, MS. STOUT was informed that her district
5 would be the first to sponsor a series of in-store demonstration events featuring defendant
6 SHUMAN, who, according to her supervisors, was a well-known celebrity personality in the beauty
7 supply and salon industry. The COMPANY made arrangements for defendant SHUMAN to conduct
8 in-store demonstrations of his "Superstar" flat iron – a product the COMPANY wanted to heavily
9 promote – at several COMPANY stores in all of the districts, beginning with District 7.

10

11 17. MS. STOUT is informed and believes, and thereon alleges, that the
12 COMPANY knew, or should have known, of defendant SHUMAN's propensity to engage in
13 sexually hostile, offensive and degrading behavior towards those with whom he worked and
14 otherwise came into contact. For example, when defendant SHUMAN originally met with the
15 COMPANY's corporate executives to "pitch" his product, he conducted his presentation on his
16 laptop computer. MS. STOUT is informed and believes, and thereon alleges that, during his
17 presentation, defendant SHUMAN displayed a pornographic screen-saver or image on the laptop, in
18 full view of the executives (including defendant PEARCE, CEO Brett Saevitzon and Vice President
19 of Marketing, Elaine Mac Neil).

20

21 18. Ms. Elaine Mac Neil, an executive in PUREBEAUTY's Marketing Division,
22 gave MS. STOUT verbal instructions about hosting defendant SHUMAN. MS STOUT was
23 surprised to learn that, as part of her duties in sponsoring the event, the COMPANY expected her to
24 be defendant SHUMAN's private chauffeur from the time of his arrival on November 20, 2003 until
25 the time of his departure on November 23, 2003. Ms. Mac Neil described defendant SHUMAN as
26 "very eccentric" and "expects people to cater to his every need 24 hours a day." Ms. Mac Neil also
27 instructed MS. STOUT to "treat Adam as a VIP guest and respond to his every need." Ms. Mac Neil
28 told MS. STOUT that someone should always be with him during the demonstration to help sell the

1 product because defendant SHUMAN is not good at "closing the sale." Ms. Mac Neil also gave MS.
2 STOUT a list of hair products that she said should be available at all times for defendant SHUMAN
3 for his personal use because they are the only products he uses.

4

5 19. During the course of the three day event, defendant SHUMAN sexually
6 harassed MS. STOUT and at least one other female employee by engaging in a continuous, pervasive
7 and ongoing hostile, offensive, and unwelcome course of sexually motivated conduct including, but
8 not limited to, those allegations set forth herein.

9

10 20. During the course of the three day event, defendant SHUMAN subjected
11 Jessica Harley (one of the Store Managers in MS. STOUT's district, who reported directly to MS.
12 STOUT), to an incessant pattern of sexually inappropriate, offensive and degrading conduct, which
13 created a sexually hostile environment. Ms. Harley, like MS. STOUT, had been instructed to treat
14 defendant SHUMAN as a VIP and was imbued with the responsibility to drive him from defendant
15 PUREBEAUTY's stores in Newport Beach and Irvine (where he had conducted product
16 demonstrations) back to his hotel, which was located in Irvine. Defendant SHUMAN's conduct
17 included, without limitation, the following:

18

19 (A) Defendant SHUMAN was incessantly flirtatious and sexually suggestive with
20 Ms. Harley during the in-store demonstrations;

21

22 (B) As Ms. Harley was driving defendant SHUMAN to his hotel, he continued his
23 flirtations and placed his open hand on Ms. Harley's thigh. Ms. Harley pushed
24 his hand away;

25

26 (C) When they reached his hotel, defendant SHUMAN aggressively pressured Ms.
27 Harley to come inside and have cocktails with him. Ms. Harley refused,
28 explaining that she had to wake up early the following morning for work.

1 SHUMAN, however, refused to take "no" for an answer and overbore Ms.
2 Harley's will by "reminding" her that he was to be treated like a VIP, that the
3 corporate level executives of defendant PUREBEAUTY expected her to
4 accommodate his requests, and that "corporate" would want her to have a
5 drink with him;

6

7 (D) At the hotel, defendant SHUMAN made numerous sexually provocative
8 comments about Ms. Harley's physical appearance and physique; described
9 his penchant for fetish and alternative sexual practices such as "S&M" [i.e.,
10 sado-masochism] and "whips and chains"; described his sexual encounters
11 with "20-year-olds"; described his fetish for having sexual intercourse with
12 clients on the premises of his salon (including a graphic example in which he
13 had sex with a woman on his salon chair); and described, in graphic detail, his
14 sexual indulgences (including detailed descriptions of oral sex) when he
15 attended parties at the Playboy Mansion in Beverly Hills;

16

17 (E) While at the hotel, defendant SHUMAN moved uncomfortably close to Ms.
18 Harley and began touching her hands and legs. He then began pressuring her
19 to come to his hotel room and have sex with him, telling her that she should
20 submit to his desires because he sells a lot of flat irons and makes a lot of
21 money for the COMPANY. Ms. Harley, offended and humiliated by
22 SHUMAN's conduct, left the hotel.

23

24 (F) The next day, defendant SHUMAN approached Ms. Harley from behind,
25 grabbed her, and forcibly kissed her face.

26

27 21. On or about November 20, 2003, Ms. Harley telephoned MS. STOUT and, for
28 approximately forty-five (45) minutes, complained about the sexually harassing conduct to which she

1 had been subjected by defendant SHUMAN. In addition to describing the conduct, Ms. Harley, in a
2 state of extreme distress, stated that she was frightened to be near defendant SHUMAN and that she
3 would "not be alone with that man."

4

5 22. During the course of the three day event, defendant SHUMAN subjected MS.
6 STOUT to an incessant pattern of sexually inappropriate, offensive and degrading conduct, which
7 created a sexually hostile environment. As with Ms. Harley, MS. STOUT was also instructed to
8 drive defendant SHUMAN back and forth between the stores and his hotel in Irvine and to treat him
9 like a "VIP." Defendant SHUMAN's conduct included, without limitation, the following:

10

- 11 (A) Defendant SHUMAN described, in explicit detail, his sexual indulgences
12 when he attended parties at the Playboy Mansion in Los Angeles;
- 13
- 14 (B) Defendant SHUMAN told MS. STOUT of his penchant for fetish and
15 alternative sexual practices such as "S&M" [i.e., sado-masochism];
- 16
- 17 (C) Defendant SHUMAN stated that "There are tons of women that want to suck
18 my dick";
- 19
- 20 (D) Defendant SHUMAN stated that "Women with big fake tits want to suck my
21 dick";
- 22
- 23 (E) Defendant SHUMAN stated that "It's a privilege to suck my dick";
- 24
- 25 (F) Defendant SHUMAN stated that "I don't just let anyone suck my dick";
- 26
- 27 (G) Defendant SHUMAN stated that "Sucking my dick would only be done on my
28 terms";

1 (H) Defendant SHUMAN stated that "I like to have my dick touched";
2

3 (I) Defendant SHUMAN yelled profanities at individuals with whom he was
4 speaking on his cellular phone and made derogatory comments about hair
5 stylists.

6
7 23. MS. STOUT was embarrassed, frightened, humiliated and intimidated by
8 defendant SHUMAN's conduct. MS. STOUT did not engage in, or respond to, defendant
9 SHUMAN's sexually explicit conversation.

10
11 24. During the three day event, defendant SHUMAN also offended numerous
12 customers because of his rude and aggressive behavior. He was overtly angry at the staff and
13 customers, even during the demonstrations. One of the stores received three customer complaints
14 about defendant SHUMAN in one day. One of the store managers informed MS. STOUT that
15 defendant SHUMAN was too aggressive for some of the customers.

16
17 25. Between November 20th and November 23rd, 2004, MS. STOUT lodged a
18 series of complaints about defendant SHUMAN's sexually harassing, intimidating and offensive
19 conduct with several COMPANY executives, including, without limitation, (a) defendant PEARCE;
20 (b) Vice President of Human Resources, Linda Erikson; (c) Vice President of Marketing, Elaine Mac
21 Neil; and (d) CEO Brett Saevitzon. Among other things, she complained about the following:

22
23 (A) She complained about defendant SHUMAN's sexually harassing, intimidating
24 and offensive conduct to which she had been subjected;

25
26 (B) She complained about and reported defendant SHUMAN's sexually harassing,
27 intimidating and offensive conduct to which Ms. Harley had been subjected;

1 (C) She complained that defendant SHUMAN had been offensive to customers;

2

3 (D) She complained that her female employees did not want to be around

4 defendant SHUMAN;

5

6 (E) She complained that, as a District Manager who had been ordered to chauffeur

7 defendant SHUMAN around, she was outraged and offended by his behavior;

8

9 (F) She complained that defendant SHUMAN's conduct was too aggressive of a

10 behavior to be around her staff; and

11

12 (G) She complained that she was concerned about her own safety while in the

13 presence of defendant SHUMAN.

14

15 26. In her complaints to the COMPANY about defendant SHUMAN, MS.

16 STOUT also made the following requests: (a) that she no longer be required to work with defendant

17 SHUMAN, either during the remainder of the three-day event or in the future; (b) that the

18 COMPANY find some other means of transportation for defendant SHUMAN; (c) that, in light of

19 defendant SHUMAN's conduct, it was not appropriate to ask her or any of her female employees to

20 be alone with defendant SHUMAN in the car; and (d) to please respond as soon as possible.

21

22 27. Despite her repeated complaints, MS. STOUT is informed and believes, and

23 thereon alleges, that no one at the COMPANY took any immediate or appropriate corrective action

24 to protect MS. STOUT or any of the other female employees or to ensure that defendant SHUMAN

25 cease his sexually harassing, intimidating and offensive conduct.

26

27 28. To the contrary, defendant PEARCE and Vice President of Marketing, Elaine

28 Mac Neil, insisted that MS. STOUT continue to drive defendant SHUMAN until they found another

1 means of transportation. CEO Brett Saevitzon, in an attempt to excuse defendant SHUMAN's
2 conduct, told MS. STOUT that defendant SHUMAN "must not have taken his medication," and "I
3 know him really well, he'll be fine."

4

5 29. After the COMPANY failed to excuse MS. STOUT from serving as defendant
6 SHUMAN's driver, defendant SHUMAN continued to make unwelcome, aggressive sexual
7 advances when MS. STOUT escorted him back to his hotel. Among other things, while shaking MS.
8 STOUT's hand (in what MS. STOUT clearly intended to be no more than a customary, professional
9 handshake), he used his strength to draw her close to him, hugged her for an extended period of time,
10 and forcibly kissed her on the mouth. MS. STOUT stepped backwards and walked away, feeling
11 embarrassed, humiliated and intimidated.

12

13 30. Despite MS. STOUT's complaints and requests that she not be required to
14 work with defendant SHUMAN again, defendant PUREBEAUTY, making a business decision that
15 profiteering from defendant SHUMAN's celebrity status was more valuable than the protection of
16 MS. STOUT and the COMPANY's other female employees, scheduled another visit by defendant
17 SHUMAN to MS. STOUT's District in February, 2004.

18

19 31. In or around February, 2004, promptly after being informed that defendant
20 SHUMAN would be visiting her District again, MS. STOUT lodged another verbal complaint with
21 defendant PEARCE that defendant SHUMAN had engaged in sexually inappropriate conduct toward
22 her during his prior visit, and protested the COMPANY's decision to invite defendant SHUMAN
23 back to her District. In response, defendant PEARCE became angry and told MS. STOUT that
24 "Adam is coming and that is that."

25

26 32. In February, 2004, Ms. Mac Neil's assistant in the COMPANY's Marketing
27 Division contacted MS. STOUT to inquire about arrangements for defendant SHUMAN. MS.
28 STOUT said that she would not be attending the event because of a prior bad experience with

1 defendant SHUMAN. Ms. Mac Neil's assistant, apparently expressing the sentiments of her
2 supervisor and the other executives who knew about Ms. STOUT's complaints, laughed and told
3 MS. STOUT, in a sarcastic manner, that she had "heard the story" and that "Adam's behavior was
4 not a big deal." She also said, "That's how he is – his personality is different." Other than expect
5 MS. STOUT to host the event again, no one at the COMPANY made any effort, whatsoever, to
6 investigate her complaints, to address her concerns, to discuss the parameters of what was expected
7 of her, or notify her of any action taken to ensure that defendant SHUMAN would not harass her. To
8 the contrary, the COMPANY still expected MS. STOUT to continue to "treat Adam as a VIP guest
9 and respond to his every need." MS. STOUT, humiliated, intimidated and concerned by defendant
10 PUREBEAUTY's abject failure to protect her from further harassment by defendant SHUMAN,
11 refused to attend the event.

12

13 33. Following MS. STOUT's complaints about defendant SHUMAN in
14 November 2003 and in February 2004, the COMPANY's demeanor toward, and treatment of, MS
15 STOUT suddenly and markedly changed. She was thereafter subjected to a campaign of harassment
16 and unjust criticism. MS. STOUT is informed and believes, and thereon alleges, that the
17 COMPANY, in retaliation for her complaints about defendant SHUMAN's conduct toward her and
18 Ms. Harley, intentionally created intolerable working conditions and attempted to fabricate a false
19 record of alleged performance deficiencies in an effort to either force MS. STOUT to resign or to use
20 as a pretextual basis for terminating her employment. Among other things, MS. STOUT was no
21 longer treated as the noteworthy and successful District Manager who turned around a failing district,
22 implemented novel management ideas, and whose training methods were held out by the
23 COMPANY as a model plan. Instead, she was closely monitored by the COMPANY and treated
24 with scorn and derision. The COMPANY's treatment of MS. STOUT, included, among other
25 things, the following: (a) MS. STOUT's direct supervisor, defendant PEARCE, stopped his practice
26 of consulting with her on a regular basis and began ignoring her telephone calls; (b) When defendant
27 PEARCE did speak to MS. STOUT, he exhibited disdain and spoke with an overtly angry tone and
28 demeanor; (c) Defendant PEARCE began assigning MS. STOUT simple and tedious tasks,

1 COMPANY take immediate and appropriate action to correct its wrongful and retaliatory treatment
2 of Ms. Harley. Defendant PEARCE responded by saying that "we would accept her resignation" and
3 that "I have made up my mind." MS. STOUT protested defendant PEARCE's position and refused
4 to participate in any action that facilitated Ms. Harley's discharge, whether by actual or constructive
5 termination. MS. STOUT is informed and believes, and thereon alleges, that defendant
6 PUREBEAUTY terminated Ms. Harley's employment and/or forced her to resign. MS. STOUT is
7 informed and believes, and thereon alleges, that, despite her protests and refusal to participate,
8 defendant PUREBEAUTY unlawfully retaliated against Ms. Harley because she complained about
9 being subject to sexual harassment by defendant SHUMAN.

10

11 36. On March 24, 2004 – just one month after MS. STOUT's most recent
12 complaints to defendant PEARCE, just three months after opposing what she believed to be unlawful
13 retaliation against Ms. Harley, and just four months after her initial complaints about defendant
14 SHUMAN – defendant PUREBEAUTY terminated MS. STOUT's employment. The COMPANY's
15 efforts to justify MS. STOUT's termination were transparently pretextual. In fact, MS. STOUT --
16 who had been the most successful District Manager in her district's history and had set numerous
17 records – was terminated in retaliation for complaining about sexual harassment and for protesting
18 the sexual harassment and unlawful retaliation to which another employee, Jessica Harley, had been
19 subjected.

20

21 37. Prior to the filing of this actions, MS. STOUT filed a complaint with the
22 Department of Fair Employment and Housing ("DFEH") alleging that the acts of defendants, and
23 each of them, established a violation of the Fair Employment and Housing Act, Government Code
24 Section 12900 et. seq., and has received the requisite right to sue letters.

25

26 38. MS. STOUT has been generally damaged in an amount within the
27 jurisdictional limits of this Court.

28

FIRST CAUSE OF ACTION

SEXUAL/GENDER HARASSMENT AND DISCRIMINATION

(Cal. Gov't Code § 12940)

(Against All Defendants)

39. MS. STOUT realleges and incorporates by reference paragraphs 4 through 38, as though set forth in full.

9 40. In perpetrating the above-described actions, the defendants, and each of them,
10 including DOES 1 through 50 and/or their agents and employees, subjected MS. STOUT to unlawful
11 sexual harassment in violation of California Government Code Section 12940 et seq. Defendants,
12 their agents, and supervisors, including, without limitation, defendant PEARCE, knew, or should
13 have known of the unlawful sexual harassment and failed to take immediate and appropriate
14 corrective action and otherwise failed to abide by their statutory duty to take all reasonable steps to
15 prevent harassment from occurring. The harassment was sufficiently pervasive and severe as to alter
16 the conditions of MS. STOUT's employment and to create a hostile, intimidating and/or abusive
17 work environment.

19 41. By the aforesaid acts and omissions of defendants, and each of them, MS.
20 STOUT has been directly and legally caused to suffer actual damages including, but not limited to,
21 loss of earnings and future earning capacity, attorneys' fees, costs of suit and other pecuniary loss not
22 presently ascertained.

24 42. As a further direct and legal result of the acts and conduct of defendants, and
25 each of them, as aforesaid, MS. STOUT has been caused to and did suffer and continues to suffer
26 severe emotional and mental distress, anguish, humiliation, embarrassment, fright, shock, pain,
27 discomfort, anxiety, physical pain and suffering. The exact nature and extent of said injuries is
28 presently unknown to MS. STOUT. MS. STOUT does not know at this time the exact duration or

1 permanence of said injuries, but is informed and believes and thereon alleges that some if not all of
2 the injuries are reasonably certain to be permanent in character.

3

4 43. MS. STOUT is informed and believes, and thereon alleges, that the
5 defendants, and each of them, by engaging in the aforementioned acts and/or in authorizing and/or
6 ratifying such acts, engaged in wilful, malicious, intentional, oppressive and despicable conduct, and
7 acted with wilful and conscious disregard of the rights, welfare and safety of MS. STOUT, thereby
8 justifying the award of punitive and exemplary damages in an amount to be determined at trial.

9

10 44. As a result of defendants' acts and conduct, as alleged herein, MS. STOUT is
11 entitled to reasonable attorneys' fees and costs of suit as provided in Section 12965(b) of the
12 California Government Code.

13

14 **SECOND CAUSE OF ACTION**

15 **RETALIATION FOR OPPOSING UNLAWFUL
16 EMPLOYMENT PRACTICES PURSUANT TO FEHA**

17 (Cal. Gov't Code § 12940(h))

18 (Against defendants PUREBEAUTY, PEARCE, and DOES 1 through 50))

19

20 45. MS. STOUT realleges and incorporates by reference paragraphs 4 through 38,
21 and 40 as though set forth in full.

22

23 46. As alleged herein and in violation of California Government Code §
24 12940(h), defendants, and each of them, discharged and otherwise discriminated against MS.
25 STOUT because she opposed practices forbidden by California Government Code §12940 et. seq.,
26 including, inter alia, the following: (a) Complaining that she had been sexually harassed by
27 defendant SHUMAN, and otherwise opposing the sexual harassment to which she was subjected to,
28 (b) Reporting and otherwise opposing the sexual harassment of one of her subordinate employees,

THIRD CAUSE OF ACTION

WRONGFUL DISCHARGE AND OTHER ADVERSE EMPLOYMENT ACTIONS IN VIOLATION OF PUBLIC POLICY

(Against defendants PUREBEAUTY, PEARCE, and DOES 1 through 50))

51. MS. STOUT realleges and incorporates by reference paragraphs, 4 through 38, 40, and 46, as though set forth in full.

9 52. As alleged herein, and in violation of public policy, defendants
10 PUREBEAUTY, PEARCE and DOES 1 through 50, and each of them, discharged MS. STOUT
11 from her employment because she opposed the sexual harassment and discrimination to which she
12 and one of her subordinate employees were subjected, and because she protested, refused to
13 participate in, and otherwise opposed the unlawful, retaliatory discharge of her subordinate
14 employee. By terminating MS. STOUT's employment with defendant PUREBEAUTY, Defendants
15 violated the fundamental public policies of the State of California, as embodied in Sections 12940 et
16 seq. of the California Government Code, and other California statutes. Such fundamental public
17 policies prohibit employers from, inter alia, taking adverse employment actions against an employee
18 for opposing unlawful practices such as sexual harassment.

20 53. By the aforesaid acts and omissions of defendants, and each of them, MS.
21 STOUT has been directly and legally caused to suffer actual damages including, but not limited to,
22 loss of earnings and future earning capacity, attorneys' fees, costs of suit and other pecuniary loss not
23 presently ascertained.

25 54. As a further direct and legal result of the acts and conduct of defendants, and
26 each of them, as aforesaid, MS. STOUT has been caused to and did suffer and continues to suffer
27 severe emotional and mental distress, anguish, humiliation, embarrassment, fright, shock, pain,
28 discomfort, anxiety, physical pain and suffering. The exact nature and extent of said injuries is

1 presently unknown to MS. STOUT. MS. STOUT does not know at this time the exact duration or
2 permanence of said injuries, but is informed and believes and thereon alleges that some if not all of
3 the injuries are reasonably certain to be permanent in character.

4

5 55. MS. STOUT is informed and believes, and thereon alleges, that the
6 defendants, and each of them, by engaging in the aforementioned acts and/or in authorizing and/or
7 ratifying such acts, engaged in wilful, malicious, intentional, oppressive and despicable conduct, and
8 acted with wilful and conscious disregard of the rights, welfare and safety of MS. STOUT, thereby
9 justifying the award of punitive and exemplary damages in an amount to be determined at trial.

10

11 56. As a result of defendants' conduct as alleged herein, MS. STOUT is entitled to
12 reasonable attorneys' fees and costs of suit as provided in Section 1021.5 of the California Civil
13 Procedure Code.

14

15 **FOURTH CAUSE OF ACTION**

16 **INTENTIONAL INFILCTION OF EMOTIONAL DISTRESS**

17 (Against all Defendants)

18

19 57. MS. STOUT realleges and incorporates by reference paragraphs, 4 through 38,
20 40, 46, and 52, as though set forth in full.

21

22 58. Defendants' conduct as described above was extreme and outrageous and was
23 done with the intent of causing MS. STOUT to suffer emotional distress or with reckless disregard as
24 to whether their conduct would cause her to suffer such distress.

25

26 59. By the aforesaid acts and omissions of defendants, as aforesaid, MS. STOUT
27 has been caused to and did suffer and continues to suffer severe emotional and mental distress,
28 anguish, humiliation, embarrassment, fright, shock, pain, discomfort, anxiety, physical pain and

1 suffering. MS. STOUT does not know at this time the exact duration or permanence of said injuries,
2 but is informed and believes and thereon alleges that some if not all of the injuries are reasonably
3 certain to be permanent in character.

4

5 60. MS. STOUT is informed and believes, and thereon alleges, that the
6 defendants, and each of them, by engaging in the aforementioned acts and/or in authorizing and/or
7 ratifying such acts, engaged in wilful, malicious, intentional, oppressive and despicable conduct, and
8 acted with wilful and conscious disregard of the rights, welfare and safety of MS. STOUT, thereby
9 justifying the award of punitive and exemplary damages in an amount to be determined at trial.

10

11

FIFTH CAUSE OF ACTION

12

NEGLIGENT INFILCTION OF EMOTIONAL DISTRESS

13

(Against All Defendants)

14

15

61. MS. STOUT realleges and incorporates by reference paragraphs, 4 through 38,
16 40, 46, 52, and 58, as though set forth in full.

17

18

62. In the alternative, defendants' conduct, as alleged above, was done in a
19 careless or negligent manner, without consideration for the effect of such conduct upon MS.
20 STOUT's emotional well-being.

21

22

63. By the aforesaid acts and omissions of defendants, and each of them, MS.
23 STOUT has been caused to and did suffer and continues to suffer severe emotional and mental
24 distress, anguish, humiliation, embarrassment, fright, shock, pain, discomfort, anxiety, physical pain
25 and suffering. MS. STOUT does not know at this time the exact duration or permanence of said
26 injuries, but is informed and believes and thereon alleges that some if not all of the injuries are
27 reasonably certain to be permanent in character.

28

PRAYER FOR RELIEF

WHEREFORE, PLAINTIFF prays for judgment against defendants, and each of them, as follows:

1. General damages in an amount to be proved at trial;
2. Special damages in an amount to be proved at trial;
3. Punitive damages in an amount appropriate to punish defendants and to make an example of Defendant to the community;
4. Reasonable attorneys' fees;
5. Costs of suit;
6. Interest;
7. For such other relief as the Court deems proper.

DATED: November 21, 2005

HELMER • FRIEDMAN, LLP
Gregory D. Helmer
Andrew H. Friedman, P.C.

By: 
Kenneth A. Helmer
Attorneys for Plaintiff
STACEY STOUT

PLAINTIFF'S DEMAND FOR JURY TRIAL

Plaintiff STACEY STOUT hereby demands a trial by jury.

DATED: November 21, 2005

HELMER • FRIEDMAN, LLP
Gregory D. Helmer
Andrew H. Friedman, P.C.

By: K/AH
Kenneth A. Helmer
Attorneys for Plaintiff
STACEY STOUT