

1 JONATHAN J. DELSHAD, Bar No. 246176
2 LAW OFFICES OF JONATHAN J. DELSHAD, PC.
3 1663 Sawtelle Blvd., Suite 220
4 Los Angeles, CA 90025
5 Telephone: 424.255.8376
6 Fax: 424.256.7899
7 E-mail: jdelshad@delshadlegal.com
8 Attorney for Plaintiff TANZANICA KING

9 **SUPERIOR COURT OF CALIFORNIA**

10 **COUNTY OF LOS ANGELES, UNLIMITED JURISDICTION**

11 TANZANICA KING, an individual,

12 Plaintiff,

13 vs.

14 INTERNET CORPORATION FOR
15 ASSIGNED NAMES AND NUMBERS, a
16 Corporation; NICK TOMASSO, an individual;
17 ALLISON MICHAEL, an individual, and
18 DOES 1-50, inclusive.

19 Defendants.

LASC Case No.

DEMAND FOR JURY TRIAL

COMPLAINT FOR:

1. Quid Pro Quo Sex Harassment-
Violation of FEHA, Cal Gov C §§
12940 et seq.;
2. Hostile Work Environment Harassment
in Violation Of Cal. Gov. Code §§
12923, 12940(j)(1)
3. Failure to Prevent Harassment,
Discrimination, Or Retaliation In
Violation Of Cal. Gov. Code § 12940(k)
4. Gender Violence in Violation Of The
Ralph Act Cal Civ. Code § 51.7
5. Workplace Gender Violence in
Violation Of Cal Civ. Code § 52.4
6. Violation of The Bane Act In Violation
Of Cal Civ. Code § 52.1
7. Negligent Hiring, Supervision, Or
Retention of An Employee
8. Intentional Infliction of Emotional
Distress
9. Wrongful Termination in Violation Of
Public Policy
10. Retaliation
11. Violation of Cal. Labor Code § 232.5.
12. Violation of Cal. Labor Code § 1102.5
13. Gender Discrimination in Violation Of
Cal. Gov. Code § 12940(a)
14. Defamation

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I. INTRODUCTION

1. For over a decade, The Internet Corporation for Assigned Names and Numbers (“ICANN” or “Defendant”) has relied on diversity studies, surveys, annual, regional, and CEO reports to promote itself as an equal opportunity employer. ICANN’s website states, “ICANN’s work culture energizes all of us. It’s not something we simply write and talk about; it is something we feel...creating and sustaining a positive work culture is a critical part of our success.”¹

2. In fact, the reality is that policy makers and board members at ICANN have knowingly continued to treat its female employees as second-class citizens. ICANN continues to knowingly subject its female employees to a frat boy culture, in which women are paid less than male counterparts and are subjected to a larger, enveloping culture of rampant harassment which is routinely ignored. Females report widespread pay and promotion discrimination and sexual harassment to ICANN every year via surveys, studies, reports to superiors, and to HR but nothing changes. ICANN’s own ombudsman previously blasted the ICANN board of directors for allowing such a culture, but ICANN continues to gaslight women with superficial efforts and fluffy words meant to maintain the discriminatory status quo.

3. Plaintiff Tanzanica King is ICANN’s second longest tenured employee with a stellar 22-year history. In exchange for her dedication, she has been subjected to the frat boy culture, having been repeatedly passed over for promotions, paid lower salaries than male colleagues, sexually harassed, and then wrongfully terminated for blowing the whistle. For all its poetic waxing of gender equality, ICANN is a rotted apple veiled by a thin shiny veneer.

4. Specifically, upon knowledge and upon information and belief, Plaintiff alleges:

II. PARTIES

5. Plaintiff TANZANICA KING (hereinafter “Plaintiff” or “Ms. King”) is, and at all relevant times mentioned herein was, an individual over the age of eighteen (18) who lived in the county of Los Angeles.

6. Defendant INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS (hereinafter “Defendant” or “ICANN”) is a California corporation which was incorporated in the state of California on September 30, 1998. ICANN’s headquarters were

1 initially located at 4676 Admiralty Way, Suite 330, Marina Del Rey, California, 90292-6601 and
2 relocated to its current location, 12025 Waterfront Dr., Suite 300, Los Angeles, CA 90094.

3 7. On information and belief, Defendant NICK TOMASSO (hereinafter “Nick Tomasso”
4 or Mr. Tomasso”) is an individual who resides in the State of New Jersey. Incidents of the sexual
5 harassment that Mr. Tomasso perpetrated upon Plaintiff King occurred in the city of Los Angeles,
6 including as recently as February of 2023.

7 8. On information and belief, Defendant ALLISON MICHAEL (hereinafter “Allison
8 Michael” or Ms. Michael”) is an individual who resides in the State of California. Incidents of
9 defamation committed by Ms. Michael against Plaintiff King occurred in the County of Los
10 Angeles.

11 9. Defendant INTERNET CORPORATION FOR ASSIGNED NAMES AND
12 NUMBERS and Defendant NICK TOMASSO are hereinafter jointly referred to as Defendants.

13 10. DOES 1 through 50, inclusive, are, and/or at all times mentioned in this Complaint
14 were licensed to do business and/or actually doing business in the State of California.

15 11. Plaintiff does not know the true names or capacities, whether individual, partner or
16 corporate, relationships, and extent of participation in the conduct alleged herein, of DOES 1
17 through 50, inclusive, but is informed and believes and thereon alleges that said defendants are
18 legally responsible for the wrongful conduct alleged herein, and for that reason, DOES 1 through
19 50 are sued under such fictitious names pursuant to California Code of Civil Procedure (“CCP”)
20 §474.

21 12. Plaintiff will amend this Complaint to allege the true names and capacities of the Doe
22 defendants when ascertained.

23 13. Defendants, and each of them, are now and/or at all times mentioned in this Complaint
24 were in some manner legally responsible for the events, happenings and circumstances alleged in
25 this Complaint.

26 14. Defendants, and each of them, subjected Plaintiff to the unlawful practices, wrongs,
27 complaints, injuries and/or damages alleged in this Complaint.

28 15. Defendants, and each of them, are now and/or at all times mentioned in this Complaint

1 were the agents, employees, managing agents, supervisors, coconspirators, masters, servants,
2 parent corporation, operating subsidiaries, fiduciaries, representatives, dual employers, joint
3 employers, alter ego, and/or joint ventures of each of the remaining Defendants. The Defendants,
4 and each of them, in doing the things alleged herein, were acting within the course and scope of
5 such relationships with the authority, permission, consent, approval, control, influence, or
6 ratification of each of the remaining Defendants.

7 16. Defendants, and each of them, are now and/or at all times mentioned in this Complaint
8 were members of and/or engaged in a joint venture, partnership and common enterprise and were
9 acting within the course and scope of, and in pursuance of said joint venture, partnership and
10 common enterprise.

11 17. Whenever and wherever reference is made in this Complaint to any act or failure to
12 act by a Defendant, such allegations and references shall also be deemed to mean the acts and/or
13 failures to act by each Defendant acting individually, jointly and severally.

14 18. Plaintiff is informed and believes, and based thereon alleges, that all Defendants sued
15 herein, including those parties designated as DOES, acted in concert with, participated in, aided
16 and abetted, compelled, coerced, concurred, and/or contributed to the various acts and omissions
17 of each and every one of the other Defendants in proximately causing the complaints, injuries,
18 and/or damages alleged in this Complaint.

19 19. Plaintiff is informed and believes, and based thereon alleges that Defendants, and each
20 of them, were Plaintiff's joint employers, or dual employers, at all times relevant hereto.

21 20. Plaintiff is further informed and believes, and based thereon alleges, that at all relevant
22 times hereinafter mentioned, the acts and omissions complained of herein were approved of,
23 authorized, condoned, and/or ratified by each and every one of the acts and/or omissions alleged
24 in this Complaint.

25 **III. VENUE AND JURISDICTION**

26 21. 16. This Court has jurisdiction over this matter because ICANN headquarters are
27 within the county of Los Angeles within the state of California. ICANN is licensed to conduct
28 business in California, regularly conducts business in California, and committed and continues to

1 commit the unlawful acts alleged herein within the county of Los Angeles within the state of
2 California.

3 22. Venue in this Court is proper pursuant to Cal. Code Civ. Proc. § 395 because
4 Defendant has its principal place of business in this judicial district and a substantial number of
5 the actions alleged herein occurred within this district. Venue is also proper in this judicial district
6 because Defendant is a California corporation.

7 **IV. FACTUAL ALLEGATIONS**

8 **Tanzanica King’s Stellar 22-Year Performance at ICANN**

9 23. Tanzanica King is ICANN’s second longest tenured employee with a stellar 22-year
10 history.

11 24. Ms. King has earned promotions at ICANN. However, Ms. King’s promotions were
12 delayed, not as consistent, and she was paid less for similar work or higher-level work.

13 25. Ms. King has never received a write-up.

14 26. The following are all of Ms. King’s appraisal scores:

15	5/8/09	100/100 Appraisal Score as Communications and Publications Manager
16	7/8/09	100/100 Appraisal Score as Communications and Publications Manager
17	4/5/10	98/100 Appraisal Score as Communications and Publications Manager
18	8/10/10	95/100 Appraisal Score as Information and Design Manager
19	5/16/11	98/100 Appraisal Score as Information and Design Manager
20	8/17/11	94/100 Appraisal Score as Information and Design Manager
21	5/16/12	95/100 Appraisal Score as Information and Design Manager
22	8/7/12	93/100 Appraisal Score as Information and Design Manager
23	5/27/13	90/100 Appraisal Score as Information and Design Manager
24	8/12/13	101/100 Appraisal Score as Information and Design Manager
25	11/29/13	115/100 Appraisal Score as Information and Design Manager
26	3/25/14	131/100 Appraisal Score as Information and Design Manager
27	6/23/14	131/100 Appraisal Score as Information and Design Manager
28	12/22/15	At Risk Performance Score of 121%
	6/22/16	At Risk Performance Score of 107%
	12/21/16	At Risk Performance Score of 104%
	6/21/17	At Risk Performance Score of 101%
	12/13/17	At Risk Performance Score of 102%
	6/13/18	At Risk Performance Score of 104%
	6/13/19	At Risk Performance Score of 104%
	12/16/19	At Risk Performance Score of 107%
	6/16/20	At Risk Performance Score of 106%
	12/16/20	At Risk Performance Score of 103%
	6/17/21	At Risk Performance Score of 102%
	12/16/21	At Risk Performance Score of 105%
	6/16/22	At Risk Performance Score of 106%
	12/12/22	At Risk Performance Score of 106%

1 **Tanzanica King is Sexually Harassed by a Coworker and ICANN Ignores the Complaint.**

2 27. During a 2006 ICANN conference, Ms. King and coworkers, including ICANN
3 network engineer Mehmet Akcin, had a group dinner and returned to their hotel. Mr. Akcin asked
4 Ms. King to go to his room with him. Ms. King declined and walked away but Mr. Akcin followed
5 her to her room. Once Ms. King was inside her room, Mr. Akcin called and persisted to tell her
6 to come to his room. Ms. King ended the conversation and went to bed.

7 28. As a result, Mr. Akcin retaliated against Ms. King and told his team to not give Ms.
8 King any assistance. A member of Mr. Akcin’s team made a complaint about Mr. Akcin’s
9 instruction to legal. Ms. King met with General Counsel John Jeffrey and Senior Counsel Amy
10 Stathos. They told Ms. King that Mr. Akcin’s actions were inappropriate.

11 29. Rather than take appropriate actions, General Counsel John Jeffrey and Senior
12 Counsel Amy Stathos also victim blamed Ms. King, telling her that she is a very friendly person
13 and that she needs to be careful that people do not get the wrong idea. They assured Ms. King
14 that they would speak with Mr. Akcin and follow up with Ms. King after doing so. Nobody
15 followed up with Ms. King again about the harassment. Instead, ICANN promoted Mr. Akcin, an
16 8-month employee, to Chief Engineer, IT Operations. ICANN attorneys General Counsel John
17 Jeffrey and Senior Counsel Amy Stathos turned a blind eye to Mr. Akcin’s actions and failed to
18 report it to the Board of Directors.

19
20 **Tanzanica King is Sexually Harassed by Supervisor Nick Tomasso.**

21 30. In 2008, Nick Tomasso joined ICANN as General Manager for Meetings and
22 Conferences. Ms. King reported to Mr. Tomasso.

23 31. In March of 2017, the team of Mr. Tomasso, since promoted to VP of Global Meeting
24 Operations, attended ICANN58 in Denmark. During group meals, Mr. Tomasso would sit next to
25 Ms. King, try to hold her hand, and grope her legs underneath the table. Mr. Tomasso also
26 repeatedly tried to grab her hand when they would be walking in hallways, streets, and in taxis to
27 and from locations. When Ms. King tried to sit elsewhere, he would follow her and make others
28 switch chairs so he could continue to grope her. Ms. King reached out to several coworkers about

1 Ms. Tomasso’s unwanted gropes. On one occasion, an inebriated Mr. Tomasso wrapped his arms
2 around Ms. King and told her, among other things, that she was his type of woman, that he loved
3 women with big breasts, and that he loves Ms. King’s breasts. While repeatedly putting his hands
4 on Ms. King’s thighs, Mr. Tomasso told Ms. King she should stay with him during a Florida
5 vacation.

6 32. On June 28, 2018, coworker Josh Baulch reported to Gina Villavicencio, SVP, Human
7 Resources that he witnessed inappropriate sexual behavior from Nick Tomasso that needed to be
8 investigated. Not one person reached out to ask Ms. King about the reported sexual harassment
9 and nothing was done. ICANN gave Mr. Tomasso free reign to victimize Ms. King, which he
10 continued to do. Among other things, Mr. Tomasso repeatedly showed Ms. King, and others,
11 photos of women on dating apps and made sexual comments, such as “look at tits on this one.”

12 33. In October 2022, at an ICANN Cancun trip, Mr. Tomasso pointed out Ms. King to
13 another employee while at the beach and told him to look at her breasts. Ms. King walked away
14 ashamed and embarrassed.

15 34. At a February 2023 ICANN gala, Ms. King asked Mr. Tomasso if she and her female
16 coworkers could use his larger suite to change. In front of several employees Mr. Tomasso
17 responded that she could use his room if he could stay and watch her change. Other employees
18 made a formal complaint to HR. Later, finding it funny, Mr. Tomasso relayed the exchange to
19 another employee.

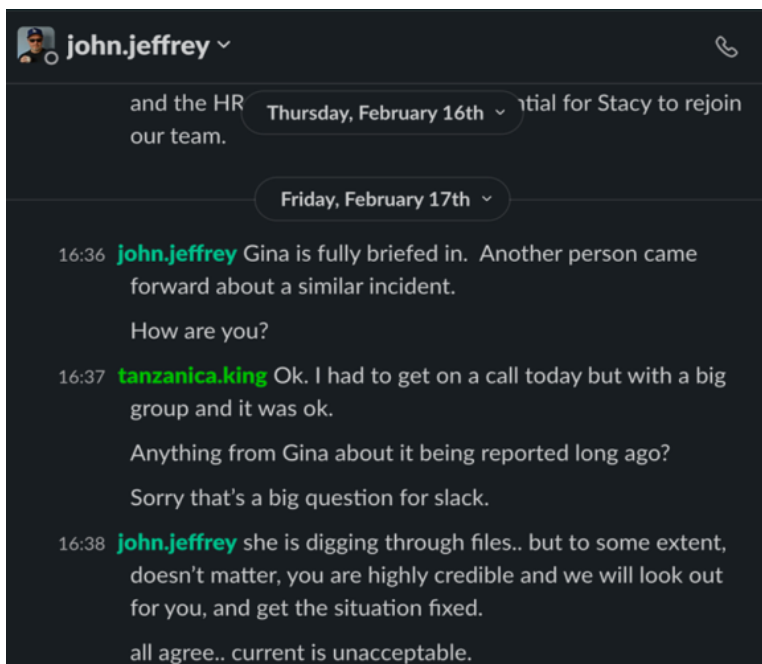
20
21 **The ICANN Executive Team Hides the True Nature of the Sexual Harassment from the**
22 **Board**

23 35. Shortly after the 2023 gala, Ms. King told ICANN General Counsel & Secretary, John
24 Jeffrey, about Mr. Tomasso’s comment and dove into many other instances of harassment and
25 discrimination that she experienced, including the 2018 report submitted by coworker Josh
26 Baulch, on her behalf.

27 36. In a follow up meeting with Mr. Jeffrey and Ms. Costerton, who was then Mr.
28 Tomasso’s manager and currently Sr. Advisor to President and SVP, Global Stakeholder

1 Engagement & Interim President and CEO, Ms. Costerton admitted that the warning signs were
2 evident, and she should have been aware of Mr. Tomasso’s behavior. Ms. Costerton also
3 acknowledged that Ms. King had been seeking her help multiple times since 2016.

4 37. Mr. Jeffrey then shared that he had dealt with 50+ similar cases of sexual harassment
5 at ICANN. Thereafter, Mr. Jeffrey told Ms. King that another employee also complained about
6 harassment from Mr. Tomasso years earlier. Mr. Jeffrey also told Ms. King that Ms. King would
7 not need additional interviews about the allegations because **“you are very credible”** and the
8 **“current [situation] is unacceptable.”**



19
20 38. Around February 22, 2023, ICANN fired Mr. Tomasso.

21 39. The next day, it was announced that Ms. King would begin to report directly to Gina
22 Villavicencio, SVP of Human Resources – the same individual who chose not to investigate the
23 prior complaints of harassment. Instead of reprimanding or firing Ms. Villavicencio, ICANN
24 placed her in a position to intimidate Ms. King and to hold her job security over her head.

25 40. After Mr. Tomasso was fired, Ms. Costerton disregarded Ms. King’s privacy and well-
26 being by openly sharing details with the entire executive team. This information then spread
27 throughout the ICANN staff and community. When Ms. King confronted Ms. Costerton about
28 the increased scrutiny and questions from others, Ms. Costerton admitted to sharing details of the

1 harassment, and half-heartedly apologized while claiming she had to report to the team.

2 41. Consistent with its track record, ICANN then double downed on its failures and
3 shortcomings. Rather than take responsibility for the damage, ICANN hired an investigator with
4 whom its internal Senior Counsel had a pre-existing relationship to sweep the allegations under
5 the rug, hide the facts from the Board of Directors and the Community members and build itself
6 a defense which resulted in more victim blaming.

7 42. On or around May 11, 2023, ICANN paid Allison Michael to “investigate” Ms. King’s
8 complaints. Senior Counsel Amy Stathos, who was assigned as the staff coordinator for the
9 investigation, already had a long pre-existing history with investigator Ms. Michael. Rather than
10 performing an actual independent and impartial investigation intended to uncover the truth, Ms.
11 Michael spent her efforts creating an after-the-fact defense for ICANN’s complete and utter
12 failure to address harassment and discrimination.

13 43. In fact, on or around July 12, 2023, Ms. Michael appallingly told Ms. King that Ms.
14 King invited the sexual comments.

15 44. Ms. Michaels stated that Ms. King was used to hearing the comments so they had no
16 impact upon her.

17 45. Ms. Michaels stated that Ms. King and her team were in violation of ICANN policy
18 for not reporting the harassment earlier.

19 46. In a further attempt to scare off Ms. King from suing ICANN, Ms. Michael also told
20 Ms. King that coworker Josh Baulch had retracted his June 2018 report of witnessing an issue
21 between Ms. King and Nick Tomasso, and Ms. Michaels purposefully misrepresented the facts
22 to the Board of ICANN under direction from ICANN executives.

23 47. On July 14, 2023, Ms. King emailed Ms. Stathos about issues with Ms. Michael and
24 her “investigation”, including the lie about Mr. Baulch, stating “On July 12, I met with Allison
25 again for three hours, during which she repeatedly asked the same questions and accused our team
26 of violating the Sexual Harassment Policy by not reporting it sooner. It felt like an interrogation,
27 and she even made false claims about Josh retracting his statement about reporting an issue
28 between Nick and me to HR in June 2018.”

1 48. Ms. Michael’s also communicated the lie about Mr. Baulch’s retraction as being true
2 to the ICANN Board Anti-Harassment Working Group

3 49. On or around October 21, 2023, Katrina Sataki, a member of the board and friend of
4 Ms. King, told Ms. King that investigator Allison Michael told the board that Mr. Baulch stated
5 he had no recollection of ever making a report in 2018. Ms. Michael made this story up in order
6 to cover up the failures of ICANN in front of the Board of directors.

7 50. In fact, Mr. Baulch wrote and signed a statement dated February 23, 2024, stating that
8 he made the report in 2018, has never changed his story nor withdrawn his report. (A true and
9 correct copy of said statement is attached hereto as Exhibit 1).

10
11 **Ms. King is Forced to Seek Medical Attention and is Fired for Blowing the Whistle.**

12 51. ICANN’s harassment, discrimination, and its complete failure to address both,
13 compounded by the subsequent gaslighting and attacking of Ms. King, took a significant toll on
14 Ms. King’s physical and mental health. Ms. King was suffering from physical sickness, major
15 migraines, body pains, stomach illness, intense stress, anxiety, depression, sleeplessness, and
16 panic attacks.

17 52. On or around December 4, 2023, Ms. King began to see a therapist as a result of the
18 significant toll that ICANN’s unlawful actions took upon Ms. King’s health.

19 53. During an October 2023 ICANN event in Hamburg, Germany, Ms. King hit her
20 breaking point. Ms. King was informed by General Counsel, John Jeffrey that the investigation
21 involved interviews with over 50 individuals. Separately, several staff members shared with Ms.
22 King that their interviews included extensive questions about Ms. King and it felt like she had
23 been painted with a Scarlett letter. Drowning in shame and panic attacks, Ms. King cut her trip
24 short and returned to the United States.

25 54. Shortly thereafter, on or around December 4, 2023, Ms. King took an unpaid protected
26 medical leave to receive psychodiagnostic and psychotherapeutic treatment, and medication to
27 try and help deal with the consequences of ICANN’s actions.

28 55. After years of incessant sexual harassment and discrimination, Ms. King realized she

1 had reached a crossroads.

2 56. On or around January 16, 2024, Ms. King received a right to sue letter from the DFEH
3 in furtherance of her claims of sexual harassment and reported that she would be pursuing this
4 claim to ICANN’s lawyers.

5 57. On or around May 31, 2024, ICANN terminated Ms. King while she was on her
6 protected medical leave shortly after she requested a right to sue letter.

7 58. ICANN claims the termination was due to a cost cutting measure, in which it
8 eliminated less than 7% of its workforce.

9 59. Inexplicably, ICANN fired Ms. King as part of the reduction even though she was
10 inarguably a stellar employee, she was on an *unpaid* protected leave of absence, and she was
11 engaged in extensive protected activities by among other things submitting protected complaints.

12 60. Firing Ms. King saved ICANN absolutely zero dollars as she was on unpaid leave. In
13 fact, firing Ms. King only cost ICANN more money as it took several employees to perform the
14 workload that Ms. King had performed individually. ICANN simply used this reduction in force
15 as pretext to further retaliate against Ms. King for engaging in actions to further her claims against
16 ICANN. .

17 61. Plaintiff has met all of the jurisdictional requirements for proceeding with her claims
18 under the Fair Employment and Housing Act (“FEHA”), codified at California Government
19 Code, Section 12960, *et seq.*, by timely filing administrative complaints with the Department of
20 Fair Employment and Housing (“DFEH”), and receiving a Notice of Case Closure and a Right to
21 Sue letter (“Right To Sue letter”) against each defendant. A true and correct copy of said letters
22 is attached hereto, collectively marked as “Exhibit 2” and incorporated herein by reference.

23
24 **ICANN Discriminates Against Ms. King on the Basis of Her Sex in Regards to, Among**
25 **Other Things, Salary and Promotions.**

26 62. Tanzanica King is ICANN’s second longest tenured employee with a stellar 22-year
27 history.

28 63. In 2005, Kieran Baker, ICANN’s male GM of Communications and Public

1 Participation, resigned while making \$10,000/month. Although Article III, Section 3 of ICANN’s
2 bylaws mandated the role, Ms. King was assigned all GM responsibilities from 2005 to 2007, in
3 addition to her existing duties as Operations and Communications Specialist. Nevertheless,
4 ICANN never gave Ms. King the GM title and paid her only \$3,480/month – 65% less than the
5 former male employee – while successfully handling a greater workload.

6 64. In 2014, Ms. King discovered that ICANN paid, at minimum, many lower positioned
7 men significantly higher salaries than it paid Ms. King. While this alone is discriminatory, it was
8 exacerbated by Ms. King’s performance history. In fact, the pay disparity was so severe that an
9 ICANN employee with personal knowledge of ICANN’s inner workings told Ms. King that she
10 would be better off leaving ICANN.

11 65. In November of 2016, Josh Baulch joined Ms. King’s team as Senior Manager for
12 Meeting Planning Operations. Despite Mr. Baulch being a newcomer to the team, existing female
13 team members Melanie Brennan, Maya Saito, and Laura Ramirez were to report to Mr. Baulch.

14 66. At the same time, Ted Bartles and Erhan Kiraner, two men on Ms. King’s team, were
15 promoted to Sr. Manager positions after only 2-3 years, while Ms. King had to wait 12 years to
16 become a Sr. Manager, while also having far more experience, skill, and accomplishments than
17 the men. In addition, team leader and harassing VP Mr. Tomasso allowed three men on the team
18 - Mr. Baulch, Mr. Bartles and Mr. Kiraner - to all skip steps in the promotion ladder when he
19 promoted each of them. At this time, Ms. King asked to be promoted to a director level, but Mr.
20 Tomasso refused, despite her resume.

21 67. Instead, while less qualified men on her team were fast-tracked, it took Ms. King
22 another five years, and 19 in total, before she was finally promoted to a director position, Meeting
23 Strategy and Design Director, in July of 2021. Ms. King knew that she was being unfairly held
24 back and asked Mr. Tomasso if she could skip directly to a Senior Director position. Mr. Tomasso
25 responded that she was not allowed to skip levels. However, this rule did not apply to her male
26 colleagues, who, as stated above, all skipped levels. In fact, not only did Mr. Tomasso apply
27 different standards to Ms. King, but he also insisted that when Ms. King was finally promoted in
28 2021, that her male team members, Mr. Bartles and Mr. Kiraner, also be promoted to Directors.

1 Ms. King confronted Mr. Tomasso about the promotions, and he joked that he did not know what
2 exactly the men do but that he promoted them anyway to stop their complaining. He also asked
3 Ms. King to help train the men, including how to draft executive papers, which was further
4 evidence of their nonsensical promotions.

5 68. In 2021, Josh Baulch, who was on Ms. King’s team less than five years, told Ms. King
6 that ICANN consistently paid him yearly 20% at-risk compensation. ICANN did not pay Ms.
7 King 20% until 2021 – 19 years after she began.

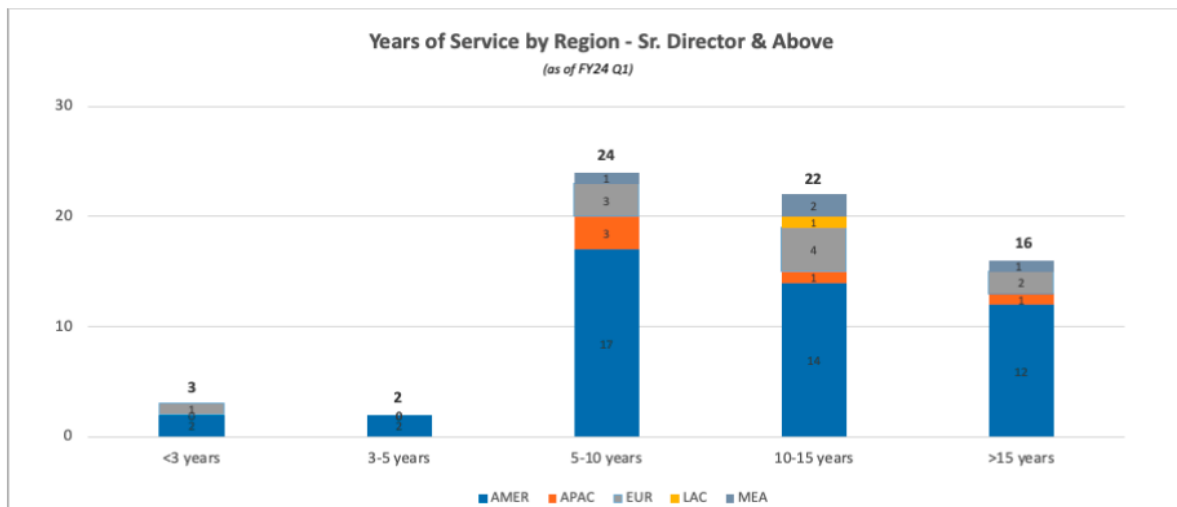
8 69. Mr. Tomasso was himself a beneficiary of the ICANN “good old boys” group, having
9 himself been made a VP after only five years.

10 70. After Mr. Tomasso was fired in February 2023 for sexual harassing Ms. King, it was
11 widely anticipated by staff members across the organization and many prominent community
12 figures that Ms. King would be promoted to fill the vacant position. Instead, Ms. Costerton,
13 current interim president and CEO, tried to push Ms. King into a newly created “head of
14 newcomer programs” position, while giving Ms. King’s existing director role, which she took 19
15 years to earn, to Ted Bartles who was barely in his ninth year. At a team meeting in the presence
16 by Ms. Costerton, team members voiced concerns with the change and Mr. Bartles’ ability to
17 manage King’s responsibilities. A counterproposal was made to promote King to a Senior
18 Director position, with Mr. Bartles reporting to King for a minimum of one year. This proposal
19 was well received by Ms. King’s team members, including Mr. Bartles, who stated that he was
20 excited about the proposal. ICANN agreed that Mr. Bartles needed a year of training but again
21 refused to make Ms. King a Senior Director despite having the support of her team. Ms. King
22 emailed Gina Villavicencio and Sally Costerton, “I would like to express my disappointment with
23 the outcome of the meeting. As you know, there were concerns raised about Ted taking over parts
24 of my role and his ability to manage others. However, I spoke with Ted, and he has expressed his
25 willingness to report to me. In fact, his words to me were, ‘Now I feel excited again about the
26 plan...’” It should be noted that throughout this time, Ms. King actively pursued promotions
27 through, among others, Diane Schroeder, Andrew Savage, Steve Antonoff, and Nick Tomasso.

28 71. ICANN repeatedly refused to promote Ms. King to a Senior director position despite

1 having a stellar 22-year performance history, being the second longest tenured ICANN employee,
2 and having the support of her team members, all while having promoted 47 others to Senior
3 directors positions in the US.¹

4
5 At the senior director level and above, global distribution has remained stable with the largest
6 population between five to 10 years of service. This reflects ICANN org's depth of experience
7 among senior leadership.



16 72. In September of 2023, ICANN tried to isolate Ms. King away from her team because
17 of her discrimination complaints and tried to shove her into a coincidentally, newly created
18 “Director of Newcomer Programs” position. The move included only a 9% salary increase, which
19 was the same amount offered to her male team members, Josh Baulch and Ted Bartles, who had
20 significantly less experience.

21
22 **Plaintiff King Raises Discrimination Concerns with ICANN Human Resources.**

23 73. Throughout her employment, Ms. King repeatedly reported discriminatory
24 promotions and salaries to ICANN in person, on phone calls, in team meetings, via emails to
25 several ICANN employees, including without limitation, interim President and CEO Sally
26 Costerton, Supervisor and VP of Operations Nick Tomasso, Hedwig Ringoot of HR, General
27 Counsel John Jeffrey, Senior VP of HR Gina Villavicencio, and Investigator Allison Michael. In

28
¹ <https://itp.cdn.icann.org/en/files/ceo-report-to-the-board/ceo-report-board-05-01-2024-en.pdf>.

1 fact, Mr. Tomasso rebuked Ms. King for raising her discrimination concerns to other ICANN
2 employees.

3 74. ICANN continued to maintain the status quo throughout Ms. King’s 22-year history.
4

5 **Other Female Community Members Report Rampant Sexual Harassment to ICANN and**
6 **Nothing Changes.**

7 75. Many females in the ICANN community share that sexual harassment is endemic to
8 ICANN.

9 76. In the 2017 Gender Survey, more females shared their frustration with harassment,
10 stating²:

11 “The community witnesses cases of harassment and does nothing about them. I
12 saw some cases in Johannesburg [at ICANN59] that were considered normal
13 behavior by some members of the community. Like comments about women’s
14 bodies, inappropriate.”

15 “I have experienced sexual harassment...Harmless and ‘casual sexism’ still 100%
16 exist.”

17 “Presently, I do not feel that the office of the Ombudsman is able to respond
18 compassionately to the issues faced by women active in the ICANN community
19 which has been a reason for many women leaving the ICANN community.”

20 “While there is an ombudsman, I don’t think sexual harassment complaints have
21 been dealt with properly. I have heard from others about nothing being done
22 towards substantial dispute resolution and even cases of victim blaming (‘she was
23 overreacting’).”

24 “The incident that occurred and was reported in Marrakech was routinely mocked
25 in social media forums by ‘old school’ ICANNers. I think there are some
26 fundamental attitudes towards the idea of sexism existing at ICANN that is
27 troublesome.”

28 “I have reported some incidents and not others. The reporting process never helped
and very often made the situation worse.”

77. And these were only a few of the complaints that women made to ICANN, as the study
stated, **“There are several more comments on this theme from Females but none from Males.”**

78. Despite all the above, nothing changed at ICANN.

² <https://www.icann.org/en/system/files/files/gender-survey-complete-11oct17-en.pdf>

1 79. One year later, in 2018, female community members were so frustrated by continued
2 sexual harassment that they submitted an open letter, “Women at ICANN – A Call for Action on
3 Mitigating Harassment Incidents at ICANN.”³ These women told ICANN that “Women like us
4 in the community many times have been constantly faced with harassment, and accordingly we
5 feel uncomfortable being present in the community thus we feel unwelcome practically. Several
6 of us are considering simply being engaged virtually, as physical engagement through presence
7 in the meeting has been faced with verbal harassment and even physical harassment.”

8 80. The victims also told ICANN about their own sexual harassment experiences at
9 ICANN:

10 He said “you know, if you were my wife, I would stand here” he stands behind
11 me, and says “I would do it from here”. I told him it was very inappropriate..**If**
12 **I’m being nice to you, it does not mean I’m being flirty. And if I seem to be**
friendly, it doesn’t mean I want to sleep with you.” (emphasis original).

13 “I was standing alone during a coffee break when he came walking my way saying
14 that I was very beautiful and he had to come talk to me. I smile awkwardly and
15 start going away, when he holds my wrists saying I should stay, because I am so
16 beautiful and there is nothing really important going on. I continue slowly taking
17 my wrists off his hands without making a scene, when he continues saying the
18 same things...If you want to talk to women in a professional setting, do not tighten
19 her wrists, do not grab her waist. Do not ask whether she is married or not.
20 Regardless, **you should respect her integrity, not her marital status.**” (emphasis
21 original).

22 [H]e would send me messages “come on, let’s have some fun! You are a fun girl,
23 let’s go out or let me go up to your room”. In the absence of response, he starts
24 calling my room from the reception desk. I don’t answer and **he decides it is a**
25 **good idea to go up to my room, knock on my door and try to open it.** I moved
26 a chair to block the door and called the reception. Don’t ever go to a person’s room
27 without being invited. Don’t creep around trying to open the door or waiting for
28 me to arrive on my room. This is creepy, wrong, frightening and intimidating.”
(emphasis original).

“I was body blocked from leaving a room by a man who insisted on talking to me
and not letting me pass by him. His line of discussion to me was entirely
inappropriate and I didn’t want to speak with him, but he would not let me pass by
and leave the conversation. He did this by repeatedly stepping in front of me when
I tried to get around him to pass by and leave.”

³ <https://www.icann.org/en/system/files/correspondence/anonymous-to-chalaby-et-al-19mar18-en.pdf>

1 “You are old enough not to blame alcohol for touching me inappropriately. Grow
2 up and learn how to be around women: **if they are friendly to you this is called**
3 **‘politeness’ and ‘networking’.** **She does not want you to touch her ass.”**
(emphasis original).

4 81. ICANN’s own ombudsman included this bombshell in a report to the board:

5 “I’ll be brief, and I’ll be blunt: I think that the unusually high degree of uncivil
6 behaviour within ICANN’s processes is ***the single biggest problem that ICANN***
7 ***faces in its aim to be representative*** of the global Internet community... The more
8 deeply involved in ICANN’s processes you become, the greater the likelihood of
being the target of aggressive, often personal, attacks....

9 ***The problem is also endemic, and so frequent*** that many consider it to be just a
10 part of being involved in ICANN. Worse, the result of this implicit acceptance of
11 bullying is that those who would normally be punished in a different environment
12 can perversely end up in positions of greater responsibility...this is an issue so
damaging to the organization as a whole that it needs to be properly and publicly
discussed.

13 ICANN cannot continue to do nothing about this problem, or to continue to hope
14 that the community itself will find the solution organically. It would have
15 happened by now if it was ever going to...this is a tipping point for ICANN. It has
the opportunity to move forward either with status quo; or with a newly civil
environment with respectful communications.”

16 **ICANN is aware of Wide Gender Discrimination and Does Nothing to Address it.**

17 82. ICANN applauds itself for doing studies that reflect discrimination but then do nothing
18 to change it. It claims that “ICANN has since its incorporation in 1998 made an effort to ensure
19 global diversity at various levels in its staff, Community, and Board,” but 26 years later, ICANN’
20 continues to discriminate against women.⁴

21 **The 2016 ICANN Internal Study**

22 83. A 2016 ICANN study of 190 “ICANN community leaders” found⁵:

- 23
- 24 ■ Only 26% of “ICANN leaders” are women.
 - 25 ■ It is hard to find a reason for the very limited women representation within the ICANN
26 Board (4 out of 16) and Nomcom (2 out of 20). While the Board gender balance is
27 similar to the “ICANN leaders” community balance, one would think that the

28 ⁴ <https://www.icann.org/en/system/files/files/ccwg-acct-ws2-final-24jun18-en.pdf>

⁵ https://www.afnic.fr/wp-media/uploads/2021/01/2016_Icann_Diversity_Data.pdf

1 NomCom (which appoints about half of the Board members) would be in a position
2 to correct this gap. It would be useful to assess whether this gap is related to the gender
3 imbalance in the Nominating Committee.

- 4 ■ Diversity needed to increase to promote diversity “in many organizations and areas”.
- 5 ■ “While enhancing ICANN’s diversity has been agreed on as a principle, previous
6 discussions were often characterized by conflicting views on priorities, dimensions of
7 diversity, or the current levels of diversity. For instance, the same report that called
8 for enhancing ICANN’s diversity mentioned: “While acknowledging the importance
9 of diversity in the accountability mechanisms, commenters have also expressed the
10 view that any diversity requirement should not prevail over skills or experience
11 requirements.”
- 12 ■ “Only one woman in RSSAC out of 12, 4 out of 30 within SSAC and 3 out of 15 in
13 ASO: women representation in the most “technical” communities in ICANN remain
14 even lower than in the rest of ICANN...the situation can hardly be found satisfactory.”

15 **The 2017 ICANN Internal Study**

16 84. Following a 2015 ICANN conference, female community members specifically
17 requested ICANN obtain gender diversity statistics. Years later, ICANN conducted a 2017
18 “Gender Diversity and Participation Survey”, comprised of 584 participants (49% female, 48%
19 male), which found⁶:

- 20 ■ “66% of Females perceive that ICANN’s community culture is male-dominated.”
- 21 ■ “69% of respondents agree that The ICANN community should do more to increase
22 gender diversity.”
- 23 ■ “Over 75% of survey participants support voluntary targets to increase gender
24 diversity.”

25
26
27
28 _____
⁶ <https://www.icann.org/en/system/files/files/gender-survey-complete-11oct17-en.pdf>

- 1 ▪ “68% of respondents agree that ICANN should do more to increase gender diversity
- 2 among community volunteer leadership, and twice as many Females as Males
- 3 Strongly Agree.”
- 4 ▪ “Over three times as many Females than Males strongly agree that preconceptions
- 5 about Female leadership negatively affect women’s opportunities to advance in the
- 6 ICANN community.”
- 7 ▪ “Females perceive the community as less inclusive than Males, and Females are twice
- 8 as likely as Males to have witnessed or experienced perceived sexism or gender bias.”
- 9 ▪ “Significantly more Females than Males indicate they face Gender-related barriers.”
- 10 ▪ Females also shared their own experiences of discrimination, stating, “Leadership
- 11 roles are shared between the same group of men, over long periods of time;
- 12 inaccessible to new aspiring participants because everyone wants to maintain his travel
- 13 funding,” and “Leadership recycling within same group or across different ICANN
- 14 groups and ICANN staff’s lack of sensitivity to or understanding of different cultures,”
- 15 and “More opportunities and training should be given to women.”
- 16 ▪ Stunningly, less than 2% of all females experienced sexism or gender bias reported
- 17 the experience indicating that they fear retaliation and that the extent of harassment
- 18 dwarfs the numbers reported.⁷

19 **The 2018 ICANN Internal Study**

20 85. In 2018, ICANN released an Accountability Report, comprised of eight other reports

21 from 272 meetings, over 5,000 emails, and over 10,000 hours. The survey found: ⁸

- 22 ▪ “The representation of women in all areas of ICANN remains a challenge. It is critical
- 23 that in all official Community roles, equality between genders be achieved. It is no
- 24 longer acceptable that there be a gender difference of more than 10 percent in the
- 25 makeup of any leadership group with regard to the community from which it is
- 26 drawn.”

27 ⁷ “Females are more likely than Males to make a conscious choice not to report...it could indicate that the reporting

28 process presents particular challenges for Females but not for Males.”

⁸ <https://www.icann.org/en/system/files/files/ccwg-acct-ws2-final-24jun18-en.pdf>

- 1 ▪ “Currently, gender equality at ICANN is limited.”
- 2 ▪ “Equitable gender representation should be sought at all levels of ICANN.”
- 3 ▪ There are studies that show that when gender equality is hard to achieve in
- 4 representation or leadership, extra effort needs to be made, and positions often need
- 5 to be left open until a proper balance can be achieved.”
- 6 ▪ “It is hard to find a reason for the very limited representation of women within the
- 7 ICANN Board (4 out of 16) and Nomcom (2 out of 20).”
- 8 ▪ “In conclusion, while there are a number of existing mechanisms related to
- 9 Board/NomCom or SO/AC diversity, these provisions are primarily related to
- 10 geographic/regional or stakeholder elements of diversity. While some diversity
- 11 arrangements exist within ICANN documents, diversity does not appear as one of the
- 12 areas where ICANN continuously strives to improve.”

13 86. Thereafter, ICANN’s website does not reflect additional significant surveys to date.

14 **The 2022 Third Party Empirical Survey**

15 87. In 2022, a third party empirical, “Inequality and legitimacy in global governance: an

16 empirical study”, of 467 ICANN participants found:”⁹¹⁰

- 17 ▪ “[A]t ICANN, global governance insiders will not relentlessly promote institutional
- 18 reforms towards greater equality.”
- 19 ▪ [W]hen perceptions of inequality do not impact policymakers’ foundational
- 20 confidence in the institution, these insiders are unlikely to insist on achieving greater
- 21 equality. When push comes to shove, the institution will probably focus its agenda,
- 22 resources and implementation on other matters than reducing inequalities.”
- 23 ▪ “Moreover, survey respondents hold a broad consensus about which categories are
- 24 dominant in ICANN.”

26 ⁹ “These participants hail from the board of directors, the staff and the so-called ‘community’ of stakeholder

27 representatives. We interviewed all 30 board members from the 2015–2018 period, 132 staff members and 305

28 community participants. The overall response rate across these 467 interviews was 49.0

 percent...Methodologically, the study offers an unprecedented endeavor to obtain qualitative and quantitative

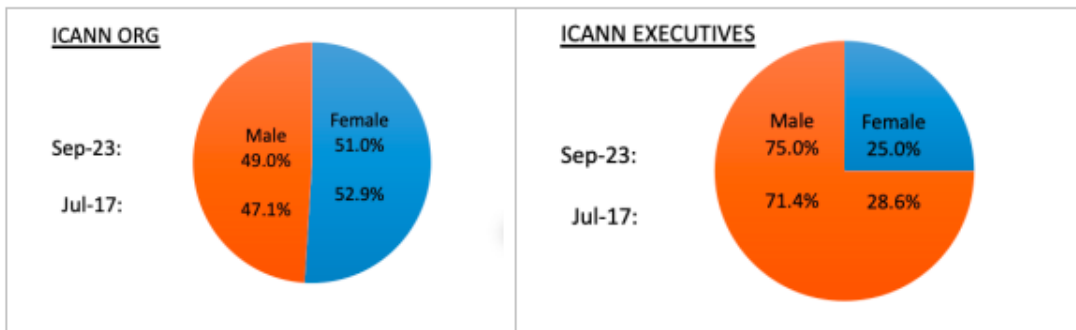
 evidence from a large-n survey on inequality and legitimacy in global governance.”

¹⁰ <https://journals.sagepub.com/doi/pdf/10.1177/13540661221098218>

- Multiple interviewees underline the dominance at ICANN of ‘men of older age’, ‘white male privilege’ and ‘white males who speak English’. Another respondent asserts, ‘Everybody who is essentially not a white dude has less influence’.
- “[I]f we focus only on interviewees who perceive a specific inequality to exist, then gender inequalities rank as the most problematic for ICANN.”
- “Women at ICANN perceive significantly greater gender inequalities than men.”
- “In their oral commentary, many respondents, both men and women, urge increased efforts for gender diversity at ICANN.”

88. It is the same complaints from the same group of employees, year after year after year.¹¹

89. In fact, the “CEO’s January 5, 2024, Report to the Board,” ICANN repeated its tiresome, empty statement that it “is committed to building a culture of diversity and inclusion at all levels of leadership,” and then admitted that percentage of female executives at ICANN actually ***GOT WORSE from 2017 to 2023*** - despite all of ICANN’s “efforts”.¹²



90. In addition, ICANN’s 2023 annual report reveals that only 6 of 24 ICANN Community Leaders are female. Further, only 2 of 6 ICANN Corporate Officers are female.¹³

ICANN Is Unable to Produce Evidence that it Pays Men and Women Equally.

91. When the Centre for Internet & Society asked, pursuant to ICANN’s own Documentary Information Disclosure Policy, “What is the average salary of a female employee

¹¹ Plaintiff will submit RFPs and subpoenas to obtain all complaints, studies/surveys, and underlying documents.

¹² <https://www.icann.org/en/system/files/files/annual-report-2023-en.pdf>

¹³ <https://www.icann.org/en/system/files/files/annual-report-2023-en.pdf>

1 at ICANN and what is the average salary of a male employee at ICANN at each of these
2 brackets?” ICANN responded that “there is no documentary information in ICANN org’s
3 possession, custody or control that is responsive to this request.”

4 92. ICANN could not produce any evidence that it pays females the same as males.

5 93. At all times, ICANN has known or should have known of the serious pay disparities
6 between its female and male employees performing equal or substantially similar work, yet
7 ICANN has refused to acknowledge this fact, or to completely correct the existing pay disparities.
8 ICANN’s failure to pay women the same compensation paid to men for equal or substantially
9 similar work has been and is willful.

10
11 **V. CAUSES OF ACTION**

12 **FIRST CAUSE OF ACTION**

13 **QUID PRO QUO SEXUAL HARASSMENT IN VIOLATION OF CAL. GOV. CODE §**

14 **12940(J)**

15 **(Against all Defendants)**

16 94. Plaintiff incorporates by reference and realleges herein each and every one of the
17 allegations contained in the preceding and foregoing paragraphs of this Complaint as if fully set
18 forth herein.

19 95. At all relevant times, Defendants were employers within the meaning of Cal. Gov.
20 Code § 12926(d), and, as such, barred from discriminating, harassing, assaulting, or retaliating in
21 employment decisions on the basis of gender, as set forth in Cal. Gov. Code § 12940. Plaintiff
22 was an employee of Defendants.

23 96. As alleged herein, Defendants, including Tomasso, sexually harassed and sexually
24 assaulted Plaintiff on the basis of her gender, including, without limitation, making unwanted
25 sexual advances and engaging in unwanted verbal and physical conduct of a sexual nature.
26 Plaintiff’s terms of employment, job benefits, and/or favorable working conditions were made
27 contingent, by words or conduct, on Plaintiff’s acceptance of Tomasso’s sexual advances or
28 conduct.

1 97. Defendants knew or reasonably should have known of the harasser's conduct but
2 failed to take any immediate and appropriate corrective action.

3 98. Defendants failed to exercise reasonable care to prevent and promptly correct the
4 sexually harassing and discriminatory behavior.

5 99. As a direct and proximate result of Defendants' aforementioned conduct, Plaintiff has
6 suffered and continues to suffer losses in earnings and job benefits, in an amount to be proven at
7 trial.

8 100. As a further direct and proximate result of Defendants' aforementioned conduct,
9 Plaintiff suffered physical sickness, physical injuries, body pains, anxiety, worry, embarrassment,
10 humiliation, injury to her professional reputation, mental anguish, emotional distress and post-
11 traumatic stress disorder, in an amount to be proven at trial. Plaintiff is further entitled to recover
12 reasonable attorney's fees, costs, and pre-judgment interest in connection with this matter.

13 101. Defendants committed the acts herein alleged maliciously and fraudulently, with the
14 wrongful intention of injuring Plaintiff and with an improper and evil motive rising to the level
15 of malice, in conscious disregard of Plaintiff's rights. Because the acts taken towards Plaintiff
16 were carried out by managerial employees acting in a despicable, deliberate, cold, callous, and
17 intentional manner in order to injure and damage Plaintiff, Plaintiff is entitled to recover punitive
18 damages from Defendants.

19 **SECOND CAUSE OF ACTION**

20 **HOSTILE WORK ENVIRONMENT HARASSMENT IN VIOLATION OF CAL. GOV.**

21 **CODE §§ 12923, 12940(J)(1)**

22 **(Against all Defendants)**

23 102. Plaintiff incorporates by reference and realleges herein each and every one of the
24 allegations contained in the preceding and foregoing paragraphs of this Complaint as if fully set
25 forth herein.

26 103. At all relevant times, Defendants were employers within the meaning of Cal. Gov.
27 Code § 12926(d), and, as such, barred from discriminating, harassing, assaulting, or retaliating in
28 employment decisions on the basis of gender, as set forth in Cal. Gov. Code § 12940. Plaintiff

1 was an employee of Defendants.

2 104. As alleged herein, Defendants, including Tomasso, subjected Plaintiff to severe and
3 pervasive harassing conduct because she was a woman, including, without limitation, making
4 unwanted sexual advances and engaging in unwanted verbal and physical conduct of a sexual
5 nature.

6 105. Defendants knew or reasonably should have known of the harasser's conduct but
7 failed to take any immediate and appropriate corrective action.

8 106. Defendants failed to exercise reasonable care to prevent and promptly correct the
9 sexually harassing and discriminatory behavior.

10 107. A reasonable woman in Plaintiff's circumstances would have considered the work
11 environment to be hostile, intimidating, offensive, oppressive, or abusive.

12 108. Plaintiff considered Defendants' work environment to be hostile, intimidating,
13 offensive, oppressive, or abusive.

14 109. As a direct and proximate result of Defendants' aforementioned conduct, Plaintiff was
15 harmed. Plaintiff has suffered and continues to suffer losses in earnings and job benefits, in an
16 amount to be proven at trial. Defendants' conduct was a substantial factor in causing Plaintiff's
17 harm.

18 110. As a further direct and proximate result of Defendants' aforementioned conduct,
19 Plaintiff suffered physical sickness, physical injuries, body pains, anxiety, worry, embarrassment,
20 humiliation, injury to her professional reputation, mental anguish, emotional distress and post-
21 traumatic stress disorder in an amount to be proven at trial. Plaintiff is further entitled to recover
22 reasonable attorney's fees, costs, and pre-judgment interest in connection with this matter.

23 111. Defendants committed the acts herein alleged maliciously and fraudulently, with the
24 wrongful intention of injuring Plaintiff and with an improper and evil motive rising to the level
25 of malice, in conscious disregard of Plaintiff's rights. Because the acts taken towards Plaintiff
26 were carried out by managerial employees acting in a despicable, deliberate, cold, callous, and
27 intentional manner in order to injure and damage Plaintiff, Plaintiff is entitled to recover punitive
28 damages from Defendants.

THIRD CAUSE OF ACTION

**FAILURE TO PREVENT HARASSMENT, DISCRIMINATION, OR RETALIATION IN
VIOLATION OF CAL. GOV. CODE § 12940(K)**

(Against ICANN)

112. Plaintiff incorporates by reference and realleges herein each and every one of the allegations contained in the preceding and foregoing paragraphs of this Complaint as if fully set forth herein.

113. As alleged herein, Plaintiff was an employee of Defendants. Plaintiff was subjected to harassment, assaults, discrimination, and retaliation in the course of her employment with Defendants.

114. As alleged herein, Defendants, and each of them, were aware of the unwelcome, severe, pervasive, and unlawful conduct of Tomasso.

115. Defendants, and each of them, failed to take all reasonable steps to prevent employees and agents from engaging in ongoing harassment, assaults, discrimination, and retaliation.

116. In perpetrating the above-described conduct, Defendants, and each of them, engaged in a pattern, practice, policy, and custom of harassment, assaults, discrimination, and retaliation. Said conduct on the part of Defendants violated Cal. Gov. Code § 12940(j)(1) and (k).

117. As a direct and proximate result of Defendants' aforementioned conduct, Plaintiff suffered physical sickness, physical injuries, embarrassment, humiliation, injury to her professional reputation, mental anguish, emotional distress and post-traumatic stress disorder in an amount to be proven at trial. Plaintiff is further entitled to recover reasonable attorney's fees, costs, and pre-judgment interest.

FOURTH CAUSE OF ACTION

GENDER VIOLENCE IN VIOLATION OF THE RALPH ACT CAL CIV. CODE § 51.7

(Against all Defendants)

118. Plaintiff incorporates by reference and realleges herein each and every one of the allegations contained in the preceding and foregoing paragraphs of this Complaint as if fully set forth herein.

1 119. Civil Code section 51.5, the Ralph Act, provides that persons have the right to be
2 free from violence or threat of violence, committed against their persons or property due to,
3 among other things, their gender.

4 120. At all times herein mentioned, there was a professional relationship between
5 Plaintiff and Defendants, as Plaintiff was Defendants' employee.

6 121. As alleged herein, Defendants engaged in severe and outrageous sexual harassment
7 and sexual assaults towards Plaintiff.

8 122. Plaintiff's sex was the substantial motivating reason for Defendants' unwanted
9 physical contact, sexual harassment, and sexual violence and assaults.

10 123. Plaintiff is informed and believed and thereon alleges that the aforementioned
11 conduct of Defendants, and each of them, denied, aided, or incited in a denial of, discriminated
12 or made a distinction that denied Plaintiff full and equal advantages, privileges, and services to
13 Plaintiff, based solely upon Plaintiff's refusal to submit to sexual advances and her objections to
14 the physical harassment and assaults that was inflicted upon her, and therefore constituted a
15 violation of the Ralph Act.

16 124. As a further direct and proximate result of Defendants' aforementioned conduct,
17 Plaintiff suffered physical sickness, physical injuries, body pains, anxiety, worry,
18 embarrassment, humiliation, injury to her professional reputation, mental anguish, emotional
19 distress and post-traumatic stress disorder in an amount to be proven at trial. Plaintiff is further
20 entitled to recover reasonable attorney's fees, costs, and pre-judgment interest in connection
21 with this matter.

22 125. Defendants committed the acts herein alleged maliciously and fraudulently, with the
23 wrongful intention of injuring Plaintiff and with an improper and evil motive rising to the level
24 of malice, in conscious disregard of Plaintiff's rights. Because the acts taken towards Plaintiff
25 were carried out by managerial employees acting in a despicable, deliberate, cold, callous, and
26 intentional manner in order to injure and damage Plaintiff, Plaintiff is entitled to recover punitive
27 damages from Defendants.

28 **FIFTH CAUSE OF ACTION**

1 130. Tomasso violated California Civil Code Section 52.4 in that he engaged in a physical
2 intrusion or physical invasion of a sexual nature under coercive conditions, even if those acts
3 have not yet resulted in criminal complaints, charges, prosecution, or conviction.

4 131. As a direct and proximate result of Defendants' violation of California Civil Code
5 Section 52.4, Plaintiff suffered physical sickness, physical injuries, body pains, post-traumatic
6 stress disorder, humiliation, embarrassment, mental and severe emotional distress and anxiety,
7 all in an amount according to proof at trial.

8 132. The acts of Defendants, as alleged herein, were willful, wanton, and malicious and
9 were intended to oppress and cause injury to Plaintiff. In light of the willful, wanton, malicious
10 and intentional conduct engaged in by Defendants, Plaintiff is entitled to an award of punitive
11 damages.

12 133. Plaintiff has incurred, and will continue to incur, attorney's fees in the prosecution of
13 this action and therefore demand such reasonable attorneys' fees and costs as set by the court.

14 **SIXTH CAUSE OF ACTION**

15 **VIOLATION OF THE BANE ACT IN VIOLATION OF CAL CIV. CODE § 52.1**

16 **(Against all Defendants)**

17 134. Plaintiff incorporates by reference and realleges herein each and every one of the
18 allegations contained in the preceding and foregoing paragraphs of this Complaint as if fully set
19 forth herein.

20 135. Civil Code section 52.1, the Bane Act, provides that it is unlawful to interfere with
21 the exercise or enjoyment of any rights under the Constitution and laws of this state and the
22 United States by use or attempted use of threats, intimidation or coercion.

23 136. At all times herein mentioned, there was a professional relationship between Plaintiff
24 and Defendants, as Plaintiff was Defendants' employee.

25 137. As alleged herein, Defendants engaged in severe and outrageous sexual harassment
26 and sexual assaults against Plaintiff. Defendants' acts were calculated to prevent Plaintiff from
27 working free of sexual harassment or violence, and Defendants' acts were further calculated to
28 prevent Plaintiff from reporting Defendants' unlawful conduct.

1 138. Plaintiff's sex was the substantial motivating reason for Defendants' unwanted
2 physical contact and ultimate sexual harassment and sexual assaults.

3 139. Plaintiff is informed and believed and thereon alleges that the aforementioned conduct
4 of Defendants, and each of them, denied, aided, or incited in a denial of, discriminated or made a
5 distinction that denied plaintiff full and equal advantages, privileges, and services to Plaintiff,
6 based solely upon Plaintiff's refusal to submit to continued sexual advances and her objections to
7 the physical harassment that was inflicted upon her, and therefore constituted a violation of the
8 Bane Act.

9 140. As a further direct and proximate result of Defendants' aforementioned conduct,
10 Plaintiff suffered physical sickness, physical injuries, body pains, anxiety, worry, embarrassment,
11 humiliation, injury to her professional reputation, mental anguish, emotional distress and post-
12 traumatic stress disorder in an amount to be proven at trial. Plaintiff is further entitled to recover
13 reasonable attorney's fees, costs, and pre-judgment interest in connection with this matter.

14 141. Defendants committed the acts herein alleged maliciously and fraudulently, with the
15 wrongful intention of injuring Plaintiff and with an improper and evil motive rising to the level
16 of malice, in conscious disregard of Plaintiff's rights. Because the acts taken towards Plaintiff
17 were carried out by managerial employees acting in a despicable, deliberate, cold, callous, and
18 intentional manner in order to injure and damage Plaintiff, Plaintiff is entitled to recover punitive
19 damages from Defendants.

20 **SEVENTH CAUSE OF ACTION**

21 **NEGLIGENT HIRING, SUPERVISION, OR RETENTION OF AN EMPLOYEE**

22 **(Against ICANN)**

23 142. Plaintiff incorporates by reference and realleges herein each and every one of the
24 allegations contained in the preceding and foregoing paragraphs of this Complaint as if fully set
25 forth herein.

26 143. As alleged herein, Defendants, and each of them, and/or their managerial employees
27 or agents knew or reasonably should have known that employees of Defendants were engaging
28 in the unlawful harassing and discriminatory conduct alleged herein.

1 144. Defendants, and each of them, knew or should have known that their employees,
2 including but not limited to Tomasso, had a history of engaging in unlawful or dangerous conduct
3 that could cause injury to Plaintiff and others, yet failed to take any action to prevent such injury.

4 145. At all relevant times, Defendants, and each of them, and/or their managerial
5 employees or agents knew or reasonably should have known that the conduct and omissions
6 alleged herein violated Plaintiff's rights under state statutes and common law.

7 146. At all relevant times, Defendants, and each of them, and/or their managerial
8 employees or agents knew or reasonably should have known that the conduct alleged herein
9 would and did proximately result in physical injury and emotional distress to Plaintiff. The
10 injuries include but are not limited to migraines, body pains, stomach indigestion, anxiety, worry,
11 embarrassment, mental anguish, emotional distress, sleeplessness, tension, depression,
12 humiliation and post-traumatic stress disorder.

13 147. At all relevant times, Defendants, and each of them, and/or their managerial
14 employees or agents knew or reasonably should have known that unless they intervened to protect
15 Plaintiff, and adequately supervise, prohibit, control, regulate, discipline and/or other penalize the
16 conduct of Defendants' employees as alleged herein, other Defendants and Defendants'
17 employees perceived the conduct and omissions as being ratified and condoned.

18 148. At all relevant times, the negligent failure of Defendants to protect Plaintiff, and to
19 supervise, prohibit, control, regulate, discipline, and/or otherwise penalize adequately the conduct
20 and omissions of Defendants' employees violated Plaintiff's rights under state statutes and
21 common law and was a substantial factor in causing Plaintiff's harm, as alleged herein.
22

23 **EIGHTH CAUSE OF ACTION**

24 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

25 **(Against ICANN)**

26 149. Plaintiff incorporates by reference and realleges herein each and every one of the
27 allegations contained in the preceding and foregoing paragraphs of this Complaint as if fully set
28 forth herein.

1 150. During Plaintiff's employment, Defendants repeatedly subjected Plaintiff to acts of
2 discrimination, harassment, assaults, retaliation, and other unlawful conduct.

3 151. Defendants' conduct as alleged herein was extreme, outrageous, and an abuse of
4 Defendants' authority and position because it was intentionally and maliciously done to cause,
5 and recklessly disregarded the probability of causing, Plaintiff to suffer physical sickness,
6 physical injuries, body pains, anxiety, worry, shock, shame, embarrassment, humiliation, mental
7 anguish, emotional distress and post-traumatic stress disorder.

8 152. As a direct and proximate result of Defendants' conduct, Plaintiff has suffered
9 physical sickness, physical injuries, body pains, anxiety, worry, shock, shame, embarrassment,
10 humiliation, mental anguish, emotional distress and post-traumatic stress disorder.

11 153. Defendants' conduct was a substantial factor in causing Plaintiff's severe emotional
12 distress.

13 154. Defendants committed the acts herein alleged willfully, maliciously, oppressively,
14 with the wrongful intention of injuring Plaintiff and with an improper and evil motive rising to
15 the level of malice, in conscious disregard of Plaintiff's rights. Because the acts taken towards
16 Plaintiff were carried out by managerial employees acting in a despicable, deliberate, cold,
17 callous, and intentional manner in order to injure and damage Plaintiff, Plaintiff is entitled to
18 recover punitive damages from Defendants in an amount sufficient to punish and set an example
19 of Defendants for their conduct and to deter Defendants and others from the commission of
20 similar acts in the future.

21 **NINTH CAUSE OF ACTION**

22 **WRONGFUL TERMINATION IN VIOLATION OF PUBLIC POLICY**

23 **(Against ICANN)**

24 155. Plaintiff incorporates by reference and realleges herein each and every one of the
25 allegations contained in the preceding and foregoing paragraphs of this Complaint as if fully set
26 forth herein.

27 156. The well-established public policy of the State of California prohibits an employer
28 from terminating an employee due to, inter alia, the employee's objections or complaints related

1 to the employer’s violations of California law. That policy is expressed in Cal. Gov. Code §§
2 12900, *et seq.*

3 157. Defendants, by the actions alleged herein, knowingly and intentionally created and/or
4 permitted the creation of intolerable working conditions including but not limited to harassment,
5 discrimination, and retaliation.

6 158. As more fully alleged herein, these intolerable working conditions violate well-
7 established, public, substantial, and fundamental public policies of the State of California against
8 workplace discrimination, harassment, assaults and retaliation, as reflected in California’s laws,
9 including but not limited to Article I, Section 8 of the California Constitution and Cal. Gov. Code
10 § 12900 *et seq.*

11 159. Defendants were prohibited from discharging, discriminating or otherwise retaliating
12 against Plaintiff for, among other things, Plaintiff’s objections or complaints about harassment,
13 discrimination and retaliation.

14 160. Defendants’ decision to terminate Plaintiff was motivated at least in part by the
15 Plaintiff’s complaint about harassment, discrimination and retaliation.

16 161. As a further direct and proximate result of Defendants’ aforementioned conduct and
17 the termination of Plaintiff, Plaintiff has suffered and continues to suffer losses in earnings and
18 job benefits, in an amount to be proven at trial.

19 162. As a further direct and proximate result of Defendants’ aforementioned conduct and
20 the constructive termination of Plaintiff, Plaintiff suffered physical sickness, physical injuries,
21 body pains, anxiety, worry, embarrassment, humiliation, injury to her professional reputation,
22 mental anguish, emotional distress and post-traumatic stress disorder in an amount to be proven
23 at trial. Plaintiff is further entitled to recover reasonable attorney’s fees, costs, and pre-judgment
24 interest.

25 163. The acts of Defendants, and each of them, were undertaken for improper purposes as
26 alleged above and were willful, wanton, deliberate, malicious, oppressive, despicable, in
27 conscious disregard of Plaintiff’s rights, and were designed and intended to cause and did, in fact,
28 cause Plaintiff to suffer economic damages, physical pain and injury, and substantial emotional

1 distress and therefore justify the awarding of substantial exemplary and punitive damages.

2 **TENTH CAUSE OF ACTION**

3 **RETALIATION**

4 **(Against All Defendants)**

5 164. Plaintiff incorporates by reference and realleges herein each and every one of the
6 allegations contained in the preceding and foregoing paragraphs of this Complaint as if fully set
7 forth herein.

8 165. Gov. Code §12940(h) prevents retaliation for engaging in a protected activity.

9 166. Defendants retaliated against Plaintiff for protected activities which include, among
10 other things, Plaintiff's objections or complaints about, among other things, harassment and/or
11 discrimination, filing for a right to sue letter, and making allegations of retaliation for engaging
12 in complaints about sexual harassment, among other things.

13 167. Defendant retaliated against Plaintiff for the aforementioned protected activities by
14 failing to promote her, isolating her from job advancement opportunities, and terminating her
15 employment.

16 168. Plaintiff further alleges that Defendant was aware, or should have been aware, of the
17 aforementioned conduct. Notwithstanding their actual and/or constructive knowledge of such
18 conduct, Defendant failed to take appropriate remedial action to correct such acts and unlawful
19 conduct, or to prevent such acts from occurring again.

20 169. As a result of Defendant's unlawful conduct as alleged in this Complaint, Plaintiff has
21 suffered loss of income in an amount to be proven at the time of trial.

22 170. As a further direct and proximate result of Defendant's unlawful conduct, Plaintiff has
23 suffered extreme and severe mental anguish, humiliation, emotional distress, nervousness,
24 tension, anxiety and depression, resulting in damages in an amount to be proven at the time of
25 trial.

26 171. Pursuant to Government Code §12965(b) plaintiff requests an award of attorney fees
27 against defendants, and each of them.

28 172. The acts of Defendants, and each of them, were undertaken for improper purposes as

1 alleged above and were willful, wanton, deliberate, malicious, oppressive, despicable, in
2 conscious disregard of Plaintiff’s rights, and were designed and intended to cause and did, in fact,
3 cause Plaintiff to suffer economic damages, physical pain and injury, and substantial emotional
4 distress and therefore justify the awarding of substantial exemplary and punitive damages.

5
6 **ELEVENTH CAUSE OF ACTION**
7 **VIOLATION OF CAL. LABOR CODE § 232.5**
8 **(Against All Defendants)**

9 173. Plaintiff incorporates by reference and realleges herein each and every one of the
10 allegations contained in the preceding and foregoing paragraphs of this Complaint as if fully set
11 forth herein.

12 174. Labor Code §232.5(c) which states, among other things, that “No employer
13 may...(c) Discharge, formally discipline, or otherwise discriminate against an employee who
14 discloses information about the employer’s working conditions.”

15 175. Plaintiff disclosed information about working conditions to Defendant when
16 Plaintiff complained about, among other things, harassment and/or discrimination.

17 176. As such, Plaintiff was entitled to the protections provided by Labor Code
18 §232.5(c) and any retaliation would be unlawful.

19 177. Defendant retaliated against Plaintiff for the aforementioned protected activities by,
20 among other things terminating her employment.

21 178. The acts of Defendants, and each of them, were undertaken for improper purposes
22 as alleged above and were willful, wanton, deliberate, malicious, oppressive, despicable, in
23 conscious disregard of Plaintiff’s rights, and were designed and intended to cause and did, in
24 fact, cause Plaintiff to suffer economic damages, physical pain and injury, and substantial
25 emotional distress and therefore justify the awarding of substantial exemplary and punitive
26 damages.

27 **TWELFTH CAUSE OF ACTION**
28 **VIOLATION OF CAL. LABOR CODE § 1102.5**
(Against All Defendants)

179. Plaintiff incorporates by reference and realleges herein each and every one of the

1 allegations contained in the preceding and foregoing paragraphs of this Complaint as if fully set
2 forth herein.

3 180. Pursuant to Labor Code §1102.5(b) An employer, or any person acting on behalf of
4 the employer, shall not retaliate against an employee for disclosing information, or because the
5 employer believes that the employee disclosed or may disclose information, to a government or
6 law enforcement agency, to a person with authority over the employee or another employee who
7 has the authority to investigate, discover, or correct the violation or noncompliance, or for
8 providing information to, or testifying before, any public body conducting an investigation,
9 hearing, or inquiry, if the employee has reasonable cause to believe that the information discloses
10 a violation of state or federal statute, or a violation of or noncompliance with a local, state, or
11 federal rule or regulation, regardless of whether disclosing the information is part of the
12 employee's job duties.

13 181. In addition to other penalties, 1102.5(f) provides for a penalty of \$10,000 for each
14 violation provided that the employer is a corporation or limited liability company.

15 182. Plaintiff engaged in a protected activity when, among other things, she reported to
16 Defendant about, among other things, harassment and/or discrimination, participated in the
17 investigation, and requested a right to sue letter and pursued her claims against ICANN.

18 183. Such actions protected pursuant to Labor Code §1102.5(b). Therefore, Plaintiff is
19 afforded the protection of Labor Code §1102.5(b), and any retaliation is unlawful.

20 184. Defendant retaliated against Plaintiff by, among other things, terminating her
21 employment.

22 185. The acts of Defendant, and each of them, were undertaken for improper purposes as
23 alleged above and were willful, wanton, deliberate, malicious, oppressive, despicable, in
24 conscious disregard of Plaintiff's rights, and were designed and intended to cause and did, in fact,
25 cause Plaintiff to suffer economic damages, physical pain and injury, and substantial emotional
26 distress and therefore justify the awarding of substantial exemplary and punitive damages.

27 **THIRTEENTH CAUSE OF ACTION**

GENDER DISCRIMINATION
(Against ICANN)

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2
3 186. Plaintiff incorporates by reference and realleges herein each and every one of the
4 allegations contained in the preceding and foregoing paragraphs of this Complaint as if fully set
5 forth herein.

6 187. Government Code section 12940, subdivision (a), declares that it is an unlawful
7 employment practice for an employer to discriminate against any person “in terms, conditions, or
8 privileges of employment,” or to “discharge the person” because of, inter alia, that person’s sex.
9 Government Code section 12940, subdivision (j) states that it is an unlawful employment practice
10 for an employer “or any other person” “to harass an employee, an applicant, an unpaid intern or
11 volunteer, or a person providing services pursuant to a contract,” because of that person’s sex.

12 188. At all relevant times, Defendants, and each of them, were employers within the
13 meaning of Cal. Gov. Code § 12926(d), and, as such, barred from discriminating, harassing,
14 assaulting, or retaliating in employment decisions on the basis of gender, as set forth in Cal. Gov.
15 Code § 12940.

16 189. As alleged herein, Defendants discriminated against Ms. King in the terms, conditions,
17 or privileges of employment including but not limited to compensation and promotions, on the
18 basis of her sex.

19 190. As alleged herein, Defendants similarly discriminated against Ms. King by harassing
20 her because of her sex.

21 191. Defendants’ actions were willful, malicious, fraudulent, and oppressive, and were
22 committed with the wrongful intent to injure Ms. King and were in conscious disregard of her
23 rights. Defendants were aware of the discrimination and harassment against Ms. King but failed
24 to take immediate and appropriate corrective action to stop the discrimination and harassment.

25 192. Defendants were aware of misconduct but nonetheless authorized and ratified such
26 discrimination and harassment based on sex by continuing to perpetuate the discrimination and
27 harassment.

28 193. As a direct and proximate result of Defendants’ aforementioned conduct, Plaintiff has

1 suffered and continues to suffer losses in earnings and job benefits, in an amount to be proven at
2 trial.

3 194. As a further direct and proximate result of Defendants' aforementioned conduct,
4 Plaintiff suffered physical sickness, physical injuries, body pains, anxiety, worry, embarrassment,
5 humiliation, injury to her professional reputation, mental anguish, emotional distress and post-
6 traumatic stress disorder in an amount to be proven at trial. Plaintiff is further entitled to recover
7 reasonable attorney's fees, costs, and pre-judgment interest in connection with this matter.

8 195. Defendants committed the acts herein alleged maliciously and fraudulently, with the
9 wrongful intention of injuring Plaintiff and with an improper and evil motive rising to the level
10 of malice, in conscious disregard of Plaintiff's rights. Because the acts taken towards Plaintiff
11 were carried out by managerial employees acting in a despicable, deliberate, cold, callous, and
12 intentional manner in order to injure and damage Plaintiff, Plaintiff is entitled to recover punitive
13 damages from Defendants.

14 **FOURTEENTH CAUSE OF ACTION**

15 **DEFAMATION**

16 **(Against Allison Michael)**

17 196. Plaintiff incorporates by reference and realleges herein each and every one of the
18 allegations contained in the preceding and foregoing paragraphs of this Complaint as if fully set
19 forth herein.

20 197. Civil Code Section 46(3) specifically concerns defamation per se affecting a person's
21 occupational reputation. (*Washer v. Bank of America* (1943) 21 Cal.2d 822, 827.).

22 198. Executives at ICANN, including senior counsel Amy Stathos and others, in an effort
23 to hide Plaintiff's sexual harassment complaint and ICANN's failure to investigate from the
24 Board of Directors conspired and hired Allison Michael, a friend and long-term colleague of Amy
25 Stathos to defame Plaintiff and undermine her complaint of sexual harassment.

26 199. Attorney Michael was paid handsomely and instructed to undermine Plaintiff's
27 complaint.

28 200. Attorney Michael interrogated ICANN employees and inserted false information in

1 their reports.

2 201. Defendant Allison Michael made defamatory statements about Plaintiff’s complaints
3 of sexual harassment both orally and in reports to the Board of Directors and to other employees
4 of ICANN.

5 202. Specifically, one of the defamatory statements was that Ms. King “invited” the sexual
6 comments made by her supervisor.

7 203. Another one of the defamatory statements was the Mr. Baluch’s testimony was
8 inconsistent.

9 204. Defendant Allison Michael allegedly made additional defamatory statements in
10 reports to ICANN employees and the board.

11 205. Defendant Allison Michael knew of the falsity of her defamatory comments, or
12 recklessly offered false information based on her own flawed and biased investigation.

13 206. Defendant Allison Michael made the defamatory statements to employees other than
14 the group of employees who needed to know such information, thereby abusing and negating any
15 conditional privilege that may have existed.

16 207. Defendant had knowledge or reason to believe that Plaintiff would be under a strong
17 compulsion to disclose the contents of the defamatory statement to a third person after she had
18 been informed of the defamatory contents of the statement.

19 208. Defendant maliciously and knowingly made the aforesaid defamatory statements with
20 knowledge of their falsity and intent to injure Plaintiff.

21 209. The defamatory statements were repeated and publicized multiple times, the last
22 known one being on around October 21, 2023, when Plaintiff discovered that Ms. Michael told
23 the board that Mr. Baluch stated he had no recollection of ever making a report of sexual
24 harassment in 2018.

25 210. The statements made by Defendant constituted Defamation Per Se as they were
26 intended to and did cause harm to Plaintiff’s reputation.

27 211. The statements were published internally and repeated multiple times amongst
28 ICANN employees resulting in embarrassment and harming Plaintiff’s reputation at ICANN.

1 212. Defendant knew that the defamatory statements would be republished.

2 213. The defamatory statements might be further republished after this lawsuit is filed.

3 214. Plaintiff was injured and prejudiced in her reputation and has also lost and been
4 deprived of gains and profits which would otherwise have arisen and accrued to her in her
5 employment with ICANN.

6 215. As a proximate result of the acts of Defendant Allison Michael as aforesaid, Plaintiff
7 has been injured, disgraced, and defamed, and deprived of gains and profits which would have
8 accrued to her in her employment, as well as exemplary damages.

9 216. Defendant Allison Michael's actions were taken with malice, oppression, and fraud.

10 217. Defendant Allison Michael had no reasonable grounds for believing the truth of the
11 defamatory statements and they were made in a reckless disregard of Plaintiff's rights.

12 218. Defendant Allison Michael's misconduct was committed intentionally, in a malicious,
13 despicable, oppressive, fraudulent manner, entitling Plaintiff to punitive damages against
14 Defendant.

15
16 **VI. PRAYER FOR RELIEF**

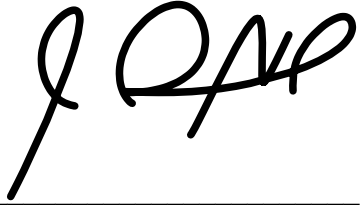
17 WHEREFORE, Plaintiff prays for judgment against Defendants, and each of them, as follows:

- 18 1. For statutory penalties as described herein and as available by law;
19 2. For attorneys fees as described herein and as available by law;
20 3. For reasonable attorneys' fees and costs pursuant to all applicable provisions of law;
21 4. For prejudgment and post-judgment interest on all damages awarded;
22 5. For such other relief as the Court may deem just and proper;
23 6. For the reimbursements of all reasonable and necessary business expenses pursuant to
24 Labor Code §2802;
25 7. All civil penalties pursuant to the California Labor Code;
26 8. For costs of suit incurred herein;
27 9. For reasonable attorney fees available under, including but not limited to, the Labor
28 Code, Labor Code 218.5, and 1194 and title 29, Section 216 of United States Code;

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- 10. Pre-judgment and post-judgment interest as provided by law;
- 11. For punitive damages according to proof;
- 12. The total of all above damages exceeding \$77,000,000.00 or more as will be shown by proof at the time of trial; and
- 13. Such other and further relief that the Court may deem just and proper.

Dated: August 13, 2024

By: 
Jonathan J. Delshad, Esq.
Attorney for Plaintiff

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EXHIBIT 1

Subject: Statement

Date: Friday, February 23, 2024 at 11:53:22 AM Pacific Standard Time

From: Josh Baulch

To: tanzanica@me.com

To whom it may concern,

I am confirming that I, Josh Baulch, met with Gina Villavicencio (VP of HR, Deputy SVP at the time, later becoming SVP of HR) in Panama City, Panama, at the Hard Rock Cafe Hotel on 28 June, 2018 at 2:45pm Local time for 1 hour in the ICANN staff Room on Level E10.

This conversation was requested by me to disclose concerns that I had about the VP of Meetings. During this conversation, I expressed my concerns related to the conduct of the VP of Meetings, from misappropriation of ICANN resources to manage personal activities, using ICANN funds and staff to book additional hotel rooms for personal activities, and to also disclose concerns about his efforts to get a local HR representative fired due to his dislike of her reporting his breaking of rules, such as vaping in the Istanbul Office (VP of Meetings was also the Managing Director of the Istanbul office at the time). I also disclosed that I was concerned about a co-worker, Tanzanica King, whom was showing signs of distress when going out to dinner or drinks with co-workers that included the VP of Meetings, and asking other team members to sit between or act as a buffer between herself and the VP of Meetings. As well, I told Gina, that I believed at some point there was some sort of odd relationship between Tanzanica and the VP of Meetings, but it was not clear to me if this relationship had been consensual or not, but based on her recent reactions at the time, it would seem it was no longer consensual, if at any time it had been previously consensual. For me, it appeared that the relationship seemed to be of a sexual nature, but I did not have direct evidence of this, other than seeing odd interactions between them at times. At the time, I told Gina, that at the very least she should reach out to Tanzanica to confirm my sense that something was wrong and something had happened between them. I also told her to reach out to other team members at the time to confirm other aspects of my concerns of misconduct I had expressed about the VP of Meetings.

This is the summary of the discussion of that meeting, and I remember it clearly because I was stressed because I knew it risked my job reporting the VP of Meetings inappropriate and unethical work behaviors, and at times during the meeting, it made me emotional discussing it.

This has been my consistent statement about this meeting with Gina to ICANN during the investigation phase, and my story has not changed, nor have I retracted any of my statements made during this entire investigation.

Signed,

Josh Baulch
23 Feb 2024

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Josh Baulch
+1 509 312 9711

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EXHIBIT 2



Civil Rights Department

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1684 (voice) | 800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

January 16, 2024

Jonathan Delshad
1663 Sawtelle Blvd. Suite 220
Los Angeles, CA 90025

RE: **Notice to Complainant's Attorney**
CRD Matter Number: 202401-23262315
Right to Sue: King / Internet Corporation for Assigned Names and Numbers
(ICANN) et al.

Dear Jonathan Delshad:

Attached is a copy of your complaint of discrimination filed with the Civil Rights Department (CRD) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also attached is a copy of your Notice of Case Closure and Right to Sue.

Pursuant to Government Code section 12962, CRD will not serve these documents on the employer. You must serve the complaint separately, to all named respondents. Please refer to the attached Notice of Case Closure and Right to Sue for information regarding filing a private lawsuit in the State of California. A courtesy "Notice of Filing of Discrimination Complaint" is attached for your convenience.

Be advised that the CRD does not review or edit the complaint form to ensure that it meets procedural or statutory requirements.

Sincerely,

Civil Rights Department



Civil Rights Department

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1684 (voice) | 800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

January 16, 2024

RE: Notice of Filing of Discrimination Complaint

CRD Matter Number: 202401-23262315

Right to Sue: King / Internet Corporation for Assigned Names and Numbers (ICANN) et al.

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Civil Rights Department (CRD) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

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

No response to CRD is requested or required.

Sincerely,

Civil Rights Department



Civil Rights Department

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1684 (voice) | 800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

January 16, 2024

Tanzanica King
3645 Midvale Ave., Unit 3
Los Angeles, CA 90034

RE: Notice of Case Closure and Right to Sue
CRD Matter Number: 202401-23262315
Right to Sue: King / Internet Corporation for Assigned Names and Numbers
(ICANN) et al.

Dear Tanzanica King:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective January 16, 2024 because an immediate Right to Sue notice was requested.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

To obtain a federal Right to Sue notice, you must contact the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this CRD Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Civil Rights Department

1 **COMPLAINT OF EMPLOYMENT DISCRIMINATION**
2 **BEFORE THE STATE OF CALIFORNIA**
3 **Civil Rights Department**
4 **Under the California Fair Employment and Housing Act**
5 **(Gov. Code, § 12900 et seq.)**

6 **In the Matter of the Complaint of**

7 Tanzanica King

CRD No. 202401-23262315

8 Complainant,

9 vs.

10 Internet Corporation for Assigned Names and
11 Numbers (ICANN)

12 ,

13 Nick Tomasso

14 ,

15 Respondents

16 _____
17 **1. Respondent Internet Corporation for Assigned Names and Numbers (ICANN) is an**
18 **employer** subject to suit under the California Fair Employment and Housing Act (FEHA) (Gov.
19 Code, § 12900 et seq.).

20 **2. Complainant is naming Nick Tomasso** individual as Co-Respondent(s).

21 **3. Complainant Tanzanica King**, resides in the City of **Los Angeles**, State of **CA**.

22 **4. Complainant alleges that on or about January 15, 2024**, respondent took the
23 following adverse actions:

24 **Complainant was harassed** because of complainant's sex/gender, other, sexual
25 harassment- hostile environment, sexual harassment- quid pro quo, association with a
26 member of a protected class.

27 **Complainant was discriminated against** because of complainant's sex/gender, other,
28 sexual harassment- hostile environment, sexual harassment- quid pro quo, association with
a member of a protected class and as a result of the discrimination was denied hire or
promotion, other, denied work opportunities or assignments, denied or forced to transfer.

1 **Complainant experienced retaliation** because complainant reported or resisted any form
2 of discrimination or harassment, participated as a witness in a discrimination or harassment
3 complaint and as a result was denied hire or promotion, demoted, other, denied work
opportunities or assignments, denied or forced to transfer.

4 **Additional Complaint Details:**

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1 VERIFICATION

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

5 On January 16, 2024, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

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los angeles, ca