

Assigned for all purposes to: Stanley Mosk Courthouse, Judicial Officer: Barbara Scheper

Electronically FILED by Superior Court of California, County of Los Angeles on 02/28/2019 10:36 AM Sherri R. Carter, Executive Officer/Clerk of Court, by H. Flores-Hernandez, Deputy Clerk

1 **ALEXANDER KRAKOW + GLICK LLP**
 2 J. Bernard Alexander, III (State Bar No. 128307)
 3 Christopher M. Lee (State Bar No. 313555)
 4 1900 Avenue of the Stars, Suite 900
 5 Los Angeles, California 90067
 6 T: 310 394 0888 | F: 310 394 0811
 7 E: balexander@akgllp.com | clee@akgllp.com

8
 9
 10
 11 Attorneys for Plaintiff
 12 Jennifer Gore

13
 14
 15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
 16
 17 **IN AND FOR THE COUNTY OF LOS ANGELES, UNLIMITED**

18 JENNIFER GORE, an individual,
 19
 20 Plaintiff,
 21
 22 vs.
 23
 24 INTERNET CORPORATION OF
 25 ASSIGNED NAMES AND NUMBERS, a
 26 corporation, and DOES 1 through 25,
 27 Inclusive,
 28
 Defendants.

Case No.
 COMPLAINT FOR DAMAGES
 1. Disability Discrimination [Gov. Code §12940, et. seq.];
 2. Failure to Engage in the Interactive Process [Gov. Code § 12940(n)]
 3. Failure to Reasonably Accommodate [Gov. Code § 12940(m)(1)]
 4. Gender Discrimination [Gov. Code § 12940, et. seq.]
 5. Retaliation in Violation of the FEHA [Gov. Code § 12940(h)]
 6. Failure to Prevent Discrimination, Retaliation and Harassment [Gov. Code § 12940(k)]

DEMAND FOR JURY TRIAL

Plaintiff JENNIFER GORE ("Plaintiff" or "GORE") complains against Defendant INTERNET CORPORATION OF ASSIGNED NAMES AND NUMBERS, and states and alleges as follows:

1 **Introduction**

2 1. Plaintiff JENNIFER GORE was employed by INTERNET CORPORATION
3 OF ASSIGNED NAMES AND NUMBERS ("Defendant" or "ICANN") as the Director of
4 Registrar Services and Engagement, from July 18, 2016 until her termination on October
5 15, 2018. Throughout her employment Plaintiff GORE received stellar performance
6 reviews, was consistently recognized as a dedicated and supportive member of her team,
7 and never received any form of written or verbal warning, or any other form of discipline.

8 2. Plaintiff suffered a workplace spinal back injury in October 2017, which
9 necessitated surgery in July 2018, and ultimately resulted in Plaintiff having a physical
10 restriction. After Plaintiff's return from surgery, her department Vice President, Cyrus
11 Namazi, began to treat Plaintiff less favorably. Assignments normally falling under
12 Plaintiff's responsibility were now assigned to a less experienced, lesser qualified male
13 colleague. While this Vice President had exhibited hostility toward Plaintiff and other
14 women in the past, after Plaintiff's disability, the hostility increased.

15 3. On October 11, 2018, without prior warning, Namazi escorted Plaintiff to the
16 human resources department and summarily stated that her position was being
17 eliminated. Shortly thereafter, Namazi generated an email seeking a replacement to fill
18 Plaintiff's position, indicating that the representation that Plaintiff's position was being
19 eliminated was false.

20 **Jurisdiction and Venue**

21 4. Jurisdiction and venue are proper in this Court because all of the claims
22 alleged herein arose in Los Angeles County; all of the parties were and/or are residents
23 of, or are doing or did business in, Los Angeles County; or such claims may be brought
24 herein by statute or law.

25 5. The amount in controversy in this matter exceeds the sum of \$25,000,
26 exclusive of interest and costs.

27 ///

Parties

1
2 6. At all times mentioned herein, Plaintiff GORE was employed out of the Los
3 Aneles office of ICANN, within the County of Los Angeles.

4 7. Defendant INTERNET CORPORATION OF ASSIGNED NAMES AND
5 NUMBERS ("ICANN") is and at all relevant times was a corporation doing business in the
6 County of Los Angeles, State of California. At all relevant times, Defendant was an
7 employer subject to the Fair Employment and Housing Act.

8 8. Plaintiff is ignorant of the true names and capacities of defendants sued
9 herein as DOES 1-25, inclusive, and therefore sues these defendants by such fictitious
10 names. Plaintiff will amend this complaint to allege the true and correct names and
11 capacities of Doe defendants when ascertained. Plaintiff is informed and believes and
12 thereon alleges that said defendants, and each of them, are responsible in whole or part,
13 for Plaintiff's damages as alleged herein.

14 9. Plaintiff is informed, believes and alleges that each Defendant is, and at all
15 times mentioned was, the agent, employee or representative of each other Defendant.
16 Each Defendant, in doing the acts, or in omitting to act as alleged in this Complaint, was
17 acting within the scope of his or her actual or apparent authority or the alleged acts and
18 omissions of each defendant as agent subsequently were ratified and adopted by each
19 other defendant as principal. Plaintiff also alleges that Defendants were, at all times
20 relevant hereto, the alter egos of each other. Wherever reference is made to Defendants
21 herein, it is intended to include all of the named Defendant as well as the DOE
22 Defendants. Each of the fictitiously named DOE Defendants is responsible in some
23 manner for the occurrences herein alleged and proximately caused PLAINTIFF's
24 damages.

25 ///

26 ///

27

28

1 **Facts**

2 10. Plaintiff GORE was hired by Defendant ICANN on July 18, 2016.

3 Throughout her employment, Plaintiff held the title of Director of Registrar Services and
4 Engagement. Plaintiff GORE satisfactorily performed her job duties throughout her
5 employment, consistently receiving stellar performance reviews and being recognized as
6 a dedicated employee. Reflective of this, Plaintiff received of multiple generous raises
7 and bonus, on top of her base salary. Throughout her employment and up to the date of
8 her termination, Plaintiff never received any form of written or verbal warning, or any
9 other form of discipline.

10 11. On or about October 28, 2017, while Plaintiff was traveling on ICANN
11 business to Abu Dhabi, a suitcase fell onto Plaintiff's back, causing injury to Plaintiff's
12 neck, back and collar bone. Plaintiff was required to undergo spinal surgery, which she
13 delayed for the benefit of ICANN, until July 2018.

14 12. Cyrus Namazi is the department Vice President to whom Plaintiff reported
15 at the time of her termination.

16 13. Prior to Plaintiff's injury, Plaintiff observed that Namazi had a history of
17 treating Plaintiff and other women less favorably. At that time, the treatment was based
18 primarily on snide and derogatory comments. However, after Plaintiff's injury, the tone
19 and frequency of the verbal comments increased, and work normally assigned to Plaintiff,
20 based on her superior experience and qualifications, began to assign to a male co-worker
21 with far less experience or qualifications.

22 14. On October 15, 2018, Namazi terminated Plaintiff, with no forewarning,
23 giving Plaintiff the explanation that her job was being eliminated. Thereafter, Namazi
24 communicated to intent to fill Plaintiff's position with a replacement.

25 **Exhaustion of administrative remedies.**

26 15. Plaintiff filed a charge of discrimination and retaliation with the California
27 Department of Fair Employment and Housing ("DFEH") on December 12, 2018, and was
28

1 issued an immediate right to sue on that date. Thus, Plaintiff has exhausted all
2 administrative remedies.

3
4 **FIRST CAUSE OF ACTION**

5 **Disability Discrimination**

6 **[Gov. Code § 12940, et. seq.]**

7 (Against Defendant ICANN and Does 1-10)

8 16. Plaintiff repeats, realleges, and incorporates by reference the allegations
9 contained in all previous paragraphs as though fully set forth at length herein.

10 17. Plaintiff was at all times material hereto an employee of Defendants
11 covered by California Government Code §12940, *et. seq.*, prohibiting discrimination and
12 harassment on the basis of disability, or medical condition.

13 18. PLAINTIFF had a serious medical condition which constituted a disability
14 under Government Code §§ 12926 and 12926.1, and which limited PLAINTIFF's ability to
15 engage in several major life activities, including but not limited to standing, sitting,
16 reaching and working.

17 19. PLAINTIFF was able to perform the essential duties of her position with or
18 without reasonable accommodation for her disability.

19 20. DEFENDANTS knew, perceived or treated PLAINTIFF as though she had a
20 disability.

21 21. DEFENDANTS engaged in multiple adverse actions against PLAINTIFF
22 due to PLAINTIFF's disability, including, but not limited to, treating PLAINTIFF less
23 favorably than other non-disabled employees, refusing to accommodate PLAINTIFF's
24 serious medical condition, refusing to engage in the interactive process in order to
25 accommodate PLAINTIFF, and ultimately, termination.

26 22. **Economic damages.** As a direct and legal result of the conduct of
27 Defendants, and each of them, as set forth above, Plaintiff has and will continue to suffer
28

1 special damages for lost earnings and wages in an amount not yet fully known, but in
2 excess of \$100,000.00. Under the FEHA, Plaintiff is entitled to reinstatement, as well.

3 23. **Non-economic damages.** As a direct and legal result of the conduct of
4 Defendants, and each of them, as set forth above, Plaintiff has been harmed in that she
5 has suffered physical sickness, pain and suffering, resulting humiliation, embarrassment,
6 mental anguish and emotional distress, all in an amount to be proved at trial.

7 24. In addition, Defendants, and each of them, are responsible for interest,
8 penalties, costs, and attorney fees related to this cause of action.

9

10

SECOND CAUSE OF ACTION

11

Failure to Engage in the Interactive Process

12

[Gov. Code § 12940, et. seq.]

13

(Against Defendant ICANN and Does 1-10)

14

15 25. Plaintiff repeats, re-alleges, and incorporates by reference the allegations
16 contained in all previous paragraphs as though fully set forth at length herein.

16

17 26. As alleged herein and in violation of California Government Code section
18 12940(n), Defendants violated the California Fair Employment and Housing Act by,
19 among other things, failing to engage in the interactive process despite Plaintiff's
20 numerous requests for reasonable accommodation.

20

21 27. PLAINTIFF had a serious medical condition which constituted a disability,
22 that was known to DEFENDANTS.

22

23 28. PLAINTIFF requested reasonable accommodation for her disability,
24 including, but not limited to, allowing PLAINTIFF to use sick time, disability leave, and/or
25 intermittent medical leave, and not to have her protected leaves used as the basis of
26 discipline or invoked as a basis for issuance of poor performance evaluations, among
27 other things.

27

28

1 29. PLAINTIFF was willing to participate in an interactive process to determine
2 whether reasonable accommodation could be made so that she would be able to perform
3 her essential job requirements. DEFENDANTS failed to participate in a timely, good-faith
4 interactive process with PLAINTIFF to determine whether reasonable accommodation
5 could be made.

6 30. As a direct and proximate result of the conduct of DEFENDANTS as set
7 forth above, PLAINTIFF suffered and will continue to suffer economic and non-economic
8 damages and general and special damages in a sum according to proof, in an amount
9 exceeding the jurisdictional limits of this Court. In addition, DEFENDANTS, and each of
10 them, are responsible for interest, penalties, costs, and attorney fees related to this cause
11 of action.

12 31. **Economic damages.** As a direct and legal result of the conduct of
13 Defendants, and each of them, as set forth above, Plaintiff has and will continue to suffer
14 special damages for lost earnings and wages in an amount not yet fully known, but in
15 excess of \$100,000.00. Under the FEHA, Plaintiff is also entitled to reinstatement, as
16 well.

17 32. **Non-economic damages.** As a direct and legal result of the conduct of
18 Defendants, and each of them, as set forth above, Plaintiff has been harmed in that she
19 has suffered physical sickness, pain and suffering, resulting humiliation, embarrassment,
20 mental anguish and emotional distress, all in an amount to be proved at trial.

21 33. In addition, Defendants, and each of them, are responsible for interest,
22 penalties, costs, and attorney fees related to this cause of action.

23 ///
24 ///
25 ///
26 ///
27 ///

28

1 **THIRD CAUSE OF ACTION**

2 **Failure to Reasonably Accommodate**

3 **[Gov. Code § 12940, et. seq.]**

4 (Against Defendant ICANN and Does 1-10)

5 34. Plaintiff repeats, re-alleges, and incorporates by reference the allegations
6 contained in all previous paragraphs as though fully set forth at length herein.

7 35. PLAINTIFF's serious medical condition constituted a disability under
8 Government Code §§ 12926 and 12926.1 and limited PLAINTIFF's ability to engage in
9 several major life activities, including but not limited to breathing and working.

10 DEFENDANTS knew, perceived or treated PLAINTIFF as if she had a disability.

11 36. PLAINTIFF was and is able to perform the essential duties of her position
12 with or without a reasonable accommodation for her disability.

13 37. PLAINTIFF requested reasonable accommodation for her disability,
14 including, but not limited to, allowing PLAINTIFF a two-month travel restriction, among
15 other things.

16 38. DEFENDANTS failed to provide reasonable accommodation to Plaintiff.
17 Instead, in order to avoid accommodation of the Plaintiff, DEFENDANTS terminated
18 Plaintiff.

19 39. **Economic damages.** As a direct and legal result of the conduct of
20 Defendants, and each of them, as set forth above, Plaintiff has and will continue to suffer
21 special damages for lost earnings and wages in an amount not yet fully known, but in
22 excess of \$300,000.00. Under the FEHA, Plaintiff is also entitled to reinstatement, as
23 well.

24 40. **Non-economic damages.** As a direct and legal result of the conduct of
25 Defendants, and each of them, as set forth above, Plaintiff has been harmed in that she
26 has suffered physical sickness, pain and suffering, resulting humiliation, embarrassment,
27 mental anguish and emotional distress, all in an amount to be proved at trial.

1 48. **Non-economic damages.** As a direct and legal result of the conduct of
2 Defendants, and each of them, as set forth above, Plaintiff has been harmed in that she
3 has suffered physical sickness, pain and suffering, resulting humiliation, embarrassment,
4 mental anguish and emotional distress, all in an amount to be proved at trial.

5
6 **FIFTH CAUSE OF ACTION**

7 **Retaliation In Violation of the FEHA**

8 **[Gov. Code § 12940(h)]**

9 (Against Defendant ICANN and Does 11-25)

10 65. Plaintiff repeats, re-alleges, and incorporates by reference the allegations
11 contained in all previous paragraphs as though fully set forth at length herein.

12 66. Plaintiff engaged in protected conduct, including but not limited to: (1)
13 requesting reasonable accommodation for her serious health condition which constituted
14 a disability; (2) complaining about discrimination and retaliation visited upon Plaintiff,
15 based on her serious medical condition constituting a disability; and based on Plaintiff's
16 gender.

17 67. Plaintiff is informed, believes, and alleges that at all times Plaintiff was
18 employed by Defendants, all named Defendants, and each of them, performed
19 affirmative acts as described in the general allegations herein that constituted retaliation
20 for Plaintiff's opposition to Defendants' discrimination under § 12940(a), et seq. Plaintiff's
21 complaints of discrimination and retaliation were substantial motivating factors in causing
22 Plaintiff harm.

23 68. **Economic damages.** As a direct and legal result of the conduct of
24 Defendants, and each of them, as set forth above, Plaintiff suffered and will suffer special
25 damages for lost earnings and wages in an amount not yet fully known, but in excess of
26 \$100,000.00. Under the FEHA, Plaintiff is entitled to reinstatement, as well.

27
28

1 69. **Non-economic damages.** As a direct and legal result of the conduct of
2 Defendants, and each of them, as set forth above, Plaintiff has been harmed in that she
3 has suffered physical sickness, pain and suffering, resulting humiliation, embarrassment,
4 mental anguish and emotional distress, all in an amount to be proved at trial.

5 70. In addition, Defendants, and each of them, are responsible for interest,
6 penalties, costs, and attorney fees related to this cause of action.

7
8 **SIXTH CAUSE OF ACTION**

9 **Failure to Prevent Discrimination and Retaliation**

10 **[Gov. Code § 12940(k)]**

11 (Against Defendant ICANN and Does 11-25)

12 71. Plaintiff repeats, re-alleges, and incorporates by reference the allegations
13 contained in all previous paragraphs as though fully set forth at length herein.

14 72. Plaintiff was at all times relevant and material hereto an employee of
15 Defendants covered by California Government Code §12940(k), prohibiting an
16 employer's failure prevent discrimination, retaliation and harassment under California
17 Government Code § 12940(a), et seq.

18 73. Plaintiff is informed and believes, and based thereon alleges, that
19 defendants, and each of them, failed to take all reasonable steps to prevent the
20 discriminatory and retaliatory practices enumerated above against Plaintiff. Plaintiff is
21 informed and believes, and based thereon alleges, that in addition to the practices
22 enumerated above, defendants, and each of them, have engaged in other discriminatory
23 practices against her which are not yet fully known. At such time, as said discriminatory
24 practices become known to her, Plaintiff may seek leave of Court to amend this
25 Complaint.

26 74. **Economic damages.** As a direct and legal result of the conduct of
27 Defendants, and each of them, as set forth above, Plaintiff has and will continue to suffer
28

1 special damages for lost earnings and wages in an amount not yet fully known, but in
2 excess of \$100,000.00. Under the FEHA, Plaintiff is also entitled to reinstatement, as
3 well.

4 **75. Non-economic damages.** As a direct and legal result of the conduct of
5 Defendants, and each of them, as set forth above, Plaintiff has been harmed in that she
6 has suffered physical sickness, pain and suffering, resulting humiliation, embarrassment,
7 mental anguish and emotional distress, all in an amount to be proved at trial.
8 In addition, Defendants, and each of them, are responsible for interest, penalties, costs,
9 and attorney fees related to this cause of action.

10 **PRAYER FOR RELIEF**

11 WHEREFORE, Plaintiff prays for judgment as follows:

- 12 1. For reasonable attorney's fees and costs, including expert witness
13 fees, pursuant to Section 12965 of the California Government Code;
- 14 2. For damages for physical sickness, emotional distress, humiliation
15 and mental anguish in an amount according to proof at time of trial;
- 16 3. For general and special damages, according to proof, with interest
17 thereon at the maximum legal rate;
- 18 4. For reinstatement pursuant to the FEHA;
- 19 5. For injunctive relief, including without limitation, a requirement that
20 Defendants, under court supervision, conduct training for all employees, supervisors and
21 management on the requirements of the Fair Employment and Housing Act, the rights and
22 remedies of those who allege a violation of the FEHA, and the employer's internal
23 grievance procedure;
- 24 6. For injunctive relief restraining Defendants from engaging in any
25 further acts of discrimination based on medical condition, or requiring disclosure of medical
26 diagnosis of treatment as a condition of employment;

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

7. For such further injunctive relief as the court may deem appropriate to both prevent and deter unlawful employment practices and redress the adverse effects of those practices on plaintiff and other aggrieved persons;


8. Penalties, pursuant to statute;

9. For costs of suit incurred by Plaintiff; and

10. For such other and further relief as the Court may deem just and proper.

DATED: February 27, 2019

ALEXANDER KRAKOW + GLICK LLP

By: 

J. BERNARD ALEXANDER, III
RENÉE AMADOR
Attorneys for Plaintiff
JENNIFER GORE

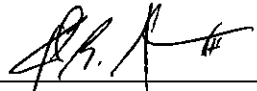
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DEMAND FOR JURY TRIAL

Plaintiff demands trial by jury on all claims for relief.

DATED: February 27, 2019

ALEXANDER KRAKOW + GLICK LLP

By: 

J. BERNARD ALEXANDER, III
C.J. LEE
Attorneys for Plaintiff
JENNIFER GORE