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LINDSAY BUCKLEY

FILED
Superior Court Of California
County Of Los Angeles

MAY 30 2017

Sherri R. Carter, Executive Officer/Clerk
By Charlie L. Coleman, Deputy

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES**

LINDSAY BUCKLEY, an individual,

Plaintiff,

v.

SOULCYCLE, INC., a New York
corporation;
EQUINOX HOLDINGS, INC., a New
York Corporation;
ANGELA DAVIS, an individual and
DOES 1 through 100, Inclusive.

Defendants.

CASE NO.

BC 663188

COMPLAINT FOR DAMAGES FOR

1. **HARASSMENT IN VIOLATION OF THE FAIR EMPLOYMENT AND HOUSING ACT ("FEHA") [GOV. CODE. § 12940(j)(1)];**
2. **RETALIATION IN VIOLATION OF FEHA [GOV. CODE. § 12940(h)];**
3. **VIOLATIONS OF CALIFORNIA'S PREGNANCY DISABILITY LEAVE LAW ("PDLL") [GOV. CODE. § 12945, et. seq.];**
4. **RACE AND PREGNANCY DISCRIMINATION IN VIOLATION OF FEHA [GOV CODE § 12940(a)];**
5. **FAILURE TO PREVENT HARASSMENT, DISCRIMINATION AND RETALIATION IN VIOLATION OF GOV. CODE § 12940(k);**
6. **INTENTIONAL INFLECTION OF EMOTIONAL DISTRESS;**
7. **DEFAMATION**
8. **FALSE LIGHT**

DEMAND FOR JURY TRIAL

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1 Plaintiff LINDSAY BUCKLEY alleges as follows:

2 **GENERAL ALLEGATIONS**

3 1. Plaintiff LINDSAY BUCKLEY (hereinafter referred to as "BUCKLEY" or
4 "Plaintiff") is, and at all times herein mentioned was an individual residing in Los Angeles County,
5 and working at Defendants' Los Angeles County locations, in the State of California.

6 2. Defendant SOULCYCLE, INC. ("SOULCYCLE"), is, and at all relevant times herein
7 mentioned was a corporation headquartered in New York which is and was authorized to and
8 conducting business in California.

9 3. Defendant EQUINOX HOLDINGS, INC. ("EQUINOX"), is, and at all relevant times
10 herein mentioned was a corporation headquartered in New York which is and was authorized to and
11 conducting business in California.

12 4. Upon information and belief, Defendant SOULCYCLE, INC. and EQUINOX
13 HOLDINGS, INC. (hereinafter collectively referred to as "Defendants" or
14 "SOULCYCLE/EQUINOX") were joint employers of Plaintiff and constitute an integrated
15 enterprise, sharing labor and Human Resources functions for employees of SOULCYCLE like
16 Plaintiff. At all relevant times, SOULCYCLE/EQUINOX and Does 1-50, inclusive, and each of
17 them, were "employers" within the meaning of Gov. Code, sections 12926(d) and 12940 (The Fair
18 Employment and Housing Act, or "FEHA"), in that they regularly employed five or more persons at
19 all times relevant to this lawsuit.

20 5. Defendant ANGELA DAVIS is, and at all times herein mentioned was an individual
21 residing in Los Angeles County, and working at defendants' Los Angeles County locations, in the
22 State of California.

23 6. Plaintiff is ignorant of the true names and capacities of Defendants sued herein as
24 DOES 1 through 100, inclusive, and therefore sues these Defendants by such fictitious names.
25 Plaintiff will amend this complaint to allege their true names and capacities when ascertained.
26 Plaintiff is informed and believes, and thereon alleges that each of the fictitiously named Defendants
27 is responsible for the alleged occurrences and injuries to Plaintiff.

28 7. Unless otherwise alleged in this complaint, Plaintiff is informed and believes, and on

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1 that basis alleges, that each Defendant acted in concert with each and every other Defendant,
2 intended to and did participate in events, acts, practices and courses of conduct alleged herein, and
3 was a proximate cause of the damages and injury thereby to Plaintiff, as alleged herein.

4 8. Venue is proper under California Government Code section 12965(b) and California
5 Code of Civil Procedure section 395 in that Defendants reside within this jurisdiction, Plaintiff's
6 injuries were incurred within this jurisdiction, and the acts giving rise to this action occurred, in
7 whole or in substantial part, in the County of Los Angeles, in the State of California. Sub-venue is
8 also proper in the Central District pursuant to Los Angeles Superior Court Local Rule 2.0(c).

9 **EXHAUSTION OF ADMINISTRATIVE PROCEEDINGS**

10 9. Plaintiff exhausted her administrative remedies by timely filing complaints against
11 each of the named defendants with the California Department of Fair Employment & Housing
12 ("DFEH"), and thereafter receiving "Right to Sue" letters from the DFEH.

13 **COMMON FACTUAL ALLEGATIONS**

14 10. Plaintiff, LINDSAY BUCKLEY was literally the "Poster Girl" and head cheerleader
15 for defendant SOULCYCLE; she was featured in their advertising posters and was given a stipend to
16 purchase and wear their clothing and market the brand on social media. She was a loyal and devoted
17 employee from June 2013 until her wrongful termination on January 23, 2017. Her hard work,
18 dedication and contribution to the company were recognized through annual raises, ongoing praise
19 from management; Plaintiff was also a model instructor for other SOULCYCLE instructors. Less
20 than two weeks before her termination she was promoted to Senior Instructor, a position shared by
21 defendant ANGELA DAVIS.

22 11. Plaintiff received consistent praise and accolades at SOULCYCLE until shortly after
23 the November 2016 Presidential election. Around November 10, 2016, days after the Presidential
24 election that had caused many west-side riders to become depressed, Plaintiff made her usual
25 positive "pep talk" in class, hoping to inspire people to see the good in their own lives and bodies.

26 12. Upon information and belief, one of defendant DAVIS' friends was in the class that
27 day and told DAVIS what Plaintiff had said immediately after leaving the class. DAVIS
28 (erroneously) took Plaintiff's comments as "pro-Trump" and concluded that Plaintiff was racist.

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1 DAVIS immediately called the front desk at the studio where Plaintiff was working and told the front
2 desk person (who was Hispanic) that she had heard what Plaintiff had said in class and was outraged.
3 DAVIS told the front desk person: "You don't know what it's like to be a minority – you need to
4 relay to LINDSAY [BUCKLEY] that she needs to shut up; she's offending people."

5 13. Plaintiff believed that DAVIS' reaction to her comments in class that day suggested
6 she was judging Plaintiff a racist Trump supporter simply because she was a blonde, Caucasian
7 woman from Orange County who dared to say something positive and inspirational in her class a
8 couple days after the election. Stunned and dismayed by DAVIS' conduct, which was relayed to her
9 by the front desk person, Plaintiff drove to SOULCYCLE's West Coast corporate office in Culver
10 City and spoke with Heather Leckie, the Company's Los Angeles HR Manager and Caitlin Grams,
11 the Regional Manager. Plaintiff recounted DAVIS' conduct and said she felt ANGELA had (falsely)
12 presumed she was a Trump supporter and attacked her "because of the color of my skin." Ms. Leckie
13 responded: "This is typical Angela; *I will talk to her.*" But Plaintiff's complaint to Ms. Leckie (and
14 Ms. Grams) only exacerbated the situation. At each opportunity, DAVIS continued her false
15 allegations of racism and, in retaliation for Plaintiff's racial harassment complaint against her, she
16 mounted a racially motivated smear campaign to get rid of Plaintiff, even if DAVIS' smear campaign
17 was based on false information.

18 14. On or about January 12, 2017, the company received complaint/s mistakenly alleging
19 that Plaintiff had used an explicit lyric, the n-word, contained in a Rihanna song that was playing
20 during class. The company investigated and learned from many SOULCYCLE riders in the class that
21 Plaintiff did not say any such thing and that it would have been completely out of character for her to
22 do so. Accordingly, SOULCYCLE's Director of Programming verbally counseled Plaintiff on
23 January 13, 2017 and told her, "if we hear feedback like this *again*, it will result in a written warning
24 and possible suspension". DAVIS apparently did not like the company's response; upon information
25 and belief, DAVIS actively solicited customers, friends and coworkers to falsely accuse Plaintiff of
26 making racially offensive comments in class (and being a racist), including asking at least one
27 customers to lie to the company about what Plaintiff said in class.

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1 15. Upon information and belief, DAVIS learned of the discipline Defendants had
2 decided to impose and launched a campaign to pressure Defendants to fire Plaintiff, including telling
3 instructors and customers alike that Plaintiff is “racist” and recruiting other instructors and customers
4 to advocate for firing Plaintiff. Upon information and belief, DAVIS also called on other minority
5 instructors to boycott work if Plaintiff was reinstated and told a customer who was actually present in
6 the class in question that Plaintiff had used the n-word. Although that customer replied: “No. She
7 didn’t. I was there”, DAVIS persisted in slandering Plaintiff with false accusations of using the n-
8 word and being racist.

9 16. After DAVIS started interfering in and influencing the company’s investigation,
10 Plaintiff’s verbal counseling suddenly morphed into a 5 day suspension (from January 15-20, 2017),
11 in part for playing music with explicit lyrics, including the n-word, even though minority Instructors,
12 including DAVIS herself, not only routinely played songs containing the n-word, but also posted
13 those songs on their playlists on SOULCYCLE’s corporate website. Upon information and belief,
14 DAVIS was never disciplined for playing songs with the “n-word” in them or posting those songs on
15 the company’s website. Apparently, Defendants only selectively enforce their written “zero-
16 tolerance” policy for playing such “explicit lyrics” based on the race of the employee violating the
17 policy.

18 17. While Plaintiff was serving her suspension, she heard that DAVIS was seeking to
19 influence the investigation and was telling people she was a racist. Plaintiff spoke to HR Manager
20 Amy Toppen and reminded Ms. Toppen of her November 2016 complaint to HR manager Heather
21 Leckie. Plaintiff told Ms. Toppen that DAVIS had verbally attacked her (to another employee)
22 because she was Caucasian and DAVIS had (falsely) assumed she must be a Trump supporter and a
23 racist. Plaintiff said to Toppen that perhaps DAVIS was still angry over Plaintiff’s complaint to
24 Leckie and the aftermath of that complaint. Thus, if she hadn’t known before, Toppen was now well-
25 aware that DAVIS’ animosity against Plaintiff likely stemmed from Plaintiff’s prior accusation of
26 racial bias against DAVIS in November of 2016.

27 18. Also during Plaintiff’s suspension, riders from Plaintiff’s class told SOULCYCLE
28 that Plaintiff had never used any racial language, much less the n-word, in class (on 1/12 or any other

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1 occasion). One African American male customer told SOULCYCLE that he was present in the
2 1/12/17 class and Plaintiff never used the n-word or said anything even remotely racial. This
3 customer told SOULCYCLE that he had been asked to lie by one of DAVIS' friends. This rider also
4 told SOULCYCLE that even after he told DAVIS' friend that Plaintiff never said the word, she
5 replied (in sum and substance): "We need you to say you heard it." This African American rider also
6 told SOULCYCLE that the campaign to railroad Plaintiff was "reverse discrimination."

7 19. The only other African American rider in Plaintiff's class on the day she was accused
8 of using the n-word told Soul Cycle:

9 I felt the need to send this email because of the terrible accusations made against one
10 of your teachers, Lindsey Buckley. I attended the class in question that she was allegedly
11 accused of using the "N" word. I can tell you right now that absolutely is NOT TRUE. I
12 was riding front row and never once did she ever use that word. I think people may have
13 gotten confused because there was a particular Rihanna song that she was playing and
14 that word is used in that song. I pay attention to everything my instructors say in class
15 because that is a huge part of the soul cycle experience. Had she said that word i would
16 have definitely known and would have been equally offended especially because i am an
17 African American woman and would never tolerate that word being used from anyone.
18 Lindsay Buckley is an inspirational instructor who has always preached positivity and
19 equality for all people. It is one of the main reasons why i love taking her class. ...

20 20. Despite being told by both African American riders who attended the class in
21 question that Plaintiff never said the word and they would not have tolerated any such language if
22 she had, and despite being told by one of those African American riders that a friend of Angela
23 Davis' friends had asked him to falsely accuse Plaintiff, SOULCYCLE never investigated the
24 possibility that DAVIS was behind the complaints and false accusations about Plaintiff. SOUL
25 CYCLE and EQUINOX never asked those who advocated for Plaintiff's dismissal whether they had
26 been contacted by DAVIS and pressured to lie. SOULCYCLE and EQUINOX simply accepted
27 DAVIS' slanderous racism accusations, bowed to her threats and demands, and fired Plaintiff for the
28 same conduct for which she had already received lesser discipline. Apart from DAVIS' threats and
baseless second and third hand accusations, SOULCYCLE learned nothing inculpatory from the time
it had decided to give Plaintiff a verbal warning until the time they decided to fire her. In fact, the
only actual new information that SOULCYCLE received were first hand exculpatory accounts from

1 percipient witnesses and a statement from an African American rider that ANGELA's friend had
2 asked him to lie to get Plaintiff fired.

3 **FIRST CAUSE OF ACTION FOR HARASSMENT**
4 **IN VIOLATION OF GOVERNMENT CODE 12940(i)(1)**
5 **(As Against All Defendants)**

6 21. Plaintiff repeats and repleads all allegations contained in paragraphs 1 through 19
7 inclusive, above, as though fully set forth in this cause of action.

8 22. As set forth above, Plaintiff was subjected to a campaign of racially motivated
9 harassment orchestrated and perpetrated by defendant DAVIS, which was severe or pervasive
10 enough to create a hostile or abusive work environment, including but not limited to slanderous
11 accusations of racism (made to numerous customers, colleagues and managers at SOULCYCLE)
12 directed at Plaintiff solely because she is a Blonde Caucasian woman from Orange County whom
13 DAVIS (wrongly) perceived as a Donald Trump supporter.

14 23. A reasonable person in Plaintiff's circumstances would have considered the work
15 environment to be hostile or abusive.

16 24. As set forth above, management was aware of the harassing conduct and failed to take
17 immediate and corrective action.

18 25. That as a proximate result of the acts of Defendants, and each of them, as described
19 above, Plaintiff has suffered and will continue to suffer economic damages, including lost wages,
20 lost benefits, loss of promotional opportunity, medical expenses, and other compensatory damages in
21 an amount to be ascertained at the time of trial.

22 26. That as a direct and proximate result of the acts of Defendants, and each of them, as
23 alleged above, Plaintiff has suffered and will continue to suffer mental, emotional, and physical
24 distress, including but not limited to humiliation, anxiety, nervousness, depression, sleeplessness,
25 and has been generally damaged in an amount to be ascertained at the time of trial and will
26 necessarily expend sums in the future for the treatment of the physical, emotional and mental injuries
27 sustained by Plaintiff as a result of said Defendants' acts in an amount to be ascertained at the time
28 of trial. Upon information and belief, the aforementioned stress and anxiety caused by unlawful

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1 harassment, discrimination, retaliation and slander during Plaintiff's pregnancy contributed to
2 Plaintiff's loss of her unborn child.

3 27. That as a direct and proximate result of the conduct of Defendants, and each of them,
4 Plaintiff was forced to incur substantial costs and attorney's fees; that under Gov. Code § 12965(b),
5 Plaintiff is entitled to recover reasonable attorney's fees according to proof at the time of trial.

6 28. That the acts of Defendants, and each of them, which were carried out by managing
7 agents, were intentional, willful and malicious and done in conscious disregard of Plaintiff's rights,
8 safety and well-being and with the intent to vex, injure and annoy Plaintiff, as such Plaintiff requests
9 that exemplary and punitive damages be assessed against each of these defendants in an amount
10 sufficient to punish Defendants and to deter others from engaging in similar conduct. For example,
11 Defendants' conduct in fabricating pretextual reasons for a termination motivated by discrimination
12 and retaliatory animus, constitutes malicious conduct in conscious disregard of Plaintiff's rights and
13 safety. In particular, the corporate defendants had ample information from which to conclude that
14 DAVIS was falsely accusing Plaintiff of racism and encouraging others to lie in order to get Plaintiff
15 fired, but failed and refused to conduct a fair, thorough and competent investigation to ascertain the
16 truth before acceding to DAVIS' demands and firing Plaintiff.

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18 **SECOND CAUSE OF ACTION FOR RETALIATION**
19 **IN VIOLATION OF GOVERNMENT CODE 12940(h)**
(As Against SOULCYCLE/EQUINOX and DOES 1-50)

20 29. Plaintiff repeats and repleads all allegations contained in paragraphs 1 through 27
21 inclusive, above, as though fully set forth in this cause of action.

22 30. Plaintiff engaged in protected activity under FEHA by, amongst other things,
23 opposing perceived racial harassment by DAVIS in November of 2016 in her meeting with Heather
24 Leckie and Caitlin Grams. She engaged in additional protected activity in January of 2017. Between
25 1/12/17 and 1/20/17, when Plaintiff learned that DAVIS was accusing her of racism and pressuring
26 SOULCYCLE to terminate her, Plaintiff spoke to HR Manager Amy Toppen and reminded her of
27 her November 2016 complaint to HR manager Heather Leckie. Plaintiff told Ms. Toppen that
28 DAVIS had verbally attacked her (to another employee) because she was Caucasian and DAVIS had

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1 (falsely) assumed she must be a Trump supporter and a racist. Plaintiff said to Toppen that perhaps
2 DAVIS was still angry over Plaintiff's complaint to Leckie and the aftermath of that complaint. A
3 few days later, Ms. Toppen informed Plaintiff she was being fired.

4 31. Defendants retaliated against Plaintiff by disciplining her for conduct for which
5 employees of other races were not subjected to discipline or were subjected to lesser discipline.
6 Defendants further retaliated against Plaintiff by firing her for conduct they had not bothered to fully,
7 fairly or competently investigate despite having ample evidence that DAVIS had recruited employees
8 and customers to lie and falsely accuse Plaintiff of racism.

9 32. Plaintiff is informed and believes that her above-mentioned FEHA-protected
10 complaint/s were a substantial motivating reason for Defendants' decision to terminate plaintiff in
11 violation of Gov. Code, § 12940(h) and 2 Cal. Code of Regs., § 7287.8.

12 33. That as a proximate result of the acts of Defendants, and each of them, as described
13 above, Plaintiff has suffered and will continue to suffer economic damages, including lost wages,
14 lost benefits, loss of promotional opportunity, medical expenses, and other compensatory damages in
15 an amount to be ascertained at the time of trial.

16 34. That as a direct and proximate result of the acts of Defendants, and each of them, as
17 alleged above, Plaintiff has suffered and will continue to suffer mental, emotional, and physical
18 distress, including but not limited to humiliation, anxiety, nervousness, depression, sleeplessness,
19 and has been generally damaged in an amount to be ascertained at the time of trial and will
20 necessarily expend sums in the future for the treatment of the physical, emotional and mental injuries
21 sustained by Plaintiff as a result of said Defendants' acts in an amount to be ascertained at the time
22 of trial. Upon information and belief, the aforementioned stress and anxiety caused by unlawful
23 harassment, discrimination, retaliation and slander during Plaintiff's pregnancy contributed to
24 Plaintiff's loss of her unborn child.

25 35. That as a direct and proximate result of the conduct of Defendants, and each of them,
26 Plaintiff was forced to incur substantial costs and attorney's fees; that under Gov. Code § 12965(b),
27 Plaintiff is entitled to recover reasonable attorney's fees according to proof at the time of trial.
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1 36. That the acts of Defendants, and each of them, which were carried out by managing
2 agents, were intentional, willful and malicious and done in conscious disregard of Plaintiff's rights,
3 safety and well-being and with the intent to vex, injure and annoy Plaintiff, as such Plaintiff requests
4 that exemplary and punitive damages be assessed against each of these defendants in an amount
5 sufficient to punish Defendants and to deter others from engaging in similar conduct. For example,
6 Defendants' conduct in fabricating pretextual reasons for a termination motivated by discrimination
7 and retaliatory animus, constitutes malicious conduct in conscious disregard of Plaintiff's rights and
8 safety. In particular, the corporate defendants had ample information from which to conclude that
9 DAVIS was falsely accusing Plaintiff of racism and encouraging others to lie in order to get Plaintiff
10 fired, but failed and refused to conduct a fair, thorough and competent investigation to ascertain the
11 truth before acceding to DAVIS' demands and firing Plaintiff.

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15 **THIRD CAUSE OF ACTION FOR**
16 **VIOLATIONS OF CALIFORNIA'S PREGNANCY DISABILITY LEAVE LAW (PDLL)**
17 **(GOVERNMENT CODE §12945 ET SEQ.)**
18 **(As Against SOULCYCLE/EQUINOX and DOES 1-50)**

19 37. Plaintiff repeats and repleads, and incorporates herein by this reference, paragraphs 1
20 through 35 above, inclusive, as though fully set forth herein.

21 38. As detailed above, Plaintiff was initially issued a verbal warning based on complaints
22 about her either playing or saying explicit lyrics during a 1/12/17 class. Thereafter, she disclosed to
23 Human Resources that she was pregnant. Within days she was terminated based on the same
24 complaints that had previously been used to justify a verbal warning.

25 39. Upon information and belief, Defendants knew that Plaintiff would need pregnancy-
26 related accommodations and time off guaranteed by the PDLL (Gov. Code Section 12945 and Cal.
27 Code Regs. tit. 2, § 11042) at the time it terminated her employment.

28 40. It is an unlawful employment practice under Gov. Code, § 12945(a)(4) "[f]or an
employer to interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right

1 provided under this section.”

2 41. In violation of Government Code § 12940(h) and 12945(a), Defendants terminated
3 Plaintiff in substantial part to avoid giving her the pregnancy-related accommodation/s and leave she
4 would have been entitled to under PDLL and, in doing so, interfered with her rights under the PDLL,
5 and discriminated and retaliated against Plaintiff because she put Defendants on notice that she
6 would be exercising her rights under the PDLL.

7 42. That as a proximate result of the acts of Defendants, and each of them, as described
8 above, Plaintiff has suffered and will continue to suffer economic damages, including lost wages,
9 lost benefits, loss of promotional opportunity, medical expenses, and other compensatory damages in
10 an amount to be ascertained at the time of trial.

11 43. That as a direct and proximate result of the acts of Defendants, and each of them, as
12 alleged above, Plaintiff has suffered and will continue to suffer mental, emotional, and physical
13 distress, including but not limited to humiliation, anxiety, nervousness, depression, sleeplessness,
14 and has been generally damaged in an amount to be ascertained at the time of trial and will
15 necessarily expend sums in the future for the treatment of the physical, emotional and mental injuries
16 sustained by Plaintiff as a result of said Defendants’ acts in an amount to be ascertained at the time
17 of trial. Upon information and belief, the aforementioned stress and anxiety caused by unlawful
18 harassment, discrimination, retaliation and slander during Plaintiff’s pregnancy contributed to
19 Plaintiff’s loss of her unborn child.

20 44. That as a direct and proximate result of the conduct of Defendants, and each of them,
21 Plaintiff was forced to incur substantial costs and attorney’s fees; that under Gov. Code § 12965(b),
22 Plaintiff is entitled to recover reasonable attorney’s fees according to proof at the time of trial.
23 That the acts of Defendants, and each of them, which were carried out by managing agents, were
24 intentional, willful and malicious and done in conscious disregard of Plaintiff’s rights, safety and
25 well-being and with the intent to vex, injure and annoy Plaintiff, as such Plaintiff requests that
26 exemplary and punitive damages be assessed against each of these defendants in an amount
27 sufficient to punish Defendants and to deter others from engaging in similar conduct. For example,
28 Defendants’ conduct in fabricating pretextual reasons for a termination motivated by discrimination

1 and retaliatory animus, constitutes malicious conduct in conscious disregard of Plaintiff's rights and
2 safety. In particular, the corporate defendants had ample information from which to conclude that
3 DAVIS was falsely accusing Plaintiff of racism and encouraging others to lie in order to get Plaintiff
4 fired, but failed and refused to conduct a fair, thorough and competent investigation to ascertain the
5 truth before acceding to DAVIS' demands and firing Plaintiff.

6 **FOURTH CAUSE OF ACTION FOR**
7 **RACE AND PREGNANCY DISCRIMINATION**
8 **IN VIOLATION OF GOVERNMENT CODE 12940(a)**
9 **(As Against SOULCYCLE/EQUINOX and DOES 1-50)**

10 45. Plaintiff repeats, repleads, and incorporates by reference Paragraphs 1-43, inclusive,
11 above, as though fully set forth in this cause of action.

12 46. As detailed above, in retaliation for Plaintiff's prior race complaint against her and
13 because of her own racial bias against Plaintiff, whom she regarded as a racist Donald Trump
14 supporter simply because she is a Blonde, Caucasian Orange County woman, defendant DAVIS
15 instituted a campaign of slander and disinformation designed to pressure SOULCYCLE to fire
16 Plaintiff. Defendants SOULCYCLE, INC and EQUINOX HOLDINGS, INC., permitted themselves
17 to be used as as DAVIS' "cat's paw" in acceding to her demands and firing Plaintiff based on the
18 same alleged customer complaints for which they had previously decided to issue her a "verbal
19 warning." In adopting and condoning DAVIS' racial animus and firing Plaintiff based on DAVIS'
20 demands and false information, Defendants, and each of them, violated FEHA's prohibition against
21 racial discrimination. As such, Plaintiff's race was a substantial motivating factor in the decision to
22 fire her.

23 47. Plaintiff is also informed and believes and thereon alleges that her pregnancy was a
24 substantial motivating factor in her discharge.

25 48. That as a proximate result of the acts of Defendants, and each of them, as described
26 above, Plaintiff has suffered and will continue to suffer economic damages, including lost wages,
27 lost benefits, loss of promotional opportunity, medical expenses, and other compensatory damages in
28 an amount to be ascertained at the time of trial.

51. That the acts of Defendants, and each of them, which were carried out by managing agents, were intentional, willful and malicious and done in conscious disregard of Plaintiff's rights, safety and well-being and with the intent to vex, injure and annoy Plaintiff, as such Plaintiff requests that exemplary and punitive damages be assessed against each of these defendants in an amount sufficient to punish Defendants and to deter others from engaging in similar conduct. For example, Defendants' conduct in fabricating pretextual reasons for a termination motivated by discrimination and retaliatory animus, constitutes malicious conduct in conscious disregard of Plaintiff's rights and safety. In particular, the corporate defendants had ample information from which to conclude that DAVIS was falsely accusing Plaintiff of racism and encouraging others to lie in order to get Plaintiff fired, but failed and refused to conduct a fair, thorough and competent investigation to ascertain the truth before acceding to DAVIS' demands and firing Plaintiff.

52. Plaintiff repeats and repleads and incorporates by this reference, paragraphs 1 through 50, inclusive, above, as though fully set forth herein.

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1 53. An employer has an affirmative duty to take all reasonable steps necessary to prevent
2 discrimination, and retaliation from occurring. (Gov. Code §12940(k); *Taylor v. City of Los Angeles*
3 *Dept. of Water & Power* (2006) 144 Cal.App.4th 1216, 1240, disapproved on other grounds in *Torrey*
4 *v. The Lodge at Torrey Pines Partnership* (2008) 42 Cal.4th 1158.) Such steps include discipline of
5 harassers, training, adopting an anti-discrimination and anti-retaliation policy, and implementing
6 those policies.

7 54. As set forth above, Plaintiff was harassed and discriminated against because of her
8 race and/or pregnancy and she was retaliated against for engaging in protected activity.

9 55. As further set forth above, Defendants failed to take reasonable steps to prevent the
10 harassment, discrimination and retaliation. Defendants also failed to adequately investigate evidence
11 that DAVIS was seeking to orchestrate Plaintiff's dismissal because of her race and in retaliation for
12 Plaintiff's protected complaint to HR about her in November of 2016.

13 56. In doing so, Defendants blatantly ignored their duty to prevent harassment,
14 discrimination and retaliation and instead condoned and encouraged such unlawful conduct.

15 57. Defendants' breach of its duty to take all reasonable steps to prevent harassment,
16 discrimination and retaliation from occurring was a substantial factor in causing Plaintiff's harm.

17 58. That as a proximate result of the acts of Defendants, and each of them, as described
18 above, Plaintiff has suffered and will continue to suffer economic damages, including lost wages,
19 lost benefits, loss of promotional opportunity, medical expenses, and other compensatory damages in
20 an amount to be ascertained at the time of trial.

21 59. That as a direct and proximate result of the acts of Defendants, and each of them, as
22 alleged above, Plaintiff has suffered and will continue to suffer mental, emotional, and physical
23 distress, including but not limited to humiliation, anxiety, nervousness, depression, sleeplessness,
24 and has been generally damaged in an amount to be ascertained at the time of trial and will
25 necessarily expend sums in the future for the treatment of the physical, emotional and mental injuries
26 sustained by Plaintiff as a result of said Defendants' acts in an amount to be ascertained at the time
27 of trial. Upon information and belief, the aforementioned stress and anxiety caused by unlawful
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1 harassment, discrimination, retaliation and slander during Plaintiff's pregnancy contributed to
2 Plaintiff's loss of her unborn child.

3 60. That as a direct and proximate result of the conduct of Defendants, and each of them,
4 Plaintiff was forced to incur substantial costs and attorney's fees; that under Gov. Code § 12965(b),
5 Plaintiff is entitled to recover reasonable attorney's fees according to proof at the time of trial.
6 That the acts of Defendants, and each of them, which were carried out by managing agents, were
7 intentional, willful and malicious and done in conscious disregard of Plaintiff's rights, safety and
8 well-being and with the intent to vex, injure and annoy Plaintiff, as such Plaintiff requests that
9 exemplary and punitive damages be assessed against each of these defendants in an amount
10 sufficient to punish Defendants and to deter others from engaging in similar conduct. For example,
11 Defendants' conduct in fabricating pretextual reasons for a termination motivated by discrimination
12 and retaliatory animus, constitutes malicious conduct in conscious disregard of Plaintiff's rights and
13 safety. In particular, the corporate defendants had ample information from which to conclude that
14 DAVIS was falsely accusing Plaintiff of racism and encouraging others to lie in order to get Plaintiff
15 fired, but failed and refused to conduct a fair, thorough and competent investigation to ascertain the
16 truth before acceding to DAVIS' demands and firing Plaintiff.

17 **SIXTH CAUSE OF ACTION FOR**
18 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**
19 **(As Against all Defendants)**

20 61. Plaintiff repeats and repleads and incorporates by this reference, paragraphs 1 through
21 59, inclusive, above, as though fully set forth herein.

22 62. The conduct set forth above is extreme and outrageous, exceeding the bounds of
23 decency normally tolerated in a civilized society.

24 63. As set forth above, Defendants engaged in this conduct knowing it would cause
25 Plaintiff extreme emotional distress or with conscious disregard of the likelihood of such an
26 outcome.

27 64. As a further proximate result of the acts of Defendants, and each of them, as alleged
28 above, Plaintiff has suffered and will continue to suffer severe emotional distress, including but not
limited to humiliation, anxiety, nervousness, depression, sleeplessness, and has been generally

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1 damaged in an amount to be ascertained at the time of trial and will necessarily expend sums in the
2 future for the treatment of the physical, emotional and mental injuries sustained by Plaintiff as a
3 result of said Defendants' acts in an amount to be ascertained at the time of trial.

4 65. That as a proximate result of the acts of Defendants, and each of them, as described
5 above, Plaintiff has suffered and will continue to suffer economic damages, including lost wages,
6 lost benefits, loss of promotional opportunity, medical expenses, and other compensatory damages in
7 an amount to be ascertained at the time of trial.

8 66. The above-referenced acts of Defendants, and each of them, which were carried out
9 by managing agents, were intentional, willful and malicious and done in conscious disregard of
10 Plaintiff's rights, safety and well being and with the intent to vex, injure and annoy Plaintiff, as such
11 Plaintiff requests that exemplary and punitive damages be assessed against each of these Defendants
12 in an amount sufficient to punish said Defendants and to deter others from engaging in similar
13 conduct.

14 ///

15 ///

16 ///

17 **SEVENTH CAUSE OF ACTION FOR**
18 **DEFAMATION**
19 **(As Against all Defendants)**

20 67. Plaintiff repeats and repleads, and incorporates herein by this reference, paragraphs 1
21 through 65 above, inclusive, as though fully set forth herein.

22 68. Defendant DAVIS, as detailed above, repeatedly made false statements to
23 SOULCYCLE and its customers and employees about Plaintiff, including *but not limited to*:

24 a. That she used the n-word in class; and

25 b. That she is a racist.

26 69. The aforementioned statements were and are false and DAVIS made the statements
27 knowing they were false or with reckless disregard for their truth. In particular, upon information and
28 belief DAVIS published these statements to persons who were actually in Plaintiff's class on the date

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1 on which she allegedly used the n-word and those people told DAVIS (and/or her surrogates) that
2 Plaintiff had said no such thing. Nevertheless, DAVIS disregarded the firsthand eyewitness accounts
3 of those who were in attendance and continued to repeat the canard that Plaintiff had used the n-word
4 and was a racist who had used the n-word in class.

5 70. In an effort to clear her name and avoid being fired, Plaintiff was also compelled to
6 self-publish Davis' accusations to witnesses who could attest to their falsity.

7 71. Defendants SOULCYCLE and EQUINOX failed and refused to conduct a fair and
8 reasonable investigation before bending to DAVIS' pressure, accepting her slanderous statements
9 about Plaintiff as true and firing Plaintiff. As detailed above, SOULCYCLE and EQUINOX had
10 information strongly suggesting that DAVIS had solicited false corroboration for her narrative that
11 Plaintiff was a racist who used the n-word in class, but failed and refused to investigate the
12 possibility that DAVIS had encouraged others to lodge false complaints against Plaintiff in
13 retaliation for Plaintiff's prior racial harassment complaint against her to HR in November of 2016
14 and because of Plaintiff's race.

15 72. In firing Plaintiff based on DAVIS' false accusations of racism and threats to
16 "boycott" work at SOULCYCLE, without conducting a reasonable and fair investigation—and
17 despite clear evidence that DAVIS solicited false testimony against plaintiff—SOUL CYCLE and
18 EQUINOX acted in conscious disregard of Plaintiff's rights and safety and acted with malice
19 sufficient to defeat any privilege which may otherwise apply to the accusations of racism made
20 against Plaintiff.

21 73. That as a proximate result of the acts of Defendants, and each of them, as described
22 above, Plaintiff has suffered and will continue to suffer economic damages, including lost wages,
23 lost benefits, loss of promotional opportunity, medical expenses, and other compensatory damages in
24 an amount to be ascertained at the time of trial.

25 74. As a further proximate result of the acts of Defendants, and each of them, as alleged
26 above, Plaintiff has suffered and will continue to suffer mental, emotional, and physical distress,
27 including but not limited to humiliation, anxiety, nervousness, depression, sleeplessness, and has
28

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1 been generally damaged in an amount to be ascertained at the time of trial and will necessarily
2 expend sums in the future for the treatment of the physical, emotional and mental injuries sustained
3 by Plaintiff as a result of said Defendants' acts in an amount to be ascertained at the time of trial.

4 75. That the acts of Defendants, and each of them, which were carried out by managing
5 agents, were intentional, willful and malicious and done in conscious disregard of Plaintiff's rights,
6 safety and well being and with the intent to vex, injure and annoy Plaintiff, as such Plaintiff requests
7 that exemplary and punitive damages be assessed against each of these defendants in an amount
8 sufficient to punish Defendants and to deter others from engaging in similar conduct.

9
10 **EIGHTH CAUSE OF ACTION FOR**
FALSE LIGHT PUBLICITY

(Against all defendants)

11 76. Plaintiff refers to the allegations contained in paragraphs 1 through 73, inclusive,
12 of this Complaint, and by reference thereto incorporate the same herein as though fully set forth.

13 77. Upon information and belief, from November of 2016 through the present,
14 Defendants, and each of them, have publicized information or material regarding Plaintiff that cast
15 Plaintiff in a false light. To wit, defendant DAVIS stated to SOULCYCLE customers and employees
16 that Plaintiff is a racist and used the n-word in class, both of which paint Plaintiff in a false light.

17 78. DAVIS, who was not present, intentionally mischaracterized the context and content
18 of Plaintiff's statements in class on the date in question in order to paint Plaintiff as a racist and get
19 her fired because of her race, her accusation to HR that DAVIS herself was engaging in racial
20 discrimination/harassment, and because she (wrongly) perceived Plaintiff as the stereotypical
21 Caucasian, Blonde Orange County conservative who supported Donald Trump.

22 79. The publication of this information was intended to (and did) create a false, negative
23 impression about Plaintiff that substantially contributed to defendants' decision to fire her.

24 80. The false light created by these publications would be highly offensive to a reasonable
25 person in Plaintiff's position.

26 81. Defendants knew that these publications would create a false impression about
27 Plaintiff, or acted with reckless disregard for the truth, or were negligent in determining the truth of
28 the information or whether a false impression would be created by these publications.

82. Plaintiff suffered substantial economic and emotional harm as a result of Defendants' conduct, in an amount according to proof at time of trial. Defendants' publications of information regarding Plaintiff that showed Plaintiff in a false light was malicious and was made in conscious disregard of Plaintiff's rights.

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

AS TO THE FIRST CAUSE OF ACTION
(As Against All Defendants)

1. For general damages against Defendants according to proof;
2. For special damages against Defendants according to proof;
3. For declaratory and injunctive relief;
4. For reasonable attorney's fees and costs of suit; and
5. For exemplary damages; and
6. For such other and further relief as the court deems just and proper.

AS TO THE SECOND, THIRD, FOURTH AND FIFTH CAUSES OF ACTION
(As Against SOULCYCLE/EQUINOX and DOES 1-50)

1. For general damages against Defendants according to proof;
2. For special damages against Defendants according to proof;
3. For declaratory and injunctive relief;
4. For reasonable attorney's fees and costs of suit;
5. For exemplary damages; and
6. For such other and further relief as the court deems just and proper.

ON THE SIXTH, SEVENTH AND EIGHTH CAUSES OF ACTION
(As Against All Defendants)

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1. For general damages against Defendants according to proof;
2. For special damages against Defendants according to proof;
3. For declaratory and injunctive relief;
4. For costs of suit incurred herein; and
5. For exemplary and punitive damages, according to proof.

Dated: May 30, 2017

FELDMAN BROWNE OLIVARES, APC.

By: 

LEE FELDMAN
STUART COHEN
Attorneys for Plaintiff,
LINDSAY BUCKLEY

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury of the causes of action and claims asserted herein.

Dated: May 30, 2017

FELDMAN BROWNE OLIVARES, APC.

By: 

LEE FELDMAN
STUART COHEN
Attorneys for Plaintiff,
LINDSAY BUCKLEY

ORIGINAL

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Lee Feldman (SBN 171628) Stuart Cohen (SBN 213810) Feldman Browne Olivares APC 12400 Wilshire Blvd., Suite 1100 Los Angeles, CA 90025 TELEPHONE NO.: (310)207-8500 FAX NO.: (310)207-8515 ATTORNEY FOR (Name): Plaintiff Lindsay Buckley		FOR COURT USE ONLY <div style="text-align: center; font-weight: bold; font-size: 1.2em;">FILED</div> <div style="text-align: center; font-weight: bold; font-size: 0.8em;">Superior Court Of California County Of Los Angeles</div> <div style="text-align: center; font-size: 1.5em; font-weight: bold;">MAY 30 2017</div> Sherri R. Carter, Executive Officer/Clerk By <u>Charlie L. Coleman</u> , Deputy	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: 111 North Hill Street CITY AND ZIP CODE: Los Angeles, California 90012 BRANCH NAME: CENTRAL DISTRICT		CASE NUMBER: BC 6 6 3 1 8 8 JUDGE: DEPT:	
CASE NAME: Lindsay Buckley v. SoulCycle Inc. et al.			
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	

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

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

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input checked="" type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☒ punitive
4. Number of causes of action (specify): **Eight (8)**
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: May 30, 2017

Lee Feldman (SBN 171628)

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

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

Page 1 of 2

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (*not asbestos or toxic/environmental*) (24)
Medical Malpractice (45)
Medical Malpractice—Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (*not medical or legal*)
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease
Contract (*not unlawful detainer or wrongful eviction*)
Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (*not provisionally complex*) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court Case Matter
Writ—Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal—Labor
Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (*non-domestic relations*)
Sister State Judgment
Administrative Agency Award (*not unpaid taxes*)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (*not specified above*) (42)
Declaratory Relief Only
Injunctive Relief Only (*non-harassment*)
Mechanics Lien
Other Commercial Complaint Case (*non-tort/non-complex*)
Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (*not specified above*) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief from Late Claim
Other Civil Petition

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CASE NUMBER

BC 6 6 3 1 8 8

**CIVIL CASE COVER SHEET ADDENDUM AND
STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.3 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? ☒ YES CLASS ACTION? ☐ YES LIMITED CASE? ☐ YES TIME ESTIMATED FOR TRIAL 10 ☐ HOURS/ ☒ DAYS

Item II. Indicate the correct district and courthouse location (4 steps – If you checked "Limited Case", skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet form, find the main Civil Case Cover Sheet heading for your case in the left margin below, and, to the right in Column **A**, the Civil Case Cover Sheet case type you selected.

Step 2: Check one Superior Court type of action in Column **B** below which best describes the nature of this case.

Step 3: In Column **C**, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Local Rule 2.3.

Applicable Reasons for Choosing Courthouse Location (see Column C below)

- | | |
|--|--|
| 1. Class actions must be filed in the Stanley Mosk Courthouse, central district. | 6. Location of property or permanently garaged vehicle. |
| 2. May be filed in central (other county, or no bodily injury/property damage). | 7. Location where petitioner resides. |
| 3. Location where cause of action arose. | 8. Location wherein defendant/respondent functions wholly. |
| 4. Location where bodily injury, death or damage occurred. | 9. Location where one or more of the parties reside. |
| 5. Location where performance required or defendant resides. | 10. Location of Labor Commissioner Office |
| | 11. Mandatory Filing Location (Hub Case) |

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
Other Personal Injury/Property Damage/Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage	2.
		<input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons	1., 4.
		<input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 4.
Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1., 4.	
	<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1., 4.	
	<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress	1., 3.	
	<input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 4.	

SHORT TITLE: Lindsay Buckley v. SoulCycle Inc. et al.

CASE NUMBER

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Non-Personal Injury/ Property Damage/ Wrongful Death Tort	Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 3.
	Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.
	Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
	Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
Employment	Wrongful Termination (36)	<input checked="" type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
	Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Contract	Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
	Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case <input type="checkbox"/> A6034 Collections Case-Purchased Debt (Charged Off Consumer Debt Purchased on or after January 1, 2014)	2., 5., 6, 11 2., 5, 11 5, 6, 11
	Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
	† Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
	Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2.
	Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
Real Property	Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
	Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer	Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
	Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2., 6.
	Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.

SHORT TITLE: Lindsay Buckley v. SoulCycle Inc. et al.

CASE NUMBER

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Judicial Review	Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
	Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.
	Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.
	Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2., 8.
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
	Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1., 2., 3.
	Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.
	Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
	Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.
	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only	1., 2., 8.
		<input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment)	2., 8.
		<input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex)	1., 2., 8.
		<input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8.
Miscellaneous Civil Petitions	Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9.

SHORT TITLE: Lindsay Buckley v. SoulCycle Inc. et al.

CASE NUMBER

Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case.

☐1. ☒2. ☒3. ☐4. ☐5. ☐6. ☐7. ☐8. ☐9. ☐10. ☐11.

ADDRESS: 11640 San Vicente Blvd.

CITY:

Los Angeles

STATE:

CA

ZIP CODE:

90049

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Stanley Mosk courthouse in the Central District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., § 392 et seq., and Local Rule 2.3, subd. (a)].

Dated: May 30, 2017

(SIGNATURE OF ATTORNEY/FILING PARTY)

Lee Feldman

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 03/15).
5. Payment in full of the filing fee, unless fees have been waived.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

05/30/2017