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11 MELANIE MCCRACKEN and JESSICA NEGRON

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

13 **COUNTY OF LOS ANGELES—CENTRAL DISTRICT**

14 MELANIE MCCRACKEN, an individual,
15 and JESSICA NEGRON, an individual,

16 *Plaintiffs,*

17 v.

18 RIOT GAMES, INC., a Delaware
19 corporation; and DOES 1 through 10,
20 inclusive,

21 *Defendants.*

Case No.:

CLASS ACTION

COMPLAINT FOR DAMAGES

1. Violation of California Equal Pay Act (Cal. Lab. Code §1197.5(a))
2. Discrimination and Retaliation in Violation of California Equal Pay Act (Cal. Lab. Code §1197.5(k))
3. Discrimination in Violation of the Fair Employment & Housing Act (Cal. Gov't. Code §12940(a))
4. Harassment in Violation of the Fair Employment & Housing Act (Cal. Gov't. Code §12940(j)(1))
5. Retaliation in Violation of the Fair Employment & Housing Act (Cal. Gov't. Code §12940(h))
6. Failure to Prevent Discrimination, Harassment, and Retaliation in Violation of the Fair Employment & Housing Act (Cal. Gov't. Code §12940(k))
7. Constructive Termination in Violation of California Law and Public Policy
8. Violations Of Unfair Competition Law (Bus. & Prof. Code §17200, et seq.)

DEMAND FOR A JURY TRIAL

1 **TO THIS HONORABLE COURT AND ALL INTERESTED PARTIES:**

2 NOW COME Plaintiffs MELANIE MCCRACKEN and JESSICA NEGRON (collectively,
3 “Plaintiffs”) who allege causes of action, individually and on behalf of a class of other similarly-
4 situated current and former California employees, against Defendants RIOT GAMES, INC. (“Riot
5 Games”), a Delaware corporation, and DOES 1 through 10, inclusive, (collectively, “Defendants”) as follows:
6

7
8 **NATURE OF ACTION**

9 1. Plaintiffs Melanie McCracken and Jessica Negron are, respectively, a current and
10 former employee of Riot Games. Like many of Riot Games’ female employees, Plaintiffs have been
11 denied equal pay and found their careers stifled because they are women. Moreover, Plaintiffs have
12 also seen their working conditions negatively impacted because of the ongoing sexual harassment,
13 misconduct, and bias which predominate the sexually-hostile working environment of Riot Games.

14 2. The term used to identify and instill the ideals of a Riot Games employee is “Rioter.”
15 The primary tenet of being a “Rioter” is being a “core gamer.” While the term is ostensibly meant
16 to promote the hiring and advancement of people who are video game fanatics, it has a more
17 nefarious meaning to its female employees. Specifically, the term “core gamer” is an unwritten
18 policy and practice of preferring men to women in the hiring, promotion, and compensation of its
19 employees. It is also a conduit to forcing its female employees to endure the sexual harassment and
20 misconduct that has plagued “gaming culture,” and to keep silent about these issues. In sum, being
21 a “core gamer” equates to being a man, and the presumption is that women are not core gamers and
22 therefore not true “Rioters.”

23 3. Recently, two major news publications commenced a series of in-depth reports on
24 the extensive sexual harassment and gender discrimination that has been cultivated at Riot Games
25 by its leadership. However, even though the issues plaguing Riot Games have come to light in a
26 public forum, Riot Games is simply sweeping these allegations under the rug with empty
27 investigations and counseling, while protecting the bad actors from any repercussion. The prevalent
28 misconduct cannot be ignored any longer, as Plaintiffs seek to ensure the complaints of all female

1 employees of Riot Games are taken seriously and acted upon. Accordingly, on behalf of themselves
2 and on behalf of a proposed class of similarly-situated current and former California employees of
3 Riot Games, Plaintiffs bring this class action lawsuit to obtain monetary damages and cause social
4 change for the misconduct perpetrated by Riot Games.

5 4. Specifically, Plaintiffs seek to stop Riot Games' custom and practice of (a) paying
6 women less than similarly-situated men; (b) assigning women to jobs that Riot Games does not
7 compensate as highly as those jobs populated by men, even when women are equally qualified for
8 the more highly compensated jobs; (c) promoting similarly-situated and qualified men more
9 frequently than women who are equally or more qualified for promotion; (d) assigning or demoting
10 women to lower paid positions than similarly-situated men, even when these women's qualifications
11 were equal to or greater than the men's qualifications; and (e) creating, encouraging, and maintaining
12 a work environment that exposes its female employees to discrimination, harassment, and retaliation
13 on the basis of their gender or sex.

14 15 THE PARTIES

16 5. Plaintiff Melanie McCracken is an adult female resident of the County of Los
17 Angeles, State of California, and has been employed by Riot Games from approximately October
18 2013 through the present.

19 6. Plaintiff Jessica Negron is an adult female resident of the State of Connecticut and
20 was employed by Riot Games from approximately April 2015 through April 2017.

21 7. Defendant Riot Games is a corporation duly organized and existing under the laws
22 of the State of Delaware, with its principal place of business located at 12333 West Olympic
23 Boulevard, Los Angeles, California 90064. Riot Games was founded in 2006 and is a video game
24 developer, best known for creating and selling "League of Legends," a multiplayer online battle-
25 arena game and the company's banner product. Riot Games operates 24 offices around the world
26 and employs approximately 2,500 staff members of which 80% of whom are male. At all relevant
27 times, Riot Games was and is doing business in the City of Los Angeles, County of Los Angeles,
28 State of California.

8. The true names and capacities, whether individual, plural, corporate, partnership, associate, or otherwise, of DOES 1 through 10, inclusive, are unknown to Plaintiffs who therefore sued Defendants by such fictitious names. The full extent of the facts linking such fictitiously sued Defendants is unknown to Plaintiffs. Plaintiffs are informed and believe, and thereupon allege, that each of the Defendants designated herein as a DOE was, and is, negligently, recklessly, and/or intentionally responsible for the events and happenings hereinafter referred to, and thereby negligently, recklessly, and/or intentionally legally and proximately caused the hereinafter described injuries and damages to Plaintiffs. Plaintiffs will hereafter seek leave of the Court to amend this Complaint to show the fictitiously sued Defendants' true names and capacities, after the same has been ascertained. The term "Defendants" used in this Complaint shall mean Defendant Riot Games and Does 1-10.

GENERAL ALLEGATIONS

The "Bro Culture" Fostered by Riot Games.

9. Riot Games is notorious for fostering a culture of sexism and mistreatment towards women. After having endured years of discrimination, harassment, and retaliation, and without any corrective action by their employer, many of the female employees of Riot Games spoke out about these issues publicly.

10. On August 7, 2018, *Kotaku*, a video game website and blog, published an expose on the "bro culture" of Riot Games and the prevalent sexism and mistreatment of women.¹ Over the course of several months, *Kotaku* interviewed 28 current and former Riot Games employees. In the article, a clear division between the treatment of male and female employees was illuminated.

11. Examples of the "bro culture" at Riot Games, include but are not limited to some of the following:

- (a) Defendants have required many female employees to fulfill roles above their title and pay grade, while falsely promising these women with a promotion and

^{1/} Cecilia D'Anastasio, *Inside The Culture of Sexism at Riot Games*, August 7, 2018, available at <https://kotaku.com/inside-the-culture-of-sexism-at-riot-games-1828165483>

1 ultimately hiring a man fill the role after the female employee was already
2 competently performing the position.

3 (b) Female employees are regularly belittled by supervisors at staff meetings by
4 comments such as “her kids and husband must really miss her while she was at
5 work;” “she talks louder than she should;” “she’s shrill;” or “she should speak less.”

6 (c) Male employees are celebrated for their ideas while simultaneously women are
7 either not asked for ideas, or if they are asked, the ideas are dismissed immediately
8 without conversation and with repugnance.

9 (d) Women are made fun of and sexually objectified. There is even an ongoing e-mail
10 chain of “Riot Games Hottest Women Employees” which rates the “hotness” of each
11 female on the list.

12 (e) Women are required to participate and tolerate crude male humor which include
13 jokes about sex, defecation, masturbation, rape, and torture. Women who do not join
14 in these adolescent humor jokes, are classified as “snobby” and unwilling to fit in
15 with the company. During a single month, Ms. Negron counted that the word “dick”
16 was used in excess of 500 times by male employees of Riot Games.

17 (f) Women are required to participate in online gaming where they are routinely
18 harassed and demeaned by other players. Female employees must therefore be
19 subjected to internal and external harassment as part of their working conditions.

20 12. During the hiring process, Riot Games looks for “core gamers,” predominantly male
21 individuals who are best described as “video game fans and, specifically, hardcore video game
22 fans.” However, men are assumed to be core gamers, whereas women are assumed to not be core
23 gamers or even gamers at all. Because this hiring practice disproportionately favors men, many
24 qualified women have been denied employment because they were not considered “core gamers.”
25 Female applicants and employees who are outspoken are considered “aggressive,” “too ambitious,”
26 and “annoying.” Indeed, Plaintiff Negron’s former supervisor, Geoff Chandler, once told her that
27 “diversity should not be a focal point of the design of Riot Games’ products because gaming culture
28 is the last remaining safe-haven for white teen boys.” Similarly, in 2015, at a Global Rioter

1 Conference, a senior producer named Steve Snow spoke to an audience which included Plaintiff
2 McCracken and other female attendees and emphasized the importance of hiring only “core
3 gamers,” a group that is comprised almost exclusively of men.² In sum, Riot Games looks for
4 women who are quiet and will – literally and figuratively – “shut up and play the game.”

5 13. If a female gets a job with Riot Games, the discrimination continues through the
6 female employee’s tenure at Riot Games. During meetings and feedback sessions, female
7 employees are constantly talked over by men in meetings. These meetings typically comprise up to
8 half of a typical workday at Riot Games. Ultimately, the discrimination creates a ceiling for its
9 female employees as they are denied higher pay, promotions, and leadership opportunities.

10 14. The ability to gain promotions, better job titles, and equal pay is not the only issue
11 plaguing the women of Riot Games. Female employees are exposed to ongoing sexual harassment
12 and misconduct and are subjected to retaliation for speaking out against such misconduct.

13 15. As examples of the hostile work environment, female employees have endured the
14 following:

15 (a) There are unsolicited and unwelcome pictures of male genitalia shown to employees
16 from their bosses or colleagues.

17 (b) A female employee discovered an e-mail chain discussing what it would be like to
18 “penetrate her,” in which a colleague added that she would be a good target to sleep
19 with and not call again.

20 (c) Another female employee recalled a colleague once informing her that she was on
21 a list getting passed around by senior leaders detailing who they would sleep with.

22 (d) Two former employees said they felt pressure to leave Riot Games after making
23 their concerns about gender discrimination known. One former male employee said
24 that Riot Games’ “bro culture” is more pronounced “behind closed doors.”

25 (e) A former employee was asked “how big is your e-peen?” during an interview,
26 referring to measuring her video game acumen in terms of penis size.

27
28 ^{2/} Throughout Plaintiff McCracken’s tenure at Riot Games, she has consistently received positive performance reviews in all areas except “culture fit” which focuses on whether an employee is a “core gamer.”

- 1 (f) A female employee who complained about the frequent usage of the words “bitch”
2 and “pussy” in the work environment saw the conversation pivot towards her
3 interpretations of the words rather than their usage.
- 4 (g) Men telling jokes or circulating e-mails with jokes or pictures that are intended to
5 demean women’s intellect or are sexually explicit.
- 6 (h) Intentionally explaining information or ideas to women in a condescending or
7 patronizing way, also referred to as “mansplaining.”
- 8 (i) Punching, grabbing, and touching each other’s genitals as a form of a gag.
- 9 (j) Using their hands to signal gestures of male masturbation or female cunnilingus.
- 10 (k) Mimicking women blatantly in front of them.
- 11 (l) Telling stories on a daily basis about alcohol consumption and sexual conquests
12 from the night or the preceding weekend.
- 13 (m) Use their bodies to simulate “humping” another person.
- 14 (n) Expressing flatulence as a form of a joke and then laughing about it with other male
15 colleagues.
- 16 (o) The co-founder of the company, Brandon Beck, used the phrase “no doesn’t
17 necessarily mean no” as a slogan for the company during a company meeting. His
18 comment was met with laughter by many of the attendees. A male employee spoke
19 out about the rape joke, but was informed by the company’s co-founders that his
20 time at the company was limited, and he was forced to separate from the company.³
- 21 (p) A former male employee was allowed to remain in a position of leadership despite
22 regularly making sexual comments in the workplace and drugging and raping
23 another Riot Games’ employee.
- 24 (q) A former vice-president routinely bragged about visiting strip clubs on work trips
25 during his seven-year tenure at Riot Games.

26
27 ^{3/} On August 27, 2018, former software developer and engineer Barry Hawkins published a blog post
28 articulating the reasons for his departure, which included inappropriate behavior in the workplace, the use of sexual
references and gestures, and sexist and inappropriate language about women. Mr. Hawkins’ post can be found at:
<http://barryhawkins.com/blog/posts/the-story-of-why-i-left-riot-games/>.

1 16. On August 16, 2018, a “Riot Unplugged” meeting occurred to discuss the issues
2 espoused in the *Kotaku* article. “Riot Unplugged” is a question and answer session between the
3 COO, CEO, and President of Riot Games and the employees. After the meeting, a female employee
4 sent a company-wide e-mail in Riot Games’ Los Angeles office, with a terse, confident subject line
5 reading, “That was not enough for me.” This e-mail was met with a flood of concerned responses
6 from other female employees.

7 17. On August 29, 2018, 22 days after *Kotaku* published the article detailing the culture
8 of sexism at Riot Games, Defendants posted an apology blog stating the company “hasn’t always
9 been—or wasn’t—the place we promised you” and led all employees, especially women, to believe
10 that the company was going to make “big, impactful cultural changes that have yet to be seen and
11 do not make up for the hundreds, if not thousands, of women affected, punished, terminated, or
12 rejected by Riot Games’ illegal employment practices.”⁴ At a forum with Marc Merrill, a co-founder
13 of Riot Games, he admitted fault and began crying in front of an audience of his employees.

14 18. On September 7, 2018, nearly a month after the original *Kotaku* article was
15 published, Daniel Klein and Mattias Lehman, two longtime Riot Games employees that were
16 outspoken advocates for gender diversity, were separated from the company. Current and former
17 employees of Riot Games believe that their exit was related to Riot Games’ controversial “PAX
18 West,” a session that was implemented to correct and atone for its discriminatory and sexist culture
19 towards women by offering resume feedback and advice to women and non-binary aspiring
20 professionals on how to enter the gaming industry. However, men were not welcome at this event.
21 Social media reacted to this PAX West panel with strong opinions, which included the following:
22 “You don’t fix your shitty corporate culture by being sexist towards men.”

23 19. After Riot Games was exposed, employees were asked to not publicly comment on
24 the controversy. However, Mr. Klein and Mr. Lehman, always strong advocates for women and
25 women’s issues, would not remain quiet and spoke out publicly through social media to address Riot
26

27 ⁴/ Cecilia D’Anastasio, ‘We’re Sorry’: Riot Pledges Sweeping Changes to Address Accusations of Sexism,
28 August 29, 2018, available at <https://kotaku.com/were-sorry-riot-pledges-sweeping-changes-to-address-ac-1828689111>

1 Games' sexist corporate culture, including their thoughts on the PAX West panel.⁵ Specifically, Mr.
2 Klein defended his advocacy for gender diversity at Riot Games and decried the idea that "sexism
3 against men" was occurring by standing up against harassment and discrimination, especially given
4 that men are inherently not a marginalized gender. Mr. Lehman sided with Mr. Klein and felt that
5 he was being policed by people who should instead be "calling out those harassing and threatening
6 him." On information and belief, Mr. Lehman and Mr. Klein were terminated from Riot Games.

7 20. On September 13, 2018, *Kotaku* published another article shockingly reporting that
8 the men in senior leadership roles that essentially created and cultivated Riot Games' "bro culture"
9 are still employed by the company. Many former and current Rioters were outraged that Mr. Klein
10 and Mr. Lehman were separated from the company for speaking out against the exact perpetrators
11 of the culture that made discrimination so prevalent at Riot Games, yet there was no punishment or
12 repercussion for the senior leadership.⁶

13 21. On October 14, 2018, The Los Angeles Times published an article detailing its own
14 investigation into Riot Games' corporate culture by interviewing ten current and former employees
15 who said that they experienced double standards, glass-ceilings, and/or sexual harassment at the
16 company.⁷ The employees that spoke out described a "workplace where women were regularly
17 talked over or ignored. When some women argued their points of view in meetings, they were
18 labeled hysterical or simply excluded from future meetings and opportunities, while men were
19 promoted for the same behavior. Two women said they experienced professional retaliation for
20 asking pointed questions in Q&A sessions with senior managers." Three of the employees
21 confirmed *Kotaku's* report of sophomoric and sexualized behavior in the workplace, including a
22 running gag that "involved male co-workers smacking one another's genitals."

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24 ^{5/} Cecilia D'Anastasio, *Two Riot Employees Leave under Complicated Circumstances after PAX Session*
25 *Excluding Men [UPDATE]*, available at <https://kotaku.com/two-riot-employees-leave-under-complicated-circumstance-1828886072>.

26 ^{6/} Cecilia D'Anastasio, *Riot Games Says It Wants to Clean up its Mess, But the People Who Made It Are Still*
27 *There*, September 12, 2018, available at <https://kotaku.com/riot-games-says-it-wants-to-clean-up-its-mess-but-the-1829013902>.

28 ^{7/} Sam Dean, *Allegations of sexism and harassment roil Riot Games, the developer of 'League of Legends,'*
October 14, 2018, available at <http://www.latimes.com/business/technology/la-fi-tn-riot-games-culture-20181014-story.html>.

Plaintiff Jessica Negron's Allegations

22. In or around April 2015, Jessica Negron began her employment with Riot Games as Assistant Content Editor making approximately \$56,000 per year. At all times relevant herein, Ms. Negron was qualified to perform this job.

23. Approximately six months into her job with Riot Games, Ms. Negron's manager left the company and she took on the responsibilities and duties of her former manager's position, but did not receive an increase in her salary or a change in her job title.

24. Nearly a year later, Ms. Negron still had not received the title and salary increase for doing the work of her former manager that she had deserved. On information and belief, the position occupied by her former manager makes approximately \$160,000 per year.

25. Throughout her time as acting manager, and on a near-weekly basis, Ms. Negron asked her superiors about making the job official. Ms. Negron's supervisor, Geoff Chandler, gave her open feedback about how successful she was in that role, and a colleague corroborated that she was being groomed for the position. However, Mr. Chandler had no intention of actually promoting Ms. Negron. Instead, Ms. Negron was never even interviewed for the position, while three different men were hired at various intervals for the position. The first two men each held the position for a couple of weeks. Ultimately, Dillon Buckner was chosen to fill the role and become Ms. Negron's new boss.

26. Thereafter, Ms. Negron contacted Mr. Buckner, to inform him, for the past year, she had been working as and being groomed for the Content Editor role and was never compensated for the position's increased duties and responsibilities. Although Mr. Buckner was empathetic to her situation, he did nothing to help her and accepted the position knowing that it was a step up in his career. Instead, he questioned if the result would have been different had Ms. Negron been a man.

27. When Ms. Negron asked Riot Games' upper management for feedback on why she was never interviewed for the role, she was told that she "didn't do enough to 'take' the role and they wanted to give the man who eventually took it an opportunity to take on more responsibility."

28. Ms. Negron had to sit in a room of 50 people to hear the official announcement that Mr. Buckner was leading the team. This was extremely embarrassing for Ms. Negron. Female

1 employees consoled her knowing that she was performing that role, but was passed up for the formal
2 title and pay raise because the company favored a man.

3 29. Thereafter, Ms. Negron formally complained to Human Resources, but nothing was
4 done at all.

5 30. A few months after Ms. Negron complained to Human Resources, Mr. Buckner
6 intimated to Ms. Negron that he was being pressured to terminate her employment and that, in doing
7 so, it would be a "show of strength." On information and belief, the pressure to terminate Ms.
8 Negron's employment was coming from Mr. Chandler and Bob Holtzman, Riot Games' Games and
9 E-Sports Communications Consultant. In response, Ms. Negron again formally complained to
10 Human Resources, but no remedial action was taken.

11 31. Ms. Negron was then told by Mr. Chandler that he was creating a new position for
12 her on a new team, but this new position would not come with a salary increase. In fact, this so-
13 called position was never actually created or offered to Ms. Negron, but was simply another
14 deflection tactic employed by Mr. Chandler in an attempt to appease Ms. Negron in the short-term.

15 32. In or around February or March 2017, Ms. Negron learned that Mr. Buckner was
16 leaving his position in the department. Ms. Negron was asked to again take over the role Mr.
17 Buckner was vacating. However, Ms. Negron was told that there would be no change in her title or
18 salary, even though Mr. Buckner has been afforded a higher title and salary for doing the same job.
19 Specifically, when asked, Mr. Buckner stated "That's not going to happen."

20 33. After realizing that Riot Games was never going to promote her, or pay her the fair
21 salary for the work she was performing without the official job title, on or around April 7, 2017, Ms.
22 Negron resigned from her employment with Riot Games. At the time of her resignation, Ms. Negron
23 was making approximately \$59,000 per year.

24 34. On or around April 8, 2017, the day after Ms. Negron's resignation, she moved and
25 is now a resident of the State of Connecticut (where her family resides) because she could no longer
26 afford to live in Los Angeles, California without gainful employment.

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Plaintiff Melanie McCracken's Allegations.

35. In or around October 2013, Melanie McCracken began her employment with Riot Games as an Executive Assistant in the International group. Shortly after her hiring, Ms. McCracken was told that she would soon be supervised by Jin Oh, who was becoming the Head of International.

36. During her time under Mr. Oh's supervision, from approximately early 2014 through March 2015, Ms. McCracken observed and endured discrimination based on her sex/gender as he created a harassing and hostile work environment for employees who reported to him.

37. Mr. Oh discriminated against women based on their sex or gender throughout his tenure with Riot Games. Specifically, Mr. Oh did not hire females to fill vacancies in senior employment positions. Mr. Oh would only hire females to act as "assistants" and claimed that he would "feel weird having a male" in such a role.

38. In or around September 2014, Ms. McCracken expressed to Mr. Oh her intention to move to another department and find a better opportunity with greater upward mobility. Upon learning that Ms. McCracken had obtained a position on another team, Mr. Oh chided her for taking a position outside his team and demanded she find a suitable replacement to his liking before she would be "released" to another team. Mr. Oh's criteria for a suitable replacement would be a "fool's errand" of finding a female candidate with an MBA willing to work as an assistant for below-market pay. Mr. Oh's demand would ultimately require the intervention of the manager for Ms. McCracken's new team in order to free her from Mr. Oh's control.

39. Fearing further retaliation on the part of Mr. Oh, Ms. McCracken approached Michael Cullen, a member of Riot Games' human resources team to discuss Mr. Oh's discrimination against Ms. McCracken and other employees based on their sex or gender, and Mr. Oh's reaction against her for taking a position on another team. Ms. McCracken requested that her complaint be documented and for it to remain anonymous. However, Mr. Cullen failed to keep their meeting confidential, and, after returning from a business trip, Mr. Oh sat Ms. McCracken down in a conference room and said, "So...I hear you've been talking to Michael Cullen about me." Ms. McCracken was petrified and angry and terrified that she had no one to trust at her own company.

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1 40. Fortunately, Ms. McCracken was able to transition from the International region to
2 the North America region. From March 2015 through May 2016, Ms. McCracken worked as an
3 Office Manager in the North America region. Ms. McCracken's comfort in her new position would
4 be short-lived as her supervisor would announce his resignation, and Mr. Oh was announced as the
5 new temporary head of the North America region. Ms. McCracken was warned by her outgoing
6 supervisor to move to another team as she had a target on her back for complaining about Mr. Oh's
7 previous misconduct. Indeed, in August 2016, Ms. McCracken was given a five-month countdown
8 to find a new position or "be fired."

9 41. On information and belief, Ms. McCracken's complaint against Mr. Oh was not
10 internally investigated because Mr. Oh separated from Riot Games in 2016.

11 42. In January 2017, Ms. McCracken transitioned to her current position in the Internal
12 Communications Division. In this capacity, Ms. McCracken would work with Riot Games' Senior
13 Leadership team (the "D3"), which consists of (1) Nicolo Laurent, CEO; (2) Scott Gelb, COO; and
14 (3) Dylan Jadeja, President. At all times relevant herein, Ms. McCracken was and is qualified to
15 perform this job.

16 43. On or around June 4, 2018, Ms. McCracken received a text message from her friend,
17 Dan Wang, the Head of Operations for Riot China. The D3 were in Shanghai for a worldwide tour.
18 The message contained a video of Mr. Wang and Mr. Gelb at a dance club with scantily-clad women
19 in Shanghai.⁸

20 44. On June 6, 2018, Ms. McCracken met with a group of gamers and casually
21 mentioned that the D3 were having a good time in Shanghai. Ms. McCracken did not mention Mr.
22 Wang or Mr. Gelb by name, nor did she reference the video sent by Mr. Wang, and felt that her
23 comments were pretty innocuous.

24 45. On the morning of June 14, 2018, Ms. McCracken received a Slack Message (which
25 is a Riot Games internal electronic instant messaging/chat platform) from Jordan Carver, a member
26 of her gaming group and a recruiter, asking if they could meet. However, before this meeting could

27 ⁸/ Notably, Mr. Gelb was described in the September 13, 2018, *Kotaku* article as being well-known
28 to "fart on, ball-tap, and, sometimes, hump colleagues for comedic effect." Multiple sources also confirmed
that they have witnessed Mr. Gelb touching men's genitals and farting near or on other employees.

1 occur, Ms. McCracken was instead pulled into a one-on-one meeting with Mr. Gelb. Mr. Gelb then
2 told Ms. McCracken, "So, I hear that you've been showing people pictures of me at a strip club."
3 Mr. Gelb also posited that maybe he had "done something to her at a party" or previously harassed
4 her to warrant the dissemination of such photographs. However, Ms. McCracken was baffled and
5 had no idea what he was referring to. Mr. Gelb specified that he had heard this from a source in her
6 gaming group, and Ms. McCracken then realized that he was talking about potential photographs
7 taken at the nightclub in Shanghai.

8 46. Ms. McCracken immediately told Mr. Gelb what she had actually said to the team
9 and Mr. Gelb was insistent on telling her that, although he went out for drinks with Mr. Wang that
10 night, he was back in his hotel room by 11:30 p.m. and did not do anything wrong. Ms. McCracken
11 was embarrassed and told him that it was none of her business. Mr. Gelb then stated that he
12 understood how gossip traveled through the company and wanted to make sure that, if it was Mr.
13 Carver who was spinning this story, that his actions will not go "unpunished."

14 47. Mr. Gelb concluded their meeting and asked Ms. McCracken to "clean up" the
15 gossip, chalking the whole situation up to a "bad game of telephone." Mr. Gelb also mentioned that,
16 with the impending *Kotaku* article on the horizon, he wanted to be extra cautious about what was
17 being said about him. Mr. Gelb also expressed his displeasure that Mr. Wang had shared any
18 information about that evening to Ms. McCracken.

19 48. Immediately after her meeting with Mr. Gelb, Ms. McCracken met with Mr. Carver
20 and was very upset about how her words were misrepresented. Mr. Carver then confessed that he
21 had told his manager the "strip club" story, who had then told her manager, Jordan Mazer, who had
22 repeated the story to Mr. Gelb. Mr. Carver told Ms. McCracken that he regretted telling the story
23 to his manager and never intended this situation to escalate the way it did.

24 49. On the same day that Ms. McCracken and Mr. Carver met, there was another "Riot
25 Unplugged" meeting. During the event, Mr. Laurent approached Ms. McCracken in front of her
26 team and loudly joked, "I hear that you have naked photos of Gelb on the dark web. How much are
27 they?" Ms. McCracken was distressed and embarrassed that Mr. Laurent had said this in front of
28 her other team members. Ms. McCracken informed him that she did not do any such thing and Mr.



1 Laurent said that he knew and was just “trolling” her. He went on to say that Mr. Gelb was now
2 worried about being able to go out and have fun at the next World Tour stop in Europe due to this
3 “situation.” Ms. McCracken was upset knowing that the entire D3 group knew about this issue and
4 that she was somehow to blame.

5 50. On June 15, 2018, Ms. McCracken set up meetings with the gaming group to go
6 over their recollection of their conversations about Mr. Gelb. No group members remembered there
7 ever being any mention of inappropriate photographs, let alone any photographs being shown or
8 distributed, or of Ms. McCracken even mentioning Mr. Gelb’s name in conjunction with a strip club.

9 51. On June 18, 2018, Ms. McCracken met with Mr. Carver and Mr. Mazer to go over
10 their recollection of the Mr. Gelb story and concluded that this was simply a bad game of telephone.
11 Later that day, Ms. McCracken sent Mr. Gelb a Slack Message apologizing for her involvement for
12 the entire ordeal. Mr. Gelb informed her that Mr. Cullen would be handling the situation going
13 forward and that there would be an investigation.

14 52. On June 19, 2018, Ms. McCracken received a frantic text message from Mr. Wang
15 because he was going to be confronted for his role in sending Ms. McCracken the video from the
16 nightclub in Shanghai.

17 53. Mr. Cullen met with Ms. McCracken and the rest of the gaming group to investigate
18 the situation and take everyone’s statements. It became apparent that the investigation was opened
19 to simply insure that no photographic evidence of any misconduct by Mr. Gelb in Shanghai existed
20 and to intimidate the members of the gaming group into staying silent. Mr. Cullen concluded the
21 investigation, and was satisfied that he did not find anything, but the process had the desired chilling
22 effect.

23 54. In June 2018, Ms. McCracken was in the process of being promoted. Ms.
24 McCracken had been recently successful in a delivering a strategy for the announcement of
25 particular Riot Games product, and was slated to be promoted to the role of Strategist. However,
26 Ms. McCracken was removed from decision-making for her products, the date of her next event was
27 changed without her knowledge, and she was prevented from attending senior leadership meetings,
28 thereby reducing the scope of her role within the company.



- 1 (a) Subclass 1: All women currently or formerly employed by Riot Games, Inc. in
2 California that were denied a promotion, increase in compensation, or equal pay
3 based on their gender or sex, during the time period beginning four years prior to
4 the filing of this Complaint through the trial of this matter.
- 5 (b) Subclass 2: All women currently or formerly employed by Riot Games, Inc. in
6 California that were discriminated or retaliated against for requesting a promotion,
7 increase in compensation, or equal pay, during the time period beginning four years
8 prior to the filing of this Complaint through the trial of this matter.
- 9 (c) Subclass 3: All women currently or formerly employed by Riot Games, Inc. in
10 California that were discriminated against because of their gender or sex, during the
11 time period beginning four years prior to the filing of this Complaint through the
12 trial of this matter.
- 13 (d) Subclass 4: All women currently or formerly employed by Riot Games, Inc. in
14 California that were harassed because of their gender or sex, during the time period
15 beginning four years prior to the filing of this Complaint through the trial of this
16 matter.
- 17 (e) Subclass 5: All women currently or formerly employed by Riot Games, Inc. in
18 California that were retaliated against because of their gender or sex or for engaging
19 in protected activity, during the time period beginning four years prior to the filing
20 of this Complaint through the trial of this matter.

21 60. This action is appropriately suited for a class action pursuant to California *Code of*
22 *Civil Procedure* §382 because there exists an ascertainable and sufficiently numerous Class and/or
23 Subclasses, a well-defined community of interest, and substantial benefits from certification that
24 render proceeding as a class superior to the alternatives.

25 61. Numerosity and Ascertainability. The size of the Class and/or Subclasses makes a
26 class action both necessary and efficient. The proposed Class includes hundreds of current and
27 former female Riot Games employees located across California. Members of the Class and/or
28



1 Subclasses are ascertainable through Riot Games' records, but are so numerous that joinder of all
2 individual Class or Subclasses would be impractical.

3 62. Predominant Common Questions of Law and Fact. Common questions of law and
4 fact affecting the rights of all Class and/or Subclasses predominate over any individualized issues.
5 These common questions include, but are not limited to:

- 6 (a) Whether Riot Games has a systemic policy and/or practice of willfully paying its
7 female employees at rates lower than those paid to its male employees performing
8 substantially equal or similar work under similar conditions, in violation of
9 California *Labor Code* §1197.5, *et seq.*;
- 10 (b) Whether Riot Games has a systemic policy and/or practice of willfully assigning
11 and channeling women to lower paying job positions, job ladders, and salary levels
12 than its male employees, in violation of California *Labor Code* §1197.5, *et seq.*;
- 13 (c) Whether Riot Games has a systemic policy and/or practice of committing adverse
14 employment actions against its female employees who engage in protected activities
15 when requesting promotions, increases in pay, or equal pay, in in violation of
16 California *Labor Code* §1197.5(k), *et seq.*;
- 17 (d) Whether Riot Games has a systemic policy and/or practice of committing adverse
18 employment actions against its female employees because of their gender or sex, in
19 violation of California *Government Code* §12940(a), *et seq.*
- 20 (e) Whether Riot Games has a systemic policy and/or practice of permitting harassment
21 of its female employees because of their gender or sex, in violation of California
22 *Government Code* §12940(j)(1), *et seq.*
- 23 (f) Whether Riot Games has a systemic policy and/or practice of committing adverse
24 employment actions against its female employees for engaging in protected
25 activities when lodging complaints and/or requesting promotions, increases in pay,
26 or equal pay, in violation of California *Government Code* §12940(h), *et seq.*
- 27 (g) Whether Riot Games has a systemic policy and/or practice of failing to prevent
28 discrimination, harassment, and/or retaliation against its female employees because

1 of their gender or sex, in violation of California *Government Code* §12940(k), *et*
2 *seq.*

3 (h) Whether Riot Games has a systemic policy and/or practice of unlawful, unfair, or
4 fraudulent business activities which allow it to unfairly compete in the marketplace.

5 63. Typicality. Plaintiffs' claims are typical of the Class and/or the Subclasses' Equal
6 Pay Act claims because Plaintiffs are women who are or were employed by Riot Games in California
7 during the Class Period and were denied promotions and/or paid less than their male counterparts
8 for substantially equal or similar work. Plaintiffs' claims are typical of the Class and/or the
9 Subclasses' Fair Employment & Housing Act claims of women were denied promotions and/or paid
10 less than their male counterparts for substantially equal or similar work and/or were discriminated,
11 retaliated, or harassed because of their gender or sex.

12 64. Adequacy of Representation. Plaintiffs will fairly and adequately represent the
13 interests of the Class and/or Subclasses because their individual interests are consistent with, and
14 not antagonistic to, the interests of the Class and/or Subclasses, and because Plaintiffs have retained
15 counsel who have the requisite resources and ability to prosecute this case as a class action and are
16 experienced labor and employment attorneys who have successfully litigated other cases involving
17 similar issues, including in class actions.

18 65. Superiority of Class Mechanism. Class certification is appropriate because common
19 questions of law and fact predominate over any questions affecting only individual Class and/or
20 Subclasses. Riot Games' liability in this case is based on uniform company policies and procedures
21 applicable to all employees. The compensation that Riot Games owes to each individual Class
22 member is small in relation to the expense and burden of individual litigation to recover that
23 compensation. The prosecution of separate actions against Riot Games by individual Class and/or
24 Subclasses could create a risk of inconsistent or varying adjudications which could establish
25 incompatible standards of conduct for Riot Games. A class action is superior to other available
26 methods for the fair and efficient adjudication of the controversy set forth herein.

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28 ///



JURISDICTION AND VENUE

66. The events causing damage to Plaintiffs, as described in this Complaint, all occurred within the City of Los Angeles, County of Los Angeles, State of California, which is within the jurisdictional boundaries of the Superior Court of the County of Los Angeles.

67. This Court has jurisdiction over this matter because Defendant Riot Games is a corporation that maintains its headquarters in Los Angeles, California, is licensed to do business in California, regularly conducts business in California, and committed and continues to commit the unlawful acts alleged herein in California.

68. Venue is proper in this Court pursuant to California *Code of Civil Procedure* §395.5. Riot Games has an office in Los Angeles, which is where many Class and/or Subclasses have worked and continue to work. Riot Games' obligation to pay its female employees equally to its male employees, and its liability for failing to do so, and any retaliatory acts related to Riot Games' unfair and/or unlawful employment practices, therefore arise in the County of Los Angeles.

69. Pursuant to California *Code of Civil Procedure* §382, Plaintiffs bring these claims individually and as a class action on behalf of a class of current and former employees of Riot Games and who were forced out for asking for promotions or salary increases or were not equally paid for substantially similar work based on gender, at any time four years prior to the filing of this Complaint.

70. This action is not subject to the Federal Class Action Fairness Act.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

71. On or about November 5, 2018, Plaintiff Melanie McCracken exhausted her administrative remedies by timely requesting that the California Department of Fair Employment and Housing ("DFEH") grant her the "Right to Sue" the named Defendants on the allegations set forth herein. On or about November 5, 2018, the DFEH issued a "Right to Sue" letter to Plaintiff Melanie McCracken granting her the right to sue the Defendants identified herein.

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FIRST CAUSE OF ACTION

Violations of the California Equal Pay Act (California Labor Code §1197.5(a), et seq.)

(By All Plaintiffs and the Class and/or Subclasses Against All Defendants)

72. Plaintiffs reallege and incorporate by reference as though fully set forth herein, each and every allegation contained in Paragraphs 1 through 71 of this Complaint.

73. Defendants have and continue to pay Plaintiffs and the Class and/or Subclasses at a rate less than Defendant's male employees in violation of the California Equal Pay Act, California Labor Code §1197.5, et seq.

74. Plaintiffs and the Class and/or Subclasses were performing substantially similar work as Defendant's male employees with respect to their skill, effort, and responsibility.

75. Plaintiffs and the Class and/or Subclasses were performing substantially similar work under similar working conditions as Defendant's male employees.

76. Defendants caused, attempted to cause, contributed to, or caused the continuation of the wage rate violations of the California Equal Pay Act.

77. Defendants willfully or recklessly disregarded the fact that its conduct was in violation of the California Equal Pay Act.

78. As a result of Defendants' conduct alleged herein and/or Defendants' willful, knowing, and intentional violations of the California Equal Pay Act, Plaintiffs and the Class and/or Subclasses have suffered and will continue to suffer harm, including, but not limited to, lost wages, lost benefits, and other financial loss.

79. Plaintiffs and the Class and/or Subclasses should be awarded all legal and equitable remedies, including underpaid wages, liquidated damages, and reasonable attorneys' fees under California Labor Code §1197.5 and California Code of Civil Procedure §1021.5.

80. Plaintiffs and the Class and/or Subclasses are also entitled to civil penalties pursuant to California Labor Code §§ 1197.5 and 2699(f).

81. The aforementioned acts were committed by Defendants, and each of them, by and through their respective officers, directors, managing agents, agents and/or representatives and/or were known to, aided, abetted, authorized by, ratified by and/or otherwise approved by their

1 respective officers, directors, managing agents and/or representatives. The above acts of
2 Defendants, and each of them, were despicable and committed knowingly, willfully, fraudulently,
3 and/or maliciously, with the intent to harm, injure, vex, annoy, and oppress Plaintiff McCracken and
4 the Class and/or Subclasses and with a conscious disregard of their rights. By reason thereof,
5 Plaintiffs and the Class and/or Subclasses seek punitive and exemplary damages from the named
6 Defendants in an amount to be proven at trial.

7
8 **SECOND CAUSE OF ACTION**

9 ***Discrimination & Retaliation in Violation of California's Equal Pay Act (California Labor***
10 ***Code §1197.5(k), et seq.)***

11 **(By Plaintiff Melanie McCracken and the Class and/or Subclasses Against All Defendants)**

12 82. Plaintiff McCracken realleges and incorporates by reference as though fully set forth
13 herein, each and every allegation contained in Paragraphs 1 through 71 of this Complaint.

14 83. Plaintiff McCracken and the Class and/or Subclasses suffered discrimination and
15 retaliation because of their protected activities in violation of California *Labor Code* §1197.5(k),
16 including with respect to their requests for promotions, increased compensation, and/or equal pay.

17 84. Plaintiff McCracken and the Class and/or Subclasses' protected activities were
18 responded to by Defendants with denied promotions, refusals to provide increased compensation or
19 equal pay, demotions, reassignment with significantly different responsibilities, losses of benefits,
20 suspensions, terminations, and other adverse employment actions.

21 85. Plaintiff McCracken and the Class and/or Subclasses' protected activities were
22 substantial motivating factors for the adverse employment actions.

23 86. As a direct, proximate, and legal result of Defendants' aforesaid wrongful conduct,
24 Plaintiff McCracken and the Class and/or Subclasses have been harmed in that they have suffered
25 the loss of past and future wages and earnings, benefits, and such additional amounts of money they
26 would have received if Defendants had not committed the adverse employment actions. As a result
27 of such discrimination and retaliation and their consequences, Plaintiff McCracken and the Class
28

1 and/or Subclasses have suffered additional economic harm and damages, to be stated according to
2 proof at trial.

3 87. As a result of Defendants' conduct as alleged herein, Plaintiff McCracken and the
4 Class and/or Subclasses have been required to retain counsel to represent them. Plaintiff McCracken
5 and the Class and/or Subclasses will continue to incur attorneys' fees and costs in an amount within
6 the jurisdictional limits of this Court. Plaintiff McCracken and the Class and/or Subclasses are
7 therefore entitled to an award based on the reasonable attorneys' fees necessarily incurred in the
8 preparation and prosecution of this action, in an amount to be stated according to proof at trial.

9 88. The aforementioned acts were committed by Defendants, and each of them, by and
10 through their respective officers, directors, managing agents, agents and/or representatives and/or
11 were known to, aided, abetted, authorized by, ratified by and/or otherwise approved by their
12 respective officers, directors, managing agents and/or representatives. The above acts of
13 Defendants, and each of them, were despicable and committed knowingly, willfully, fraudulently,
14 and/or maliciously, with the intent to harm, injure, vex, annoy, and oppress Plaintiff McCracken and
15 the Class and/or Subclasses and with a conscious disregard of their rights. By reason thereof,
16 Plaintiffs and the Class and/or Subclasses seek punitive and exemplary damages from the named
17 Defendants in an amount to be proven at trial.

18
19 **THIRD CAUSE OF ACTION**

20 *Sex/Gender Discrimination in Violation of California Government Code §12940, et seq.*

21 **(By Plaintiff Melanie McCracken and the Class and/or Subclasses Against All Defendants)**

22 89. Plaintiff McCracken realleges and incorporates by reference as though fully set forth
23 herein, each and every allegation contained in Paragraphs 1 through 71 of this Complaint.

24 90. At all relevant times, *Government Code* §12940(a) was in full force and effect and
25 was binding upon Defendants. *Government Code* §12940(a) prohibits Defendants from
26 discriminating against any employee on the basis of sex or gender.

27 91. At all relevant times, Plaintiff McCracken and the Class and/or Subclasses were
28 female and therefore members of a protected group, pursuant to *California Government Code*



1 §§12926, 12945.

2 92. At all relevant times, Plaintiff McCracken and the Class and/or Subclasses
3 performed their job duties with exceptional results.

4 93. Upon information and belief, Plaintiff McCracken and the Class and/or Subclasses
5 were subjected to unlawful discrimination by Defendants, and each of them, because they are
6 women. Plaintiff McCracken and the Class and/or Subclasses' sex and/or gender were motivating
7 reasons for the harassment, discrimination, and retaliation alleged herein.

8 94. Plaintiff McCracken is informed and believes, and thereupon alleges that, at all
9 relevant times, Defendants had in place policies and procedures that specifically prohibited
10 discrimination based on sex and/or gender, retaliation based on complaints about discriminatory
11 practices based on sex and/or gender, and sexual harassment against and upon employees of
12 Defendants. Plaintiff McCracken alleges that those same policies required Defendants' employees,
13 managers, officers, and agents to prevent such same illegal conduct.

14 95. However, Defendants, and each of them, failed to implement and/or enforce their
15 respective anti-discrimination policies. Instead, Defendants further discriminated against Plaintiff
16 McCracken and the Class and/or Subclasses by preferring men in the workplace, particularly with
17 respect to their hiring, promotions, and compensation, and by responding to male employees'
18 grievances and complaints swiftly and thoroughly, as compared to female employees' grievances
19 and complaints, which were more likely to be disregarded, not investigated, or mishandled.

20 96. As a direct, proximate, and legal result of Defendants' aforesaid wrongful conduct,
21 Plaintiff McCracken and the Class and/or Subclasses have been harmed in that they have suffered
22 the loss of past and future wages and earnings, benefits, and such additional amounts of money they
23 would have received if Defendants had not discriminated against them. As a result of such
24 discrimination and its consequences, Plaintiff McCracken and/or the Class and/or Subclasses have
25 suffered additional economic harm and damages, to be stated according to proof at trial.

26 97. The acts of Defendants as alleged herein have been reckless and/or intentional, in
27 that Defendants, in conscious disregard of Plaintiff McCracken and the Class and/or Subclasses'
28 rights, acted so as to cause each of them to suffer a loss of employment benefits and to suffer the



1 injury, humiliation, embarrassment, emotional distress and hardship alleged herein. As a direct and
2 proximate result, Plaintiff McCracken and the Class and/or Subclasses did suffer and still do suffer
3 emotional distress, anxiety, stress, and worry because of Defendants' conduct. Accordingly,
4 Plaintiff McCracken and the Class and/or Subclasses are entitled to recover general damages against
5 said Defendants in a sum in excess of the minimum jurisdictional limits of this Court, in an amount
6 to be stated according to proof at trial.

7 98. As a result of Defendants' conduct as alleged herein, Plaintiff McCracken and the
8 Class and/or Subclasses have been required to retain counsel to represent their interests. Plaintiff
9 McCracken and the Class and/or Subclasses will continue to incur attorneys' fees and costs in an
10 amount within the jurisdictional limits of this Court. Plaintiff McCracken and the Class and/or
11 Subclasses are therefore entitled to an award based on the reasonable attorneys' fees necessarily
12 incurred in the preparation and prosecution of this action, pursuant to *Government Code* §12965(b),
13 which amount will be stated according to proof at trial.

14 99. The aforementioned acts were committed by Defendants, and each of them, by and
15 through their respective officers, directors, managing agents, agents and/or representatives and/or
16 were known to, aided, abetted, authorized by, ratified by and/or otherwise approved by their
17 respective officers, directors, managing agents and/or representatives. The above acts of
18 Defendants, and each of them, were despicable and committed knowingly, willfully, fraudulently,
19 and/or maliciously, with the intent to harm, injure, vex, annoy, and oppress Plaintiff McCracken and
20 the Class and/or Subclasses and with a conscious disregard of their rights. By reason thereof,
21 Plaintiffs and the Class and/or Subclasses seek punitive and exemplary damages from the named
22 Defendants in an amount to be proven at trial.

23 24 FOURTH CAUSE OF ACTION

25 *Harassment in Violation of California Government Code §12940, et seq.*

26 **(By Plaintiff Melanie McCracken and the Class and/or Subclasses Against All Defendants)**

27 100. Plaintiff McCracken realleges and incorporates by reference as though fully set forth
28 herein, each and every allegation contained in Paragraphs 1 through 71 of this Complaint.



1 101. At all times relevant for purposes of this Complaint, California *Government Code*
2 §12940, *et seq.* were in full force and effect and were binding on all Defendants. California
3 *Government Code* §12940(j)(1) states that it is unlawful “[f]or an employer...or any other person,
4 because of...sex [and/or] gender, race...to harass an employee...”

5 102. Throughout her employment, Plaintiff McCracken and the Class and/or Subclasses
6 were subjected to harassment on the basis of her sex/gender. Said conduct was severe, pervasive,
7 constant and continuous, and was offensive, humiliating, and harassing to Plaintiff and would have
8 been offensive to a reasonable person in Plaintiff’s circumstances.

9 103. Furthermore, by failing to conduct a reasonable investigation and not taking proper
10 remedial action following Plaintiff McCracken and the Class and/or Subclasses’ complaints,
11 Defendants ratified the unlawful conduct of its managers and supervisors.

12 104. As a direct, proximate, and legal result of Defendants’ aforesaid wrongful conduct,
13 Plaintiff McCracken and the Class and/or Subclasses have been harmed in that they have suffered
14 the loss of past and future wages and earnings, benefits, and such additional amounts of money they
15 would have received if Defendants had not harassed them. As a result of such harassment and its
16 consequences, Plaintiff McCracken and/or the Class and/or Subclasses have suffered additional
17 economic harm and damages, to be stated according to proof at trial.

18 105. The acts of Defendants as alleged herein have been reckless and/or intentional, in
19 that Defendants, in conscious disregard of Plaintiff McCracken and the Class and/or Subclasses’
20 rights, acted so as to cause each of them to suffer a loss of employment benefits and to suffer the
21 injury, humiliation, embarrassment, emotional distress and hardship alleged herein. As a direct and
22 proximate result, Plaintiff McCracken and the Class and/or Subclasses did suffer and still do suffer
23 emotional distress, anxiety, stress, and worry because of Defendants’ conduct. Accordingly,
24 Plaintiff McCracken and the Class and/or Subclasses are entitled to recover general damages against
25 said Defendants in a sum in excess of the minimum jurisdictional limits of this Court, in an amount
26 to be stated according to proof at trial.

27 106. As a result of Defendants’ conduct as alleged herein, Plaintiff McCracken and the
28 Class and/or Subclasses have been required to retain counsel to represent their interests. Plaintiff



1 McCracken and the Class and/or Subclasses will continue to incur attorneys' fees and costs in an
2 amount within the jurisdictional limits of this Court. Plaintiff McCracken and the Class and/or
3 Subclasses are therefore entitled to an award based on the reasonable attorneys' fees necessarily
4 incurred in the preparation and prosecution of this action, pursuant to *Government Code* §12965(b),
5 which amount will be stated according to proof at trial.

6 107. The aforementioned acts were committed by Defendants, and each of them, by and
7 through their respective officers, directors, managing agents, agents and/or representatives and/or
8 were known to, aided, abetted, authorized by, ratified by and/or otherwise approved by their
9 respective officers, directors, managing agents and/or representatives. The above acts of
10 Defendants, and each of them, were despicable and committed knowingly, willfully, fraudulently,
11 and/or maliciously, with the intent to harm, injure, vex, annoy, and oppress Plaintiff McCracken and
12 the Class and/or Subclasses and with a conscious disregard of their rights. By reason thereof,
13 Plaintiffs and the Class and/or Subclasses seek punitive and exemplary damages from the named
14 Defendants in an amount to be proven at trial.

15
16 **FIFTH CAUSE OF ACTION**

17 ***Retaliation in Violation of California Government Code §12940, et seq.***

18 **(By Plaintiff Melanie McCracken and the Class and/or Subclasses Against All Defendants)**

19 108. Plaintiff McCracken realleges and incorporates by reference as though fully set forth
20 herein, each and every allegation contained in Paragraphs 1 through 71 of this Complaint.

21 109. At all times relevant for purposes of this Complaint, the FEHA, California
22 *Government Code* §12940, et seq. was in full force and effect and binding on Defendants.

23 110. It is an unlawful employment practice to discharge, expel, or otherwise discriminate
24 against any person because the person has opposed any practices protected under California
25 *Government Code* §12940(h). Plaintiff McCracken and the Class and/or Subclass engaged in
26 protected activities including, but not limited to, lodging complaints, requesting equal pay or
27 increased compensation, and/or requesting promotions.

1 111. As a result of engaging in protected activity, Plaintiff McCracken and the Class
2 and/or Subclass suffered denied promotions, refusals to provide increased compensation or equal
3 pay, demotions, reassignment with significantly different responsibilities, losses of benefits,
4 suspensions, terminations, and other adverse employment actions.

5 112. The adverse employment actions were substantially motivated by Plaintiff
6 McCracken and the Class and/or Subclasses' protective activities.

7 113. As a direct, proximate, and legal result of Defendants' aforesaid wrongful conduct,
8 Plaintiff McCracken and the Class and/or Subclasses have been harmed in that they have suffered
9 the loss of past and future wages and earnings, benefits, and such additional amounts of money they
10 would have received if Defendants had not retaliated against them. As a result of such retaliation
11 and its consequences, Plaintiff McCracken and/or the Class and/or Subclasses have suffered
12 additional economic harm and damages, to be stated according to proof at trial.

13 114. The acts of Defendants as alleged herein have been reckless and/or intentional, in
14 that Defendants, in conscious disregard of Plaintiff McCracken and the Class and/or Subclasses'
15 rights, acted so as to cause each of them to suffer a loss of employment benefits and to suffer the
16 injury, humiliation, embarrassment, emotional distress and hardship alleged herein. As a direct and
17 proximate result, Plaintiff McCracken and the Class and/or Subclasses did suffer and still do suffer
18 emotional distress, anxiety, stress, and worry because of Defendants' conduct. Accordingly,
19 Plaintiff McCracken and the Class and/or Subclasses are entitled to recover general damages against
20 said Defendants in a sum in excess of the minimum jurisdictional limits of this Court, in an amount
21 to be stated according to proof at trial.

22 115. As a result of Defendants' conduct as alleged herein, Plaintiff McCracken and the
23 Class and/or Subclasses have been required to retain counsel to represent their interests. Plaintiff
24 McCracken and the Class and/or Subclasses will continue to incur attorneys' fees and costs in an
25 amount within the jurisdictional limits of this Court. Plaintiff McCracken and the Class and/or
26 Subclasses are therefore entitled to an award based on the reasonable attorneys' fees necessarily
27 incurred in the preparation and prosecution of this action, pursuant to *Government Code* §12965(b),
28 which amount will be stated according to proof at trial.

116. The aforementioned acts were committed by Defendants, and each of them, by and through their respective officers, directors, managing agents, agents and/or representatives and/or were known to, aided, abetted, authorized by, ratified by and/or otherwise approved by their respective officers, directors, managing agents and/or representatives. The above acts of Defendants, and each of them, were despicable and committed knowingly, willfully, fraudulently, and/or maliciously, with the intent to harm, injure, vex, annoy, and oppress Plaintiff McCracken and the Class and/or Subclasses and with a conscious disregard of their rights. By reason thereof, Plaintiffs and the Class and/or Subclasses seek punitive and exemplary damages from the named Defendants in an amount to be proven at trial.

SIXTH CAUSE OF ACTION

Failure to Prevent Discrimination, Harassment, and Retaliation in Violation of California Government Code §12940, et seq.

(By Plaintiff Melanie McCracken and the Class and/or Subclasses Against All Defendants)

117. Plaintiff McCracken realleges and incorporates by reference as though fully set forth herein, each and every allegation contained in Paragraphs 1 through 71 of this Complaint.

118. At all times relevant for purposes of this Complaint, *Government Code §12940(k), et seq.*, was in full force and effect and binding on Defendants. It requires Defendants to, among other things, "take all reasonable steps necessary to prevent discrimination from occurring."

119. In perpetuating the above-described acts and failures to act, Defendants violated California *Government Code §12940(k)* by failing to take all reasonable steps necessary to prevent such discrimination, harassment, and retaliation based on gender and sex from occurring.

120. Defendants repeatedly violated California *Government Code §12940(k)*. Defendants' acts and failures to act include, but are not limited to, the following:

- (a) Having no policies, practices and procedures and/or failing to implement policies, practices and procedures and/or having ineffective policies, practices, and procedures regarding Defendants' obligations to refrain from harassment or discrimination;

- 1 (b) Having no policies, practices and procedures and/or failing to implement policies,
2 practices and procedures and/or having ineffective policies, practices, and
3 procedures regarding the handling of complaints of harassment or discrimination;
4 (c) Failing to investigate when harassment or discrimination was reported, despite there
5 being such reports;
6 (d) Failing to provide any and/or adequate training, education, or information to their
7 personnel, and most particularly to management and supervisory personnel with
8 regard to policies and procedures regarding preventing harassment or
9 discrimination; and
10 (e) Failing to appoint a qualified, neutral third party to investigate an employee's
11 allegations.

12 121. During the entire relevant period, Defendants failed to take all reasonable steps to
13 prevent discrimination or harassment and such discrimination or harassment was condoned,
14 encouraged, tolerated, sanctioned, and ratified.

15 122. As a direct, proximate, and legal result of Defendants' aforesaid wrongful conduct,
16 Plaintiff McCracken and the Class and/or Subclasses have been harmed in that they have suffered
17 the loss of past and future wages and earnings, benefits, and such additional amounts of money they
18 would have received if Defendants had not retaliated against them. As a result of such retaliation
19 and its consequences, Plaintiff McCracken and/or the Class and/or Subclasses have suffered
20 additional economic harm and damages, to be stated according to proof at trial.

21 123. The acts of Defendants as alleged herein have been reckless and/or intentional, in
22 that Defendants, in conscious disregard of Plaintiff McCracken and the Class and/or Subclasses'
23 rights, acted so as to cause each of them to suffer a loss of employment benefits and to suffer the
24 injury, humiliation, embarrassment, emotional distress and hardship alleged herein. As a direct and
25 proximate result, Plaintiff McCracken and the Class and/or Subclasses did suffer and still do suffer
26 emotional distress, anxiety, stress, and worry because of Defendants' conduct. Accordingly,
27 Plaintiff McCracken and the Class and/or Subclasses are entitled to recover general damages against
28 said Defendants in a sum in excess of the minimum jurisdictional limits of this Court, in an amount



1 to be stated according to proof at trial.

2 124. As a result of Defendants' conduct as alleged herein, Plaintiff McCracken and the
3 Class and/or Subclasses have been required to retain counsel to represent their interests. Plaintiff
4 McCracken and the Class and/or Subclasses will continue to incur attorneys' fees and costs in an
5 amount within the jurisdictional limits of this Court. Plaintiff McCracken and the Class and/or
6 Subclasses are therefore entitled to an award based on the reasonable attorneys' fees necessarily
7 incurred in the preparation and prosecution of this action, pursuant to *Government Code* §12965(b),
8 which amount will be stated according to proof at trial.

9 125. The aforementioned acts were committed by Defendants, and each of them, by and
10 through their respective officers, directors, managing agents, agents and/or representatives and/or
11 were known to, aided, abetted, authorized by, ratified by and/or otherwise approved by their
12 respective officers, directors, managing agents and/or representatives. The above acts of
13 Defendants, and each of them, were despicable and committed knowingly, willfully, fraudulently,
14 and/or maliciously, with the intent to harm, injure, vex, annoy, and oppress Plaintiff McCracken and
15 the Class and/or Subclasses and with a conscious disregard of their rights. By reason thereof,
16 Plaintiffs and the Class and/or Subclasses seek punitive and exemplary damages from the named
17 Defendants in an amount to be proven at trial.

18
19 **SEVENTH CAUSE OF ACTION**

20 ***Constructive Termination of Employment in Violation of California Law and Public Policy***

21 **(By Plaintiff Jessica Negron Against All Defendants)**

22 126. Plaintiff Negron realleges and incorporates by reference as though fully set forth
23 herein, each and every allegation contained in Paragraphs 1 through 71 of this Complaint.

24 127. At all relevant times, California *Government Code* §12920 provides that it is the
25 public policy of California that "it is necessary to protect and safeguard the right and opportunity of
26 all persons to seek, obtain, and hold employment without discrimination or abridgment on account
27 of race, religious creed, color, national origin, ancestry, physical disability, mental disability,
28 medical condition, marital status, sex, age, or sexual orientation."



1 128. As set forth above, Plaintiff Negron was discriminated and retaliated against in the
2 following ways: refusing to promote Plaintiff Negron despite her satisfactory performance
3 throughout the duration of her employment, punishing Plaintiff Negron for requesting promotions
4 and salary increases, hiring a new employee to fill the Content Editor role and demoting Plaintiff
5 Negron to her former position, making repeated empty promises of future promotions, refusing to
6 consider Plaintiff Negron for the again vacant Content Editor role, and continued discriminatory
7 treatment based on sex, creating a hostile work environment.

8 129. Due to her intolerable working conditions, Plaintiff Negron quit her job on or about
9 April 7, 2017.

10 130. Plaintiff Negron believes that the working conditions during her employment with
11 Defendants were unusually aggravated such that it was intolerable to continue working in the
12 environment where she may be further subjected to discrimination and retaliation.

13 131. Plaintiff Negron's constructive termination was in violation of fundamental public
14 policies as set forth above.

15 132. The acts of Defendants as alleged herein have been reckless and/or intentional, in
16 that Defendants, in conscious disregard of Plaintiff Negron's rights, acted so as to cause her to suffer
17 a loss of employment and to suffer the injury, humiliation, embarrassment, emotional distress and
18 hardship alleged herein. As a direct and proximate result, Plaintiff Negron did suffer and still does
19 suffer emotional distress, anxiety, stress, and worry because of Defendants' conduct. Accordingly,
20 Plaintiff Negron is entitled to recover general damages against said Defendants in a sum in excess
21 of the minimum jurisdictional limits of this Court, in an amount to be stated according to proof at
22 trial.

23 133. As a direct, proximate, and legal result of Defendants' aforesaid wrongful conduct,
24 Plaintiff Negron been harmed in that she has suffered the loss of past and future wages and earnings,
25 benefits, and such additional amounts of money she would have received if Defendants had not
26 caused her to constructively discharge her employment. As a result of misconduct, Plaintiff Negron
27 has suffered additional economic harm and damages, to be stated according to proof at trial.

28 ///

1 134. The aforementioned acts were committed by Defendants, and each of them, by and
2 through their respective officers, directors, managing agents, agents and/or representatives and/or
3 were known to, aided, abetted, authorized by, ratified by and/or otherwise approved by their
4 respective officers, directors, managing agents and/or representatives. The above acts of
5 Defendants, and each of them, were despicable and committed knowingly, willfully, fraudulently,
6 and/or maliciously, with the intent to harm, injure, vex, annoy, and oppress Plaintiff Negron and
7 with a conscious disregard of her rights. By reason thereof, Plaintiff Negron seeks punitive and
8 exemplary damages from the named Defendants in an amount to be proven at trial.

9
10 **EIGHTH CAUSE OF ACTION**

11 *Violations of Unfair Competition Law pursuant to Business & Professions Code §17200, et*
12 *seq.*

13 **(By All Plaintiffs and the Class and/or Subclasses Against All Defendants)**

14 135. Plaintiffs and the Class and/or Subclasses reallege and incorporate by reference as
15 though fully set forth herein, each and every allegation contained in Paragraphs 1 through 71 of this
16 Complaint.

17 136. California *Business & Professions Code §17200, et seq.* prohibits any unlawful,
18 unfair, or fraudulent business act or practice.

19 137. Plaintiffs bring this cause of action in a representative capacity on behalf of the
20 general public and the Class and/or Subclasses. Plaintiffs and the Class and/or Subclasses have
21 suffered and continue to suffer injury in fact and deprivation of wages and monies as a result of
22 Defendants' actions.

23 138. The actions of Defendants, as alleged herein, amount to conduct which is unlawful
24 and in violation of law. As such, such conduct constitutes unfair business practices, in violation of
25 *Business & Professions Code §17200, et seq.*

26 139. Defendants' conduct as herein alleged has damaged Plaintiffs and the Class and/or
27 Subclasses by denying them equal pay, promotions, increased compensation, and a working
28 environment free of discrimination, harassment, and retaliation. Defendants' actions are thus

1 substantially damaging to Plaintiffs and the Class and/or Subclasses, causing them injury in fact and
2 loss of money.

3 140. As a result of such conduct, Defendants have unlawfully and unfairly obtained
4 monies owed to Plaintiffs and the Class and/or Subclasses.

5 141. The proposed Class and/or Subclasses can be identified by reference to payroll and
6 related records in the possession of Defendants. The amount of wages due to Plaintiffs and the Class
7 and/or Subclasses can be readily determined from Defendants' records and/or proper scientific
8 and/or expert evidence. Plaintiffs and the proposed Class and/or Subclasses are entitled to restitution
9 of monies due and obtained by Defendants during the Class Period as a result of Defendants'
10 unlawful and unfair conduct.

11 142. During the Class Period, Defendants committed, and continue to commit acts of
12 unfair competition as defined by Sections *Business & Professions Code* §17200, *et seq.*, by and
13 among other things, engaging in the acts and practices described above.

14 143. Defendants' course of conduct, acts, and practices in violation of the California laws
15 and regulations, as mentioned in each paragraph above, constitute distinct, separate, and independent
16 violations of Sections *Business & Professions Code* §17200, *et seq.*

17 144. The harm to Plaintiffs and the Class and/or Subclasses of being wrongfully denied
18 equal pay, promotions, increased compensation, and a working environment free of discrimination,
19 harassment, and retaliation, outweighs the utility, if any, of Defendants' policies and practices, and
20 therefore, Defendants' actions described herein constitute unfair business practices or acts within
21 the meaning of *Business & Professions Code* §17200, *et seq.*

22 145. Defendants' conduct described herein threatens an incipient violation of California's
23 labor laws, and/or violates the policy or spirit of such laws, or otherwise significantly threatens or
24 harms competition.

25 146. Defendants' course of conduct described herein further violates *Business &*
26 *Professions Code* §17200, *et seq.* in that it is fraudulent, improper, and/or unfair.

27 147. The unlawful, unfair, and fraudulent business practices and acts of Defendants as
28 described hereinabove have injured Plaintiffs and the Class and/or Subclasses in that they were



1 wrongfully denied equal pay, promotions, increased compensation, and a working environment free
2 of discrimination, harassment, and retaliation.

3 148. Defendants have been unjustly enriched as a direct result of their unlawful business
4 practices alleged in this complaint and will continue to benefit from those practices and have an
5 unfair competitive advantage if allowed to continue such practices. Under *Business & Professions*
6 *Code* §17200 *et seq.*, Plaintiffs and the Class and/or Subclasses seek restitution of all monies not
7 paid to them by Defendants.

8 149. Plaintiffs and the Class and/or Subclasses have no plain, speedy, or adequate remedy
9 at law as Defendants, unless enjoined by the Order of this Court, will continue to systematically
10 violate the provisions of the *Labor Code* and *Government Code* referenced herein. Defendants'
11 conduct is continuing, ongoing, capable of repetition, and will continue unless restrained and
12 enjoined by the Court. Accordingly, injunctive relief is proper and necessary pursuant to California
13 *Business & Professions Code* §17203.

14 150. Plaintiffs and the Class and/or Subclasses' efforts in securing the requested relief
15 will result "in the enforcement of an important right affecting the public interest" for "(a) a
16 significant benefit, whether pecuniary or nonpecuniary, has been conferred on . . . a large class of
17 persons, (b) the necessity and financial burden of private enforcement . . . are such as to make the
18 award appropriate, and (c) such fees should not in the interest of justice be paid out of the recovery,
19 if any." Plaintiffs and the Class and/or Subclasses request that the Court also award reasonable
20 attorneys' fees pursuant to the provisions of California *Code of Civil Procedure* §1021.5.

21 151. Plaintiffs and the Class and/or Subclasses seek remedies and penalties pursuant to
22 California *Business & Professions Code* §17205, which are cumulative to the remedies and penalties
23 available under all other laws of this state.

24
25 **DEMAND FOR JURY TRIAL**

26 152. Plaintiffs, on behalf of themselves and all others similarly situated, hereby demand
27 a trial by jury.

28



PRAYER FOR RELIEF

WHEREFORE, Plaintiffs, on behalf of themselves and all others similarly situated, respectfully pray for relief, where applicable, against Defendants as follows:

1. For an order certifying this action as a class action;
2. For an order appointing Plaintiffs Melanie McCracken and Jessica Negron as Class Representatives and appointing Plaintiffs' counsel as Class counsel;
3. For all wages (including base salary, bonuses, and stock) due pursuant to California *Labor Code* §1197.5(h) in an amount to be ascertained at trial;
4. For liquidated damages pursuant to California *Labor Code* §1197.5(h);
5. For punitive damages, as alleged herein;
6. For prejudgment interest on unpaid wages at a rate of 10% per annum pursuant to California *Labor Code* §1197.5(h) and California *Civil Code* §§ 3287-3288, and/or any other applicable provision for prejudgment interest;
7. For statutory and civil penalties according to proof;
8. For restitution of all monies due to Plaintiff and Class or Subclasses, as well as disgorgement of Defendants' profits from its unlawful and/or unfair business practices;
9. For preliminary and permanent injunctive relief enjoining Defendants from violating California *Labor Code* §1197.5, *et seq.*, by paying its female employees lower wages than it pays their male counterparts for substantially similar work; and from engaging in the unfair and unlawful business practices complained of herein in violation of California *Business & Professions Code* §17200, *et seq.*;
10. For reasonable attorneys' fees and costs pursuant to California *Labor Code* §1197.5(h), California *Code of Civil Procedure* §1021.5, and/or any other applicable provision providing for attorneys' fees and costs; and

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1 11. For such further relief that the Court may deem just and proper.
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3

Respectfully submitted,

4 DATED: November 5, 2018

ROSEN ♦ SABA, LLP

By:



RYAN D. SABA, ESQ.

TYLER C. VANDERPOOL, ESQ.

Attorneys for Plaintiffs

MELANIE MCCrackEN and

JESSICA NEGRON

EXHIBIT A



STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency

GOVERNOR EDMUND G. BROWN JR.

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758

(800) 884-1684 (Voice) | (800) 700-2320 (TTY) | California's Relay Service at 711

<http://www.dfeh.ca.gov> | email: contact.center@dfeh.ca.gov

DIRECTOR KEVIN KISH

November 5, 2018

RE: Notice of Filing of Discrimination Complaint

DFEH Matter Number: 201811-04131505

Right to Sue: McCracken / Riot Games, Inc.

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Department of Fair Employment and Housing (DFEH) 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. This case is not being investigated by DFEH and is being closed immediately. 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 DFEH is requested or required.

Sincerely,

Department of Fair Employment and Housing

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2 **Additional Complaint Details:**

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1 VERIFICATION

2 I, **Tyler C. Vanderpool**, 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 November 5, 2018, I declare under penalty of perjury under the laws of the State
6 of California that the foregoing is true and correct.

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Beverly Hills, CA

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Riot Games Hit with Discrimination Class Action Over Allegedly Hostile 'Bro Culture,' Gender-Based Pay Disparities \[UPDATE\]](#)
