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**CONFORMED COPY
ORIGINAL FILED
Superior Court of California
County of Los Angeles**

APR 02 2019

**Sherri R. Carter, Executive Officer/Clerk of Court
By: Brigitte De La Rosa, Deputy**

6 *Attorneys for Plaintiffs and the Proposed Class*

7
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 LOS ANGELES COUNTY

10 LARONDA RASMUSSEN and KAREN
11 MOORE, on behalf of themselves and all others
similarly situated,
12
13 Plaintiffs,
14
15 vs.
16 THE WALT DISNEY COMPANY, WALT
DISNEY PICTURES, HOLLYWOOD
RECORDS, INC., and DOES 1-10,
17 Defendants.

Case No. **19STCV10974**
COMPLAINT – CLASS ACTION
DEMAND FOR JURY TRIAL

18 When it comes to paying women fairly, The Walt Disney Company,¹ nearing its 100th
19 year,² is woefully behind the times. Put simply, Disney refuses to pay its women employees
20 equal to men doing the same work. In many instances, Disney is paying women workers tens of
21 thousands of dollars less than their male counterparts.

22 Plaintiffs LaRonda Rasmussen and Karen Moore—both valuable and long-time Disney
23 employees—bring this lawsuit to address the rampant gender pay discrimination at Disney.
24 Because Disney’s pay practices negatively affect their female co-workers throughout The Walt
25 Disney Studios, they bring this case as a class action.

26 _____
27 ¹ Except where appropriate, Defendants The Walt Disney Company, Walt Disney Pictures and
Hollywood Records, Inc. are referred to collectively throughout as “Disney.”

28 ² Disney Brothers Cartoon Studio, which would become The Walt Disney Company, was created
in 1923. See <https://www.thewaltdisneycompany.com/about/> (last visited March 22, 2019).

1 Specifically, upon knowledge and upon information and belief, Plaintiffs allege:

2 **INTRODUCTION**

3 1. The Walt Disney Company is the world’s largest media company.³

4 2. As explained in its 2018 Annual Report,⁴ “The Walt Disney Company, together
5 with its subsidiaries, is a diversified worldwide entertainment company with operations in four
6 business segments: Media Networks, Parks and Resorts, Studio Entertainment, and Consumer
7 Products & Interactive Media.

8 3. Disney’s “Studio Entertainment” business segment “produces and acquires live-
9 action and animated motion pictures, musical recordings, and live stage plays.”⁵ Internally, the
10 term “Studio Entertainment” is used interchangeably with “The Walt Disney Studios.”^{6,7}

11 4. “The businesses in the Studio Entertainment segment generate revenue from
12 distribution of films in the theatrical, home entertainment and television and SVOD [(subscription
13 video-on-demand)] markets, stage play ticket sales, music distribution and licensing of Company
14 intellectual property for use in live entertainment productions...The Company distributes films
15 primarily under the Walt Disney Pictures, Pixar, Marvel, Lucasfilm and Touchstone banners.”⁸

16 5. Many thousands of people, and thousands of women, work in The Walt Disney
17 Studios.

18 6. Over the 11 years Ms. Rasmussen has worked for Disney, she has come to
19 understand that Disney routinely underpays its female employees, passes them over for
20 promotion, piles on extra work without additional compensation, and does not supply sufficient
21 support staff to women employees. Based on her extensive experience—and after her efforts to
22 resolve her complaints internally were unsuccessful—Ms. Rasmussen was left with little choice

23
24 ³ See <https://www.thewaltdisneycompany.com/about/> (last visited March 22, 2019).

25 ⁴ Available at: <https://www.thewaltdisneycompany.com/wp-content/uploads/2019/01/2018-Annual-Report.pdf> (last visited March 22, 2019).

26 ⁵ *Id.*

27 ⁶ See <https://www.thewaltdisneycompany.com/about/> (last visited March 22, 2019).

28 ⁷ The Studio Entertainment business segment is referred to herein as “The Walt Disney Studios.”

⁸ See <https://www.thewaltdisneycompany.com/wp-content/uploads/2019/01/2018-Annual-Report.pdf> (last visited March 22, 2019).

1 but to conclude that Disney values its male employees greater than its female employees. That,
2 of course, is against the law.

3 7. As such, on behalf of the Class defined below, Plaintiffs seek all legal and
4 equitable relief available under the California Equal Pay Act, California Labor Code § 1197.5;
5 and California Business & Professions Code § 17200, *et seq.*

6 **PARTIES**

7 8. Plaintiff LaRonda Rasmussen is a bi-racial woman over the age of eighteen. She
8 resides in Valley Village, California. She works for Disney in Glendale, California.

9 9. Plaintiff Karen Moore is a woman of color over the age of eighteen. She resides in
10 Sherman Oaks, California. She works for Disney in Burbank, California.

11 10. Defendant The Walt Disney Company is incorporated in Delaware, and is
12 registered with the California Secretary of State. The Walt Disney Company's principal place of
13 business is located in Burbank, California.

14 11. Defendant Walt Disney Pictures is incorporated in California, and is registered
15 with the California Secretary of State. Walt Disney Pictures' principal place of business is
16 located in Burbank, California.

17 12. Defendant Hollywood Records, Inc. is incorporated in California, and is registered
18 with the California Secretary of State. Hollywood Records, Inc.'s principal place of business is
19 located in Burbank, California.

20 13. The true names of Defendants sued as Does 1-10 are unknown to Plaintiffs and are
21 sued pursuant to California Code of Civil Procedure section 474.

22 14. Each of the fictitiously-named Doe Defendants is responsible in some manner for
23 the conduct alleged herein, including, without limitation, by way of conspiracy, aiding, abetting,
24 furnishing the means for, and/or acting in capacities that create agency, respondeat superior,
25 and/or predecessor- or successor-in-interest relationships with the other Defendants.

26 15. Plaintiffs may seek to amend these pleadings as the identities of the Doe
27 Defendants are discovered, and to add additional facts and/or legal theories.

28

1 22. At the time, Ms. Rasmussen’s base salary was \$109,958.

2 23. Each of the six men holding the same title as her (“Manager, Product
3 Development”) in 2017 had a much higher base salary.

4 ➤ The *lowest-paid* male Manager received *\$16,000+ more* in base salary than
5 Plaintiff Rasmussen.

6 ➤ The *highest-paid* male Manager was paid almost *\$40,000 more than her*.

7 ➤ When comparing the *average base salary* of male Managers, *Plaintiff Rasmussen*
8 *was shortchanged more than \$26,000*.

9 ➤ One *recently-hired male Manager*—with several years less experience than
10 Plaintiff Rasmussen—*was paid \$20,000+* more.

11 24. Likewise, each of the six men holding the title “Senior Manager, Product
12 Development” in 2017 was paid significantly more than Ms. Rasmussen, even though she was
13 doing the same or substantially similar work as them.

14 ➤ The *lowest-paid* male Senior Manager received *\$26,000+ more* in base salary than
15 Plaintiff Rasmussen.

16 ➤ The *highest-paid* male Senior Manager was paid more than *\$64,000 more* than
17 her.

18 ➤ When comparing the *average base salary* of male Senior Managers, *Plaintiff*
19 *Rasmussen was shortchanged nearly \$50,000*.

20 **Disney’s Response**

21 25. Five months after Ms. Rasmussen asked Disney to consider whether she was being
22 paid equally, Disney HR informed her that the amount of her pay “was not due to gender.”

23 26. Even still, in November 2018, Disney raised Ms. Rasmussen’s salary by \$25,000
24 (approximately 23% of her base salary), claiming that the increase was due to an evaluation of
25 “market forces.”⁹

26 27. Ms. Rasmussen’s base salary is currently \$138,375.
27

28 ⁹ The “pay reason” assigned by Disney HR to the pay raise was: “equity adjustment.”

1 28. Even with her increased salary, Ms. Rasmussen still earns less than several of her
2 male counterparts. As of 2018:

- 3 ➤ When compared to the average salary of male Managers, Ms. Rasmussen is paid
4 \$5,270 less.
- 5 ➤ When compared to the average salary of male Senior Managers, Ms. Rasmussen is
6 paid approximately \$34,000 less.

7 **Plaintiff Rasmussen’s Performance History**

8 29. Plaintiff Rasmussen has always received positive comments in her performance
9 evaluations, typically being graded “Right on Track” and “Moving Ahead.” Some of the glowing
10 comments Ms. Rasmussen’s supervisors have made over the years include:

- 11 ➤ “‘She understands the Music Labels business very well and she has done a good job
12 of implementing changes and managing their support for the forecast.’”
- 13 ➤ She did an excellent job of working with the Music Publishing site and the team to
14 design a more simplified model. This is to date one of our most successful
15 projects since go-live.”
- 16 ➤ “‘LaRonda is building a good relationship with our main user from Pixar.’”
- 17 ➤ “‘LaRonda will work extremely long hours and will never complain when we have
18 a deadline.’”
- 19 ➤ “‘LaRonda has contributed immensely to the team during 2011.’”
- 20 ➤ “‘LaRonda performed at a very high level this year. She has exceeded my
21 expectations on several occasions. She is truly a team player, she will work long
22 hours when required and she is extremely focused on improvements. She is calm
23 under pressure, is assertive when required and she partners well. I would like to
24 recommend LaRonda to be promoted to Project Manager this year [(2011)] as I
25 believe she is performing at that level.’”
- 26 ➤ “‘LaRonda has had a very successful year and has transitioned extremely well into
27 her role as a Project Manager.’”

- 1 ➤ “She is extremely detail oriented, questions everything, has excellent process
2 knowledge and is methodical. She always earns the respect of the business
3 community extremely fast. She is now building a strong reputation within the IT
4 team.”
- 5 ➤ “She has also shown herself to be a very good presenter. She presented at several
6 critical meetings this years [sic] and she showed tremendous poise and
7 professionalism.”
- 8 ➤ “In 2015, LaRonda grew upon the successful engagement she has built over the
9 last 2 years and maintained her trusted partnership with the music royalties and
10 accounting team.”
- 11 ➤ “LaRonda starts with yes and her can-do willingness to take on challenging work
12 is infectious with the larger team. She is transparent and willing to confront
13 difficult issues.”

14 **Disney Underpays Other Women Employees**

15 30. Plaintiff Rasmussen is not alone in being treated as cheap labor at Disney.

16 31. Other women employees were also underpaid by Disney.

17 32. Another female Manager was given the work of a Senior Manager, but was not
18 given a promotion for taking on extra responsibilities.

19 33. At the same time that Ms. Rasmussen received an “equity adjustment” in her
20 salary, a female Senior Manager also received a 26.6% raise and another female Manager
21 received a 27.7% raise, suggesting that Disney recognized the pay disparity was widespread.

22 34. Plaintiff Karen Moore, Senior Copyright Admin Administrator within the Disney
23 Music Group and a 23-year employee, inquired about an open position for “Manager,” but she
24 was discouraged from applying. Later, the job was converted into a “Senior Manager” position
25 and eventually a man was placed in that spot. On information and belief, he is making
26 significantly more than Ms. Moore even though they are both performing the same or
27 substantially similar work.

28

Disney's Highly-Structured Organization and Centralized Decision-Making

35. Disney's compensation policies, practices, and procedures are consistent company-wide, and within The Walt Disney Studios. Disney maintains uniform policies and/or practices for setting initial pay, giving employees pay raises, and bonuses. Disney's centralized pay structure establishes corporate-imposed compensation ranges (which are not fully transparent to employees).

36. The administration of Disney's compensation system is centralized, and the company's compensation decisions originate from a highly-concentrated and male-dominated management regime.¹⁰

37. In addition to compensation, Disney maintains centralized control over employees' terms and conditions of employment, including, but not limited to, job and location assignment, career progression, and promotions.

38. Disney utilizes uniform performance evaluations throughout The Walt Disney Studios, and makes centralized decisions about promotions, compensation, bonuses, and all manner of other employment policies governing employment conditions.

39. Disney has detailed written policies on a wide variety of topics, including employee conduct and performance, reimbursement policies, electronic communications, internet use, vacations, parental leave, inventions, and others. Disney's Standards of Business Conduct apply equally to all of its employees, as does its Employee Policy Manual.

40. Employees are trained in-house in accordance with company-wide, substantive, training protocols.

¹⁰ Disney's male-dominated culture is evidenced in the makeup of its senior leadership. Despite attracting talent from "renowned global organizations and industries," The Walt Disney Company's Board of Directors has a majority of men, and its Executive Leadership team is 77% male. See <https://www.thewaltdisneycompany.com/about/> (last visited March 22, 2019). Likewise, The Walt Disney Studio's senior leadership is 2/3 male.

1 **Disney's Policies, Practices and Procedures Result In Unequal Pay**

2 41. Disney's centralized compensation policies, practices and procedures which result
3 in unequal pay include initial salary determinations based on prior salary history, initial job
4 assignment, career progression, training, promotions, and evaluations.

5 42. Historically, and during the relevant time period, Disney expressly considered
6 each job applicant's prior compensation (i.e., the compensation the prospective employee was
7 earning immediately prior to employment with Disney) in determining that employee's initial
8 compensation level. In doing so, Disney's hiring policies and practices perpetuated gender
9 discrimination, since women's salary history tends to reflect lower pay than men's. By inquiring
10 about salary history, Disney's compensation policies, practices and procedures continued the
11 historic pay disparity between men and women, resulting in male employees receiving higher
12 starting salaries than women, even when those men and women are hired into the same job
13 position and perform substantially equal or similar work. These disparities were compounded
14 year on year.

15 43. The employment policies, procedures and practices at issue are not unique or
16 limited to any particular department/business area; rather, they apply throughout The Walt Disney
17 Studios and, thus, affect all women employees in the same manner regardless of the
18 department/business area in which they work.

19 44. Disney's uniform policies, procedures and practices suffer from a lack of
20 transparency, adequate quality standards and controls, sufficient implementation metrics,
21 management/HR review, and opportunities for redress or challenge. As a result, women
22 employees are assigned, evaluated, compensated, developed, and promoted within a system that
23 is insufficiently designed, articulated, explained or implemented to consistently, reliably or
24 equitably manage or reward employees.

25 45. Disney also lacks a system of accountability with respect to gender discrimination.
26 Social science research has increasingly shown that implementing a meaningful system which
27 holds employees accountable for making unbiased personnel decisions is an effective means of
28 eradicating unequal pay. A meaningful system of accountability includes transparency in the

1 distribution of opportunities and rewards, which is sorely deficient at Disney. A meaningful
2 system of accountability also includes regular monitoring to identify instances in which rewards
3 and opportunities are not distributed appropriately. Decision makers should be required to justify
4 personnel decisions, and some entity, individual or department, should be charged with
5 addressing instances in which fair treatment has been violated, and sanctioning those who engage
6 in unfair treatment. In other words, organizations need a department or individual who receives
7 regular reports on the decisions that have been made impacting gender. That individual or
8 department must regularly monitor all personnel actions to compare how employees of different
9 sexes have been treated, and must have sufficient clout to remedy unfair personnel actions and
10 appropriately sanction the decision makers who violated the organization's standards of fair
11 behavior.

12 46. Businesses have systems of accountability for all consequential processes—
13 accident rates, losses, output, etc. The research on accountability shows that decision makers
14 who know that they are going to be held accountable for an outcome are less likely to use
15 irrelevant criteria in making a decision, and that women fare better in organizations that have
16 accountability systems associated with personnel evaluation.

17 47. Without the appropriate standards, guidelines, or transparency necessary to ensure
18 an equitable workplace, unfounded criticisms may be lodged against women employees and
19 illegitimate criticisms may be given undue weight.

20 48. Like other companies that operate without transparency, consistency, and
21 accountability, Disney's leadership tends to value male workers more than female workers. The
22 company's overall corporate culture and the uniform policies, procedures and practices inevitably
23 result in systemic pay discrimination to the disadvantage of the company's female employees.
24 Such pay discrimination is manifested in multiple ways, including, without limitation, by: (a)
25 paying Plaintiffs and other female employees less than similarly-situated males; (b) failing to
26 advance Plaintiffs at the same pace as male employees performing equal or substantially similar
27 work; and (c) other adverse employment actions.

28

1 49. Taken together, Disney's compensation policies, procedures and practices are not
2 valid, job-related, or justified by business necessity.

3 50. At all times, Disney has known or should have known of the serious pay
4 disparities between its female and male employees performing equal or substantially similar
5 work, yet Disney has refused to acknowledge this fact, or to completely correct the pay disparities
6 existing in The Walt Disney Studios. Disney's failure to pay women the same compensation paid
7 to men for equal or substantially similar work has been and is willful.

8 **CLASS ACTION ALLEGATIONS**

9 51. Plaintiffs allege violations of California law on behalf of: all women employed in
10 California by The Walt Disney Company in the Walt Disney Studios (aka "Studio
11 Entertainment") business segment at any time from April 1, 2015 through the date of trial in this
12 action (the "Class").

13 52. On behalf of the Class, Plaintiffs bring claims under the California Equal Pay Act,
14 California Labor Code § 1197.5, and California's Unfair Competition Law, Cal. Bus. & Prof.
15 Code § 17200 *et seq.*

16 53. The proposed Class meets the requirements for certification pursuant to California
17 Code of Civil Procedure § 382 because there exists an ascertainable and sufficiently numerous
18 Class, a well-defined community of interest, and substantial benefits from certification that render
19 proceedings as a class superior to the alternatives.

20 **Numerosity and Ascertainability**

21 54. On information and belief, the Class consists of thousands of former, current and
22 future female Disney employees, too numerous to make joinder practicable. Members of the
23 Class are ascertainable through Disney's records.

24 **Common Questions of Law and Fact Predominate**

25 55. The prosecution of the Class' claims requires the adjudication of numerous
26 questions of law and fact common to Plaintiffs' individual claims and those of the Class.

27 56. The common questions of law include, *inter alia*:

28 (a) whether Disney has engaged in unlawful pay discrimination in its compensation,

1 assignment, performance evaluation, promotion, and/or advancement policies,
2 procedures and practices, and in the general terms and conditions of work and
3 employment under the California Equal Pay Act;

4 (b) whether the failure to institute adequate standards, quality controls,
5 implementation metrics, or oversight in assignment, compensation, evaluation,
6 development, promotion and/or advancement systems violates the California Equal
7 Pay Act;

8 (c) whether the lack of transparency and of opportunities for redress in those systems
9 violates the California Equal Pay Act and/or other statutes; and

10 (d) whether Disney's failure to prevent, investigate, or properly respond to evidence
11 and complaints of discrimination in the workplace violates the California Equal
12 Pay Act.

13 57. The common questions of fact include whether Disney has, *inter alia*:

14 (a) used a system of assignment that lacks meaningful or appropriate standards,
15 implementation metrics, quality controls, transparency, and opportunities for
16 redress;

17 (b) through the use of that system of assignment, placed Class members in job
18 classifications and/or job titles lower than similarly-situated males;

19 (c) systematically, intentionally and/or knowingly placed Class members in job
20 classifications and/or job titles lower than similarly-situated males;

21 (d) used a compensation system that lacks meaningful or appropriate standards,
22 implementation metrics, quality controls, transparency and opportunities for
23 redress;

24 (e) through the use of that compensation system, compensated Class members less
25 than similarly-situated males in salaries, bonuses, raises, and/or benefits;

26 (f) systematically, intentionally, and/or knowingly compensated Class members less
27 than similarly-situated males;

28 (g) used a promotion system that lacks meaningful or appropriate standards,

- 1 implementation metrics, quality controls, transparency and opportunities for
2 redress;
- 3 (h) through the use of that promotion system, precluded or delayed the promotion of
4 Class members into higher level positions traditionally held by males;
- 5 (i) systematically, intentionally and/or knowingly precluded or delayed the promotion
6 of Class members into higher levels positions traditionally held by males;
- 7 (j) used a system for performance evaluations that lacks meaningful or appropriate
8 standards, implementation metrics, quality controls, transparency and
9 opportunities for redress;
- 10 (k) through the use of that performance evaluation system inadequately, inequitably,
11 or disparately measured and classified Class members' and similarly-situated
12 males' performance;
- 13 (l) systematically, intentionally and/or knowingly subjected Class members to
14 inaccurate, inequitable or discriminatorily-lowered performance evaluations;
- 15 (m) used HR and equal employment opportunity systems that lack meaningful or
16 appropriate standards, implementation metrics, quality controls, transparency and
17 opportunities for redress;
- 18 (n) through the use of those systems, minimized, ignored or covered up evidence of
19 pay discrimination and/or otherwise mishandled the investigation of responses to
20 complaints of pay discrimination brought to the attention of management, Disney
21 HR, or through other reporting channels;
- 22 (o) systematically, intentionally, and/or knowingly showed an indifference to evidence
23 of discrimination in the workplace or otherwise minimized, ignored, mishandled,
24 or covered up evidence of or complaints about pay discrimination; and
- 25 (p) failed to adequately or meaningfully train, coach or discipline management
26 personnel on equal employment opportunity principles and compliance.
27
28

1 58. The answers to these common questions will be the same for Plaintiffs and all
2 Class members and will establish (or not establish) the elements of Plaintiffs' claims at the same
3 time as the Class members' claims.

4 59. Plaintiffs' individual claims require resolution of the common questions of
5 whether Disney has engaged in pay discrimination against the Class members.

6 60. Plaintiffs have standing to seek such relief because of the adverse effect that such
7 discrimination has had on them as individuals and on Class members generally. Disney caused
8 Plaintiffs' injuries through its discriminatory policies, procedures and practices. These injuries
9 are redressable through systemic relief and class-wide remedies.

10 61. In order to achieve such class-wide relief, Plaintiffs will first establish the
11 existence of systemic gender pay discrimination as the premise for the relief they seek. Without
12 class certification, the same evidence and issues would be subject to re-litigation in a multitude of
13 individual lawsuits with an attendant risk of inconsistent adjudications and conflicting
14 obligations. Certification of the Class is the most efficient and judicious means of presenting the
15 evidence and arguments necessary to resolve such questions for Plaintiffs, the Class, and
16 Defendants.

17 62. The cost of proving the damages caused by Disney's policies, procedures and
18 practices makes it impracticable for Plaintiffs and Class members to prosecute their claims
19 individually.

20 **Typicality**

21 63. Plaintiffs' claims are typical of the claims of the Class. The relief sought by
22 Plaintiffs for gender pay discrimination complained of herein is also typical of the relief sought
23 on behalf of the Class.

24 64. Like the members of the Class, Plaintiffs are women males who have worked for
25 Disney in its Studio Entertainment business segment during the liability period and have been
26 paid less than their male counterparts doing the same or substantially similar work.

27
28

1 individually. The prosecution of separate lawsuits against Disney by individual Class members
2 could create the risk of inconsistent or varying adjudications which could establish incompatible
3 standards of conduct for Disney. A class action is superior to other available methods for the fair
4 and efficient adjudication of the controversy set forth herein.

5 **Injunctive Relief Claims Suitable for Class Treatment**

6 71. Disney has acted or refused to act on grounds that apply generally to the Class, so
7 that final injunctive relief and/or corresponding declaratory relief is appropriate respecting the
8 Class as a whole.

9 72. Disney has failed to create adequate incentives for its managerial and supervisory
10 personnel to comply with laws regarding the employment policies, practices, and procedures
11 described herein.

12 73. Disney has acted on grounds generally applicable to Plaintiffs and the Class by
13 adopting and implementing systemic policies, practices, and procedures that are discriminatory.

14 74. Disney has refused to act on grounds generally applicable to the Class by, *inter*
15 *alia*, paying Plaintiffs and Class members less than similarly-situated males; and failing to
16 promote or advance Plaintiffs and Class members at the same rate as similarly-situated males.

17 75. Disney's systemic discrimination and refusal to act on grounds that are not
18 discriminatory have made appropriate the requested final injunctive or declaratory relief with
19 respect to the Class as a whole.

20 **FIRST CLAIM FOR RELIEF**
21 **VIOLATIONS OF THE CALIFORNIA EQUAL PAY ACT**
22 **California Labor Code § 1197.5, et seq.**
(On Behalf of Plaintiffs and the Class)

23 76. Plaintiffs hereby incorporate and reallege each and every preceding paragraph of
24 this Complaint as if the same were set forth at length herein.

25 77. This cause of action is brought by Plaintiffs, individually, and on behalf of the
26 Class.

27 78. Disney has discriminated against Plaintiffs and Class members in violation of
28 California Labor Code § 1197.5, *et seq.* by paying Plaintiffs and Class members less when

1 compared against similarly-situated males who performed the same or substantially similar work
2 when viewed as a composite of skill, effort, and responsibility, and which were performed under
3 similar working conditions. Disney so discriminated by subjecting them to discriminatory pay,
4 raises, and/or bonuses, discriminatory denials of promotions and other advancement opportunities
5 that would result in higher compensation, and other forms of discrimination in violation of the
6 California Fair Pay Act.

7 79. Disney caused, attempted to cause, contributed to, or caused the continuation of,
8 the wage rate discrimination based on sex in violation of the California Fair Pay Act. Moreover,
9 Disney willfully violated the California Fair Pay Act by intentionally, knowingly, and
10 deliberately paying Plaintiffs and Class members less than similarly-situated males.

11 80. As a result of Disney's conduct and/or Disney's willful, knowing and intentional
12 discrimination, Plaintiffs and the Class members have suffered and will continue to suffer harm,
13 including but not limited to, lost earnings, lost benefits, and other financial loss, as well as non-
14 economic damages.

15 81. Plaintiffs and Class members are therefore entitled to all legal and equitable
16 remedies, including but not limited to compensatory damages, and liquidated damages.

17 82. Attorneys' fees should be awarded under California Labor Code § 1197.5.

18 **SECOND CLAIM FOR RELIEF**
19 **VIOLATIONS OF CALIFORNIA'S UNFAIR COMPETITION LAW**
20 **Business and Professions Code § 17200, et seq.**
(On Behalf of Plaintiffs and the Class)

21 83. Plaintiffs hereby incorporate and reallege each and every preceding paragraph of
22 this Complaint as if the same were set forth at length herein.

23 84. This cause of action is brought by Plaintiffs, individually, and on behalf of the
24 Class.

25 85. Disney is a "person" as defined under California Business & Professions Code
26 § 17201.

27 86. Disney's failure to pay Plaintiffs and Class members equally constitutes unlawful
28 and/or unfair activity prohibited by California Business & Professions Code § 17200. By the

1 conduct alleged herein, Disney violates the California Equal Pay Act, Labor Code § 1197.5, *et*
2 *seq.* Such violations also constitute unlawful business practices prohibited by California's
3 Business and Professions Code § 17200.

4 87. As a result of its unlawful and/or unfair acts, Disney reaped and continues to reap
5 benefits at the expense of Plaintiffs and the Class members. Disney should be enjoined from
6 these activities.

7 88. Accordingly, Plaintiffs and Class members are entitled to restitution with interest
8 and other equitable relief.

9 **PRAYER FOR RELIEF**

10 WHEREFORE, Plaintiffs, on behalf of themselves and the Class, pray that this Court:

- 11 a. Certify this case as a class action, designate Plaintiff Rasmussen and Plaintiff
12 Moore as Class Representatives, and their counsel as Class Counsel;
- 13 b. Declare and adjudge that Disney's employment policies, practices and/or
14 procedures challenged herein are illegal and in violation of the rights of Plaintiffs and members of
15 the Class;
- 16 c. Issue a permanent injunction against Disney and its officers, owners, agents,
17 successors, employees, and/or representatives, and any and all persons acting in concert with
18 them, enjoining them from engaging in any further unlawful policies, practices, and/or policies
19 giving rise to gender discrimination as set forth herein;
- 20 d. Order Disney to initiate and implement programs that will: (1) provide equal
21 employment opportunities for female employees; (2) remedy the effects of Disney's past and
22 present unlawful employment policies, practices and procedures; (3) eliminate the continuing
23 effects of the discriminatory and retaliatory conduct described herein;
- 24 e. Order Disney to initiate and implement systems of assigning, training,
25 compensating and promoting female employees in a non-discriminatory manner;
- 26 f. Order Disney to establish a task force on equality and fairness to determine the
27 effectiveness of the programs described in (d) and (e), above, which would provide for:
28 (1) monitoring, reporting, and retaining jurisdiction to ensure equal employment opportunity; (2)

1 the assurance that injunctive relief is properly implemented; and (3) a quarterly report setting
2 forth information relevant to the determination of the effectiveness of the programs described in
3 (d) and (e), above;

4 h. Order Disney to adjust the salaries and benefits for its current female employees to
5 the level that they would be enjoying but for Disney's discriminatory policies, practices and
6 procedures;

7 i. Order that this Court retain jurisdiction of this action until such time as the Court
8 is satisfied that Disney has remedied the conduct complained of herein and is determined to be in
9 full compliance with the law;

10 j. Award back pay, front pay, lost benefits, and other damages for lost compensation
11 and job benefits with pre-judgment and post-judgment interest suffered by Plaintiffs and Class
12 members, in amounts to be determined at trial;

13 k. Award restitution of all monies due to Plaintiffs and Class members;

14 l. Order Disney to make whole Plaintiffs and Class members, by providing them
15 with appropriate lost earnings and benefits, and other affirmative relief;

16 m. Award nominal, compensatory, and liquidated damages to Plaintiffs and Class
17 members;

18 m. Award litigation costs and expenses, including, but not limited to, reasonable
19 attorneys' fees, to Plaintiffs and Class members;

20 n. Award statutory and civil penalties as appropriate;

21 o. Award any other appropriate equitable relief to Plaintiffs and Class members;

22 p. Award any other relief as this Court may deem just and proper.

23
24 DATE: April 2 2019

ANDRUS ANDERSON LLP

By: 

Lori E. Andrus

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ANDRUS ANDERSON LLP

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DEMAND FOR JURY TRIAL

Plaintiffs, on behalf of themselves and the Class, demand a jury trial in this action for all claims so triable.

DATE: April 2, 2019

ANDRUS ANDERSON LLP

By:



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