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Superior Court of California
County of Los Angeles

5 Attorneys for Plaintiff Jane Doe No. 1

MAY 12 2014

Sherri R. Carter, Executive Officer/Clerk
By Raul Sanchez, Deputy

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 LOS ANGELES COUNTY
10 CIVIL -- UNLIMITED

<p>12 JANE DOE NO. 1 (a pseudonym); 13 Plaintiff, 14 v. 15 BIKRAM CHOUDHURY, an individual, 16 BIKRAM'S YOGA COLLEGE OF INDIA, L.P., a California Limited Partnership; and 17 DOES 1-25; 18 Defendants.</p>	<p>CASE No.: BC508288 DEPT 91 JUDGE RAFAEL ONGKEKO</p> <p>FIRST AMENDED COMPLAINT FOR DAMAGES</p> <ol style="list-style-type: none">1. SEXUAL BATTERY IN VIOLATION OF CALIFORNIA CIVIL CODE §1708.52. BATTERY3. ASSAULT4. CIVIL ACTION FOR GENDER VIOLENCE IN VIOLATION OF CALIFORNIA CIVIL CODE §52.45. SEX-BASED DISCRIMINATION IN VIOLATION OF THE UNRUH CIVIL RIGHTS ACT [CALIFORNIA CIVIL CODE § 51]6. VIOLATION OF THE UNRUH CIVIL RIGHTS ACT [CALIFORNIA CIVIL CODE § 51]7. VIOLATION OF THE RALPH ACT [CAL CIVIL CODE § 51.7]8. INTENTIONAL INFLECTION OF EMOTIONAL DISTRESS9. NEGLIGENT INFLECTION OF EMOTIONAL DISTRESS10. NEGLIGENCE11. CLAIM FOR DECLARATORY AND
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	<p>INJUNCTIVE RELIEF</p> <p>REQUEST FOR JURY TRIAL</p> <p>AMOUNT IN CONTROVERSY EXCEEDS MINIMUM JURISDICTIONAL AMOUNT</p>
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Plaintiff Jane Doe No. 1 (a pseudonym) complains against Defendants BIKRAM CHOUDHURY, an individual; BIKRAM'S YOGA COLLEGE OF INDIA, L.P., and DOES 1-25 as follows. Defendants BIKRAM CHOUDHURY, an individual; BIKRAM'S YOGA COLLEGE OF INDIA, L.P., and DOES 1-25 are collectively referred to herein as "Bikram Yoga" or "Bikram Family" or "The Community."

NATURE OF THE ACTION

1. Plaintiff Jane Doe 1 brings this lawsuit because she was raped twice by Defendant Bikram Choudhury in the Fall of 2011. Plaintiff's lawsuit was filed with 2 years of the alleged sexual assault.

2. Plaintiff is informed and believes and otherwise contends that all the Defendants (including those whose precise names are not known to Plaintiff) in some manner or another conspired to facilitate, ratify or authorize Defendant Bikram Choudhury's unlawful conduct as alleged herein or otherwise engaged in their own unlawful acts toward Plaintiff.

3. On March 19, 2013, Plaintiff found the courage to expressly communicate to Defendant Bikram Choudhury that her conduct was unlawful, unwanted, and unconsented to, just as she had during the two rapes. Defendant Choudhury attempted to force Plaintiff Jane Doe. No.1 to forgive him and to inflict guilt on the Plaintiff by citing that if she were to come forward it would have adverse effects on the entire Bikram Yoga Community (of which she had been a part.)

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1 Defendant Bikram Choudhury attempted to meet Plaintiff in person “like old times, for tea,” despite
2 the fact they had never had tea together as equals. Plaintiff Jane Doe No. 1 had never had personal
3 contact with Bikram Choudhury except as his student, as a Teacher Training staff member, at
4 teacher dinners, lectures, or when visiting his home or business.

5 4. After the rapes, Plaintiff Jane Doe No. 1 was never alone with Bikram
6 Choudhury again and warned other young women not to go to his room alone. She knew that he
7 attacked younger women and suggested to his wife Rajashree Choudhury that they get a professional
8 masseuse for his apparent physical distress instead of recruiting young women (who had no formal
9 training in massage except for the direct commands Bikram Choudhury made as their teacher of
10 Hatha yoga.) These young women blindly trusted that Defendant Bikram Choudhury had more
11 knowledge of human anatomy than they did and that they were learning something by taking care of
12 their “guru” when they provided these massages.

13 5. In response, and after Plaintiff demanded that there be no contact with her,
14 she was met with intimidating emails from Defendants Bikram Choudhury and his new CEO Petra
15 Starke (who also happens to be an attorney). Plaintiff interpreted these emails as threatening in light
16 of Defendant Bikram Choudhury’s repeated comments that he will crush anyone who speaks against
17 him and that he has friends in “high places” including past United States Presidents.

18 6. As a direct consequence of these unlawful acts, Plaintiff has suffered severe
19 emotional distress including post-traumatic stress disorder, as well as economic, consequential, and
20 other damages, all to her detriment. Defendants’ actions forced Plaintiff to hire attorneys and file
21 suit and she, therefore, has incurred substantial attorneys’ fees and costs.

22 **PARTIES**

23 7. Plaintiff Jane Doe No 1. (hereinafter, “Jane Doe No. 1,” “Plaintiff,” or
24 “Jane”) is a pseudonym for a woman whose name is kept confidential for personal, safety and
25 privacy reasons. Plaintiff Jane Doe No. 1, is a resident of a state outside of California and a citizen
26 of the United States of America. Jane Doe No. 1 is a young woman who is fully qualified as a yoga

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1 teacher and who was certified by Defendants Bikram Choudhury (hereinafter, “Choudhury” or
2 “Defendant Choudhury”) and Bikram’s Yoga College of India, L.P. (hereinafter, “Yoga College.”) to
3 teach “Bikram Yoga” which is a type of Hatha Yoga practiced in rooms heated to 105 degrees
4 Fahrenheit.

5 8. Plaintiff is informed and believes that Defendant Bikram Choudhury is an
6 individual and a resident of Los Angeles, California in the County of Los Angeles at all times
7 material to this complaint.

8 9. Plaintiff is informed and believes that Defendant Yoga College was a
9 California Limited Partnership (California Secretary of State No. 200223100010) and operated in the
10 City and County of Los Angeles at all times material to this complaint. Plaintiff is informed and
11 believed that Defendant Bikram Choudhury treats the partnership as his “alter ego” rather than as a
12 separate entity, and that upholding the corporate entity and allowing Defendant Bikram Choudhury
13 to escape personal liability for its actions would sanction a fraud or promote an injustice.

14 10. The true names and capacities, whether individual, corporate, associate or
15 otherwise, of Defendants Does 1 through 25, are unknown to Plaintiff, who therefore sues said
16 Defendants by such fictitious names. Plaintiff will amend this Complaint by inserting the true names
17 and capacities of each such Defendant, with appropriate charging allegations, when they are
18 ascertained. Plaintiff is informed and believes and thereon alleges that each of the Defendants
19 designated herein as a “Doe” is responsible in some manner for the injuries suffered by Plaintiff and
20 for damages proximately caused by the conduct of each such Defendant as herein alleged.

21 11. Plaintiff is informed and believes and thereon alleges that at all times material
22 to this Complaint, Defendant and each of the defendants fictitiously named in this Complaint, in
23 addition to acting for himself, herself or itself, and on his, her or its own behalf individually, is and
24 was acting as the agent, servant, employee and representative of, and with the knowledge, consent
25 and permission of, and in conspiracy with each and all of the defendants and within the course,
26 scope and authority of that agency, service, employment, representation and conspiracy. Plaintiff

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1 further alleges on information and belief that the acts of each of the defendants were fully ratified by
2 each and all of the defendants. Specifically, and without limitation, Plaintiff alleges on information
3 and belief that the actions, failures to act, breaches, conspiracy and misrepresentations alleged herein
4 and attributed to one or more of the specific defendants were approved, ratified and done with the
5 cooperation and knowledge of each and all of the defendants.

6 12. The allegations of this Complaint stated on information and belief are likely
7 to have evidentiary support after a reasonable opportunity for further investigation and discovery.

8 VENUE

9 13. Venue is proper because the injuries to Plaintiff occurred in Los Angeles,
10 California and because Defendant Yoga College is a limited partnership that is doing business, or
11 has done business during the times related herein, in the City and County of Los Angeles.

12 14. Defendant Bikram Choudhury, individually and as a managing agent of
13 Defendant Yoga College, committed acts causing harm to Plaintiff in the State of California.

14 CONTINUING VIOLATIONS

15 15. The wrongful acts and omissions giving rise to the Defendants' liability in
16 this action commenced in or about Fall 2007 and have been and are "continuing" in nature as of the
17 date of filing this Complaint. Plaintiff reserves the right to amend this Complaint as new and
18 additional facts and claims arise or become known to Plaintiff.

19 TOLLING DUE TO DURESS AND DISABILITY

20 16. Plaintiff is informed and believes that she may have been incapacitated for
21 period at a time due to post-traumatic stress disorder as a result of Defendant Choudhury's actions,
22 and as a result was incapable of transacting business or understanding the nature and effect of her
23 actions, and as a result is entitled to equitable tolling of her claim as well as tolling under California
Code of Civil Procedure section 352.

24 17. Further, the wrongful acts of Defendants placed Plaintiff under economic
25 duress. Plaintiff delayed filing suit for the additional reason that she feared for her livelihood and

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1 reprisals by Defendants, due in part to being deeply in debt as a result of the significant unpaid labor
2 she engaged in at Defendant Choudhury's behest

3 18. Further, Defendants placed Plaintiff under emotional duress in an attempt to
4 prevent her from filing suit or otherwise complaining of their unlawful acts. Plaintiff contends that
5 Defendant Bikram Choudhury has made threatening comments or otherwise engages in implicitly
6 threatening actions in an attempt to prevent her from coming forward. Under California law,
7 threats and undue influence are both grounds for tolling based on estoppel. "It is well settled that
8 where delay in commencing an action is induced by the conduct of the defendant, he cannot avail
9 himself of the defense of the statute [of limitations]. [Citations.]" (*Gaglione v. Coolidge* (1955) 134
10 Cal.App.2d 518, 527, 286 P.2d 568; see also *Rupley v. Huntsman* (1958) 159 Cal.App.2d 307, 313, 324
11 P.2d 19; *Langdon v. Langdon* (1941) 47 Cal.App.2d 28, 32, 117 P.2d 371; *Industrial Indem. Co. v. Ind.*
12 *Acc. Com.* (1953) 115 Cal.App.2d 684, 689, 252 P.2d 649; *Carruth v. Fritch* (1950) 36 Cal.2d 426, 434,
13 224 P.2d 702.)

14 **TOLLING DUE TO DEFENDANT'S UNAVAILABILITY**

15 19. On information and belief, Defendant Bikram Choudhury regularly leaves
16 the State of California and the United States for at least three (3) months a year, if not longer.
17 Under California law, the statute of limitations does not run, or tolls, while a resident Defendant is
18 out of state. (Code Civ. Proc., § 351.)

19 **RELATION BACK THEORY**

20 20. Plaintiff alleged that new claim being asserted in this amended complaint
21 are timely under California's relation-back doctrine which provides, in general terms, that an
22 amended complaint relates back if it rests on the "same general set of facts" as alleged in the original
23 complaint.

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2 **FACTUAL DISCUSSION**

3 **A. BIKRAM YOGA**

4 21. Bikram Yoga is a system of yoga that Bikram Choudhury claims he
5 synthesized from traditional Hatha yoga techniques and popularized beginning in the early 1970s.
6 All Bikram Yoga classes run for 90 minutes and consist of the same series of 26 postures and 2
7 breathing exercises. Bikram Yoga is typically practiced in a room heated to 105°F (≈ 40.6°C) with
8 a humidity of 40%.

9 22. On information and belief, there are over 650 Bikram Yoga studios around
10 the world.

11 **B. PLAINTIFF JANE DOE NO. 1 IS INTRODUCED TO BIKRAM YOGA.**

12 22. Somewhere around 2002 to 2004, Plaintiff Jane Doe No. 1 took her first
13 Bikram Yoga class. She did not practice that style yoga for a while until she has back pain. She tried
14 Bikram Yoga around 2006 due to chronic back pain and decided to embark on a yoga practice in
15 effort to heal her back.

16 23. In Fall 2007, when she was 23 years old, Plaintiff Jane Doe No. 1 attended
17 Bikram Yoga TT in Hawaii. She didn't know what being a teacher meant or why she was going.
18 Although TT was difficult, and she found some of the comments and behavior of Defendant
19 Bikram Choudhury off-putting, she was able to keep her distance and did not give them much
20 thought. Her sole focus was on becoming a yoga teacher. She thought Defendant's offensive
21 behavior was a sort of rite of passage – a way to break her ego to become a good teacher.

22 24. From that point on (until she was raped) she dedicated herself to Bikram
23 Yoga and worked around the world as an instructor. She went to many Bikram Yoga seminars and
24 teachings; focusing on the yoga only.

25 25. In one class at the Bikram Yoga Headquarters in Los Angeles, before
26 Plaintiff ever worked at TT, Defendant Bikram Choudhury looked at Plaintiff and said "I am going
27 to kill you." He said that a lot. When it happened to Plaintiff, it was very unsettling, but she

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1 convinced herself that he meant it spiritually/egocentrically; in other words, that he would destroy
2 the parts of her that were egocentric and that were holding her back, that she needed to be humbled
3 to reach her full potential. It wasn't until later that these words took on a whole new nefarious
4 meaning.

5 26. In the spring of 2011, Plaintiff traveled to Indonesia to teach Bikram Yoga.
6 After she arrived, and learned that the studio that had hired her was not going to receive Bikram
7 certification, she refused to teach the slate of classes she had scheduled because she feared
8 Defendant Bikram Choudhury's wrath and shunning by "The Community" if she dared teach a class
9 there. This cost her and her boyfriend (also a Bikram yoga instructor) quite a bit of money in
10 international airfares and lost wages (because they cancelled all of their classes and cut their
11 international trip short).

12 27. When Plaintiff Jane Doe No. 1 returned to the U.S., she reconnected with
13 Defendant Bikram Choudhury at the Los Angeles headquarters, and traveled to the Bikram Yoga
14 University/Palm Desert studio opening to watch Bikram and Rajashree "break the tape."

15 28. At the studio opening, Plaintiff Jane Doe No. 1 and her boyfriend were
16 approached by a Bikram employee, and recruited to work at Teacher Training. The employee
17 proceeded to flatter Plaintiff Jane Doe No. 1 and her boyfriend, praising them and saying that they
18 would be "a good fit" for the training. Plaintiff Jane Doe No. 1 and her boyfriend felt honored by
19 being invited to assist with teacher training after having gone through that whole ordeal overseas.

20 29. They felt like they had reconnected with the Bikram Yoga Family and that
21 good things were coming their way for "doing the right thing" by refusing to teach at an uncertified
22 Bikram Yoga studio while they were abroad.

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1 C. **DEFENDANT BIKRAM CHOUDHURY STARTS TO TARGET PLAINTIFF JANE DOE NO. 1.**

2 30. The Spring 2011, TT was the first time that Plaintiff Jane Doe No. 1 had
3 participated as a leader instead of as a student. Initially, she was pleased and excited to be a part of
4 the team.

5 31. As the TT progressed, the demands on Plaintiff Jane Doe No. 1's time began
6 to mount. Initially, Plaintiff was in charge of accommodations. Plaintiff Jane Doe No. 1 had to deal
7 with roommate disputes, including threats; room issues involving bed bugs, unauthorized animals,
8 illicit drug use, and teachers sharing rooms with trainees; and a serious administrative error with
9 regard to room assignments at check-in, such that it took weeks for Plaintiff Jane Doe No. 1 to
10 determine who had been assigned to what rooms. At the same time, Plaintiff Jane Doe No. 1 was
11 required to change people's accommodations. It was physically and emotionally draining.

12 32. Plaintiff Jane Doe No. 1 led posture clinics for the first time (again without
13 pay.) While Plaintiff enjoyed teaching and saw it as a wonderful opportunity, it was also physically
14 demanding and time consuming, particularly in light of her other duties.

15 33. In addition to her daily duties, Plaintiff Jane Doe No. 1 was also required,
16 along with the rest of the staff, to stay up late and watch movies in Defendant Bikram Choudhury's
17 room.

18 34. As Plaintiff Jane Doe No. 1s was drawn into Defendant Bikram Choudhury's
19 inner circle, Defendant Choudhury began requesting that Plaintiff massage him more frequently.
20 Defendant Bikram Choudhury would complain of being in pain and needing her help. So, initially,
21 Plaintiff viewed this massage obligation as therapeutic and part of her duties.

22 35. Although she did not recognize it at the time, Plaintiff now believes she was
23 being set-up to be a sexual assault victim. She was being slowly worn down by the way the Bikram
24 organization deprived her of sleep and required her to minister to Defendant Choudhury's every
25 whim.

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1 36. Over time, Defendant Bikram Choudhury's requests began to make Plaintiff
2 Jane Doe No. 1 uncomfortable. One night (while another instructor) and Plaintiff were in
3 Defendant Bikram's Choudhury's suite, he asked them to massage his "coccyx." Plaintiff Jane Doe
4 No. 1 remembers thinking to herself, "this is weird." But, Plaintiff also remembered Defendant
5 Bikram Choudhury pulling his pants down at her TT to show how he had gotten stung by a jellyfish,
6 so Plaintiff brushed off her discomfort and chalked it up to cultural differences. Plaintiff did not
7 massage his coccyx.

8 37. This was the first time that Defendant Choudhury's request for a massage
9 seemed creepy and gave Plaintiff an uncomfortable feeling in the pit of her stomach.

10 38. Defendant Bikram Choudhury insisted on obedience. More than once,
11 Defendant Choudhury told Plaintiff that only he knew what was best for her, and that she did not.

12 39. Around this time, (another instructor) mysteriously left TT early, shortly
13 before it ended. Plaintiff does not remember when the other instructor left, but she remembered
14 that a Bikram employee left the other instructor's goodbye letter on the table for everyone to see.
15 Plaintiff read the letter, and was deeply troubled. The letter seemed filled with desperation. J.
16 explained that she was leaving because she did not believe that the environment at TT was healthy
17 or good for her. Plaintiff recalls thinking that the letter read just like a break-up letter, causing her to
18 wonder what had happened.

19 40. After J. left, Plaintiff was responsible both for accommodations and for
20 being Defendant Bikram Choudhury's new full-time masseuse. It was a huge workload and Plaintiff
21 had never been so worn down.

22 41. Defendant Bikram Choudhury repeatedly told Jane Doe No. 1 that only he
23 knew what was best for her, and that she did not.

24 42. As time progressed, Defendant Choudhury alternated between praising
25 Plaintiff and publicly humiliating her. This became deeply disturbing and emotionally confusing and
26 taxing especially in light of her sleep deprivation and physical weakness.

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1 43. During the last class of TT in Spring 2011, Defendant Choudhury yelled at
2 Plaintiff Jane Doe. No. 1 in front of a huge room full of teachers and students for not making his
3 tea hot enough. Jane Doe No. 1 was completely shaken by this unexpected attack and began to
4 leave the stage to make him a new cup of tea, when he snapped at her, “Not now you idiot!”
5 Plaintiff Jane Doe No. 1 was humiliated to her core and deeply embarrassed to be reprimanded in
6 such a way in front of hundreds of people. Some of them laughed, and some appeared horrified.

7 44. At the TT graduation, Defendant Rajashree Choudhury gave Jane Doe No. 1
8 a cotton-candy pink sari as a “thank you” and asked her wear it on stage along with her fellow staff
9 members. The sari made her look a lot younger than she actually is; a thought that made Plaintiff
10 uncomfortable. Simultaneously, the gift made the Plaintiff Jane Doe No. 1 feel connected to the
11 lineage, and sealed the knowledge for her that Defendant Bikram Choudhury and Rajashree
12 Choudhury were her “gurus” or teachers. After so many public humiliations, Plaintiff was relieved
13 to be honored.

14 45. Despite the fact that Jane Doe No. 1 and her boyfriend were exhausted and
15 running short on funds, Defendant Choudhury’s right hand person, Judes Yang, insisted that they
16 stay in Los Angeles to assist with the Yoga Championships. Plaintiff felt she could not say “no” to
17 Judes Yang because she was a bully and that would be the same as saying “no” to Defendant Bikram
18 Choudhury, which would have serious repercussions. Jane Doe No. 1 and the other teachers were
19 required to volunteer again without pay. They were not given the option to leave.

20 46. During the competition, Plaintiff Jane Doe No. 1 noticed that Defendant
21 Bikram Choudhury was behaving quite badly and was embarrassing everyone. He yelled at a girl
22 who did what he called “a gymnastics move” and in front of the audience forced the judges to give
23 her “0’s” for the whole routine. Plaintiff Jane Doe No. 1 later saw the competitor at TT in Fall of
24 2012 because Defendant Bikram Choudhury said she had returned for more training. Defendant
25 Choudhury required her and others who displeased him to return to training (at great expense to
26 them) to prove their loyalty to Defendant Choudhury, the lineage, and the Community.

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1 47. Plaintiff and her boyfriend were now in a considerable amount of debt
2 because they had spent the spring and summer of 2011 working for free instead of teaching for
3 compensation at a studio. This caused tension in their relationship.

4 48. Additionally, Plaintiff's boyfriend became increasingly disturbed by the
5 attention Defendant Bikram Choudhury was giving Plaintiff and at the number of nights Defendant
6 Choudhury required her to massage him.

7 49. During the course of her past trainings, Plaintiff was taught to believe that
8 Defendant Bikram Choudhury, his wife Rajashree Choudhury and many senior teachers were gift
9 guides, wise people, and holders of a very special yoga lineage that was handed down from the
10 spiritual teacher and healer Paramahansa Yogananda. She had come to view Defendant Bikram
11 Choudhury and his wife Rajashree Choudhury as parental figures and naively assumed that they
12 were good people who had her best interests at heart.

13 50. Over time, Jane Doe No. 1 began to fall prey to Defendant Choudhury's
14 manipulations. Jane Doe No. 1 began to believe that she was "part of the Bikram Yoga Family,"
15 also referred to as "The Community." Later, when she was subjected to Defendant Choudhury's
16 increasingly sexually inappropriate actions, she found herself in the position of not knowing who to
17 trust or talk to.

18 51. Plaintiff's next troubling interaction with Defendant Bikram Choudhury
19 happened following her breakup with her boyfriend over the summer of 2011, when she was
20 particularly vulnerable.

21 52. Plaintiff Jane Doe No. 1 was completely devastated by the breakup. Hoping
22 to find some relief, she sought out additional Bikram Yoga training and connection with the
23 Community that she thought sustained her, and traveled to Seattle to attend a Bikram seminar. Her
24 mother and her mother's boyfriend traveled with her. Plaintiff introduced Defendant Bikram
25 Choudhury to her mother and her mother's boyfriend, and Defendant Bikram Choudhury said, "Oh
26 this is the little one who takes care of me." Then, much to everyone's consternation, Defendant

1 Bikram Choudhury grabbed Plaintiff away from her mother and said, “She is mine now!” This
2 upset and confused everyone – but again Plaintiff tried to dismiss it as an aberrant comment.

3 53. Defendant Bikram Choudhury made other mystifying and inappropriate
4 remarks during a lecture in Seattle. At one point, he leered at Jane Doe No. 1 and said, “A man is a
5 dog, pig or goat; I am no different—now why would you want to hang around them?” Initially, Jane
6 Doe No. 1 felt uneasy about this remark, but again, she brushed off Defendant Bikram Choudhury’s
7 conduct as being eccentric and blamed herself for being overly sensitive.

8 54. While attending the Bikram Yoga seminar in Seattle, Plaintiff talked to the
9 Bikram Yoga employee who asked her work at the Spring TT, who knew that Plaintiff and her
10 boyfriend were broken up, and who encourage her to come to Fall 2011 teacher training. This
11 employee told Plaintiff that she would have a group of good people around her who loved her, and
12 that maybe if Plaintiff did this, then Plaintiff and her boyfriend might end up back together.

13 55. Plaintiff’s mother paid for her flight down to the Fall 2011 TT and gave her
14 some cash, because Plaintiff was still in debt from the Spring training. Plaintiff arrived two weeks
15 late because she had some teaching commitments in another state.

16 **D. DEFENDANT BIKRAM CHOUDHURY SEXUALLY ASSAULTS AND RAPES JANE DOE 1 AT**
17 **THE FALL 2011 TT.**

18 56. When Plaintiff arrived at the TT in Fall 2011, she initially stayed in a room
19 with I.A., although Defendant Bikram Choudhury was still keeping her up very late in the night.
20 Plaintiff Jane Doe No. 1’s new position was to take over for O.Z., who had not been happy about
21 being Defendant Bikram Choudhury’s assistant. She was not paid for her work, except briefly for
22 work she performed in the Bikram Yoga shop. When the employee who recruited her and her
23 boyfriend learned that the shop manager was attempting to compensate Plaintiff, that employee put
24 a stop to it, and Plaintiff received no further wages.

25 57. Plaintiff felt unsettled, untrusting, and noticed that the other staff appeared
26 jealous that Defendant Bikram Choudhury was now calling Plaintiff by her real name, which they

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1 took as a show of favor. Defendant Bikram Choudhury started giving her special attention. It
2 appeared he was very happy to see her.

3 58. At one point, Defendant Bikram Choudhury's told Plaintiff Jane Doe No. 1
4 that he was going to give her a "transmission." Plaintiff Jane Doe 1 thought that meant he was
5 going to give her a special meditation that was reserved for teachers that had been practicing for a
6 number of years and had shown loyalty to their teacher. He said he had a "gift" for her; that he
7 believed "we thought the same." Defendant Bikram Choudhury told Plaintiff Jane Doe No. 1 that
8 she "really understood and was in-line with his teaching." Later, he would tell her to keep
9 everything he said to her a secret between her, him and God.

10 59. Plaintiff Jane Doe No. 1 heard Rajashree Choudhury mention something to
11 Defendant Bikram Choudhury over dinner one evening; how she thought the Spring 2011 staff were
12 really in-line with Bikram. Defendant Bikram Choudhury asked Plaintiff Jane Doe No. 1 how her
13 teaching was progressing. Plaintiff had been insecure about her teaching since her first TT but
14 Plaintiff had worked really hard, and had students who really loved her style. Plaintiff had always
15 tended more toward less dialogue and more emphasis on stillness and breath, which was milder than
16 Defendant Choudhury's standard approach. Plaintiff said, "It is definitely improving," as she had
17 sought mentoring and traveled to wherever she could teach to gain experience.

18 60. Plaintiff Jane Doe No. 1 was pleased because Defendant Bikram
19 Choudhury's praise and questions about her teaching made her think that he was going to give her
20 the honor of teaching the large group, something her boyfriend had really wanted during the Spring
21 training but was denied. Plaintiff Jane Doe No. 1 later learned that J.R. told an H.Q. staff member
22 A. that she wanted to teach the large group and A. and J.R. found this "funny" and humiliated
23 Plaintiff Jane Doe No. 1 for thinking that this was possible. This would not be the first time women
24 in the Defendant Bikram Choudhury's circle would gang up against Plaintiff Jane Doe No. 1. On a
25 separate occasion, the same two women denied her the right to lead posture clinic in an effort to
26 "make sure her ego didn't get too big" and because, as A. described, "she lacked energy" after

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1 Defendant Bikram Choudhury's had worn her down her by constant massages and demands that
2 she constantly accompany him.

3 61. Over time, Plaintiff Jane Doe No. 1 was worn down by the constant
4 demands on her time and her emotions, particularly by Defendant Bikram Choudhury. She was
5 highly emotional about the breakup with her boyfriend, and because she was working so much for
6 months on end without pay and with little sleep, Plaintiff felt like she was and emotional wreck.
7 Plaintiff Jane Doe No. 1 missed her boyfriend, she was financially broke, physically exhausted and
8 she cried often.

9 62. Meanwhile, Defendant Bikram Choudhury's psychological manipulation of
10 Plaintiff escalated as he alternated between humiliating and complimenting her. The criticisms came
11 more and more often. Plaintiff Jane Doe No. 1 was publicly shamed; repeatedly called "you idiot."
12 When Plaintiff weakly tried to stand up for herself, Defendant Bikram Choudhury slammed her
13 down and barked, "I am your teacher!" Just as she was recovering from a round of public
14 humiliations, Defendant Bikram Choudhury started in with "you will make a good wife someday,"
15 "that I want you to be free," and "I believe in you" or by calling her "little one." He wore her down
16 physically as well; insisting that she massage him nightly for hours on end.

17 63. One night Plaintiff Jane Doe No. 1 and Defendant Bikram Choudhury were
18 alone together in the auditorium and Defendant Choudhury began behaving extremely strange.
19 Defendant Bikram Choudhury said to her, "I have something to tell you." and Plaintiff said, "What
20 is it?" Defendant Bikram Choudhury said, "Well, what if you don't like it?" Plaintiff didn't respond,
21 but she felt both a little uncomfortable but also very curious.

22 64. Defendant Bikram Choudhury said, "I have never met someone who had a
23 mind quite like my guru. You have the divine in you. You have been touched by God." Plaintiff
24 connected these statements with Defendant Choudhury's earlier mention of wanting to give her a
25 "transmission," which meant that he saw something special and divine in her. Plaintiff felt special,
26 which helped her in her grief over the separation from her boyfriend and best friend.

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1 65. As she and the other assistants were expected to do, Plaintiff walked
2 Defendant Bikram Choudhury up to his room early in the morning, between 4-5 a.m. He told her to
3 come into his room and put him to sleep by massaging him because “his body hurt.” While in the
4 room he attempted to make sexual advances while telling her that she “was radiant,” and that he had
5 “picked her because she was not like others who distract him with clothing, make up and their hair,
6 that [he] could pick anyone but that he had chosen her.” Plaintiff Jane Doe No. 2 said “No, why are
7 you doing this? What about Rajashree?” to which he replied, that they “weren’t really married,” that
8 Rajashree “has a good life” and that they would “talk about that later.” After realizing that the
9 Plaintiff Jane Doe. No. 2 was not going to willingly have sex with him, he dismissed her and eerily
10 said, “I will be waiting for you.”

11 66. The next morning, as part of her duties, Plaintiff went to tidy up his suite and
12 check and see if there was fresh fruit. Trying to make sure he had left the room, she peeked in first
13 to see if the room was clear. Defendant Bikram Choudhury caught her by surprise and pulled her
14 into the room; he then forced her onto the bed and started to take her pants off. Defendant Bikram
15 Choudhury complained that it was difficult to take her pants off because of the elastic. Meanwhile,
16 Plaintiff pleaded with Defendant Bikram Choudhury to stop. Plaintiff clearly objected, “**No this is
17 not safe, I don’t want to do this.**”

18 67. Defendant Bikram Choudhury would not stop.

19 68. Defendant Bikram Choudhury kept calling her an idiot over and over again,
20 “Idiot, idiot, idiot, idiot!”

21 69. Defendant Bikram Choudhury demanded that Plaintiff look at his penis to
22 see how “big it got” and look at “what she did to him.” Plaintiff was horrified, in shock, and felt
23 completely violated.

24 70. Next, Defendant Bikram Choudhury demanded that Plaintiff lick his penis
25 and pushed her down on him. Defendant Bikram Choudhury vigorously penetrated her vagina with
26 his unprotected penis against her will. Defendant Choudhury forcefully manipulated her legs into a

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1 yoga posture, and laughed at her, saying, “You are a yogini!” Plaintiff was horrified and in pain.
2 Throughout the painful ordeal, Plaintiff pleaded with Defendant Bikram Choudhury to stop, saying,
3 “You are hurting me.” Defendant Bikram Choudhury callously responded, “I know, it is supposed
4 to hurt.” Defendant Bikram Choudhury also told Plaintiff that she “had not bloomed yet, that she
5 was like a bud,” which she took to mean that he thought she was a virgin, or had been one until
6 recently.

7 71. Plaintiff was finally able to escape Defendant Bikram Choudhury’s room and
8 went to her own room and collapsed. Plaintiff was so overwrought that she could not think of a
9 way that she could get out of TT. In shock, Jane Doe No. 1 began functioning on autopilot. She
10 felt lost, scared and did not know who to trust.

11 72. At the same time, Jane Doe No. 1 was financially destitute and depending on
12 the Community. She had been deprived of all her financial resources. Jane Doe No. 1 had invested
13 \$10,000, had worked for Defendant Choudhury’s TT twice for free, and spent five years of her life
14 teaching his yoga by the time that he raped her. Jane Doe No. 1 felt trapped. As she was not able,
15 financially or emotionally, to walk away in the immediate aftermath of being attacked.

16 73. Plaintiff had become so accustomed to blindly obeying Defendant Bikram
17 Choudhury’s orders, and being surrounded by people who were themselves obedient and enforced
18 Defendant Bikram Choudhury’s rules on others. Plaintiff didn’t know where to go. Assisting with
19 TT and Defendant Bikram Choudhury kept her almost too busy to think -- laundering towels,
20 leading classes, and preparing Defendant Bikram Choudhury’s room.

21 74. Still in shock and on auto-pilot, Plaintiff proceeded to do her work and
22 ended up going back to Defendant Bikram Choudhury’s suite to do her chores. She was under the
23 belief that he had left the room. She was mentally undone; all that Plaintiff could think was that she
24 did not want to get in trouble for not having fruit in the room. Defendant Bikram Choudhury was
25 shopping with his daughter when Plaintiff encountered his niece, Paloma, who said, “Bikram has
26 been looking for you.” Paloma made a gun shape with her hand and finger, pointed at her and then

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1 “shot” Jane Doe No. 1, which was the first of many vaguely threatening gestures Defendant Bikram
2 Choudhury’s other followers made to her after the assault.

3 75. Later in the day, Jane Doe No. 1 started to cry at a staff meeting. No one
4 asked her what was wrong.

5 76. Jane Doe No. 1 attended evening lecture, as she was required to, as
6 Defendant Bikram Choudhury ranted about “sex being just an exchange of energy” and “one’s
7 karma/destiny.” Plaintiff knew he was talking about her and the fact that he raped her, and that he
8 was trying to minimize his actions and dress up the attack in spiritual language. Jane Doe No. 1 felt
9 frozen, alone, and terrified.

10 77. Defendant Choudhury stayed off-site that weekend and Plaintiff did not see
11 him for a couple of days. Plaintiff was still processing everything and was in a state of shock. She
12 was trying to figure out how to make her escape.

13 78. Jane Doe No. 1 was still in shock and still felt trapped. She did not know
14 what to do, so she continued work robotically.

15 79. Plaintiff does not have very many specific memories from the second attack,
16 which occurred early in the morning on Tuesday.

17 80. On the night of the second attack, Plaintiff was isolated from other staff
18 members and again left alone with Defendant Bikram Choudhury’s who continued to demand
19 massages from her in front of the trainees. She felt trapped. S.C., Bikram’s family friend, was the
20 last one left with her and Bikram. Defendant Bikram Choudhury’s looked over at S.C. and said, “I
21 have no self-control.” At this point, completely demoralized from the first encounter she felt
22 trapped and knew no way out of her situation. Over the weekend her room had been moved closer
23 to Defendant Bikram Choudhury’s in an “attempt to consolidate rooms” because O.Z. was sent to
India.

24 81. The second rape occurred early on Tuesday morning. Bikram caught her
25 alone as she was doing her chores and would not let her leave. When Defendant Bikram Choudhury

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1 raped her the second time, Plaintiff Jane Doe No. 1 remembers thinking, “I can’t believe this is
2 going to happen again,” and responding by completely freezing up. Defendant Bikram Choudhury
3 ordered her onto the bed and said this time he was going to “cum.” The Plaintiff could not feel in
4 her body, she felt disassociated. She could not run or act. Plaintiff remembers feeling that his
5 sexual assaults were incestuous; like a family member attacking her. Defendant Bikram Choudhury’s
6 eventually pulled out, ejaculated on her abdomen, threw a towel on her face and walked off to
7 answer his phone.

8 82. Plaintiff Jane Doe No. 1 was finally able to escape the hotel room and went
9 to her room to collapse on her bed, nearly catatonic. When Plaintiff showed her face at a staff
10 meeting another staff member commented on how bad she looked and then said, “You really took
11 one for the team.” It was s deeply hurtful comment and , to this day, it is not clear to her what this
12 staff member meant by that.

13 83. Later J.R. questioned Plaintiff and expressly asked her if Defendant
14 Choudhury had raped her. Plaintiff didn’t say yes or no, she was simply too traumatized to speak.

15 84. It appeared to Plaintiff that J.R. sensed something was wrong with Plaintiff
16 and stayed up with her that night. J.R. never left Plaintiff alone with Defendant Choudhury again.
17 When it was time to go up to his room to do her duties, J.R. walked with Plaintiff and Defendant
18 Choudhury, and carried his bag.

19 85. On one occasion, Defendant Choudhury left them both at the door and
20 pointed at J. and said, “You this time.” Plaintiff just stood there with her, and J.R. pleaded, “[Jane
21 Doe 1] don’t leave me.” Even after all of the trauma she had suffered, Plaintiff Jane Doe No. 1
22 summoned enough strength and courage to try and protect J.R. from Defendant Choudhury.
23 Plaintiff Jane Doe No. 1 stayed with J.R. went into the room with her, and they massaged Defendant
24 Bikram Choudhury (who was complaining of how much his body hurt) together until he fell asleep.

25 Both Plaintiff and J.R left the room shortly thereafter.

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1 86. Soon after the rapes, Plaintiff developed a severe urinary tract infection. She
2 was in constant fear that that Defendant had given her an STD. She wanted to escape. Plaintiff
3 feared not being able to support herself if she was not allowed to teach yoga, if she were to be black
4 listed by Defendants and the community.

5 87. Plaintiff Jane Doe No. 1 finally found a way to escape TT a few days after
6 the second rape by borrowing money from her mother. Upon her departure she told another
7 teacher to “protect the girls.”

8 88. After Plaintiff left, A. the employee who had recruited her to work at the TT
9 kept calling and kept trying to get her to talk to Defendant Bikram Choudhury to say, “Goodbye”
10 because it was a “nice” thing to do.

11 89. In November of 2012, Plaintiff Jane Doe No. 1 briefly returned to TT to see
12 if she could face her attacker and to visit three of the female students and warned them not to be
13 alone with him. One trainee was asked up to his suite and was given the advice to not go alone, so
14 she took a friend. She was able to get away.

15 90. Plaintiff lived in fear of telling anyone about the rapes. She kept hearing
16 Defendant Bikram Choudhury’s voice in her head saying over and over again that “No one fucks
17 with me,” and that people who were disloyal had mysterious ill fortune happen upon them, and “No
18 one goes against me.”

19 91. As a consequence of Defendant Bikram Choudhury actions, and in particular
20 the rapes, Plaintiff suffered severe and debilitating emotional distress. She was barely able to work
21 and went into a deep depression. For a period of time she was afraid to go to the police because she
22 feared Defendant Bikram Choudhury might find her and harm her.

23 92. After Sarah Baughn came forward about her assault, and Plaintiff surmised
24 that she was not alone, Plaintiff felt that she could no longer stay silent. She wanted to stop
25 Defendant Bikram Choudhury, make him accountable for the harm he caused and protect other
26 girls.

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1 93. On March 19, 2013 Defendant Bikram Choudhury called Plaintiff Jane Doe
2 No. 1 asking for forgiveness and asked her to “turn the other cheek” in an effort to try to
3 manipulate her, and to keep her from speaking out about what had happened to her. At this point
4 she knew that this was a pattern for him, after she had been raped in October of 2011 she realized
5 that there were probably other girls whom Defendant Bikram Choudhury harassed, solicited, bullied,
6 assaulted or raped.

7 94. Defendant Bikram Choudhury tried to guilt her into keeping quiet by saying
8 that the whole community depended upon her forgiving him, even her health was at stake. Plaintiff
9 Jane Doe No. 1 said that she was perfectly strong in body and said she really did not know what he
10 was talking about. Defendant Bikram Choudhury told her, “As your teacher, I do not want you to
11 hold on to this.”

12 95. Now that Plaintiff Jane Doe No. 1 was outside of TT she knew full well that
13 he was lying and said, “You are not my teacher. How do I know you are not going to do it again to
14 another girl?” To which the Defendant Bikram Choudhury replied, “You are the only one whose
15 advice I would seek in the whole world, what do you think I should do?” Defendant Bikram
16 Choudhury tried to have her meet with him for “tea,” “like old times,” which thoroughly confused
17 Plaintiff because she never met him outside of TT or outside of the context of him being her
18 teacher. Plaintiff Jane Doe No. 1 replied, “I do not trust you.” Oddly, Defendant Choudhury then
19 asked Plaintiff Jane Doe No. 1 she was and commented that she looked like she was 15.

20 96. Plaintiff was so enraged by Defendant Bikram Choudhury callousness that
21 she sent an email to Defendants instructing them to have no contact with her or she would seek a
22 restraining order.

23 97. On March 26, 2013, after Plaintiff expressly asked for no contact, she
24 received an email from Defendant Bikram Choudhury stating that he was naming Petra Starke the
25 new President and CEO of Yoga College, and another press release appeared on the Bikram Yoga
26 website apparently responding to the allegations of the Baughn complaint. The press release stated

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1 that Defendant Choudhury was “disappointed by the false charges made in this lawsuit,” but then,
2 paradoxically, claimed that he “will not comment at this time.”

3 98. The March 26, 2013 press release was originally signed by “Petra Starke,
4 President -- Bikram’s Yoga College of India LLP.” There is no such entity registered with the
5 California Secretary of State. In a later draft, the entity was correctly identified as “Bikram’s College
6 of India LP.”

7 99. On March 27, 2013, Plaintiff Jane Doe No. 1 reported the rapes to her local
8 police whom she expected would communicate the report to LAPD.

9 100. On about April 4, 2013, again, in direct contravention of her instruction to
10 have no contact, she received an email from Defendant Bikram Choudhury, announcing that the
11 Yoga College had a change in leadership. A press release was disseminated to the Yoga College
12 mailing list that attorney Petra Starke was the new “President and CEO” of Yoga College, a limited
13 Partnership. That announcement expressly touted Petra Starke’s prior positions at the White House
14 as Deputy Associate Counsel to “President Barack Obama, President of the United States of
15 America,” and General Counsel for the Council of Economic Advisors. The press release also
16 mentioned that Petra Starke “practiced law for approximately 7 years with the highly respected law
17 firm of O’Melveny & Myers, LLP in Washington, D.C.” The press release was simply signed
18 “Bikram.” As of the date of the press release, Plaintiff is informed and believes that Petra Starke
19 was still listed on White House website as a current White House employee.

20 101. Plaintiff is informed and believes that that announcement was in reference to
21 the lawsuit filed by Sarah Baughn (Baughn v. Bikram Choudhury, et al, Los Angeles County
22 Superior Court Case No. BC502424 [the “Baughn Complaint”]) on March 7, 2013 and was intended
23 to have a chilling effect on other victims and on witnesses who supported Sarah Baughn and other
24 victims. Plaintiff is informed and believes that as a result of the press coverage surrounding the
25 Baughn Complaint, other women began coming forward about their own experiences and, it

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1 charges” while still an employee of the White House, part of the Executive Branch that is
2 responsible for enforcing the law of the land.

3
4 **FIRST CAUSE OF ACTION**

5 **SEXUAL BATTERY IN VIOLATION OF CALIFORNIA CIVIL CODE § 1708.5**

6 **Against Defendants Bikram Choudhury and Does 1- 25**

7 107. Plaintiff Jane Doe No. 1 incorporates by reference as though fully set forth
8 herein, each and every allegation set forth above in this Complaint. As a first separate and distinct
9 claim for relief, Plaintiff Jane Doe No. 1 complains against Defendants Bikram Choudhury and
10 Does 1- 25 as follows:

11 108. California Civil Code §1708.5 provides as follows:

12 (a) A person commits a sexual battery who does any of the
13 following:

14 (1) Acts with the intent to cause a harmful or offensive contact
15 with an intimate part of another, and a sexually offensive contact
16 with that person directly or indirectly results.

17 (2) Acts with the intent to cause a harmful or offensive contact
18 with another by use of his or her intimate part, and a sexually
19 offensive contact with that person directly or indirectly results.

20 (3) Acts to cause an imminent apprehension of the conduct
21 described in paragraph (1) or (2), and a sexually offensive contact
22 with that person directly or indirectly results.

23 (b) A person who commits a sexual battery upon another is liable
24 to that person for damages, including, but not limited to, general
25 damages, special damages, and punitive damages.

26 (c) The court in an action pursuant to this section may award

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1 equitable relief, including, but not limited to, an injunction,
2 costs, and any other relief the court deems proper.

3 (d) For the purposes of this section "intimate part" means the
4 sexual organ, anus, groin, or buttocks of any person, or the breast
5 of a female.

6 (e) The rights and remedies provided in this section are in
7 addition to any other rights and remedies provided by law.

8 (f) For purposes of this section "offensive contact" means contact
9 that offends a reasonable sense of personal dignity.

10 109. Plaintiff Jane Doe No. 1 alleges that Defendant Bikram Choudhury
11 committed the act of civil sexual battery in violation of California Civil Code §1708.5, when, on two
12 occasions in the Fall of 2011 when Plaintiff was working for Defendants Bikram Choudhury, at the
13 Radisson Hotel in Los Angeles, California, Defendant Bikram Choudhury, willfully, maliciously,
14 intentionally and without the consent of Plaintiff Jane Doe No. 1 subjected to forceful, harmful
15 and/or offensive touching of Plaintiff Jane Doe No. 1's breasts, buttocks and vagina, including
16 viciously raping Plaintiff by way of vaginal penetration with his unprotected penis, potentially
17 exposing her to unknown sexually transmitted diseases, against her will, without her consent, and
18 in spite of her express objection.

19 110. As a direct and proximate result of Defendant Bikram Choudhury's unlawful
20 conduct, Plaintiff Jane Doe No. 1 has suffered severe emotional distress, humiliation,
21 embarrassment, mental and emotional distress and anxiety, all in an amount according to proof at
22 trial.

23 111. As a direct and proximate result of Defendant Bikram Choudhury's unlawful
24 conduct, Plaintiff Jane Doe No. 1 has suffered economic harm and other consequential damages all
25 in an amount according to proof at trial.

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1 118. In the fall of 2011, Defendant Choudhury physically threatened Plaintiff and
2 caused her imminent apprehension of offensive and/or harmful contact.

3 119. By engaging in the conduct herein above alleged, Defendant Choudhury
4 intended to cause or to place Plaintiff in apprehension of an imminent harmful or offensive contact.

5 120. As a result of Defendant Choudhury's acts as herein above alleged, Plaintiff
6 was placed in apprehension of an imminent harmful or offensive contact.

7 121. At no time did Plaintiff consent to any of the acts of Defendant Choudhury
8 herein above alleged.

9 122. Plaintiff JANE DOE NO. 1 suffered emotional distress as a legal result of
10 the conduct by Defendants of which Plaintiff JANE DOE NO. 1 complains. Plaintiff JANE DOE
11 NO. 1 suffered mental distress, indignity, great humiliation, emotional distress manifesting in
12 physical symptoms, humiliation, embarrassment, anger, disappointment and worry, all of which is
13 substantial and enduring.

14 123. Defendant's actions have caused and continue to cause Plaintiff substantial
15 losses in earnings, significant reputation and professional injury, loss of promotional opportunities
16 and other employment benefits, lost wages, attorneys' fees, medical expenses, future earnings and
17 benefits, cost of suit, humiliation, embarrassment and anguish, all to his damage in an amount
18 according to proof.

19 124. Plaintiff JANE DOE NO. 1 was in a vulnerable position because of her
20 relative lack of power, because of her reliance on Defendants' assurances and forbearance of the
21 possibility of becoming employed elsewhere, because she had placed her trust in Defendants,
22 because she depended on her employment as a Bikram Yoga instructor for her self esteem and sense
23 of belonging, because she relied upon her employment as a Bikram Yoga instructor as a source of
24 income for her support, because losing her source of income as a Bikram Yoga instructor would
25 likely harm Plaintiff's ability to find other employment, and because of the great disparity in

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1 bargaining power between Plaintiff JANE DOE NO. 1 and her employer. Defendants were aware
2 of Plaintiff's vulnerability and the reasons for it.

3 125. Notwithstanding such knowledge, Defendants, and each of them, acted
4 oppressively, fraudulently, and maliciously, in willful and conscious disregard of Plaintiff's rights, and
5 with the intention of causing or in reckless disregard of the probability of causing injury and
6 emotional distress to Plaintiff JANE DOE NO. 1.

7 126. Further, Defendants were informed of the oppressive, fraudulent and
8 malicious conduct of their employees, agents and subordinates, and ratified, approved, and
9 authorized that conduct.

10 127. The foregoing conduct of defendants, and each of them, was intentional,
11 willful and malicious and Plaintiff JANE DOE NO. 1 is entitled to punitive damages in an amount
12 to conform to proof. As a direct and proximate result of Defendant Choudhury's conduct, Plaintiff
13 suffered humiliation, embarrassment, mental and emotional distress and anxiety, all in an amount
14 according to proof at trial.

15 128. The acts of Defendants, as alleged herein, were willful, wanton, and
16 malicious and were intended to oppress and cause injury to Plaintiff. In light of the willful, wanton,
17 malicious and intentional conduct engaged in by Defendants, Plaintiff is entitled to an award of
18 punitive damages.

19 Wherefore, Plaintiff prays for judgment against Defendants as set forth below.

20 **THIRD CAUSE OF ACTION**

21 **(Battery)**

22 129. Plaintiff incorporates by reference as though fully set forth herein, each and
23 every allegation set forth above in this Complaint. As a separate and distinct claim for relief, Plaintiff
24 complains against Defendants as follows:

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1
2
3 **FOURTH CAUSE OF ACTION**

4 **CIVIL ACTION FOR GENDER VIOLENCE IN VIOLATION OF CALIFORNIA CIVIL CODE §52.4**

5 **Against all Defendants**

6 142. Plaintiff Jane Doe No. 1 incorporates by reference as though fully set forth
7 herein, each and every allegation set forth above in this Complaint. As a second separate and
8 distinct claim for relief, Plaintiff Jane Doe No. 1 complains against all Defendants as follows:

9 143. Plaintiff Jane Doe No. 1 is informed and believe and otherwise alleges that
10 Defendants BIKRAM'S YOGA COLLEGE OF INDIA, L.P., a California Limited Partnership, and
11 DOES 1-25 are strictly liable for Defendants' actions under the principles of respondeat superior, as
12 alleged herein and otherwise had advance knowledge that Defendant Choudhury would engage in
13 this despicable conduct and by their actions and inactions ratified, authorized and condoned this
14 unlawful behavior.

15 144. California Civil Code Section 52.4 provides:

16 (a) Any person who has been subjected to gender violence may
17 bring a civil action for damages against any responsible party. The
18 plaintiff may seek actual damages, compensatory damages, punitive
19 damages, injunctive relief, any combination of those, or any other
20 appropriate relief. A prevailing plaintiff may also be awarded
21 attorney's fees and costs.

22 (b) An action brought pursuant to this section shall be commenced
23 within three years of the act, or if the victim was a minor when the
24 act occurred, within eight years after the date the plaintiff attains
25 the age of majority or within three years after the date the
26 plaintiff discovers or reasonably should have discovered the
27 psychological injury or illness occurring after the age of majority

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1 that was caused by the act, whichever date occurs later.

2 (c) For purposes of this section, "gender violence," is a form of
3 sex discrimination and means any of the following:

4 (1) One or more acts that would constitute a criminal offense
5 under state law that has as an element the use, attempted use, or
6 threatened use of physical force against the person or property of
7 another, committed at least in part based on the gender of the
8 victim, whether or not those acts have resulted in criminal
9 complaints, charges, prosecution, or conviction.

10 (2) A physical intrusion or physical invasion of a sexual nature
11 under coercive conditions, whether or not those acts have resulted in
12 criminal complaints, charges, prosecution, or conviction.

13 (d) Notwithstanding any other laws that may establish the
14 liability of an employer for the acts of an employee, this section
15 does not establish any civil liability of a person because of her or
16 her status as an employer, unless the employer personally committed
17 an act of gender violence.

18 145. Plaintiff Jane Doe No. 1 alleges that in the Fall of 2011 Defendant Bikram
19 Choudhury violated California Civil Code Section 52.4 in that one or more acts inflicted on Plaintiff
20 constitutes a criminal offense under state law that has as an element of use, attempted use, or
21 threatened use of physical force against her person, committed at least in part based on the gender
22 of Plaintiff, whether or not those acts have resulted in criminal complaints, charges, prosecution, or
conviction.

23 146. Plaintiff Jane Doe alleges that Defendant Bikram Choudhury violated
24 California Civil Code Section 52.4 in that he engaged in a physical intrusion or physical invasion of a

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1 sexual nature under coercive conditions, even if those acts have not yet resulted in criminal
2 complaints, charges, prosecution, or conviction.

3 147. As direct and proximate result of Defendant Bikram Choudhury's violated
4 California Civil Code Section 52.4, Plaintiff Jane Doe No. 1 suffered severe emotional distress, post
5 traumatic stress disorder, humiliation, embarrassment, mental and emotional distress and anxiety, all
6 in an amount according to proof at trial.

7 148. As direct and proximate result of Defendant Bikram Choudhury's violation
8 of California Civil Code Section 52.4, Plaintiff Jane Doe No. 1 suffered economic harm and other
9 consequential damages all in an amount according to proof at trial.

10 149. The acts of Defendant Bikram Choudhury, as alleged herein were willful,
11 wanton, and malicious and were intended to oppress and cause injury to Plaintiff Jane Doe No. 1. In
12 light of the willful, wanton, malicious and intentional conduct engaged in by Defendant Bikram
13 Choudhury, Plaintiff Jane Doe No. 1 is entitled to an award of punitive damages.

14 150. Plaintiff Jane Doe No. 1 also seeks declaratory and injunctive relief as set
15 forth below.

16 151. Plaintiff has incurred, and will continue to incur, attorneys' fees in the
17 prosecution of this action and therefore demand such reasonable attorneys' fees and costs as set by
18 the court.

19 WHEREFORE, Plaintiff prays for relief as set forth herein.

20 ///

21 ///

22 ///

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24 ///

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28 **FIRST AMENDED COMPLAINT FOR DAMAGES**

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1 **FIFTH CAUSE OF ACTION**

2 **SEX-BASED DISCRIMINATION IN VIOLATION OF THE**
3 **UNRUH CIVIL RIGHTS ACT [CALIFORNIA CIVIL CODE § 51]**

4 **(Jane Doe No. 1 Against All Defendants)**

5 152. Plaintiff, individually, incorporates by reference as though fully set forth
6 herein, each and every allegation set forth above in this Complaint. As a separate and distinct cause
7 of action, Plaintiff complains against Defendants as follows:

8 153. Plaintiff Jane Doe No. 1 is informed and believe and otherwise alleges that
9 Defendants BIKRAM'S YOGA COLLEGE OF INDIA, L.P., a California Limited Partnership, and
10 DOES 1-25 are strictly liable for Defendants' actions under the principles of respondeat superior, as
11 alleged herein and otherwise had advance knowledge that Defendant Choudhury would engage in
12 this despicable conduct and by their actions and inactions ratified, authorized and condoned this
13 unlawful behavior.

14 154. California Civil Code section 51, et seq., also known as the Unruh Civil
15 Rights Act, provides that all persons in the state are entitled to the "full and equal accommodations,
16 advantages, facilities, privileges, or services in all business establishments of every kind whatsoever,"
17 regardless of sex.

18 155. An Unruh Act plaintiff can recover (i) special and general damages, (ii) an
19 amount no less than \$4,000 and no more than three times the special and general damages up to a
20 maximum of three times the special and general damages, but in no case less than \$4,000, and (iii)
21 attorney's fees for each violation of the Act. Injunctive relief is also available under Civ. Code §
22 52(c).

23 156. In the Fall of 2011, Defendants operated a business out a hotel in Las
24 Angeles for the purpose of providing Bikram Yoga teacher training. Plaintiff, a female, is informed
25 and believed and thereon alleges that the aforementioned conduct of defendants, and each of them,
26 denied, aided, or incited in a denial of, discriminated or made a distinction that denied plaintiff full

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1 and equal advantages, privileges, and services of said business to Plaintiff, based solely upon
2 plaintiff's sex (female), and therefore constituted a violation of the Unruh Civil Rights Act.

3 157. As a proximate result of the wrongful actions of defendants, and each of
4 them, Plaintiff has suffered harm, including but not limited to, lost earnings and other employment
5 benefits, loss of future employment benefits, including insurance and pension, , all in an amount to
6 be proven at trial but exceeding the minimum jurisdictional limits of this court.

7 158. As a proximate result of the wrongful actions of defendants, and each of
8 them, Plaintiff has suffered harm, including severe emotional distress, embarrassment, mental
9 anguish, and physical harm, all in an amount to be proven at trial but exceeding the minimum
10 jurisdictional limits of this court.

11 159. Plaintiff is further informed and believes, and based thereon alleges, that
12 defendants, and each of them, acted and continue to act, with full knowledge of the consequences
13 and damage being caused to plaintiff, by defendants' actions, and defendants' actions were, and are,
14 willful, oppressive, and malicious. Accordingly, plaintiff is entitled to punitive damages against
15 defendants, and each of them, in a sum according to proof at trial.

16 160. Plaintiff Jane Doe No. 1 also seeks declaratory and injunctive relief as set
17 forth below.

18 161. Plaintiff has incurred, and will continue to incur, attorneys' fees in the
19 prosecution of this action and therefore demand such reasonable attorneys' fees and costs as set by
20 the court.

21 WHEREFORE, Plaintiff prays for relief as set forth herein.

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DEPT 91 JUDGE RAFAEL ONGKEKO

28 **FIRST AMENDED COMPLAINT FOR DAMAGES**

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3 **SIXTH CAUSE OF ACTION**

4 **SEXUAL HARASSMENT IN VIOLATION OF THE**
5 **UNRUH CIVIL RIGHTS ACT [CALIFORNIA CIVIL CODE § 51.9]**

6 **(Against All Defendants)**

7 162. Plaintiff, individually, incorporates by reference as though fully set forth
8 herein, each and every allegation set forth above in this Complaint. As a sixth separate and distinct
9 cause of action, Plaintiff complains against Defendants as follows:

10 163. Plaintiff Jane Doe No. 1 is informed and believe and otherwise alleges that
11 Defendants BIKRAM'S YOGA COLLEGE OF INDIA, L.P., a California Limited Partnership, and
12 DOES 1-25 are strictly liable for Defendants' actions under the principles of respondeat superior, as
13 alleged herein and otherwise had advance knowledge that Defendant Choudhury would engage in
14 this despicable conduct and by their actions and inactions ratified, authorized and condoned this
15 unlawful behavior.

16 164. Civil Code section 51.9, also part of the Unruh Civil Rights Act, provides
17 that a defendant is liable for sexual harassment where there is a professional relationship between
18 the plaintiff and defendant, including the teacher-student relationship and "The defendant has made
19 sexual advances, solicitations, sexual requests, demands for sexual compliance by the plaintiff, or
20 engaged in other verbal, visual, or physical conduct of a sexual nature or of a hostile nature based on
21 gender, that were unwelcome and pervasive or severe."

22 165. At all times herein mentioned, there was a professional relationship between
23 plaintiff and the Defendants, namely, that she was Defendants' student and that they taught her
24 Bikram Yoga and certified her as an instructor.

25 166. In or about Spring of 2011, as alleged more fully above, defendant
26 Choudhury began making sexual advances on Plaintiff. He eventually demanded sexual compliance,

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FIRST AMENDED COMPLAINT FOR DAMAGES

1 and when it was denied to him, sexually assaulted her, twice and continued to retaliate against her
2 for refusing her sexual advances.

3 167. Plaintiff cannot easily terminate her relationship with defendant without
4 tangible hardship because she is an experienced and accomplished practitioner of Bikram Yoga, and
5 her considerable expertise would be difficult to otherwise employ, particularly because of Defendant
6 Choudhury's control over other practitioners of that form of Hatha Yoga. Terminating the
7 relationship would cause her great financial hardship, as she would no longer be able to teach at
8 approved Bikram studios.

9 168. Plaintiff is informed and believed and thereon alleges that the
10 aforementioned conduct of defendants, and each of them, denied, aided, or incited in a denial of,
11 discriminated or made a distinction that denied plaintiff full and equal advantages, privileges, and
12 services to Plaintiff, based solely upon plaintiff's refusal to submit to sexual advances, and therefore
13 constituted a violation of the Unruh Act.

14 169. As a proximate result of the wrongful actions of defendants, and each of
15 them, Plaintiff has suffered harm, including but not limited to, lost earnings and other employment
16 benefits, loss of future employment benefits, all in an amount to be proven at trial but exceeding the
17 minimum jurisdictional limits of this court.

18 170. As a proximate result of the wrongful actions of defendants, and each of
19 them, Plaintiff has suffered harm, including severe emotional distress, humiliation, embarrassment,
20 mental anguish, and physical harm, all in an amount to be proven at trial but exceeding the
21 minimum jurisdictional limits of this court.

22 171. Plaintiff is further informed and believes, and based thereon alleges, that
23 defendants, and each of them, acted and continue to act, with full knowledge of the consequences
24 and damage being caused to plaintiff, by defendants' actions, and defendants' actions were, and are,
25 willful, oppressive, and malicious. Accordingly, plaintiff is entitled to punitive damages against
26 defendants, and each of them, in a sum according to proof at trial.

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1 172. Plaintiff Jane Doe No. 1 also seeks declaratory and injunctive relief as set
2 forth below.

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4 173. Plaintiff has incurred, and will continue to incur, attorneys' fees in the
5 prosecution of this action and therefore demand such reasonable attorneys' fees and costs as set by
6 the court.

7 WHEREFORE, Plaintiff prays for relief as set forth herein.

8 **SEVENTH CAUSE OF ACTION**

9 **VIOLATION OF THE RALPH ACT**

10 **[Cal Civil Code § 51.7]**

11 **(Against All Defendants)**

12 174. Plaintiff, individually, incorporates by reference as though fully set forth
13 herein, each and every allegation set forth above in this Complaint. As a seventh separate and
14 distinct cause of action, Plaintiff complains against Defendants as follows:

15 175. Plaintiff Jane Doe No. 1 is informed and believe and otherwise alleges that
16 Defendants BIKRAM'S YOGA COLLEGE OF INDIA, L.P., a California Limited Partnership, and
17 DOES 1-25 are strictly liable for Defendants' actions under the principles of respondeat superior, as
18 alleged herein and otherwise had advance knowledge that Defendant Choudhury would engage in
19 this despicable conduct and by their actions and inactions ratified, authorized and condoned this
20 unlawful behavior.

21 176. Civil Code section 51.5, the Ralph Act, provides that persons have the right
22 to be free from violence or threat of violence, committed against their persons or property due to,
23 among other things, their gender.

24 177. Plaintiff Jane Doe No. 1 is informed and believe and otherwise alleges that
25 Defendants BIKRAM'S YOGA COLLEGE OF INDIA, L.P., a California Limited Partnership, and

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28 **FIRST AMENDED COMPLAINT FOR DAMAGES**

1 DOES 1-25 are strictly liable for Defendants' actions under the principles of respondeat superior, as
2 alleged herein and otherwise had advance knowledge that Defendant Choudhury would engage in
3 this despicable conduct and by their actions and inactions ratified, authorized and condoned this
4 unlawful behavior.

5 178. On or about Spring 2011, Defendant Bikram Choudhury began making
6 sexual advances on Plaintiff. These advances were physical and verbal in nature, at times involving
7 touching the person of plaintiff and/or making inappropriate sexual comments, and eventually
8 culminating in two violent sexual assaults.

9 179. Plaintiff's sex was the reason for Defendant's unwanted physical contact and
10 ultimate sexual assault.

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

17 181. As a proximate result of the wrongful actions of defendants, and each of
18 them, Plaintiff has suffered harm, including but not limited to, lost earnings and other employment
19 benefits, loss of future employment benefits, including insurance and pension, , all in an amount to
20 be proven at trial but exceeding the minimum jurisdictional limits of this court.

21 182. As a proximate result of the wrongful actions of defendants, and each of
22 them, Plaintiff has suffered harm, including but not limited to sever emotional distress, humiliation,
23 embarrassment, mental anguish, and physical harm, all in an amount to be proven at trial but
24 exceeding the minimum jurisdictional limits of this court.

25 183. Plaintiff is further informed and believes, and based thereon alleges, that
26 defendants, and each of them, acted and continue to act, with full knowledge of the consequences

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FIRST AMENDED COMPLAINT FOR DAMAGES

1 and damage being caused to plaintiff, by defendants' actions, and defendants' actions were, and are,
2 willful, oppressive, and malicious. Accordingly, plaintiff is entitled to punitive damages against
3 defendants, and each of them, in a sum according to proof at trial.

4 184. Plaintiff Jane Doe No. 1 also seeks declaratory and injunctive relief as set
5 forth below.

6 185. Plaintiff has incurred, and will continue to incur, attorneys' fees in the
7 prosecution of this action and therefore demand such reasonable attorneys' fees and costs as set by
8 the court.

9 WHEREFORE, Plaintiff prays for relief as set forth herein.

10 **EIGHTH CAUSE OF ACTION**

11 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

12 **(Against All Defendants)**

13 186. Plaintiff incorporates by reference as though fully set forth herein, each and
14 every allegation set forth above in this Complaint. As a ninth separate and distinct claim for relief,
15 Plaintiff complains against Defendants:

16 187. Plaintiff Jane Doe No. 1 is informed and believe and otherwise alleges that
17 Defendants BIKRAM'S YOGA COLLEGE OF INDIA, L.P., a California Limited Partnership, and
18 DOES 1-25 are strictly liable for Defendants' actions under the principles of respondeat superior, as
19 alleged herein and otherwise had advance knowledge that Defendant Choudhury would engage in
20 this despicable conduct and by their actions and inactions ratified, authorized and condoned this
21 unlawful behavior.

22 188. This is an action for damages pursuant to the common law of the State of
23 California as mandated by the California Supreme Court in the decision of *Rojo v. Kliger* (1990) 52
24 Cal. 3d 65.

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26 CASE NO.: BC508288
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28 **FIRST AMENDED COMPLAINT FOR DAMAGES**

1 Dated: May 12, 2014

SHEA LAW OFFICES

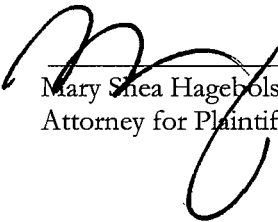
2
3 By 
4 Mary Shea Hagebols
5 Attorney for Plaintiff Jane Doe No. 1

6 **JURY TRIAL DEMANDED**

7
8 Plaintiff Jane Doe No. 1 demands trial of all issues by jury.

9 Dated: May 12, 2014

SHEA LAW OFFICES

10
11 By: 
12 Mary Shea Hagebols
13 Attorney for Plaintiff Jane Doe No. 1
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28 **FIRST AMENDED COMPLAINT FOR DAMAGES**

1 **PROOF OF SERVICE**

2 *Jane Doe No. 1 v. Bikram Choudhury, et al.*
3 Los Angeles County Superior Court, CASE NO. BC 508288

4 I am a resident of the State of California, over the age of eighteen years, and not a party
5 to the within action. My business address is 1814 Franklin Street, Suite 800, Oakland, California
6 94612 and is in the County of Alameda. I am over the age of 18 years and not a party to the
7 within entitled action. I served the within:

8 1. PLAINTIFF JANE DOE NO. 1'S FIRST AMENDED COMPLAINT

9 **(By U.S. Mail)** I deposited the above listed document(s) with the United States Postal
10 Service with postage fully prepaid to the person(s) at the address(es) listed below.

11 **(By United Parcel Service Overnight)** I deposited the above listed document(s) with the
12 United Parcel Service (UPS) with postage fully prepaid to the person(s) at the address(es) listed
13 below.

14 **(By Facsimile Transmission)** By transmitting a true copy thereof to the following
15 person(s) at the receiving facsimile machine numbers shown below. The transmission was
16 reported as complete and without error.

17 **(By Electronic Mail)** By transmitting a true copy thereof as a .pdf attachment on May
18 12, 2014 to the following person(s) at the receiving e-mail addresses shown below. The
19 transmission was reported as complete and without error.

20 **(By Personal Service)** I caused each such envelope to be delivered by hand to the
21 addressee(s) noted below.

22 On the following attorney(s) of record and/or interested parties:

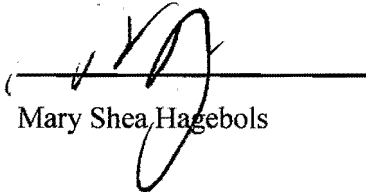
23 Diana Spielberger, Esq. 24 Law Offices of Diana Spielberger 25 2115 Main Street 26 Santa Monica, CA 90405 27 Fax: (310) 914-1879 28 Email: Diana@janddlaw.com	Attorneys for Defendants Bikram Choudhury
Paul K. Schrieffer, Esq. pks@pksllp.com Tami K. Lee, Esq. tkl@pksllp.com P.K. SCHRIEFFER LLP 100 North Barranca Avenue, Suite 1100	Attorneys for Defendant Bikram's Yoga College of India, L.P.

29 CASE NO.: BC508288
30 DEPT 91 JUDGE RAFAEL ONGKEKO

31 **FIRST AMENDED COMPLAINT FOR DAMAGES**

1 West Covina, CA 91791
2 Fax: (626) 974-8403

3
4 I declare under penalty of perjury that the foregoing is true and correct, and that this
5 declaration was executed on Monday, May 12, 2014, in Oakland, California.

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Mary Shea Hagebols

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