	Case 2:21-cv-07682-DSF-JEM Docum	ient 1	Filed 09/27/21	Page 1 of 7	Page ID #:1
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12 13	UNITED STATES DISTRICT COURT				
13 14	CENTRAL DISTRICT OF CALIFORNIA				
14	U.S. EQUAL EMPLOYMENT	) (	Case No.:		
16	OPPORTUNITY COMMISSION,		COMPLAINT—	TITLE VII	
17	Plaintiff,		• Sexual Ha	rassment	<b>`</b>
18	VS.	Ì	<ul><li>Sex Discri</li><li>Retaliation</li></ul>	mination (Pre n	gnancy)
19	ACTIVISION BLIZZARD, INC., BLIZZA				
20	ENTERTAINMENT, INC., ACTIVISION PUBLISHING, INC., and KING.COM, INC				
21	and DOES ONE through TEN, inclusive,	( )	JURY TRIAL DI	EMAND	
22	Defendants.	) )			
23		)			
24	NATUDE OF THE ACTION				
25	<u>NATURE OF THE ACTION</u> This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil				
26	Rights Act of 1991 to correct unlawful employment practices based on sex and to provide				
27	appropriate relief to a class of individuals who were adversely affected by such practices. As set				
28	forth with greater particularity in paragraphs 1 to 26 of this Complaint, Plaintiff United States				

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Equal Employment Opportunity Commission ("Plaintiff" or "Commission") alleges that there 2 have been instances where Defendants Activision Blizzard, Inc., Blizzard Entertainment, Inc., 3 Activision Publishing, Inc., King.com, Inc., and their subsidiaries ("Defendants") have subjected 4 a class of individuals to sexual harassment, to pregnancy discrimination and/or to related 5 retaliation under Title VII.

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### JURISDICTION AND VENUE

Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1. 1343 and 1345. This action is authorized and instituted pursuant to \$\$ 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f)(1) and (3) ("Title VII") and §102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

2. The employment practices alleged to be unlawful cover Defendants' California facilities and other locations throughout the U.S. Defendants have locations in Texas, Minnesota, New York, Wisconsin, and Arkansas.

### **PARTIES**

3. Plaintiff is an agency of the United States of America charged with the administration, interpretation and enforcement of Title VII, and is expressly authorized to bring this action by §§ 706(f)(1) and (3), Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3). The EEOC was created out of the Civil Rights Act of 1964 and tasked by Congress to enforce federal antidiscrimination laws in employment.

22 4. At all relevant times, Defendants have continuously been doing business in 23 California and other locations throughout the United States.

24 5. At all relevant times, Defendant Activision Blizzard, Inc. has continuously been a 25 corporation doing business in the State of California, and continuously had at least 15 employees 26 either jointly or directly.

27 6. At all relevant times, Defendant Blizzard Entertainment, Inc. has continuously been a corporation doing business in the State of California, and continuously had at least 15 28

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1 employees.

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7. At all relevant times, Defendant Activision Publishing, Inc. has continuously been
a corporation doing business in the State of California, and continuously had at least 15
employees.

8. At all relevant times, Defendant King.com, Inc. has continuously been a
corporation doing business in the State of California, and continuously had at least 15
employees.

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9. At all relevant times, Defendant Activision Blizzard, Inc. has continuously been
9 an employer engaged in an industry affecting commerce within the meaning of Sections 701(b),
10 (g), and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g), and (h).

11 10. At all relevant times, Defendant Blizzard Entertainment, Inc. has continuously
12 been an employer engaged in an industry affecting commerce within the meaning of Sections
13 701(b), (g), and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g), and (h).

11. At all relevant times, Defendant Activision Publishing, Inc. has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g), and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g), and (h).

12. At all relevant times, King.com, Inc. has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g), and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g), and (h).

20 13. All acts and failures to act alleged herein were duly performed by and attributable 21 to all Defendants, each acting as a successor, agent, alter ego, employee, indirect employer, joint 22 employer, integrated enterprise and/or or under the direction and control of the others, except as 23 specifically alleged otherwise. Said acts and failures to act were within the scope of such agency 24 and/or employment, and each Defendant participated in, approved and/or ratified the unlawful 25 acts and omissions by the other Defendants complained of herein. Whenever and wherever 26 reference is made in this Complaint to any act by a Defendant or Defendants, such allegations 27 and reference shall also be deemed to mean the acts and failures to act of each Defendant acting individually, jointly, and/or severally. 28

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14. Plaintiff is ignorant of the true names and capacities of each defendant sued as DOES 1 through 10, inclusively, and therefore Plaintiff sues said defendants by fictitious names. Plaintiff reserves the right to amend the complaint to name each DOE defendant individually or corporately as it becomes known. Plaintiff alleges that each DOE defendant was in some manner responsible for the acts and omissions alleged herein and Plaintiff will amend the complaint to allege such responsibility when the same shall have been ascertained by Plaintiff. 6

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#### **STATEMENT OF CLAIMS**

15. More than thirty days prior to the institution of this lawsuit, on September 26, 2018, EEOC Commissioner Chai R. Feldblum signed Commissioner's Charge Number 480-2018-05212, initiating the EEOC's investigation into the following allegations, including but not limited to: "1. Subjecting female employees to sex-based discrimination, including harassment, based on their gender. 2. Retaliating against female employees for complaining about sex-based discrimination, based on their gender. 3. Paying female employees less than male employees, based on their gender."

16 16. Commission conducted an extensive investigation from September 26, 2018 to June 15, 2021 of the allegations of sexual harassment and related retaliation against Defendants 18 and additional entities beyond the Charge, at their worksites in the United States. Defendants 19 cooperated in the investigation by providing information, documents, and testimony of 20 individuals necessary for the investigation.

17. 21 On June 15, 2021, the Commission issued to Defendants a Letter of 22 Determination finding reasonable cause on the claims alleged in this Complaint.

23 18. As required by statute, the Commission invited Defendants to engage in 24 conciliation efforts to endeavor to eliminate the discriminatory practices and provide appropriate 25 relief. The conciliation process is statutorily required for the EEOC to address the findings made 26 in the Letter of Determination. The Commission engaged in extensive conciliation discussions 27 with Defendants, but the Commission was unable to secure through informal methods an 28 acceptable conciliation agreement.

1 19. All conditions precedent to the institution of this lawsuit have been fulfilled. 2 20. At all relevant times, Defendants have been a company that creates and distributes 3 video games and other gaming-related content throughout the United States, with Activision 4 Blizzard, Inc., and Activision Publishing, Inc.'s principal places of business in Santa Monica, 5 CA and Blizzard Entertainment's principal place of business in Irvine, CA.

21. Since in or around September 2016, there have been instances where Defendants 6 7 have engaged in unlawful employment practices in violation of §§ 701(k), 703(a) and 704(a) of Title VII, 42 U.S.C. 2000e-2(a) and 2000e-3(a) by subjecting a class of individuals to sexual 8 9 harassment, to pregnancy discrimination and/or to retaliation.

10 22. Employees were subjected sexual harassment that was severe or pervasive to alter the conditions of employment. The conduct was unwelcome and adversely affected the employees. The Defendants knew or should have known of the sexual harassment of the 12 13 adversely affected employees.

23. Some employees complained about the sexual harassment, but Defendants failed to take corrective and preventative measures. Once Defendants knew or should have known of the sexual harassment of the adversely affected employees, Defendants failed to take prompt and effective remedial action reasonably calculated to end the harassment.

24. Defendants discriminated against employees due to their pregnancy that adversely affected the employees.

25. Defendants retaliated against employees who engaged in activity protected by Title VII including, but not limited to, rejecting and/or complaining about sexual harassment and/or complaining about pregnancy discrimination. As a result of engaging in such protected activity, employees were subjected to adverse employment actions including discharge or constructive discharge.

The unlawful employment practices complained of in paragraphs 20 to 25 above adversely affected employees to suffer damages including emotional distress.

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