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19 IMANE BOUDLAL

20 **UNITED STATES DISTRICT COURT**  
21 **CENTRAL DISTRICT OF CALIFORNIA**

22 IMANE BOUDLAL,

23 Plaintiff,

24 vs.

25 WALT DISNEY CORPORATION;  
26 and DOES 1-10,

27 Defendants.

Case No:

**COMPLAINT FOR DAMAGES FOR:**

- 28 1. Violation of Title VII's Prohibition of Discrimination and Harassment in Employment on the Basis of Religion, National Origin and Color and Failure to Remedy and Prevent Harassment (42 U.S.C. § 2000e-2(a))
2. Violation of the California Fair Employment and Housing Act's Prohibition of Harassment in Employment on the Basis of Religious Creed, National Origin and Color (Cal. Gov't Code § 12940(j)(1))

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3. Violation of the California Fair Employment and Housing Act's Prohibition of Discrimination in Employment on the Basis of Religious Creed (Cal. Gov't Code § 12940(a))
4. Failure to Remedy and Prevent Discrimination and Harassment (Cal. Gov't Code § 12940(k))
5. Wrongful Termination in Violation of Public Policy
6. Negligent Retention and Supervision
7. Intentional Infliction of Emotional Distress

**DEMAND FOR JURY TRIAL**

1 **I. INTRODUCTORY STATEMENT**

2 1. Imane Boudlal, the plaintiff in this case, is a 28 year old naturalized United  
3 States citizen of Moroccan origin and an adherent of the Muslim faith. On or  
4 about April 12, 2008, she began working as a hostess at the Storytellers Café in the  
5 Grand Californian Hotel and Spa, part of the complex operated by the Walt Disney  
6 Company (“Disney”) in Anaheim, California.

7 2. From early on in her employment, Ms. Boudlal suffered from repeated  
8 ethnic and religious slurs from her co-workers, which she reported to management.  
9 Among other things, she was called a “terrorist,” “camel,” and “Kunta Kinte,” the  
10 slave from the famous book Roots by Alex Haley. Ms. Boudlal’s co-workers also  
11 mocked her by stating, among other things, that Arabs are terrorists, that she  
12 speaks the terrorist language and that she was trained to make bombs. Ms. Boudlal  
13 repeatedly reported the harassment to her managers, who admitted there was a  
14 problem, but who never took any action. On most occasions, Ms. Boudlal’s  
15 managers merely deflected the complaints by stating that it would take time to  
16 change things. Finally, one of the managers told her that she needed to stop  
17 complaining.

18 3. As part of her Muslim faith, it is Ms. Boudlal’s sincere religious belief that  
19 for her, the wearing of the hijab, sometimes referred to as a headscarf or veil, is  
20 commanded by the Qur’an, the sacred book of Islam. The term hijab, translated as  
21 “cover,” “curtain,” or “veil,” connotes the Islamic mandate of modesty and is  
22 regarded by much of the female Muslim population as an essential element of  
23 virtue and religiosity. To unveil Muslim women who have chosen to wear a hijab  
24 is an act of intolerance forcibly requiring disavowal of and disrespect to their most  
25 fundamental religious beliefs.

26 4. In June 2010, after two years of working at Disney, Ms. Boudlal determined  
27 that she would permanently wear a hijab so as to act faithfully in accord with her  
28 religious beliefs. At about this time, Ms. Boudlal asked her supervisors for

1 permission to wear the hijab in the course of her work. It was her intent in  
2 particular to begin wearing the hijab at work by the beginning of Ramadan, the  
3 Muslim holy month of fasting, which began on August 11, 2010. After a nearly  
4 two month delay, the managers denied her request, stating that wearing the hijab in  
5 her current position violated Disney's "look" policy. The managers stated that if  
6 Ms. Boudlal wore a hijab, it would negatively affect patrons' experiences at the  
7 Storytellers Café.

8 5. Instead, Disney gave Ms. Boudlal an ultimatum that if she insisted on  
9 wearing a hijab while continuing to work for Disney: (1) she could either be  
10 stationed in the rear of the restaurant where she would have no contact with or  
11 exposure to customers or (2) she could wear several large hats of various colors on  
12 top of the hijab, which no one else at the Café was required to wear (or did wear).  
13 Disney managers told Ms. Boudlal that if she refused these options, they would  
14 terminate her employment. When Ms. Boudlal refused, explaining that she found  
15 these options humiliating and an infringement of her religious beliefs, Disney  
16 removed her from the Café's schedule and discharged her from further  
17 employment.

18 6. Disney maintained its position despite the fact that Ms. Boudlal's hostess  
19 position did not require that she wear the costume of any Disney character, but  
20 rather a uniform as worn by other wait staff. Ms. Boudlal repeatedly sought to find  
21 a compromise, including offering to wear a hijab matching the colors of her  
22 uniform and even bearing a Disney logo. All her compromise offers were rejected  
23 out of hand by Disney management. Disney did not seek to enforce its "look"  
24 policy against other hosts or hostesses at the Storytellers Café who visibly  
25 displayed tattoos, crosses, and other religious insignia or wore their hair or did  
26 their nails in an ostentatious and impermissible manner.

27 7. In enacting Title VII of the Civil Rights Act of 1964, Congress recognized  
28 that America is a nation founded on the credo of religious, racial and national

1 origin tolerance and therefore made it unlawful for an employee:

2 (1) to discharge any individual, or otherwise to discriminate against  
3 any individual with respect to his compensation, terms, conditions,  
4 or privileges of employment, because of such individual's . . .  
5 color, religion . . . or national origin; or

6 (2) to limit, segregate, or classify his employees . . . in any way which  
7 would deprive or tend to deprive any individual of employment  
8 opportunities or otherwise adversely affect his status as an  
9 employee, because of such individual's . . . color, religion . . . or  
10 national origin.

11 In violation of Ms. Boudlal's rights under Title VII on the basis of her religion,  
12 national origin and color, Disney failed to provide her with a working environment  
13 free of unlawful harassment and refused to provide a reasonable accommodation  
14 for her sincerely held religious belief that wearing a hijab is required by her faith  
15 and by providing favorable treatment to similarly situated persons outside her  
16 protected class. Disney's treatment of Ms. Boudlal fostered the unmistakable  
17 message that Disney both tolerated and encouraged the harassment which she  
18 suffered. California law similarly protects employees against discrimination and  
19 harassment on the basis of religion, national origin and color.

## 20 **II. JURISDICTION AND VENUE**

21 8. This lawsuit for damages and injunctive relief challenges Disney's failure to  
22 timely and effectively prevent and remedy harassment of Imane Boudlal based on  
23 her religion, national origin and color as well as Disney's refusal to provide  
24 reasonable accommodations for Ms. Boudlal's practice and observance of her  
25 religion, in violation of the laws of the United States. This Court has subject  
26 matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343, because the cause of  
27 action asserted arises under federal law, namely 42 U.S.C. § 2000e-2.

28 Additionally, pursuant to 28 U.S.C. § 1367, this Court has supplemental

1 jurisdiction for state law claims made under Cal. Gov't. Code § 12940, because  
2 such claims stem from part of the same case or controversy arising from a common  
3 nucleus of operative fact.

4 9. The employment practices alleged to be unlawful were and are now being  
5 committed within the County of Orange in State of California which is within the  
6 jurisdiction of the United States District Court for the Central District of  
7 California. Venue is therefore proper in this Court pursuant to 28 U.S.C. § 1391.

### 8 **III. PARTIES**

9 10. Plaintiff Imane Boudlal is a native of Morocco and a 28 year old naturalized  
10 citizen of the United States. Ms. Boudlal has adhered to the Muslim faith for her  
11 entire life. It is her sincerely held belief that wearing a hijab in public is required  
12 by her faith.

13 11. Defendant Walt Disney Corporation ("Disney") is the world's largest media  
14 conglomerate, as measure by revenue. Incorporated in Delaware and  
15 headquartered in Burbank, California, Disney has four divisions: Studio  
16 Entertainment, Consumer Products, Media Networks, and Parks and Resorts. Walt  
17 Disney's Parks and Resorts, LLC owns and operates the Storytellers Café at the  
18 Grand Californian Hotel and Spa in Anaheim, California. At all relevant times, the  
19 Storytellers Café has had more than fifteen employees.

20 12. Plaintiff is unaware of the true names and legal capacities of the Defendants  
21 sued here as DOES 1 through 10 and, therefore, sues those Defendants by such  
22 fictitious names. Plaintiff will amend her complaint to allege their true names and  
23 capacities when the same has been ascertained. Plaintiff is informed and believes,  
24 and on this basis alleges, that each DOE Defendant is in some way legally  
25 responsible for the acts, omissions, and damages alleged here to have been caused  
26 by each remaining Defendant.

### 27 **IV. FACTUAL BACKGROUND**

28 13. In April 2008, Disney hired Imane Boudlal as a hostess at the Storytellers

1 Café in the Grand Californian Hotel and Spa, part of the Disney complex in  
2 Anaheim, California.

3 14. Ms. Boudlal is a practicing Muslim of Moroccan origin and a naturalized  
4 citizen of the United States.

### 5 Hostile Work Environment

6 15. Beginning in the summer of 2008, Ms. Boudlal became the subject of insults  
7 and epithets on the basis of her religion, national origin and color by her co-  
8 workers and supervisors.

9 16. For a period of over two years from approximately July 2008 to August  
10 2010, Ms. Boudlal's co-workers, including Sandra Acosta, and supervisors,  
11 including Jesus Serrano, Brian Cardenas, and Jaymee Koymoon, called her  
12 derogatory and discriminatory slurs. On a weekly, if not daily basis, Ms. Boudlal's  
13 co-workers and supervisors would taunt her calling her such names as "camel,"  
14 "terrorist," "bitch," and "Kunta Kinte," the slave from the famous book Roots by  
15 Alex Haley. Ms. Boudlal was greatly pained by the name calling and repeatedly  
16 asked her co-workers and supervisors to stop, to no avail.

17 17. Ms. Boudlal's co-workers and supervisors also made repeated comments to  
18 her that Arabs are terrorists, that she speaks the terrorist language, that she is  
19 trained to make bombs, that she gets scanned by security wherever she goes, that  
20 she escaped from her family, that people from her country bomb the soccer field  
21 when they don't win games, that she learned how to make bombs at the mosque  
22 and that she not kill a co-worker's boyfriend ("please don't kill my boyfriend!  
23 Terrorist!!"), to name a few.

24 18. In an effort to end the harassment, Ms. Boudlal complained on numerous  
25 occasions to her managers in writing and orally. Her written statements included:

- 26 a. In July 2008, Ms. Boudlal provided a written statement to Manager  
27 Marissa Hermosa complaining of the name calling, harassment and  
28 hostile work environment. Ms. Hermosa never followed up with Ms.

- 1 Boudlal to inform her of any corrective actions taken by Disney and  
2 the harassment continued.
- 3 b. In May 2010, Ms. Boudlal provided a written statement to Manager  
4 Karun Kapata highlighting the hostile work environment and  
5 harassment that she was experiencing. Mr. Kapata never followed up  
6 with Ms. Boudlal to inform her of any corrective actions taken by  
7 Disney and the harassment continued.
- 8 c. On July 27, 2010, Ms. Boudlal provided a written statement to  
9 Manager Bryan Maroun reiterating the hostility and harassment she  
10 was experiencing. In her statement, Ms. Boudlal noted that her co-  
11 workers were making fun of her based on her race and religion and  
12 that they called her “Kunta” and “terrorist.” Mr. Maroun never  
13 followed up with Ms. Boudlal to inform her of any corrective actions  
14 taken by Disney and the harassment continued.
- 15 d. On August 11, 2010, Ms. Boudlal provided a written statement to  
16 Manager James Nghiem with further details of harassment based on  
17 religion, national origin and color. In her statement, Ms. Boudlal  
18 noted that her coworker Sandra Acosta told Ms. Boudlal, “Look  
19 you[r] family are seating on that side” referring to an African  
20 American family and that her supervisor Jaymee Bryan called Ms.  
21 Boudlal “Kunta” and that those and other comments occurred “at least  
22 once a week.” Ms. Boudlal also detailed other days when she  
23 provided her managers with written complaints. Mr. Nghiem never  
24 followed up with Ms. Boudlal to inform her of any corrective actions  
25 taken by Disney and the harassment continued.
- 26 19. In addition, Ms. Boudlal verbally complained to her managers James  
27 Towning, Bryan Maroun, Karun Kapata, Marissa Hermosa, James Nghiem, Erin  
28 Truax, and Mike Ashraft from July 2008 to the time of her termination. While Ms.

1 Boudlal's managers admitted that the employees' actions were inappropriate, they  
2 failed to take any corrective action and merely deflected responsibility by  
3 informing Ms. Boudlal that she "just misunderstood [her] co-workers" and that "it  
4 will take time to change things." Finally, one of the managers told her that she  
5 needed to stop complaining and any future complaints needed to be made only to  
6 Manager Bryan Maroun.

7 20. At no point during Ms. Boudlal's employment was she informed that any  
8 corrective action was taken. Nor was Ms. Boudlal notified that her harassers were  
9 to be reprimanded or sanctioned for their actions. Indeed, Ms. Boudlal continued  
10 to experience harassment until the time of her termination.

### 11 **Ms. Boudlal's Decision to Wear a Hijab**

12 21. Like many young Muslim women, Ms. Boudlal has given considerable  
13 thought and study to questions about what it means to be a devout religious person  
14 of her faith. Part of that inquiry concerned the decision to wear a hijab  
15 permanently and irreversibly, in both her private and public life. During 2009, Ms.  
16 Boudlal determined that Islam required that she wear a hijab in public. The only  
17 exception she made to this practice was for her work for Disney, as she feared that  
18 Disney would terminate her employment and she would lose necessary income.  
19 As consequence, Ms. Boudlal would remove her hijab in Disney's parking lot  
20 before entering the Café. This decision increasingly caused her to feel that she was  
21 unfaithful to a core tenet of her religion by living a double life as to her beliefs, and  
22 in June 2010 she therefore determined that she could not continue as a religious  
23 Muslim by removing her hijab in public, regardless of place or consequence. Ms.  
24 Boudlal therefore sought permission from Disney to wear her hijab in her position  
25 as hostess at the Café.

26 22. At no point did Disney or any of its managers or employees question the  
27 sincerity of Ms. Boudlal's religious practice or beliefs, or her decision to wear a  
28 hijab in the course of her work at Disney as a sincere expression of this practice

1 and these beliefs.

### 2 **The Religious Significance of the Hijab**

3 23. The practice of Muslim women covering their bodies in the presence of non-  
4 familial men has deep roots in Islam. Qur'anic passages have long supported a  
5 belief among many Muslim women prevalent through the ages and widespread in  
6 many parts of the Islamic world today, that the practice of veiling is the fulfillment  
7 of religious duty. Ms. Boudlal is an adherent of this belief.

8 24. To many Muslim women, then, beginning the practice of hijab is a step of  
9 enormous personal and spiritual import. It is common practice for a Muslim  
10 woman to wait to wear the headscarf on a permanent and irreversible basis until a  
11 point in her life when she believes she has attained a level of religious piety  
12 signified by its wearing. This was the case for Ms. Boudlal. As a young person,  
13 she imagined herself one day ready to practice hijab, but did not feel spiritually yet  
14 prepared to do so. Growing up, she had observed her faith in other ways she  
15 believed did not fully express the meaning and commands of Islam to her,  
16 including wearing the hijab during the holy month of Ramadan.

### 17 **The Storytellers Café and Disney's "Look" Policy**

18 25. The Storytellers Café serves an all-you-can-eat buffet-style breakfast, and  
19 offers pizza, sandwiches and salads for lunch and dinner. It is described on the  
20 Disney website as celebrating the age-old theme of storytelling. Disney characters  
21 such as chipmunks Chip 'n' Dale visit the restaurant floor to interact with  
22 customers. However, the restaurant's wait and host staff do not wear period or  
23 character costumes. Instead, these employees wear uniforms similar to those worn  
24 at many other restaurants, consisting of dark pants, a white shirt, and a gold vest.  
25 Disney has claimed that the restaurant's costume and decorations reflect an early  
26 19th century America theme, but the requirement that waitresses wear pants,  
27 among other facts, reflect that the stated theme is not applied rigorously, given that  
28 no woman in 19th century America wore pants at work.

1 26. Disney states that it expects that all hourly paid personnel working for  
2 Disney Parks and Resorts to adhere to the company's "look" policy. It states too  
3 that its employees must comply with the policy "[n]o matter where [they] work or  
4 what [their] role is," because "anytime [they] are in a public area, [they] are 'on  
5 stage.'"

6 27. However, the "look" policy is not applied at all or consistently at the  
7 Storytellers Café. For instance, although the policy prohibits visible tattoos,  
8 artificial hair that does not look natural, hair dyeing or highlighting that does not  
9 create a uniform look over the whole head, and fingernails that exceed one-fourth  
10 of an inch, each of these requirements has been routinely violated by multiple  
11 employees of the Café without repercussion. Christian employees observing Ash  
12 Wednesday were permitted by Disney to work with a cross of ashes on their  
13 foreheads despite the fact that this too facially violates the "look" policy.

14 28. With respect to "headwear," Disney's "look" policy provides that "[t]he only  
15 hats and sun visors that may be worn are those issued by Costuming as part of the  
16 costume." However, the "look" policy permits employees to request exceptions  
17 for religious beliefs.

#### 18 **Disney's Refusal of Ms. Boudlal's Request for Religious Accommodation**

19 29. In June 2010, Ms. Boudlal had been wearing the headscarf in all public  
20 places at all times, except for her workplace, for approximately eight months, and  
21 had grown deeply uncomfortable living a double life respecting her religious and  
22 spiritual beliefs. Accordingly, Ms. Boudlal spoke with Ms. Erin Truax, Employee  
23 Relations Manager for Southern California, and requested an exception to Disney's  
24 "look" policy to wear the headscarf.

25 30. Ms. Truax said that she needed to talk to "corporate" and would get back to  
26 Ms. Boudlal in a few weeks. She did not do so. Ms. Boudlal therefore called Ms.  
27 Truax repeatedly over the course of the next two months to obtain a response to her  
28 request, left numerous phone messages for her. She was twice told that Ms. Truax

1 was on vacation. Ms. Truax never responded to these calls.

2 31. Because Ms. Boudlal received no response from Ms. Truax regarding her  
3 request for religious accommodation, she was left with no alternative but to put a  
4 complaint in writing and she thereafter spoke with an employee relations  
5 representative in Florida. Only then did Ms. Truax set up an appointment with Ms.  
6 Boudlal to discuss her request to wear a headscarf while on the job. The meeting  
7 took place on July 30, 2010. At this meeting, Ms. Truax informed Ms. Boudlal  
8 that her request for accommodation was approved and that Disney would provide  
9 Ms. Boudlal with a scarf to match her uniform of green slacks, white blouse, and  
10 yellow vest. Ms. Boudlal stated that it was very important for her to be able to  
11 wear the hijab by the beginning of Ramadan, the Muslim month of fasting, which  
12 began on August 11, 2010 that year. Ms. Boudlal and Ms. Truax scheduled a time  
13 to go to the Disney costume department on August 9, 2010 to obtain measurements  
14 in order to be fitted for a head scarf. However, Disney managers unilaterally  
15 rescheduled the meeting to August 12, 2010, after Ramadan had begun.

16 32. On August 12, 2010, Ms. Boudlal was accordingly fitted for a head scarf by  
17 the costuming director at Disney in Anaheim. Ms. Boudlal asked how long she  
18 would have to wait before she could wear a head scarf at work. Ms. Truax replied  
19 that because the measurements would have to be sent to Florida and thereafter  
20 corporate approval of a particular head scarf was required, she could not provide  
21 any estimate of a date. Ms. Truax also stated that this was the first time Disney  
22 had ever received such a request.

23 33. The statement by Ms. Truax as to Disney's past history was in error. At  
24 least two prior actions on behalf of female Muslim employees had been brought  
25 against Disney and settled.

26 34. In the same conversation, Ms. Boudlal asked Ms. Truax if she could wear  
27 her hijab in the interim until Disney made a final decision. Ms. Truax refused this  
28 request and told Ms. Boudlal that Disney would need more time.

1 35. Ms. Truax told Ms. Boudlal that she could wear her hijab if she transferred  
2 to the bakery, where she would work “in the back” unseen by customers. But Ms.  
3 Truax added that there were many experienced applicants in line for the bakery  
4 position and that it would be difficult for Ms. Boudlal to in fact secure the position.  
5 Indeed, the time period to apply for the bakery position had already passed.

6 36. On Sunday, August 15, 2010, Ms. Boudlal arrived at work for a 6:30 a.m. to  
7 1:00 p.m. shift. As she had received no further response from Ms. Truax or from  
8 anyone at Disney, she wore her own hijab. Her manager, Mike Ashraft, stated to  
9 her that he did not have a problem with her wearing the hijab, and Ms. Boudlal  
10 proceeded to work as hostess without incident.

11 37. Some three hours later, at about 9:30 a.m., Ms. Boudlal was called into Mr.  
12 Ashraft’s office. Mr. Ashraft and James Nghiem, another manager, then told her  
13 that she could not wear the hijab because it violated Disney’s “look” policy and  
14 they were concerned about how her wearing a hijab would impact the experience  
15 of guests at Disney. Ms. Boudlal responded that her request had been approved on  
16 July 30 and that it was important to her religious belief to wear a hijab, especially  
17 as Ramadan had begun.

18 38. Mr. Ashraft and Mr. Nghiem stated that she had only two options: she could  
19 wait until Disney provided her with a hat or something to cover her hijab or she  
20 could work in the rear of the Café out of sight of the guests. Otherwise, they stated  
21 that she would be required to leave the Café without pay. Ms. Boudlal rejected the  
22 options as an infringement of her sincerely held religious beliefs. The managers  
23 thereafter sent Ms. Boudlal home about three hours before the end of her shift.

24 39. On the following day, August 16, 2010, Ms. Boudlal arrived for her assigned  
25 shift, beginning at 7:30 a.m. She was wearing her hijab. Her manager, Bryan  
26 Maroun, asked to speak with her and told her that the hijab did not comply with the  
27 Disney “look.” Mr. Maroun stated that she had only two options: she could work  
28 “backstage” away from customers and wear her hijab or she could return to her

1 hostess position without her hijab until a hat or something to cover her hijab was  
2 provided to her. Ms. Boudlal rejected these options as an infringement of her  
3 sincerely held religious beliefs. Mr. Maroun thereafter sent Ms. Boudlal home.

4 40. During the time when Mr. Maroun was directing Ms. Boudlal to leave the  
5 Café, one hostess was wearing her hair in a manner that did not comply with the  
6 Disney “look” policy and tattooing on her body was visible.

7 41. On the following day, August 17, 2010, Ms. Boudlal arrived for her assigned  
8 shift, beginning at 2:00 p.m. She was wearing her hijab. Her managers, Mr.  
9 Ashraft, Mr. Nghiem and Mr. Maroun, told her that the hijab did not comply with  
10 the Disney “look” policy. Ms. Boudlal replied that employees at the Café  
11 violated the “look” policy and received no disciplinary treatment. Ms. Boudlal  
12 then asked how long it would be before Disney provided an accommodation for  
13 her hijab. The managers replied that they did not know. The managers thereafter  
14 sent Ms. Boudlal home.

15 **Ms. Boudlal’s Continuing Efforts to Find a Reasonable Accommodation**

16 42. Ms. Boudlal met with Disney officials after August 17 to attempt to find a  
17 reasonable accommodation to her religious practice and belief requiring her to  
18 wear a hijab. Disney officials offered her only the option of wearing a hat over her  
19 hijab. No other employee at the Storytellers Café wears a hat. Ms. Boudlal  
20 rejected the option as an infringement of her sincerely held religious beliefs.

21 43. On August 31, 2010, Ms. Boudlal met with Disney officers. These officers  
22 offered her only the option of wearing a multi-colored head scarf made of the same  
23 material as her uniform vest under a hat made of the same material. No other  
24 employee at the Storytellers Café wears a hat. Ms. Boudlal rejected the option as  
25 an infringement of her sincerely held religious beliefs, though she offered to wear  
26 alone the head scarf designed by Disney. Disney officers rejected this compromise  
27 and insisted that Ms. Boudlal wear a hat at all times.

28 44. Disney thereafter informed Ms. Boudlal that she could work elsewhere in

1 the Disney complex, but in all cases “behind the scenes” and away from public  
2 view. Ms. Boudlal rejected this option as an infringement of her sincerely held  
3 religious beliefs.

4 45. Ms. Boudlal is no longer an active employee at Disney. Disney has not  
5 offered Ms. Boudlal any hours or placed her on the work schedule since August  
6 21, 2010. Indeed, Ms. Boudlal hasn’t worked at the Storyteller’s Café since  
7 August 15, 2010, shortly after Ms. Boudlal rejected Disney’s ultimatum to either  
8 wait and wear a hat at all times or work “behind the scenes”.

9 46. Ms. Boudlal was not provided a reasonable accommodation by Disney for  
10 her sincerely held religious beliefs. But for the illegal and discriminatory action by  
11 Disney, Ms. Boudlal would have been continuously employed at the Storytellers  
12 Café. By virtue of her illegal termination, Ms. Boudlal has been disadvantaged in  
13 future pursuit of employment.

14 47. On August 18, 2010, Ms Boudlal jointly filed a claim of national origin,  
15 color and religious discrimination against Disney with the EEOC and DFEH.

16 48. Ms. Boudlal has exhausted her administrative remedies and received her  
17 Notice of Right to Sue from the EEOC on August 8, 2012.

18 **V. CLAIMS FOR RELIEF**

19 **FIRST CAUSE OF ACTION**

20 **Violation of Title VII’s Prohibition of Discrimination and Harassment in**  
21 **Employment on the Basis of Religion, National Origin and Color and Failure**  
22 **to Remedy and Prevent Harassment**

23 **(42 U.S.C. § 2000e-2(a))**

24 **[Plaintiff Against All Defendants]**

25 49. Plaintiff incorporates paragraphs 1 through 48 of this Complaint as if fully  
26 set forth herein.

27 50. Title VII of the Civil Rights Act of 1964 makes it unlawful for an employer:

28 (1) to discharge any individual, or otherwise to discriminate against

1 any individual with respect to his compensation, terms, conditions,  
2 or privileges of employment, because of such individual's . . .  
3 color, religion . . . or national origin; or

4 (2) to limit, segregate, or classify his employees . . . in any way which  
5 would deprive or tend to deprive any individual of employment  
6 opportunities or otherwise adversely affect his status as an  
7 employee, because of such individual's . . . color, religion . . . or  
8 national origin.

9 42 U.S.C. § 2000e-2(a). Title VII defines religion to include "all aspects of  
10 religious observance and practice, as well as belief, unless an employer  
11 demonstrates that he is unable to reasonably accommodate to an employee's or  
12 prospective employee's religious observance or practice without undue hardship on  
13 the conduct of the employer's business." 42 U.S.C. § 2000e(j).

14 51. Title VII's prohibition on employment discrimination and harassment on the  
15 basis of religion, national origin and color applies to all businesses with fifteen or  
16 more employees for each working day in each of twenty or more calendar weeks in  
17 the current or preceding calendar year. 42 U.S.C.A. § 2000e. Disney corporation  
18 generally and Storytellers Café specifically have had more than fifteen employees  
19 at all relevant times.

20 52. In violation of Title VII, plaintiff Boudlal was subjected to offensive  
21 comments and other abusive conduct that was severe and pervasive by both her  
22 supervisors and co-workers based on her religion, national origin and color,  
23 altering the conditions of her employment. The conduct was unreasonably abusive  
24 and created an offensive and hostile work environment for plaintiff and for any  
25 reasonable person in plaintiff's position.

26 53. In violation of Title VII, plaintiff's supervisors harassed plaintiff by calling  
27 her discriminatory and derogatory slurs such as "camel," "terrorist" and "Kunta  
28 Kinte." Plaintiff's supervisors also made discriminatory and derogatory comments

1 related to plaintiff's religion, national origin and color including that Arabs are  
2 terrorists, that she speaks the terrorist language, that she is trained to make bombs,  
3 and that she gets scanned by security wherever she goes.

4 54. In violation of Title VII, Disney's management failed to take prompt action  
5 to remedy and prevent the harassment by plaintiff's supervisors and co-workers.  
6 Defendants further failed to train, supervise, and monitor their employees and  
7 agents. Indeed, Ms. Boudlal's managers deflected responsibility by informing  
8 plaintiff that she "just misunderstood [her] co-workers" and that "it will take time  
9 to change things." Finally, one of the managers told her that she needed to stop  
10 complaining.

11 55. Defendants' failure to take reasonable steps to prevent harassment based on  
12 religion, national origin and color fostered, created and encouraged an environment  
13 where such harassment was condoned, encouraged, tolerated, sanctioned and/or  
14 ratified.

15 56. Defendant Disney is vicariously liable for the unlawful acts of its agents and  
16 employees directly and/or under the doctrine of respondeat superior. The Equal  
17 Employment Opportunity Commission (EEOC) defines a supervisor as someone  
18 with the power to direct the employee's daily work activities. Plaintiff's harassing  
19 supervisors directed Ms. Boudlal's daily work activities, amongst other roles.

20 57. Plaintiff Boudlal continuously complained to Disney's management about  
21 the harassing conduct of her supervisors in writing and orally from approximately  
22 July 2008 to the time of her termination, yet defendant Disney failed to take  
23 decisive steps to end the misconduct.

24 58. In violation of Title VII, defendant Disney discriminated against Ms.  
25 Boudlal on the basis of her religion by refusing to provide a reasonable  
26 accommodation for her sincerely held religious belief that wearing a hijab is  
27 required by her faith.

28 59. In violation of Title VII, defendant Disney also discriminated against Ms.

1 Boudlal on the basis of her religion by removing her from the schedule and not  
2 permitting her to return to work in her current position if wearing her hijab, while  
3 providing more favorable treatment of similarly situated persons outside her  
4 protected class and through other acts or omissions giving rise to an inference of  
5 discrimination.

6 60. As a direct and proximate result of defendants' unlawful conduct, Ms.  
7 Boudlal has suffered and will continue to suffer emotional injuries, including, but  
8 not limited to, emotional distress, depression and anxiety. Plaintiff has suffered  
9 and continues to suffer loss of earnings and other employment benefits. Plaintiff is  
10 thereby entitled to general and compensatory damages in amounts to be proven at  
11 trial.

12 61. The conduct of defendants, through their agents, as described herein was  
13 malicious, fraudulent, and oppressive and/or done with knowledge that they were  
14 acting in violation of federal and state law, and/or with a willful and conscious  
15 disregard for plaintiff's rights and for the deleterious consequences of their actions.  
16 Consequently, plaintiff is entitled to punitive damages.

17 **SECOND CAUSE OF ACTION**

18 **Violation of the California Fair Employment and Housing Act's Prohibition**  
19 **of Harassment in Employment on the Basis of Religious Creed, National**  
20 **Origin and Color**

21 **(Cal. Gov't Code § 12940(j)(1))**

22 **[Plaintiff Against All Defendants]**

23 62. Plaintiff Boudlal incorporates paragraphs 1 through 61 of this Complaint as if  
24 fully set forth herein.

25 63. California's Fair Employment and Housing Act (FEHA) proscribes  
26 employers from harassing an employee "because of . . . religious creed, color,  
27 national origin." Cal. Gov't Code § 12940(a).

28 64. Further, FEHA makes it unlawful for an employer that "knows or should

1 have known of this conduct and fails to take immediate and appropriate corrective  
2 action.” *Id.*

3 65. In violation of FEHA, plaintiff Boudlal was subjected to offensive  
4 comments and other abusive conduct based on her religion, national origin and  
5 color by her supervisors and co-workers that was severe and pervasive, altering the  
6 conditions of her employment. The conduct was unreasonably abusive and created  
7 an offensive and hostile work environment for plaintiff and for any reasonable  
8 person in plaintiff’s position.

9 66. In violation of FEHA, plaintiff’s supervisors and co-workers harassed  
10 plaintiff by calling her discriminatory and derogatory slurs such as “camel,”  
11 “terrorist” and “Kunta Kinte.” Plaintiff’s supervisors and co-workers also made  
12 discriminatory and derogatory comments related to plaintiff’s religion, national  
13 origin and color including that Arabs are terrorists, that she speaks the terrorist  
14 language, that she is trained to make bombs, and that she gets scanned by security  
15 wherever she goes.

16 67. Plaintiff Boudlal repeatedly complained to her managers about the harassing  
17 conduct of her supervisors and co-workers in writing and orally from  
18 approximately July 2008 to the time of her termination.

19 68. In violation of FEHA, Ms. Boudlal’s managers failed to take prompt and  
20 appropriate action to remedy and prevent the harassment of plaintiff by her  
21 supervisors and co-workers. Indeed, Ms. Boudlal’s managers deflected  
22 responsibility by informing plaintiff that she “just misunderstood [her] co-workers”  
23 and that “it will take time to change things.” Finally, one of the managers told her  
24 that she needed to stop complaining.

25 69. Defendant Disney is strictly liable for the offensive and harassing conduct of  
26 its supervisors. The FEHA defines a supervisor as someone with the power to  
27 direct the employee’s daily work activities as was the case with Ms. Boudlal’s  
28 supervisors.

1 70. As a direct and proximate result of defendants' unlawful conduct, Ms.  
2 Boudlal has suffered and will continue to suffer emotional injuries, including, but  
3 not limited to, emotional distress, depression and anxiety. Plaintiff has suffered  
4 and continues to suffer loss of earnings and other employment benefits. Plaintiff is  
5 thereby entitled to general and compensatory damages in amounts to be proven at  
6 trial.

7 71. The conduct of defendants, through their agents, as described herein was  
8 malicious, fraudulent, and oppressive and/or done with knowledge that they were  
9 acting in violation of federal and state law, and/or with a willful and conscious  
10 disregard for plaintiff's rights and for the deleterious consequences of their actions.  
11 Consequently, plaintiff is entitled to punitive damages.

12 **THIRD CAUSE OF ACTION**

13 **Violation of the California Fair Employment and Housing Act's Prohibition**  
14 **of Discrimination in Employment on the Basis of Religious Creed**

15 **(Cal. Gov't Code § 12940(a))**

16 **[Plaintiff Against All Defendants]**

17 72. Plaintiff Boudlal incorporates paragraph 1 through 71 of this Complaint as if  
18 fully set forth herein

19 73. California's Fair Employment and Housing Act (FEHA) makes "it is an  
20 unlawful employment practice . . . [f]or an employer, because of the . . . religious  
21 creed . . . of any person, . . . to discriminate against the person in compensation or  
22 in terms, conditions, or privileges of employment." Cal. Gov't Code § 12940(a).

23 74. Further, FEHA prohibits "an employer . . . [from] discriminat[ing] against a  
24 person in compensation or in terms, conditions, or privileges of employment  
25 because of a conflict between the person's religious belief or observance and any  
26 employment requirement, unless the employer . . . demonstrates that it has  
27 explored any available reasonable alternative means of accommodating the  
28 religious belief or observance, including the possibilities of excusing the person

1 from those duties that conflict with his or her religious belief or observance or  
2 permitting those duties to be performed at another time or by another person, but is  
3 unable to reasonably accommodate the religious belief or observance without  
4 undue hardship on the conduct of the business of the employer or other entity  
5 covered by this part." Cal. Gov't Code § 12940(1).

6 75. FEHA's prohibition on discrimination in employment on the basis of  
7 religious creed applies to businesses regularly employing five or more persons.  
8 Cal. Gov't Code § 12926. The Disney corporation generally and Storytellers Café  
9 specifically have employed more than five persons at all relevant times.

10 76. In violation of FEHA, defendant Disney discriminated against Ms. Boudlal  
11 on the basis of her religious creed by removing her from the schedule and not  
12 permitting her to return to work in her current position if wearing her hijab, while  
13 providing more favorable treatment of similarly situated persons outside her  
14 protected class and through other acts or omissions giving rise to an inference of  
15 discrimination.

16 77. As a direct and proximate result of defendants' unlawful conduct, Ms.  
17 Boudlal has suffered and will continue to suffer emotional injuries, including, but  
18 not limited to, depression and anxiety. Plaintiff has suffered and continues to  
19 suffer loss of earnings and other employment benefits. Plaintiff is thereby entitled  
20 to general and compensatory damages in amounts to be proven at trial.

21 78. The conduct of defendants, through their agents, as described herein was  
22 malicious, fraudulent, and oppressive and/or done with knowledge that they were  
23 acting in violation of federal and state law, and/or with a willful and conscious  
24 disregard for plaintiff's rights and for the deleterious consequences of their actions.  
25 Consequently, plaintiff is entitled to punitive damages.

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1 **FOURTH CAUSE OF ACTION**

2 **Failure to Remedy and Prevent Discrimination and Harassment**

3 **(Cal. Gov't Code § 12940(k))**

4 **[Plaintiff Against All Defendants]**

5 79. Plaintiff Boudlal incorporates paragraph 1 through 78 of this Complaint as if  
6 fully set forth herein

7 80. FEHA requires employers to take “all reasonable steps necessary to prevent  
8 discrimination and harassment from occurring.” Cal. Gov't Code § 12940(k).

9 81. In violation of FEHA, Plaintiff Boudlal was subjected to severe and  
10 pervasive harassment and discrimination based on her religious creed, national  
11 origin and color. Plaintiff Boudlal complained about the harassment and  
12 discrimination to her managers on multiple occasions in writing and orally from  
13 approximately July 2008 to the time of her termination.

14 82. In violation of FEHA, defendants failed to take all reasonable steps  
15 necessary to prevent discrimination and harassment based on plaintiff's religious  
16 creed, national origin and color. In addition, defendants failed to remedy such  
17 discrimination and harassment when they realized and were informed that it was  
18 occurring. Defendants further failed to train, supervise, and monitor their  
19 employees and agents.

20 83. Indeed, Ms. Boudlal's managers deflected responsibility by informing  
21 plaintiff that she “just misunderstood [her] co-workers” and that “it will take time  
22 to change things.” Finally, one of the managers told her that she needed to stop  
23 complaining. Defendants' failure to take reasonable steps to prevent  
24 discrimination and harassment based on religious creed, national origin and color  
25 fostered, created and encouraged an environment where such discrimination and  
26 harassment was condoned, encouraged, tolerated, sanctioned and/or ratified.

27 84. As a direct and proximate result of defendants' unlawful conduct, Ms.  
28 Boudlal has suffered and will continue to suffer emotional injuries, including, but

1 not limited to, emotional distress, depression and anxiety. Plaintiff has suffered  
2 and continues to suffer loss of earnings and other employment benefits. Plaintiff is  
3 thereby entitled to general and compensatory damages in amounts to be proven at  
4 trial.

5 85. The conduct of defendants, through their agents, as described herein was  
6 malicious, fraudulent, and oppressive and/or done with knowledge that they were  
7 acting in violation of federal and state law, and/or with a willful and conscious  
8 disregard for plaintiff's rights and for the deleterious consequences of their actions.  
9 Consequently, plaintiff is entitled to punitive damages.

10 **FIFTH CAUSE OF ACTION**

11 **Wrongful Termination in Violation of Public Policy**

12 **[Plaintiff Against All Defendants]**

13 86. Plaintiff Boudlal incorporates paragraphs 1 through 85 of this Complaint as  
14 if fully set forth herein.

15 87. For all the reasons set forth above, the conduct of defendants in not offering  
16 Ms. Boudlal any hours or placing her on the work schedule since August 21, 2010  
17 constituted termination. Such termination is contrary to public policy, as embodied  
18 in the following laws, statutes and regulations, among others: all state and federal  
19 statutes and regulations prohibiting discrimination and failure to accommodate  
20 religion, including Title VII and the Fair Employment and Housing Act.

21 88. As a direct and proximate result of defendants' unlawful conduct, Ms.  
22 Boudlal has suffered and will continue to suffer emotional injuries, including, but  
23 not limited to, depression and anxiety. Plaintiff has suffered and continues to  
24 suffer loss of earnings and other employment benefits. Plaintiff is thereby entitled  
25 to general and compensatory damages in amounts to be proven at trial.

26 89. The conduct of defendants, through their agents, as described herein was  
27 malicious, fraudulent, and oppressive and/or done with knowledge that they were  
28 acting in violation of federal and state law, and/or with a willful and conscious

1 disregard for plaintiff's rights and for the deleterious consequences of their actions.  
2 Consequently, plaintiff is entitled to punitive damages.

3 **SIXTH CAUSE OF ACTION**

4 **Negligent Retention and Supervision**

5 **[Plaintiff Against All Defendants]**

6 90. Plaintiff Boudlal incorporates paragraphs 1 through 89 of this Complaint as  
7 if fully set forth herein.

8 91. Plaintiff Boudlal was subjected to severe and pervasive harassment and  
9 discrimination based on her religious creed, national origin and color by her  
10 supervisors and co-workers. Plaintiff Boudlal complained of the harassment and  
11 discrimination to her managers on multiple occasions in writing and orally from  
12 approximately July 2008 to the time of her termination.

13 92. Defendants failed to take immediate and appropriate corrective action. In  
14 failing to do so, defendants showed demonstrable negligence in the retention and  
15 supervision of their employees resulting in a foreseeable harm on plaintiff.  
16 Defendants' negligence created and encouraged an environment where such  
17 discrimination and harassment was condoned, encouraged, tolerated, affirmatively  
18 authorized and/or ratified.

19 93. As a direct and proximate result of defendants' unlawful conduct, Ms.  
20 Boudlal has suffered and will continue to suffer emotional injuries, including, but  
21 not limited to, depression and anxiety. Plaintiff has suffered and continues to  
22 suffer loss of earnings and other employment benefits. Plaintiff is thereby entitled  
23 to general and compensatory damages in amounts to be proven at trial.

24 94. The conduct of defendants, through their agents, as described herein was  
25 malicious, fraudulent, and oppressive and/or done with knowledge that they were  
26 acting in violation of federal and state law, and/or with a willful and conscious  
27 disregard for plaintiff's rights and for the deleterious consequences of their actions.  
28 Consequently, plaintiff is entitled to punitive damages.

1 **SEVENTH CAUSE OF ACTION**

2 **Intentional Infliction of Emotional Distress**

3 **[Plaintiff Against All Defendants]**

4 95. Plaintiff Boudlal incorporates paragraphs 1 through 94 of this Complaint as  
5 if fully set forth herein.

6 96. As described above, the conduct of defendants and their agents/employees  
7 was outrageous and outside the normal scope of the employment relationship.  
8 Specifically, defendants' harassment and discrimination toward plaintiff based on  
9 religion, national origin and color, in violation federal and state law, constitute  
10 conduct outside of the normal scope of the employment relationship and violative  
11 of public policy.

12 97. Defendants knew that their conduct would result in plaintiff's severe  
13 emotional distress, and said conduct was perpetrated by defendants with the intent  
14 to inflict, or with reckless disregard of the probability of inflicting humiliation,  
15 mental anguish, and severe emotional distress upon plaintiff. Such conduct did, in  
16 fact, result in severe emotional distress on plaintiff.

17 98. As a direct and proximate result of defendants' unlawful conduct, Ms.  
18 Boudlal has suffered and will continue to suffer emotional injuries, including, but  
19 not limited to, depression and anxiety. Plaintiff has suffered and continues to  
20 suffer loss of earnings and other employment benefits. Plaintiff is thereby entitled  
21 to general and compensatory damages in amounts to be proven at trial.

22 99. The conduct of defendants, through their agents, as described herein was  
23 malicious, fraudulent, and oppressive and/or done with knowledge that they were  
24 acting in violation of federal and state law, and/or with a willful and conscious  
25 disregard for plaintiff's rights and for the deleterious consequences of their actions.  
26 Consequently, plaintiff is entitled to punitive damages.

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1 **VI. PRAYER FOR RELIEF**

2 WHEREFORE, Plaintiff respectfully requests that this Court enter  
3 judgment in her favor:

4 (a) Declaring that the actions of Defendants described above constitute  
5 harassment on the basis of religion or religious creed, national origin and color in  
6 violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2(a), and  
7 the California Fair Employment and Housing Act, Cal. Gov't Code §§ 12940(j)(1)  
8 and 12940(k).

9 (b) Declaring that the actions of Defendants described above constitute  
10 discrimination on the basis of religion or religious creed in violation of Title VII of  
11 the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2(a), and the California Fair  
12 Employment and Housing Act, Cal. Gov't Code §§ 12940(a) and 12940(l).

13 (b) Permanently enjoining Defendants and its directors, officers, agents, and  
14 employees from enforcing its policy or practice of prohibiting wait or host staff  
15 employees who are adherents of the Muslim faith from wearing hijabs while in  
16 positions involving interaction with customers unless such hijabs are concealed by  
17 a hat or other object.

18 (c) Training of Disney employees, supervisors and managers regarding  
19 harassment and discrimination;

20 (d) Awarding Plaintiff applicable statutory, actual, and punitive damages  
21 under each cause of action;

22 (e) Awarding Plaintiff her expenses, costs, fees, and other disbursements  
23 associated with the filing and maintenance of this action, including reasonable  
24 attorneys' fees pursuant to 42 U.S.C. §2000e-5(k), California Gov't Code  
25 §12965, California Code of Civ. Proc. §1021.5 and any other applicable provision  
26 of law;

27 (f) Awarding such other equitable and further relief as the Court deems just  
28 and proper.

1 Dated: August 10, 2012

Respectfully submitted,

2 ACLU FOUNDATION OF  
3 SOUTHERN CALIFORNIA

4 By: Mark Rosenbaum (AR)

5 Mark D. Rosenbaum  
6 Attorneys for Plaintiff  
7 IMANE BOUDLAL

8  
9 Dated: August 10, 2012

Respectfully submitted,

10 HADSELL STORMER  
11 RICHARDSON & RENICK, LLP

12  
13 By: Ane Rele

14 Anne Richardson  
15 Reem Salahi  
16 Attorneys for Plaintiff  
17 IMANE BOUDLAL

18 **DEMAND FOR JURY TRIAL**

19  
20 Plaintiff hereby demands a jury trial on all issues so triable.

21 Dated: August 10, 2012

Respectfully submitted,

22  
23 ACLU FOUNDATION OF  
24 SOUTHERN CALIFORNIA

25 By: Mark Rosenbaum (AR)

26 Mark D. Rosenbaum  
27 Attorneys for Plaintiff  
28 IMANE BOUDLAL

1 Dated: August 10, 2012

Respectfully submitted,

2 HADSELL STORMER  
3 RICHARDSON & RENICK, LLP

4 By: 

5 Anne Richardson  
6 Reem Salahi  
7 Attorneys for Plaintiff  
8 IMANE BOUDLAL

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