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Los Angeles Superior Court

APR 17 2014

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10
11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 LOS ANGELES COUNTY
13 CIVIL -- UNLIMITED

BY FAX

15 JANE DOE NO. 2 (a pseudonym);

16 Plaintiff,

17 v.

18 BIKRAM CHOUDHURY, an individual,
19 BIKRAM'S YOGA COLLEGE OF INDIA,
20 L.P., a California Limited Partnership; and
DOES 1-25;

21 Defendants.

CASE NO.: BC508089

Dep. 38

**FIRST AMENDED COMPLAINT
COMPLAINT FOR DAMAGES**

1. SEXUAL BATTERY IN VIOLATION OF CALIFORNIA CIVIL CODE §1708.5
2. CIVIL ACTION FOR GENDER VIOLENCE IN VIOLATION OF CALIFORNIA CIVIL CODE §52.4
3. FALSE IMPRISONMENT
4. VIOLATION OF THE RALPH ACT [CALIFORNIA CIVIL CODE § 51.7]
5. INTERFERENCE WITH THE EXERCISE OF CIVIL RIGHTS IN VIOLATION OF THE BANE ACT [CALIFORNIA CIVIL CODE § 52.1]
6. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
7. NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
8. NEGLIGENCE
9. CLAIM FOR DECLARATORY AND

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| | <p style="text-align: center;">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. 2 (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 No. 2 brings this lawsuit because she was raped by Defendant Bikram Choudhury on about November 18, 2010. Further, Plaintiff JANE DOE NO. 2 was a victim of gender violence and other unlawful acts that caused her physical and emotional harm as well as deprivation of a meaningful income.

2. Plaintiff also contends that Defendants 1-25 (whose precise names are not known to Plaintiff), who were other persons in Defendant Bikram Choudhury's inner circle, were aware of Defendant Bikram Choudhury's pattern and practice of causing, inducing, or persuading young women to enroll in teacher training classes to become yoga instructors only so he can sexually assault and/or rape them. Plaintiff also contends that Defendants 1-25 (whose precise names are not known to Plaintiff), who were other persons in Defendant Bikram Choudhury's inner circle, were aware of Defendant Bikram Choudhury's propensities to sexually assault and/or rape yet they did nothing to prevent this from happening to Plaintiff or to protect her.

1 unknown to Plaintiff, who therefore sues said Defendants by such fictitious names. Plaintiff will
2 amend this Complaint by inserting the true names and capacities of each such Defendant, with
3 appropriate charging allegations, when they are ascertained. Plaintiff is informed and believes and
4 thereon alleges that each of the Defendants designated herein as a "Doe" is responsible in some
5 manner for the injuries suffered by Plaintiff and for damages proximately caused by the conduct of
6 each such Defendant as herein alleged.

7 9. Plaintiff is informed and believes and thereon alleges that at all times
8 material to this Complaint, Defendant and each of the Defendants fictitiously named in this
9 Complaint, in addition to acting for himself, herself or itself, and on his, her or its own behalf
10 individually, is and was acting as the agent, servant, employee and representative of, and with the
11 knowledge, consent and permission of, and in conspiracy with each and all of the Defendants and
12 within the course, scope and authority of that agency, service, employment, representation and
13 conspiracy. Plaintiff further alleges on information and belief that the acts of each of the
14 Defendants were fully ratified by each and all of the Defendants. Specifically, and without
15 limitation, Plaintiff alleges on information and belief that the actions, failures to act, breaches,
16 conspiracy and misrepresentations alleged herein and attributed to one or more of the specific
17 Defendants were approved, ratified and done with the cooperation and knowledge of each and all
18 of the Defendants.

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

21 VENUE

22 11. Venue is proper because Defendant Yoga College is a limited partnership
23 that is doing business, or has done business during the times related herein, in the City and County
24 of Los Angeles.

25 12. Defendant Bikram Choudhury, individually and as a managing agent of
26 Defendant Yoga College, resides in Los Angeles, California and committed acts causing harm to
27 Plaintiff in the State of California.

1 13. The injuries to Plaintiff occurred in San Diego, California.

2 **CONTINUING VIOLATIONS**

3 14. The wrongful acts and omissions giving rise to the Defendants' liability in
4 this action commenced in or about Fall 2010 and have been and are "continuing" in nature as of
5 the date of filing this Complaint. Plaintiff reserves the right to amend this Complaint as new and
6 additional facts and claims arise or become known to Plaintiff.

7 **TOLLING DUE TO DURESS AND DISABILITY**

8 15. Plaintiff was incapacitated for period at a time due to severe depression as a
9 result of Defendant Choudhury's actions, and as a result was incapable of transacting business or
10 understanding the nature and effect of her actions, and as a result is entitled to equitable tolling of
11 her claim as well at tolling under California Code of Civil Procedure section 352.

12 16. Further, Defendants placed Plaintiff under emotional duress in an attempt
13 to prevent her from filing suit or otherwise complaining of their unlawful acts. Plaintiff contends
14 that Defendant Bikram Choudhury has made threatening comments or otherwise engages in
15 implicitly threatening actions in an attempt to prevent her from coming forward. Under California
16 law, threats and undue influence are both grounds for tolling based on estoppel. "It is well settled
17 that where delay in commencing an action is induced by the conduct of the Defendant, he cannot
18 avail himself of the defense of the statute [of limitations]. [Citations.]" (*Gaglione v. Coolidge* (1955)
19 134 Cal.App.2d 518, 527, 286 P.2d 568; see also *Ruxley v. Huntsman* (1958) 159 Cal.App.2d 307, 313,
20 324 P.2d 19; *Langdon v. Langdon* (1941) 47 Cal.App.2d 28, 32, 117 P.2d 371; *Industrial Indem. Co. v.*
21 *Ind. Acc. Com.* (1953) 115 Cal.App.2d 684, 689, 252 P.2d 649; *Carruth v. Fritch* (1950) 36 Cal.2d 426,
22 434, 224 P.2d 702.)

23
24 **TOLLING DUE TO DEFENDANT UNAVAILABILITY**

25 17. On information and belief, Defendant Choudhury regularly leaves the State
26 of California and the United States for at least three (3) to six (6) months a year, if not longer.

1 Under California law, the statute of limitations does not run while a resident Defendant is out of
2 state. (Code Civ. Proc., § 351.)

3 FACTUAL DISCUSSION

4 **A. BIKRAM YOGA**

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

10 19. On information and belief, there are over 650 Bikram Yoga studios around
11 the world. On information and belief, in an effort to endear themselves to Defendant Bikram
12 Choudhury, certain Bikram Yoga studio owners, instructors and practitioners encourage young,
13 attractive and/or vulnerable female students to attend Teacher training (“TT”) and become
14 certified because they know of Defendant Bikram Choudhury’s penchant for small, younger
15 women who are flexible and “love the yoga.”

16 **B. BIKRAM YOGA TT.**

17 20. The only way to become a Bikram certified yoga instructor and teach at an
18 official Bikram yoga studio is to complete Bikram Yoga TT. The course lasts nine weeks, six days a
19 week, more than twelve hours a day, and costs approximately \$13,000 for tuition and room.
20 Students are required to stay in the hotel where TT is occurring and pay for their own food. They
21 must leave behind their family, their jobs, their entire life, and during TT, are barred from having
22 sex, even if they are married. It is a total immersion experience.

23 21. At least twice a year, Defendant Bikram Choudhury and his wife Rajashree
24 hold a TT in California. They also held TTs in Acapulco, Mexico, Hawaii and provide
25 “recertification” training and yoga seminars around the world.

26 22. Defendant Bikram Choudhury requires past students to volunteer to work
27 at TT under the guise of “Karma Yoga” saying that it was their obligation to give back what they
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1 have been given by Defendant Bikram Choudhury. There is an undercurrent of promises that if
2 you serve "the Family" or "the Community" it will help you become a better teacher, help you to
3 become a studio owner, and/or promote the benefits of yoga. Certified Bikram Yoga teachers
4 work at the TT for little or no pay. Many of these "volunteers" step away from their jobs or
5 income-producing work and travel to these TT's at great personal expense for fear that if they do
6 not do as Defendant Bikram Choudhury demands, they will suffer and be barred from teaching.
7 Some "volunteers" are so in fear of Defendant Bikram Choudhury's wrath that they will travel
8 from other countries and enter the United States illegally to work for Bikram for free, risking
9 violating immigrations laws. Once in the United States, these "volunteers" are required to serve
10 Defendant Bikram Choudhury for zero or little pay. Their duties include grooming him, massaging
11 him, making his tea, bring him food and being forced to submit to sexual assaults and rapes against
12 their will.

13 23. During TT, every moment of a student's day is controlled by the schedule
14 set by Defendant Bikram Choudhury. The day usually starts at 7:00 a.m., and ends between 2:00
15 and 3:00 a.m. Students are required to attend each and every class, and spend eight plus hours a
16 day being instructed. When they can eat, what they can drink during class (water only, and even
17 that is heavily frowned upon by Defendant), what they wear (must not wear color green and must
18 wear tight, skimpy clothing), the expressions on their faces, the words that come out of their
19 mouths and the position of their bodies are all controlled by Defendant Choudhury and other
20 instructors.

21 24. If students miss a TT class, or accidentally forget to sign in to class at the
22 very beginning, they must attend makeup classes.

23 25. On a typical day, students will do the ninety-minute (90) Bikram Yoga
24 sequence twice, and spend five hours or more in posture clinic, practicing the postures and learning
25 The Dialogue. Plaintiff and others sit through hours of lectures, and read extensively on the
26 subjects of another and yoga. Nighttime, with what little free time they have, is often spent
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1 studying "The Dialogue," which they must memorize and perform, at times in front of hundreds of
2 students.

3 26. In retrospect, Plaintiff is informed and believes, that the sole purpose of the
4 TT was to break down her body, will and spirit to rebuilt in the vision and teachings of Defendant
5 Bikram Choudhury. Day in and day out TT students are pounded with, among other things, the
6 "knowledge" that:

- 7 a. Bikram Yoga is the only true yoga – all others are false;
- 8 b. That Bikram Yoga can cure cancer and other life threatening illnesses;
- 9 c. That Bikram Yoga will enable practitioners to live to be 100 years old;
- 10 d. That Defendant Bikram Choudhury is on the same level as Jesus Christ or the
11 Buddha;
- 12 e. That Defendant Bikram Choudhury was given special knowledge by his Guru;
- 13 f. That TT students lives will be ruined if they don't follow the teachings of Defendant
14 Bikram Choudhury; and,
- 15 g. That the TT students must completely submit their lives, will and spirit to TT and to
16 Defendant Bikram Choudhury.

17 27. During lectures, Defendant Bikram Choudhury would chant the first part of
18 a phrase he had been teaching, and hundreds of students would shout back in unison the rest of the
19 phrase.

20 28. As for the classes, Defendant Bikram Choudhury would greet the students
21 by saying, "Welcome to my torture chamber." During the classes only Defendant Bikram
22 Choudhury is allowed to speak. No one else may speak unless they are spoken to. Defendant
23 Bikram Choudhury demands complete and total unquestioning obedience. When Defendant
24 Bikram Choudhury enters the room, it goes silent. No one speaks. Defendant Bikram Choudhury
25 will make an example out of anyone who does not give him complete obedience. Plaintiff
26 remembers one occasion where a student did something that offended Defendant Bikram
27 Choudhury, like rolling their eyes, and Defendant Bikram Choudhury became enraged. He topped
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1 the class, came down off his throne and walked over to the student who was in the middle of
2 hundreds of people, and proceeded to rant at the student about, "I see everything you do! You
3 think you can mess with me? I will ruin you!" The entire class was speechless. It was horrific and
4 terrified Plaintiff to listen to him.

5 29. Then, almost immediately after Defendant Bikram Choudhury humiliated
6 the student, he preached about love and harmony. Defendant Bikram Choudhury said he had to be
7 hard on people like the student he humiliated because, "I love them so much."

8 30. In the case of one student who was not thin and had large breasts,
9 Defendant Bikram Choudhury would humiliate her daily and called her "Ms. Boobs," instead of her
10 given name.

11 31. Plaintiff was present with other students who met with the other teachers
12 one evening, outside the presence of Defendant Bikram Choudhury, as they tearfully begged them
13 to intervene and stop Defendant Bikram Choudhury; that his conduct was very disturbing,
14 upsetting and not consisted with the practice of yoga. They were told that nothing to could be
15 done about Defendant Bikram Choudhury.

16 32. Students are also often required to attend evening lectures, where
17 Defendant Choudhury rants on subjects including his negative views on certain races; negative
18 views on homosexuality; the moral lassitude of Americans; his guru; his views on sex, marriage, and
19 relationships; and whatever else he should care to talk about. In addition to this indoctrination,
20 Defendant Choudhury will often require that students stay up until 2:00 a.m. or 3:00 a.m., watching
21 Bollywood movies with him while young female followers, sometimes students, sometimes
22 teachers, rub his feet and massage him for hours.

23 33. Even for devoted students who have been performing Bikram Yoga once a
24 day, TT was brutal. People who did the practice daily were breaking down. A medical tent is set
25 up next door, and students are known to faint during class for a number of reasons including
26 dehydration, gastrointestinal problems, vomit on their mate, pee on themselves, suffer heat stroke,
27 and according to a reporter who attended TT, seizures. Other students have reported that it is
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1 common for students to collapse and be unable to rise, or to be overcome with weeping in a room
2 full of hundreds of people due to the sheer physical exhaustion. These experiences are dismissed
3 by staff members and Bikram himself, often times being chalked up to healing reactions, and
4 promises that the yoga will “build character” and “make you stronger” or “make you bullet proof,”
5 instead of being acknowledged as bodies crying out for food and rest. Trainees are given a false
6 impression that if they “get through it,” (TT) they are somehow physically, mentally, emotionally,
7 and spiritually superior to people who have not submitted to such intense training. This creates
8 dangerous and confusing approaches to yoga practice that is subsequently passed on to the public
9 studying with students who are taught in this environment.

10 34. Plaintiff is informed and believes that Defendants do not pay a medical
11 professional to be on staff during the training. Defendant Bikram Choudhury discourages
12 followers from attending psychotherapy, regardless of their mental state. He publicly discourages
13 students from getting help, saying, “your only problem is that you have no problem” and/or
14 “Western people have too many choices, I give you no choice.”

15 35. If a student objects to anything Defendant Bikram Choudhury says or does,
16 he or she risks being banished and losing everything. If a student drops out of the course or is
17 ejected, he or she generally will not receive a refund. The decision as to whether a student will be
18 certified is in the sole discretion of Defendant Bikram Choudhury. Once certified, the newly-
19 certified instructor may only teach at an approved Bikram Yoga studio.

20 36. Each and every student who attends TT attends weeks of classes led by
21 Defendant Bikram Choudhury. Defendant Choudhury’s classes are peppered with highly offensive
22 and inappropriate language, sexual talk, and even sexual commentary directed at individual students,
23 particularly women. Defendant Choudhury requires certain female followers to brush his hair in
24 front of the entire class, and has been known to demand kisses from female students in public.

25 37. Plaintiff is informed and believes that, taken together, these practices
26 enabled Defendant Choudhury to wear down the resistance of Plaintiff.

27 **C. PLAINTIFF JANE DOE NO. 2 IS INTRODUCED TO BIKRAM YOGA.**

1 38. Before Plaintiff Jane Doe No. 2 went to Teacher Training (“TT”) in San
2 Diego in the Fall of 2010, Plaintiff Jane Doe No. 2, a small town girl who only saw the good in
3 others; was a happy care free person. Plaintiff Jane Doe No. 2 loved to hike bike run, surf, do yoga,
4 and spend time with friends. She was outside and active all the time. Plaintiff Jane Doe No. 2 was
5 very soft spoken yet social and had a love for life.

6 39. When Plaintiff Jane Doe No. 2 was introduced to Bikram Yoga, she really
7 liked the experience. She often went of Bikram Yoga classes with her boyfriend of many years.
8 Realizing how much Plaintiff Jane Doe No. 2 loved practicing Bikram Yoga, Plaintiff Jane Doe No.
9 2’s boyfriend gifted her with a trip to the Bikram Yoga nine-week TT. Plaintiff Jane Doe No. 2 was
10 deeply touched. She was both delighted and excited about the opportunity to learn how to teach
11 this amazing yoga that Plaintiff Jane Doe No. 2 had come to love. Plaintiff Jane Doe No. 2 hoped
12 this would give her a new career and she wanted to share it with others in her community.

13 40. During TT, Defendant Bikram Choudhury was positioned on a platform
14 that was raised about over feet off the ground. Everyone had to look up to him. The platform held
15 a huge throne; a large white overstuffed chair with orange draping. While everyone was working in
16 the heat, Defendant Bikram enjoyed fresh cool air that he could pump directly on himself.

17 41. When Plaintiff Jane Doe No. 2 first started TT, she was in the middle and
18 only two or three rows back from Bikram Choudhury’s platform; Jane Doe No. 2 worked very hard
19 during class and tried to keep the postures in sync with his commands.

20 42. After class Plaintiff Jane Doe No. 2 would walk back to her room. She often
21 observed Defendant Bikram Choudhury being wiped down with towels from his inner circle of
22 staff. One day, after Plaintiff Jane Doe No. 2 finished her class and was heading to her room,
23 Defendant Bikram Choudhury stopped her and said, “What is your name?” Plaintiff Jane Doe No.
24 2 gave her name. Then he said “[Plaintiff Jane Doe No. 2], there were hundreds of bodies in that
25 room tonight but you were the only one that listened to me. You will never learn to do yoga until
26 you first learn to listen. [Plaintiff Jane Doe No. 2], put your mat upfront and close to me every
27 class.”

1 43. Plaintiff Jane Doe No. 2 felt very special and proud and even reported back
2 to her beloved boyfriend that she was doing well in the class and that the Guru seems to be
3 impressed with her.

4 44. In response to Defendant Bikram Choudhury's instruction, Plaintiff Jane
5 Doe No. 2 placed her mat right in front of Defendant Bikram Choudhury during the yoga class.
6 She wanted to get the most out of every session as TT was given to her as a gift. She wanted to
7 make the most of this experience to express her appreciation.

8 45. At first, TT was great. Plaintiff Jane Doe No. 2 loved that her new Guru
9 Defendant Bikram Choudhury was giving her special attention in every class. She thought her
10 boyfriend would be proud that she was taking full advantage of his gift and was really excelling at
11 the training.

12 46. Every day during TT, Defendant Bikram Choudhury was right in front of
13 Plaintiff, watching her, correcting her postures, and giving her compliments. As any young
14 enthusiastic student would, Plaintiff Jane Doe No. 2 appreciated the encouragement. As the weeks
15 wore on, this became bittersweet.

16 47. What once had been praise, correction, and compliments for Plaintiff's
17 postures, soon became unwanted and uncomfortable sexual comments about Plaintiff Jane Doe
18 No. 2's body. Defendant Bikram Choudhury correlated the corrections that needed to be made in
19 her posture to corrections that needed to be made in her sexual life. It was offensive and off
20 putting. But Plaintiff was too far into TT to turn back. She did not want to disappoint her
21 boyfriend who had invested so much money in the TT.

22 48. Plaintiff, who was physically and emotionally weak from weeks of little
23 sleep, little food and endless training, became confused and fearful. She was surround by hundreds
24 of people who appeared to be devoted to Defendant Bikram and she did not know who she could
25 true or go to for help. She saw how he banished anyone who spoke against him. She did not know
26 what to do because she saw Defendant Bikram Choudhury blow up at anyone who spoke out
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1 against him, and she heard his rants about how he would crush anyone who opposed him. In fact
2 his verbal abuse of student Pandhora Williams was particularly chilling and frightening to Plaintiff.

3 49. After each yoga class when we would be laying in Savasana, Defendant
4 Bikram Choudhury would come down off his throne and put his foot on Plaintiff Jane Doe No. 2's
5 stomach or just look over her with an odd smile.

6 50. One evening after lecture, Defendant Bikram Choudhury gave everyone a
7 ten (10) minute break before the nighttime movie started. The tent cleared out quickly, but as
8 Plaintiff started to leave, Defendant Bikram Choudhury yelled out Plaintiff's name and asked her to
9 stay behind. Then, Defendant Bikram Choudhury came and sat with Plaintiff and began to talk
10 about her future with him.

11 51. Defendant Bikram Choudhury told Plaintiff he wanted her to move to L.A.
12 and work at headquarters. When Plaintiff Jane Doe No. 2 asked why, he said, "I can see something
13 inside of you that no one else can; You will be greater than Mother Teresa, but you have to follow
14 me. You have to do everything I tell you to do." Then, Defendant Bikram Choudhury grabbed
15 Plaintiff's hand and looked her in the eye and said, "I am your guru, I am your god, I see your
16 future that you cannot see. You are a piece of gold in a room full of brass, but I must melt you
17 down and mold you into what you are meant to be. Without me, you will be a piece of gold
18 undiscovered and covered in dirt."

19 52. Defendant Bikram Choudhury continued to have these interactions with
20 Plaintiff on a nearly nightly basis. It became common for Defendant Bikram Choudhury to ask
21 Plaintiff to stay behind and spend one on one time with him while others were going about their
22 business.

23 53. Defendant Bikram Choudhury told Plaintiff, many times, that "You have no
24 family; the Bikram Yoga Family is your new family; and "You have no family to go back to."

25 54. During one break he called for Plaintiff to stay behind and Plaintiff Jane
26 Doe No. 2 said she had to go to the bathroom. He said, "I'll walk with you." When Plaintiff Jane
27 Doe No. 2 came out of the bathroom, he was standing there. Out of the blue, Defendant Bikram
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1 Choudhury grabbed Plaintiff and hugged her. He told Plaintiff that he had never felt this way about
2 anyone before in his life, "No one has ever made me feel the way you do. Ever since the moment I
3 saw you, I knew, I knew I was in love with you. It's something that only my heart can explain."
4 Then, Defendant Bikram Choudhury began to wipe away "tears" and pulled Plaintiff into him and
5 kissed her.

6 55. In total shock, Plaintiff Jane Doe No. 2 pushed Defendant Bikram
7 Choudhury away and told him, "This is not right!" Defendant Bikram Choudhury immediately
8 apologized and asked for Plaintiff's forgiveness. Defendant Bikram Choudhury told Plaintiff that
9 he just "cannot help myself around you;" he would say, "there is just something about you."
10 Plaintiff Jane Doe No. 2 made it clear to Defendant Bikram Choudhury that she only loved him as
11 Guru but that was it. Period. Nothing more.

12 56. Plaintiff Jane Doe No. 2 reminded Defendant Bikram Choudhury, "You are
13 married and I have a boyfriend that I love very much." Defendant Bikram Choudhury promised
14 that this behavior would never happen again and he asked her to still come to L.A. to work saying,
15 "I just need you to be around me all the time." In his relentless pursuit, Defendant Bikram
16 Choudhury said, "You have a spirit of gold that I to need to learn from."

17 57. Plaintiff Jane Doe No. 2 was extremely shook up by Defendant Bikram
18 Choudhury's behavior, but convinced herself that it was aberrant and that her beloved Guru was
19 just overwhelmed with emotion.

20 58. Plaintiff Jane Doe No. 2 accepted his apology and agreed to his request that
21 they she never speak of this to anyone.

22 59. As TT carried on, Defendant Bikram Choudhury continued to single
23 Plaintiff out more and more. He made comments about her body and her postures. If Plaintiff
24 Jane Doe No. 2 did a posture well, he would tell the class that it was not Plaintiff that did it, but
25 rather his mind taking over her mind and body. He would tell the students, "You are not clapping
26 for her, but for me. She only does good because I take over her."
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1 60. As the days and nights of TT grew longer and longer, Plaintiff and the other
2 students became weaker and weaker – physically and emotionally. They we were deprived of sleep,
3 deprived of sunlight, malnourished, and the exhaustion from the intensity of the day in and day out
4 grind had started to truly beak down Plaintiff and her class mates. It was not unusual to see people
5 vomit, or collapse and be taken to the medical area or to burst into tears for no apparent reason.
6 She remembers one women running out screaming and in tears that she could not take it anymore
7 – that she had been yelled at all her life and could not take Defendant Bikram Choudhury’s yelling

8 61. At Defendant Bikram Choudhury’s insistence, students would be expected
9 to stay up until 2:00AM, 3:00AM, and 4:00AM watching movies of Defendant Bikram Choudhury’s
10 choice and he would have young girls including Plaintiff, massage him during the movies claiming
11 that he was in great pain and needed their help.

12 62. Around 6 weeks into TT, Defendant Bikram Choudhury told Plaintiff to
13 start spending time with A. and to tell her that Plaintiff Jane Doe No. 2 was coming to L.A.
14 Defendant Bikram Choudhury said that A. would take care of everything Plaintiff Jane Doe No. 2
15 needed to get moved. This was very disturbing to Plaintiff as she had not agreed to make such a
16 move and did not know what the job entailed. It seemed presumptuous and made her feel
17 pressured.

18 **D. PLAINTIFF JANE DOE NO. 2 IS ATTACKED BY DEFENDANT BIKRAM CHOUDHURY.**

19 63. One night/morning during a movie, Plaintiff Jane Doe No. 2 was sitting on
20 the arm of the chair massaging him. Defendant Bikram Choudhury continued to press her about
21 working for him at headquarters in Los Angeles. Defendant Bikram Choudhury kept saying don’t
22 worry about the pay; that he would take care of her if she would follow him.

23 64. As Plaintiff Jane Doe No. 2 began to ask for more details about the job, he
24 said “Let’s go up to my room. We can talk about it there.” Plaintiff Jane Doe No. 2 became
25 concerned and it must have showed on her face. Defendant Bikram Choudhury assured Plaintiff,
26 “Don’t worry, we won’t be alone.”
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1 65. Hoping that Defendant Bikram Choudhury was going to tell her about a
2 new exciting job in the yoga world, Plaintiff Jane Doe No. 2 went with Defendant Bikram
3 Choudhury to discuss a career opportunity.

4 66. As they entered the room Plaintiff Jane Doe No. 2 quickly realized that
5 they were the only two people in there and she became panicky. She immediately said “I can’t stay
6 here. I need to leave!” and then started to walk out the door. As Plaintiff Jane Doe No. 2 turned
7 to leave, Defendant Bikram Choudhury began crying for help and begged her “to save” him.
8 Defendant Bikram Choudhury pleaded, “I am all alone. I need someone to love me. I need
9 someone to touch me with love.” He said “I am weak. You saw me today, I couldn’t even make it
10 through advanced class (referring to a demonstration advanced class he had done earlier in the day),
11 but if you will love me it will give me strength.” Plaintiff Jane Doe No. 2 let him talk as she tried to
12 figure out how to leave without getting him angry.

13 67. Plaintiff Jane Doe No. 2 tried redirecting the conversation by reminding
14 him (again) that he was married and she had a boyfriend she loved dearly. In an apparent attempt
15 to manipulate her emotions, Defendant Bikram Choudhury said that his wife “was mean” to him
16 and that “she hates me.” Defendant Bikram Choudhury said, “My marriage to her is like a business
17 but my love for you is deep within my soul.”

18 68. Plaintiff Jane Doe No. 2 continued to remind Defendant Bikram
19 Choudhury to remember that she had a boyfriend and told him that, regardless of what he said,
20 Plaintiff valued his marriage to his wife.

21 69. Defendant Bikram Choudhury then said to Plaintiff Jane Doe No. 2, “I
22 have waited until tonight because before now, you were not ready, but I know you are ready now.”

23 70. “Ready for what?” Plaintiff Jane Doe No. 2 asked.

24 71. Defendant Bikram Choudhury said he saw himself in Plaintiff (he had said
25 that to her before) and that, “I need to spiritually enlighten you. In order to do that, we need to
26 become one.” Then, without warning or consent, Defendant Bikram Choudhury forcefully pulled
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1 Plaintiff towards him and had one hand around her and the other was unbuttoning her jeans. He
2 hooked his hand at the top of her pants and tried to pull them down with force.

3 72. In her weakened state, Plaintiff Jane Doe No. 2 tried desperately to fight
4 him off. She pushed Defendant Bikram Choudhury away with both hands and she fell down onto
5 the ottoman that they were standing next to. Plaintiff Jane Doe No. 2 sat up and started to cry and
6 told him that she needed to go.

7 73. Defendant Bikram Choudhury threatened, "You are not going anywhere! I
8 need you here."

9 74. Plaintiff Jane Doe No. 2 was scared for her life. She had seen his temper
10 explode several times when people did not do what he said or if people challenged his authority
11 and it terrified her.

12 75. "Stand up!" Defendant Bikram Choudhury ordered loudly, "Let me show
13 you something that will help you." Then he grabbed her wrist and forced her into the room where
14 the bed was.

15 76. Plaintiff was sobbing and in sheer terror

16 77. Then, Defendant Bikram Choudhury, said "We need to have the same mind
17 body and spirit. We already have the same mind and spirit but now we are going to have the same
18 body."

19 78. Plaintiff Jane Doe No. 2 begged Defendant Bikram Choudhury to stop, "I
20 don't want to do this," and "I'm not going to do this."

21 79. Plaintiff Jane Doe No. 2 was too weak and overwrought to fight him off
22 and escape.

23 80. Defendant Bikram Choudhury pulled her pants down and forced her onto
24 the bed. Plaintiff Jane Doe No. 2 could not stop crying and kept begging him over and over to
25 stop. He forced his unprotected penis in her vagina. Within moments it was over. The only thing
26 Defendant Bikram Choudhury said was, "How many times did you come?" Plaintiff Jane Doe No.
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1 2 was in pain, in shock and could not speak. Defendant Bikram Choudhury then ordered Plaintiff
2 to watch him until he fell asleep.

3 81. As soon as he fell asleep, After Plaintiff Jane Doe No. 2 escaped the room
4 and went to one of the restaurants. She felt completely numb. Plaintiff Jane Doe No. 2 ordered
5 something (didn't eat it) and sat there trying to gather her emotions. She did not know what to do.

6 82. The next day during lecture, Defendant Bikram Choudhury made offensive
7 sexual comments to the whole class. It was demoralizing and humiliating. He told the Plaintiff and
8 rest of the class that when he first moved to the U.S. women raped him all the time and taught him
9 how to have sex. Defendant Bikram Choudhury said he would have sex marathons. Then he
10 started talking about women's body's and how he liked "pussy" without hair on it. Defendant
11 Bikram Choudhury said, "I can't stand fat unattractive women." As he spoke, his voice was
12 becoming more and more intense and his language more vulgar.

13 83. Plaintiff Jane Doe No. 2 was distraught and overcome with emotion. She
14 put her face in her lap and started crying. Another student reached over and said, "He did
15 something to you didn't he? What did he do to you?" Plaintiff Jane Doe No. 2 couldn't answer
16 him. She just sobbed.

17 84. Plaintiff Jane Doe No. 2 looked at the doors behind her and one of
18 Defendant Bikram Choudhury's male assistants was standing right behind her watching her like a
19 hawk. She felt trapped and afraid. Plaintiff Jane Doe No. 2 stood up and ran out crying. Plaintiff
20 Jane Doe No. 2 got half way around the tent when another instructor came running after her.

21 85. "You can't just leave," he said, "You won't graduate if you don't attend
22 every lecture."

23 86. Plaintiff Jane Doe No. 2 started screaming, "Bikram is a rapist! This is all an
24 act and a scam. All of you know what's going on here and yet you turn a blind eye! I'm going home.
25 You people are all sick and I'm not going to be a part of this anymore."

26 87. The instructor tried to calm Plaintiff down and said, "We all know how
27 Bikram is, that's just part of it." He said, "If you leave now, you will never be able to come back.
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1 You will be out of the Family forever. You will not graduate and all of your hard work will be for
2 nothing.” This caused her further confusion and despair. How could she tell her boyfriend she
3 was quitting right before graduation? How could she tell him what happened?

4 88. Plaintiff Jane Doe No. 2 ran back to her room and began to frantically pack
5 her bags when her roommate walked in. They cried together but Plaintiff could not tell her what
6 happened. Her roommate eventually calmed her down and convinced her to stay due to the fact
7 that they were almost at the finish line.

8 89. As Plaintiff Jane Doe No. 2 walked to the yoga tent for evening yoga
9 Plaintiff Jane Doe No. 2 was crying. Plaintiff Jane Doe No. 2 was told, “You can’t let Boss know
10 you are upset. You need to act normal. Go put your mat where you usually do and compose
11 yourself. Plaintiff Jane Doe No. 2 started to walk away and another student came up to her and
12 hugged her and said, “I’m so sorry!” Plaintiff Jane Doe No. 2 said, “Thanks” and went to put her
13 mat down and “composed” herself before boss walked in.

14 90. During graduation, Defendant Bikram Choudhury insisted that Plaintiff stay
15 by his side the whole time. By this point her spirit was drained and she was operating out of total
16 fear. Defendant Bikram Choudhury made her sit next to him at the dinner table even though his
17 wife Rajashree (“Raj”) was there. It was humiliating. At one point during the dinner, as if knowing
18 what had happened, Raj told Defendant Bikram Choudhury to “let her go.”

19 91. Plaintiff Jane Doe No. 2 finally summoned the courage to tell Defendant
20 Bikram Choudhury that she was going home. Defendant Bikram Choudhury was insistent that she
21 did not her leave. Defendant Bikram Choudhury just wanted her to drive straight to L.A. and work
22 for him and never go home.

23 92. Before Plaintiff Jane Doe No. 2 left the ballroom, Defendant Bikram
24 Choudhury grabbed her arm and said, “If you leave and never come back, your whole life will be a
25 disaster. Your career will fail, your relationship will fail and you will be miserable for the rest of
26 your life. If you come be with me, you will have everything you have ever dreamed of. I will give
27 you life. You will flourish.”

1 93. Plaintiff Jane Doe No. 2 just looked at him and then looked down. Then he
2 said, "Hey, look at me." Plaintiff Jane Doe No. 2 looked up and his entire demeanor had changed.
3 For the last few minutes he had been begging her to stay and speaking of love. Suddenly he turned
4 into a monster. His face went from soft to one of outrage and he threatened, "If you fuck with me,
5 I'll fuck with you."

6 94. Plaintiff Jane Doe No. 2 began to tremble in fear. She then turned and
7 walked away. She packed her car and left California.

8 95. After she got home and was able to meet up with her boyfriend of many
9 years, he immediately saw a change in her but he did not know what it was. Plaintiff Jane Doe No.
10 2 was like a zombie. It was as if the life and spirit in her had left. She was too overwhelmed to
11 speak of what happened. She felt her life was over.

12 96. Plaintiff Jane Doe No. 2's life unraveled after she returned home. Her long
13 term relationship fell apart, she went into a severe depression, attempted suicide, started drinking,
14 doing drugs, engaged in uncharacteristically impulsive behavior, quit her job and cut off
15 communication from almost everyone in her life. Plaintiff could not sleep and lived in constant
16 fear that Defendant Bikram Choudhury, or one of his cronies, was going to come to her home and
17 hurt her. During the day, Plaintiff Jane Doe No. 2 was sure that people were following her. When
18 Plaintiff Jane Doe No. 2 was able to sleep, she had nightmares of Defendant Bikram Choudhury
19 locking her and other girls in a house and raping them or setting the house on fire. Plaintiff Jane
20 Doe No. 2 would rarely go out in public. Plaintiff Jane Doe No. 2 mostly stayed in the house and
21 Plaintiff Jane Doe No. 2 would sleep most of the day.

22 97. Not only did Defendant Bikram Choudhury take away Plaintiff's love for
23 yoga, and her potential career, but he took away her life, her joy, her boyfriend, her friends, and her
24 job. He destroyed her spirit. He took away her trust for others and all the trust and confidence
25 Plaintiff Jane Doe No. 2 had in herself.

26 98. Plaintiff's life has changed forever. Plaintiff Jane Doe No. 2 is trying
27 desperately to put her life back together but she will never be the same. Plaintiff has come to
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1 believe that the only way for her to have true peace is to stand up to the Defendant Bikram
2 Choudhury, the man that took away her life and hold him accountable for what he did. Plaintiff
3 believes he must to pay for what he did to her and to countless other women. Most importantly, he
4 needs to be stopped from ever doing this again.

5 **FIRST CAUSE OF ACTION**

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

7 **Against Defendant Bikram Choudhury and Does 1-25**

8 99. Plaintiff Jane Doe No. 2 incorporates by reference as though fully set forth
9 herein, each and every allegation set forth above in this Complaint. As a first separate and distinct
10 claim for relief, Plaintiff Jane Doe No. 2 complains against all Defendant Bikram Choudhury and
11 Does 1-25 as follows:

12 100. California Civil Code §1708.5 provides as follows:

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

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

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

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

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

27 (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.

10 101. Plaintiff alleges that Defendant Bikram Choudhury committed the act of
11 civil sexual battery in violation of California Civil Code §1708.5, on or about November 18, 2010 in
12 San Diego when Defendant Bikram Choudhury, willfully, maliciously, intentionally and without the
13 consent of Plaintiff Jane Doe No. 2 subjected to forceful, harmful and/or offensive touching of
14 Plaintiff Jane Doe No. 2's breasts, buttocks and vagina, including viciously raping Plaintiff by way
15 of vaginal penetration with his unprotected penis, potentially exposing her to unknown sexually
16 transmitted diseases, against her will, without her consent, and in spite of her express objection.

17 102. Plaintiff contends that a question of fact exists as to whether the statute of
18 limitations for this cause of action must be tolled.

19 103. Specifically, Plaintiff contends that the statute of limitations for this cause
20 of action must be tolled pursuant to Cal. Code of Civil Procedure § 351 for an additional six (6)
21 months because of Defendants Bikram Choudhury and Does 1-25 's absence from the State of
22 California. Cal Civil Code § 351 provides: "If, when the cause of action accrues against a person, he
23 is out of the State, the action may be commenced within the term herein limited, after his return to
24 the State, and if, after the cause of action accrues, he departs from the State, the time of his absence
25 is not part of the time limited for the commencement of the action."

26 104. Further, Plaintiff contends that that statute of limitations for this cause of
27 action must be tolled because Plaintiff was incapacitated for period at a time due to severe
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1 depression as a result of Defendant Bikram Choudhury and Doe 1 to 25's actions, and as a result
2 was incapable of transacting business or understanding the nature and effect of her actions, and as a
3 result is entitled to equitable tolling of her claim as well as tolling under California Code of Civil
4 Procedure section 352.

5 105. Further, Defendants placed Plaintiff under emotional duress in an attempt
6 to prevent her from filing suit or otherwise complaining of their unlawful acts. Plaintiff contends
7 that Defendant Bikram Choudhury made threatening comments or otherwise engages in implicitly
8 threatening actions in an attempt to prevent her from coming forward. Under California law,
9 threats and undue influence are both grounds for tolling based on estoppel. "It is well settled that
10 where delay in commencing an action is induced by the conduct of the Defendant, he cannot avail
11 himself of the defense of the statute [of limitations]. [Citations.]" (Gaglione v. Coolidge (1955) 134
12 Cal.App.2d 518, 527, 286 P.2d 568; see also Rupley v. Huntsman (1958) 159 Cal.App.2d 307, 313,
13 324 P.2d 19; Langdon v. Langdon (1941) 47 Cal.App.2d 28, 32, 117 P.2d 371; Industrial Indem. Co.
14 v. Ind. Acc. Com. (1953) 115 Cal.App.2d 684, 689, 252 P.2d 649; Carruth v. Fritch (1950) 36 Cal.2d
15 426, 434, 224 P.2d 702.)pursuant to California Code of Civil Procedure § 352 due to Plaintiff's
16 mental incapacity.

17 106. Plaintiff Jane Doe No. 2 is informed and believe and otherwise alleges that
18 Defendants BIKRAM'S YOGA COLLEGE OF INDIA, L.P., a California Limited Partnership,
19 and DOES 1-25 are strictly liable for Defendants' actions under the principles of *respondeat superior*,
20 as alleged herein and otherwise had advance knowledge that Defendant Choudhury would engage
21 in this despicable conduct and by their actions and inactions ratified, authorized and condoned this
22 unlawful behavior.

23 107. As a direct and proximate result of Defendant Bikram Choudhury's
24 unlawful conduct, Plaintiff Jane Doe No. 2 has suffered severe emotional distress, humiliation,
25 embarrassment, mental and emotional distress and anxiety, all in an amount according to proof at
26 trial.

1 within three years of the act, or if the victim was a minor when the
2 act occurred, within eight years after the date the Plaintiff attains
3 the age of majority or within three years after the date the
4 Plaintiff discovers or reasonably should have discovered the
5 psychological injury or illness occurring after the age of majority
6 that was caused by the act, whichever date occurs later.

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

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

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

18 (d) Notwithstanding any other laws that may establish the
19 liability of an employer for the acts of an employee, this section
20 does not establish any civil liability of a person because of his or
21 her status as an employer, unless the employer personally committed
22 an act of gender violence.

23 113. Plaintiff Jane Doe No. 2 alleges that Defendant Bikram Choudhury and
24 Does 1 2- 25 violated California Civil Code Section 52.4 in that one or more acts inflicted on
25 Plaintiff constitutes a criminal offense under state law that has as an element the use, attempted use,
26 or threatened use of physical force against the person or property of another, committed at least in
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1 part based on the gender of the victim, whether or not those acts have resulted in criminal
2 complaints, charges, prosecution, or conviction.

3 114. Plaintiff Jane Doe alleges that Defendant Bikram Choudhury violated
4 California Civil Code Section 52.4 in that he engaged in a physical intrusion or physical invasion of
5 a sexual nature under coercive conditions, even if those acts have not yet resulted in criminal
6 complaints, charges, prosecution, or conviction.

7 115. Plaintiff is informed and believe and otherwise alleges that each of the other
8 Defendants BIKRAM'S YOGA COLLEGE OF INDIA, L.P., a California Limited Partnership
9 ,and DOES 1-25 are strictly liable for Defendant Bikram Choudhury's actions under the principles
10 of *respondeat superior*, as alleged herein and otherwise had advance knowledge that Defendant Bikram
11 Choudhury would engage in this despicable conduct and by their actions and inactions ratified,
12 authorized and condoned this unlawful behavior.

13 116. As direct and proximate result of Defendant Bikram Choudhury's violated
14 California Civil Code Section 52.4, Plaintiff Jane Doe No. 2 suffered severe emotional distress, post
15 traumatic stress disorder, humiliation, embarrassment, mental and emotional distress and anxiety,
16 all in an amount according to proof at trial.

17 117. As direct and proximate result of Defendant Bikram Choudhury's violation
18 of California Civil Code Section 52.4, Plaintiff Jane Doe No. 2 suffered economic harm and other
19 consequential damages all in an amount according to proof at trial.

20 118. The acts of Defendant Bikram Choudhury, as alleged herein were willful,
21 wanton, and malicious and were intended to oppress and cause injury to Plaintiff Jane Doe No. 2.
22 In light of the willful, wanton, malicious and intentional conduct engaged in by Defendant Bikram
23 Choudhury, Plaintiff Jane Doe No. 2 is entitled to an award of punitive damages.

24 119. Plaintiff Jane Doe No. 2 also seeks declaratory and injunctive relief as set
25 forth below.

1 Choudhury would engage in this despicable conduct and by their actions and inactions ratified,
2 authorized and condoned this unlawful behavior.

3 126. Plaintiff contends that a question of fact exists as to whether the statute of
4 limitations for this cause of action must be tolled.

5 127. Specifically, Plaintiff contends that the statute of limitations for this cause
6 of action must be tolled pursuant to Cal. Code of Civil Procedure § 351 for an additional six (6)
7 months because of Defendants Bikram Choudhury and Does 1-25 's absence from the State of
8 California. Cal Civil Code § 351 provides: "If, when the cause of action accrues against a person, he
9 is out of the State, the action may be commenced within the term herein limited, after his return to
10 the State, and if, after the cause of action accrues, he departs from the State, the time of his absence
11 is not part of the time limited for the commencement of the action."

12 128. Further, Plaintiff contends that that statute of limitations for this cause of
13 action must be tolled because Plaintiff was incapacitated for period at a time due to severe
14 depression as a result of Defendant Bikram Choudhury and Doe 1 to 25's actions, and as a result
15 was incapable of transacting business or understanding the nature and effect of her actions, and as a
16 result is entitled to equitable tolling of her claim as well at tolling under California Code of Civil
17 Procedure section 352.

18 129. Further, Defendants placed Plaintiff under emotional duress in an attempt
19 to prevent her from filing suit or otherwise complaining of their unlawful acts. Plaintiff contends
20 that Defendant Bikram Choudhury made threatening comments or otherwise engages in implicitly
21 threatening actions in an attempt to prevent her from coming forward. Under California law,
22 threats and undue influence are both grounds for tolling based on estoppel. "It is well settled that
23 where delay in commencing an action is induced by the conduct of the Defendant, he cannot avail
24 himself of the defense of the statute [of limitations]. [Citations.]" (Gaglione v. Coolidge (1955) 134
25 Cal.App.2d 518, 527, 286 P.2d 568; see also Rupley v. Huntsman (1958) 159 Cal.App.2d 307, 313,
26 324 P.2d 19; Langdon v. Langdon (1941) 47 Cal.App.2d 28, 32, 117 P.2d 371; Industrial Indem. Co.
27 v. Ind. Acc. Com. (1953) 115 Cal.App.2d 684, 689, 252 P.2d 649; Carruth v. Fritch (1950) 36 Cal.2d
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1 426, 434, 224 P.2d 702.)pursuant to California Code of Civil Procedure § 352 due to Plaintiff's
2 mental incapacity.

3 130. Plaintiff Jane Doe No. 2 suffered severe emotional distress as a legal result
4 of the confinement by Defendants of which Plaintiff Jane Doe No. 2 complains. Specifically,
5 Plaintiff Jane Doe No. 2 suffered post traumatic stress disorder, mental distress, indignity, great
6 humiliation, emotional distress manifesting in physical symptoms, humiliation, embarrassment,
7 anger, disappointment and worry, all of which is substantial and enduring.

8 131. Defendants' actions have caused and continue to cause Plaintiff substantial
9 losses in earnings, significant professional injury and other economic harm as well as medical
10 expenses, future earnings and benefits, cost of suit, humiliation, embarrassment and anguish, all to
11 his damage in an amount according to proof.

12 132. At all material times, Defendants, and each of them, knew that Plaintiff Jane
13 Doe No. 2 depended on her income as a yoga teacher for her livelihood. At all material times,
14 Defendants were in a position of power over Plaintiff Jane Doe No. 2 – physically and financially --
15 with the potential to abuse that power.

16 133. Plaintiff Jane Doe No. 2 was in a vulnerable position because she was in a
17 physically weakened physical and emotional state due to sleep deprivation and malnutrition having
18 worked for Defendants at the Bikram Yoga TT Los Angeles of nearly 8 weeks (two 90 minute hot
19 yoga sessions a day, 3 hours of sleep a night and minimal food intake), because of her small size
20 and stature , relative lack of power, because she had placed her trust in Defendants, and because
21 she depended on Defendants for her self esteem and sense of belonging. Defendants were aware of
22 Plaintiff's vulnerability and the reasons for it.

23 134. Notwithstanding such knowledge, Defendants, and each of them, acted
24 oppressively, fraudulently, and maliciously, in willful and conscious disregard of Plaintiff's rights,
25 and with the intention of causing or in reckless disregard of the probability of causing injury and
26 emotional distress to Plaintiff Jane Doe No. 2. Further, Defendants were informed of the
27 oppressive, fraudulent and malicious conduct of their employees, agents and subordinates, and
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1 ratified, approved, and authorized that conduct. The acts of Defendants, as alleged herein, were
2 willful, wanton, and malicious and were intended to oppress and cause injury to Plaintiff. In light
3 of the willful, wanton, malicious and intentional conduct engaged in by Defendants, Plaintiff is
4 entitled to an award of punitive damages.

5 135. Plaintiff Jane Doe No. 2 also seeks declaratory and injunctive relief as set
6 forth below.

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

10 WHEREFORE, Plaintiff prays for judgment against Defendants as set forth below.

11
12 **FOURTH CAUSE OF ACTION**

13 **.VIOLATION OF THE RALPH ACT [CALIFORNIA CIVIL CODE § 51.7]**

14 **(Against All Defendants)**

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

18 138. Civil Code section 51.5, the Ralph Act, provides that persons have the right
19 to be free from violence or threat of violence, committed against their persons or property due to,
20 among other things, their gender.

21 139. On or about Fall 2010, Defendant Bikram Choudhury began making sexual
22 advances on Plaintiff. These advances were physical and verbal in nature, at times involving
23 touching the person of Plaintiff and/or making inappropriate sexual comments, and eventually
24 culminating in a violent sexual assault (rape). Subsequently, Defendant Bikram Choudhury
25 threatened he threatened, "If you fuck with me, I'll fuck with you."

26 140. Plaintiff's sex was the reason for Defendant's unwanted physical contact
27 and ultimate sexual assault.

1 141. Plaintiff is informed and believed and thereon alleges that the
2 aforementioned conduct of Defendants, and each of them, denied, aided, or incited in a denial of,
3 discriminated or made a distinction that denied Plaintiff full and equal advantages, privileges, and
4 services to Plaintiff, based solely upon Plaintiff's refusal to submit to sexual advances and her
5 objections to the physical assault that was inflicted upon her, and therefore constituted a violation
6 of the Ralph Act.

7 142. Plaintiff contends that a question of fact exists as to whether the statute of
8 limitations for this cause of action must be tolled.

9 143. Specifically, Plaintiff contends that the statute of limitations for this cause
10 of action must be tolled pursuant to Cal. Code of Civil Procedure § 351 for an additional six (6)
11 months because of Defendants Bikram Choudhury and Does 1-25 's absence from the State of
12 California. Cal Civil Code § 351 provides: "If, when the cause of action accrues against a person, he
13 is out of the State, the action may be commenced within the term herein limited, after his return to
14 the State, and if, after the cause of action accrues, he departs from the State, the time of his absence
15 is not part of the time limited for the commencement of the action."

16 144. Further, Plaintiff contends that that statute of limitations for this cause of
17 action must be tolled because Plaintiff was incapacitated for period at a time due to severe
18 depression as a result of Defendant Bikram Choudhury and Doe 1 to 25's actions, and as a result
19 was incapable of transacting business or understanding the nature and effect of her actions, and as a
20 result is entitled to equitable tolling of her claim as well at tolling under California Code of Civil
21 Procedure section 352.

22 145. Further, Defendants placed Plaintiff under emotional duress in an attempt
23 to prevent her from filing suit or otherwise complaining of their unlawful acts. Plaintiff contends
24 that Defendant Bikram Choudhury made threatening comments or otherwise engages in implicitly
25 threatening actions in an attempt to prevent her from coming forward. Under California law,
26 threats and undue influence are both grounds for tolling based on estoppel. "It is well settled that
27 where delay in commencing an action is induced by the conduct of the Defendant, he cannot avail
28

1 himself of the defense of the statute [of limitations]. [Citations.]” (Gaglione v. Coolidge (1955) 134
2 Cal.App.2d 518, 527, 286 P.2d 568; see also Rupley v. Huntsman (1958) 159 Cal.App.2d 307, 313,
3 324 P.2d 19; Langdon v. Langdon (1941) 47 Cal.App.2d 28, 32, 117 P.2d 371; Industrial Indem. Co.
4 v. Ind. Acc. Com. (1953) 115 Cal.App.2d 684, 689, 252 P.2d 649; Carruth v. Fritch (1950) 36 Cal.2d
5 426, 434, 224 P.2d 702.)pursuant to California Code of Civil Procedure § 352 due to Plaintiff’s
6 mental incapacity.

7 146. Plaintiff Jane Doe No. 2 is informed and believe and otherwise alleges that
8 Defendants BIKRAM’S YOGA COLLEGE OF INDIA, L.P., a California Limited Partnership,
9 and DOES 1-25 are strictly liable for Defendants’ actions under the principles of *respondeat superior*,
10 as alleged herein and otherwise had advance knowledge that Defendant Choudhury would engage
11 in this despicable conduct and by their actions and inactions ratified, authorized and condoned this
12 unlawful behavior.

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

17 148. As a proximate result of the wrongful actions of Defendants, and each of
18 them, Plaintiff has suffered harm, including but not limited to, severe emotional distress,
19 humiliation, embarrassment, mental anguish, and physical harm, all in an amount to be proven at
20 trial but exceeding the minimum jurisdictional limits of this court.

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

26 150. Plaintiff Jane Doe No. 2 also seeks declaratory and injunctive relief as set
27 forth below.

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

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

5 **FIFTH CAUSE OF ACTION**

6 **INTERFERENCE WITH THE EXERCISE OF CIVIL RIGHTS**
7 **IN VIOLATION OF THE BANE ACT [CALIFORNIA CIVIL CODE § 52.1]**

8 **(Against All Defendants)**

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

12 153. Civil Code section 52.1, the Bane Act, provides that it is unlawful to
13 interfere with the exercise or enjoyment of any rights under the Constitution and laws of this state
14 and the United States by use or attempted use of threats, intimidation or coercion.

15 154. At all times herein mentioned, there was a professional relationship between
16 Plaintiff and the Defendants, namely, that Plaintiff was a student whom they taught Bikram Yoga
17 to and certified as an instructor.

18 155. On or about Fall of 2010, Defendant Bikram Choudhury began making
19 sexual advances toward Plaintiff. These advances were at times physical and violent in nature, at
20 times involved touching the person of Plaintiff while making sexual comments and eventually
21 culminated in a violent sexual assault (rape).

22 156. Under Civil Code § 51, Plaintiff has the right to full and equal
23 accommodation and service in all business establishments within the state, and may not be refused
24 entry or service because of her gender.

25 157. Plaintiff's sex was the reason for Defendant's unwanted physical contact
26 and ultimate sexual assault.

1 158. 142. Plaintiff contends that a question of fact exists as to whether the
2 statute of limitations for this cause of action must be tolled.

3 159. 143. Specifically, Plaintiff contends that the statute of limitations for this
4 cause of action must be tolled pursuant to Cal. Code of Civil Procedure § 351 for an additional six
5 (6) months because of Defendants Bikram Choudhury and Does 1-25 's absence from the State of
6 California. Cal Civil Code § 351 provides: "If, when the cause of action accrues against a person, he
7 is out of the State, the action may be commenced within the term herein limited, after his return to
8 the State, and if, after the cause of action accrues, he departs from the State, the time of his absence
9 is not part of the time limited for the commencement of the action."

10 160. 144. Further, Plaintiff contends that that statute of limitations for this
11 cause of action must be tolled because Plaintiff was incapacitated for period at a time due to severe
12 depression as a result of Defendant Bikram Choudhury and Doe 1 to 25's actions, and as a result
13 was incapable of transacting business or understanding the nature and effect of her actions, and as a
14 result is entitled to equitable tolling of her claim as well as tolling under California Code of Civil
15 Procedure section 352.

16 161. 145. Further, Defendants placed Plaintiff under emotional duress in an
17 attempt to prevent her from filing suit or otherwise complaining of their unlawful acts. Plaintiff
18 contends that Defendant Bikram Choudhury made threatening comments or otherwise engages in
19 implicitly threatening actions in an attempt to prevent her from coming forward. Under California
20 law, threats and undue influence are both grounds for tolling based on estoppel. "It is well settled
21 that where delay in commencing an action is induced by the conduct of the Defendant, he cannot
22 avail himself of the defense of the statute [of limitations]. [Citations.]" (Gaglione v. Coolidge (1955)
23 134 Cal.App.2d 518, 527, 286 P.2d 568; see also Rupley v. Huntsman (1958) 159 Cal.App.2d 307,
24 313, 324 P.2d 19; Langdon v. Langdon (1941) 47 Cal.App.2d 28, 32, 117 P.2d 371; Industrial
25 Indem. Co. v. Ind. Acc. Com. (1953) 115 Cal.App.2d 684, 689, 252 P.2d 649; Carruth v. Fritch
26 (1950) 36 Cal.2d 426, 434, 224 P.2d 702.) pursuant to California Code of Civil Procedure § 352 due
27 to Plaintiff's mental incapacity.

1 162. Plaintiff Jane Doe No. 2 is informed and believe and otherwise alleges that
2 Defendants BIKRAM'S YOGA COLLEGE OF INDIA, L.P., a California Limited Partnership,
3 and DOES 1-25 are strictly liable for Defendants' actions under the principles of respondeat
4 superior, as alleged herein and otherwise had advance knowledge that Defendant Choudhury would
5 engage in this despicable conduct and by their actions and inactions ratified, authorized and
6 condoned this unlawful behavior.

7 163. Plaintiff is informed and believed and thereon alleges that the
8 aforementioned conduct of Defendants, and each of them, denied, aided, or incited in a denial of,
9 discriminated or made a distinction that denied Plaintiff full and equal advantages, privileges, and
10 services to Plaintiff, based solely upon Plaintiff's refusal to submit to sexual advances and her
11 objections to the physical assault that was inflicted upon her, and therefore constituted a violation
12 of the Bane Act.

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

17 165. As a proximate result of the wrongful actions of Defendants, and each of
18 them, Plaintiff has suffered harm, including but not limited to, severe emotional distress,
19 humiliation, embarrassment, mental anguish, and physical harm, all in an amount to be proven at
20 trial but exceeding the minimum jurisdictional limits of this court.

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

26 WHEREFORE, Plaintiff prays for relief as set forth herein.
27
28

1 173. Further, Defendants placed Plaintiff under emotional duress in an attempt
2 to prevent her from filing suit or otherwise complaining of their unlawful acts. Plaintiff contends
3 that Defendant Bikram Choudhury made threatening comments or otherwise engages in implicitly
4 threatening actions in an attempt to prevent her from coming forward. Under California law,
5 threats and undue influence are both grounds for tolling based on estoppel. "It is well settled that
6 where delay in commencing an action is induced by the conduct of the Defendant, he cannot avail
7 himself of the defense of the statute [of limitations]. [Citations.]" (Gaglione v. Coolidge (1955) 134
8 Cal.App.2d 518, 527, 286 P.2d 568; see also Rupley v. Huntsman (1958) 159 Cal.App.2d 307, 313,
9 324 P.2d 19; Langdon v. Langdon (1941) 47 Cal.App.2d 28, 32, 117 P.2d 371; Industrial Indem. Co.
10 v. Ind. Acc. Com. (1953) 115 Cal.App.2d 684, 689, 252 P.2d 649; Carruth v. Fritch (1950) 36 Cal.2d
11 426, 434, 224 P.2d 702.)pursuant to California Code of Civil Procedure § 352 due to Plaintiff's
12 mental incapacity.

13 174. Plaintiff Jane Doe No. 2 is informed and believe and otherwise alleges that
14 Defendants BIKRAM'S YOGA COLLEGE OF INDIA, L.P., a California Limited Partnership,
15 and DOES 1-25 are strictly liable for Defendants' actions under the principles of *respondeat superior*,
16 as alleged herein and otherwise had advance knowledge that Defendant Choudhury would engage
17 in this despicable conduct and by their actions and inactions ratified, authorized and condoned this
18 unlawful behavior.

19 175. As a proximate result of the extreme and outrageous conduct engaged in by
20 Defendants, Plaintiff suffered humiliation, mental anguish and extreme emotional and physical
21 distress all to her general damage in an amount according to proof at trial.

22 176. Defendants' conduct as herein alleged was malicious and oppressive in that
23 it was conduct carried on by Defendants in a willful and conscious disregard of Plaintiff's rights and
24 subjected her to cruel and unjust hardship. Plaintiff is therefore entitled to an award of punitive
25 damages against Defendants.

26 177. As a direct, foreseeable and legal result of Defendants' unlawful acts,
27 Plaintiff has suffered and continues to suffer substantial losses in earnings, bonuses and other
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1 employment benefits, in addition to expenses incurred in obtaining alternative employment, and
2 has suffered and continues to suffer humiliation, embarrassment, severe mental and emotional
3 distress, and discomfort, all to Plaintiff 's damage in an amount to be proven at trial.

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

5
6 **SEVENTH CAUSE OF ACTION**

7 **NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

8 **(Against All Defendants)**

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

12 179. Defendants owed Plaintiff a duty of care not to cause her emotional
13 distress.

14 180. Defendants breached this duty of care by way of their own conduct as
15 alleged herein.

16 181. Defendants' conduct from Fall 2010 and continuing in the present has
17 caused Plaintiff emotional distress.

18 182. Plaintiff contends that a question of fact exists as to whether the statute of
19 limitations for this cause of action must be tolled.

20 183. Specifically, Plaintiff contends that the statute of limitations for this cause
21 of action must be tolled pursuant to Cal. Code of Civil Procedure § 351 for an additional six (6)
22 months because of Defendants Bikram Choudhury and Does 1-25 's absence from the State of
23 California. Cal Civil Code § 351 provides: "If, when the cause of action accrues against a person, he
24 is out of the State, the action may be commenced within the term herein limited, after his return to
25 the State, and if, after the cause of action accrues, he departs from the State, the time of his absence
26 is not part of the time limited for the commencement of the action."
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1 184. Further, Plaintiff contends that that statute of limitations for this cause of
2 action must be tolled because Plaintiff was incapacitated for period at a time due to severe
3 depression as a result of Defendant Bikram Choudhury and Doe 1 to 25's actions, and as a result
4 was incapable of transacting business or understanding the nature and effect of her actions, and as a
5 result is entitled to equitable tolling of her claim as well at tolling under California Code of Civil
6 Procedure section 352.

7 185. Further, Defendants placed Plaintiff under emotional duress in an attempt
8 to prevent her from filing suit or otherwise complaining of their unlawful acts. Plaintiff contends
9 that Defendant Bikram Choudhury made threatening comments or otherwise engages in implicitly
10 threatening actions in an attempt to prevent her from coming forward. Under California law,
11 threats and undue influence are both grounds for tolling based on estoppel. "It is well settled that
12 where delay in commencing an action is induced by the conduct of the Defendant, he cannot avail
13 himself of the defense of the statute [of limitations]. [Citations.]" (Gaglione v. Coolidge (1955) 134
14 Cal.App.2d 518, 527, 286 P.2d 568; see also Rupley v. Huntsman (1958) 159 Cal.App.2d 307, 313,
15 324 P.2d 19; Langdon v. Langdon (1941) 47 Cal.App.2d 28, 32, 117 P.2d 371; Industrial Indem. Co.
16 v. Ind. Acc. Com. (1953) 115 Cal.App.2d 684, 689, 252 P.2d 649; Carruth v. Fritch (1950) 36 Cal.2d
17 426, 434, 224 P.2d 702.)pursuant to California Code of Civil Procedure § 352 due to Plaintiff's
18 mental incapacity.

19 186. Plaintiff Jane Doe No. 2 is informed and believe and otherwise alleges that
20 Defendants BIKRAM'S YOGA COLLEGE OF INDIA, L.P., a California Limited Partnership,
21 and DOES 1-25 are strictly liable for Defendants' actions under the principles of *respondeat superior*,
22 as alleged herein and otherwise had advance knowledge that Defendant Choudhury would engage
23 in this despicable conduct and by their actions and inactions ratified, authorized and condoned this
24 unlawful behavior.

25 187. As a proximate result of Defendants' extreme and outrageous acts, Plaintiff
26 has suffered emotional distress, humiliation and embarrassment.

1 194. Further, Plaintiff contends that that statute of limitations for this cause of
2 action must be tolled because Plaintiff was incapacitated for period at a time due to severe
3 depression as a result of Defendant Bikram Choudhury and Doe 1 to 25's actions, and as a result
4 was incapable of transacting business or understanding the nature and effect of her actions, and as a
5 result is entitled to equitable tolling of her claim as well as tolling under California Code of Civil
6 Procedure section 352.

7 195. Further, Defendants placed Plaintiff under emotional duress in an attempt
8 to prevent her from filing suit or otherwise complaining of their unlawful acts. Plaintiff contends
9 that Defendant Bikram Choudhury made threatening comments or otherwise engages in implicitly
10 threatening actions in an attempt to prevent her from coming forward. Under California law,
11 threats and undue influence are both grounds for tolling based on estoppel. "It is well settled that
12 where delay in commencing an action is induced by the conduct of the Defendant, he cannot avail
13 himself of the defense of the statute [of limitations]. [Citations.]" (Gaglione v. Coolidge (1955) 134
14 Cal.App.2d 518, 527, 286 P.2d 568; see also Rupley v. Huntsman (1958) 159 Cal.App.2d 307, 313,
15 324 P.2d 19; Langdon v. Langdon (1941) 47 Cal.App.2d 28, 32, 117 P.2d 371; Industrial Indem. Co.
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17 426, 434, 224 P.2d 702.)pursuant to California Code of Civil Procedure § 352 due to Plaintiff's
18 mental incapacity.


19 196. Plaintiff Jane Doe No. 2 is informed and believe and otherwise alleges that
20 Defendants BIKRAM'S YOGA COLLEGE OF INDIA, L.P., a California Limited Partnership,
21 and DOES 1-25 are strictly liable for Defendants' actions under the principles of *respondeat superior*,
22 as alleged herein and otherwise had advance knowledge that Defendant Choudhury would engage
23 in this despicable conduct and by their actions and inactions ratified, authorized and condoned this
24 unlawful behavior.

25 197. Plaintiff brings this action and claim for damages from said Defendants for
26 negligent actions and failures to act, and the resulting injuries and damages.

1. For a money judgment representing compensatory damages including consequential damages, lost wages, earnings, and all other sums of money, together with interest on these amounts, according to proof;
2. For an award of money judgment for mental pain and anguish and severe emotional distress, according to proof;
3. Punitive damages, according to proof;
4. For attorney's fees and costs;
5. For an additional statutory civil penalties including those allowed under Civ. Code §§52(b), 52.5 and 52.5
6. For prejudgment and post-judgment interest;
7. For declaratory and injunctive relief; and
8. For any other relief that is just and proper.

Dated: April 17, 2014

SHEA LAW OFFICES


By 
Mary Shea Hagebols
Attorney for Plaintiff Jane Doe No. 2

JURY TRIAL DEMANDED

Plaintiff Jane Doe No. 2 demands trial of all issues by jury.

Dated: April 17, 2014

SHEA LAW OFFICES

By: 
Mary Shea Hagebols
Attorney for Plaintiff Jane Doe No. 2

PROOF OF SERVICE

Jane Doe No. 2 v. Bikram Choudhury, et al.
Los Angeles County Superior Court, Case No. BC 508089

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

1. FIRST AMENDED COMPLAINT

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

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

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

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

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

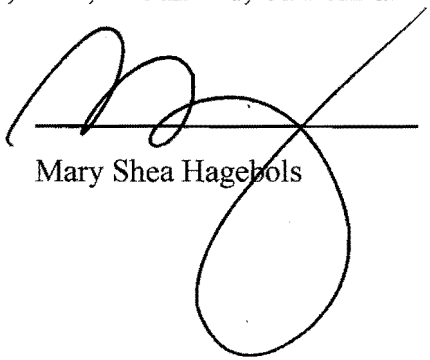
On the following attorney(s) of record and/or interested parties:

| | |
|--|---|
| Carney R. Shegerian, Esq. SHEGERIAN & ASSOCIATES, INC. 225 Arizona Avenue, Suite 400 Santa Monica, California 90401 Fax: (310) 860-0771 Email: cshegerian@shegerianlaw.com | Co-Counsel for Plaintiff |
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Attorneys for Defendant Bikram's Yoga
College of India, L.P.

9 I declare under penalty of perjury that the foregoing is true and correct, and that this
10 declaration was executed on Thursday, April 17, 2014, in Oakland, California.

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Mary Shea Hagebols