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16 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
17 **FOR THE COUNTY OF LOS ANGELES**

18 SAMUEL WINEMAN, an individual,
19 Plaintiff,

20 v.

21 AMC NETWORKS, INC., a Delaware
22 corporation; AMC NETWORK
23 ENTERTAINMENT, LLC, a California limited
24 liability company; SHUDDER, LLC, a Delaware
25 limited liability company; STEAKHAUS
26 PRODUCTIONS, INC., a California corporation;
27 BRYAN FULLER, an individual; and DOES 1
28 through 50, inclusive,
Defendants.

Case No.: 23STCV24224

VERIFIED COMPLAINT FOR DAMAGES

- 1) ***QUID PRO QUO* SEXUAL HARASSMENT;**
- 2) **RETALIATION IN VIOLATION OF PUBLIC POLICY;**
- 3) **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS;**
- 4) **NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS;**
- 5) **HARASSMENT AND HOSTILE WORK ENVIRONMENT IN VIOLATION OF FEHA;**
- 6) **FAILURE TO PREVENT HARASSMENT, DISCRIMINATION, AND RETALIATION IN VIOLATION OF FEHA;**
- 7) **NEGLIGENT HIRING, SUPERVISION, AND RETENTION;**
and
- 8) **VICARIOUS LIABILITY**

DEMAND FOR JURY TRIAL

1 **VERIFIED COMPLAINT**

2 PLAINTIFF SAMUEL WINEMAN, on information and belief, makes the following
3 allegations to support this Verified Complaint:

4 **I. THE PARTIES**

5 1. Plaintiff SAMUEL WINEMAN (“PLAINTIFF” or “MR. WINEMAN”), at all times
6 mentioned herein was, and is, a natural person residing in Los Angeles County, California. MR.
7 WINEMAN was the victim of harassment, discrimination, sexual harassment, sexual assault, and
8 retaliation, and failure to take corrective action regarding PLAINTIFF’s complaints of being
9 harassed, discriminated, sexually harassed, sexually assaulted, and retaliated against, in violation of
10 California’s Fair Employment & Housing Act (“FEHA”) (*Gov. Code* §§ 12900, *et seq.*), and thus
11 brings this action against Defendants AMC NETWORKS, INC., a Delaware corporation; AMC
12 NETWORK ENTERTAINMENT, LLC, a California limited liability company; SHUDDER, LLC,
13 a Delaware limited liability company; STEAKHAUS PRODUCTIONS, INC., a California
14 corporation; BRYAN FULLER, an individual; and DOES 1 through 50, inclusive
15 (“DEFENDANTS”). Moreover, after being placed on notice of PLAINTIFF’s claims,
16 DEFENDANTS, including supervisors, executive producers, managing agents, and other employees
17 subjected PLAINTIFF to harassment, discrimination, sexual harassment, sexual assault, and
18 retaliation as detailed below.

19 2. Defendant AMC NETWORKS, INC. (“AMC”) is a Delaware corporation qualified
20 to do business in the State of California. AMC has numerous subsidiaries, including AMC
21 NETWORK ENTERTAINMENT, LLC and SHUDDER, LLC.

22 3. On information and belief, Defendant SHUDDER, LLC (“SHUDDER”) is a
23 Delaware limited liability company. AMC owns and operates SHUDDER, a subscription video on
24 demand service, or “streaming service”. SHUDDER operates the website <www.shudder.com> and
25 the Shudder subscription multimedia streaming service.

26 4. Defendant AMC NETWORK ENTERTAINMENT, LLC (“AMC LLC”) is a
27 California limited liability company. AMC, AMC LLC, SHUDDER, and DOES 1 through 10,
28 inclusive, are referred to herein as “AMC DEFENDANTS”.

1 5. Defendant STEAKHAUS PRODUCTIONS, INC. (“STEAKHAUS”) is a California
2 corporation. STEAKHAUS and DOES 11 through 20, inclusive, are sometimes referred to herein as
3 “EXECUTIVE PRODUCER DEFENDANTS”.

4 6. Defendant BRYAN FULLER (“MR. FULLER”), at all times mentioned herein was,
5 and is, a natural person residing in Los Angeles County, California. At all times mentioned herein
6 MR. FULLER was a managing agent of AMC DEFENDANTS, EXECUTIVE PRODUCER
7 DEFENDANTS, and DOES 1 through 50. At all times mentioned herein, AMC DEFENDANTS,
8 EXECUTIVE PRODUCER DEFENDANTS, and DOES 1 through 50 were negligent and/or
9 reckless in that they knew or should have known about MR. FULLER’s acts of and propensity to
10 commit acts of harassment, discrimination, sexual harassment, sexual assault, and retaliation, and
11 failed to take immediate and appropriate corrective action. At all times mentioned herein, MR.
12 FULLER was an employer and a supervisor under California’s Fair Employment and Housing Act
13 (“FEHA”) (*Gov. Code* §§ 12900, *et seq.*).

14 7. In doing the acts complained of herein, MR. FULLER acted individually and as an
15 agent of AMC DEFENDANTS, EXECUTIVE PRODUCER DEFENDANTS, and DOES 1 through
16 50, and, as such, AMC DEFENDANTS, EXECUTIVE PRODUCER DEFENDANTS, and DOES 1
17 through 50 are liable for MR. FULLER’s acts of unlawful harassment, discrimination, sexual
18 harassment, sexual assault, and retaliation. MR. FULLER is personally liable for his acts of unlawful
19 harassment pursuant to *Government Code* section 12940, subdivision (j)(3).

20 8. PLAINTIFF is informed and believes and thereon alleges that each of the
21 DEFENDANTS sued herein as a DOE is responsible in some manner for the events and happenings
22 herein referred to, thereby proximately causing the injuries and damages to PLAINTIFF herein set
23 forth. However, the true names, identities, and capacities, whether individual, associate, corporate
24 or otherwise of DEFENDANTS DOES One (1) through Fifty (50), inclusive, and each Doe in
25 between, are currently unknown to PLAINTIFF. PLAINTIFF therefore sues said DEFENDANTS
26 by such fictitious names pursuant to *Code of Civil Procedure* section 474. When the true names and
27 capacities or participation of such fictitiously designated DEFENDANTS are ascertained,
28 PLAINTIFF will seek leave of the Court to amend this Complaint to insert said true names,

1 identities, and capacities, together with the proper charging allegations.

2 9. PLAINTIFF is in doubt and does not know exactly from which of the
3 DEFENDANTS sued herein he is entitled to redress, and whether he suffered the damages herein
4 described due to the combined acts of the DEFENDANTS, or one or more of them. Therefore,
5 PLAINTIFF names all the DEFENDANTS, and each of them sued herein as enumerated on the
6 caption page of this Complaint and asks that the Court determine the nature and extent of the
7 responsibility which falls upon each, and all said DEFENDANTS, either jointly or severally, as may
8 be found liable.

9 10. PLAINTIFF is informed and believes, and based thereon alleges that, at all relevant
10 times, DEFENDANTS were the agents of AMC DEFENDANTS and EXECUTIVE PRODUCER
11 DEFENDANTS, and in doing things herein alleged, each DEFENDANT was acting in the course
12 and scope of such agency, with the consent, notification, and permission of each of the AMC
13 DEFENDANTS and EXECUTIVE PRODUCER DEFENDANTS. AMC DEFENDANTS and
14 EXECUTIVE PRODUCER DEFENDANTS ratified the actions of the other DEFENDANTS and
15 named employees as alleged herein.

16 II. JURISDICTION AND VENUE

17 11. PLAINTIFF brings this action pursuant to and under the provisions of the Fair
18 Employment and Housing Act, California *Government Code* sections 12940, *et seq.* (hereinafter
19 referred to as “FEHA”), Article 1, section 1 of the California Constitution, and other common and
20 statutory laws.

21 12. The amount in controversy exceeds the minimum jurisdictional threshold of this
22 Court.

23 13. AMC DEFENDANTS, EXECUTIVE PRODUCER DEFENDANTS, and MR.
24 FULLER are, and at all relevant times hereto have been, an “employer” as defined by FEHA. At all
25 times mentioned herein, AMC DEFENDANTS, EXECUTIVE PRODUCER DEFENDANTS, and
26 MR. FULLER employed five (5) or more employees for each working day in each of twenty or more
27 calendar weeks in the current or preceding calendar year and is otherwise subject to the provisions
28 of FEHA and other applicable laws.

1 14. State policy favors jurisdiction and venue in the County of Los Angeles, California
2 because the State of California has a policy of protecting California residents and ensuring the
3 applicability of FEHA and other applicable California laws.

4 15. This court has personal jurisdiction over DEFENDANTS because they are residents
5 of and/or doing business in the State of California.

6 16. Venue is proper in this county in accordance with Section 395(a) of the California
7 *Code of Civil Procedure* because (i) the DEFENDANTS, or some of them, reside in Los Angeles
8 County, and (ii) the injuries and harassment complained of occurred in Los Angeles County.

9 **III. EXHAUSTION OF ADMINISTRATIVE REMEDIES**

10 17. Within the time provided by law, PLAINTIFF filed charges with the California
11 Department of Fair Employment and Housing (“FEHA”) alleging harassment, discrimination,
12 sexual harassment, sexual assault, and retaliation against AMC DEFENDANTS, EXECUTIVE
13 PRODUCER DEFENDANTS, and MR. FULLER.

14 18. On May 25, 2023, PLAINTIFF filed a complaint with the California Civil Rights
15 Department (“CRD”), naming AMC Networks, Inc., c/o Kristin Dolan, and Shudder Network, c/o
16 AMC Networks, Inc., as “Respondents” (CRD Matter No. 202305-20791125). Thereafter, the CRD
17 issued a “Right to Sue” letter to PLAINTIFF. A copy of the Right to Sue Letter is attached hereto
18 as Exhibit A, A-1.

19 19. On May 25, 2023, PLAINTIFF filed a complaint with the California Civil Rights
20 Department (“CRD”), naming AMC Networks, Inc., in New York and in Delaware, as
21 “Respondents” (CRD Matter No. 202305-20791825). Thereafter, the CRD issued a “Right to Sue”
22 letter to PLAINTIFF. A copy of the Right to Sue Letter is attached hereto as Exhibit A, A-2.

23 20. On April 24, 2023, PLAINTIFF filed a complaint with the California Civil Rights
24 Department (“CRD”), naming Bryan Fuller and Steakhaus Productions, Inc., c/o Ara A. Babaian as
25 “Respondents” (CRD Matter No. 202304-20455124). On May 26, 2023, PLAINTIFF filed an
26 amended complaint with CRD. On April 24, 2023, the CRD issued a “Right to Sue” letter to
27 PLAINTIFF. A copy of the Right to Sue Letter is attached hereto as Exhibit A, A-3.

28 21. PLAINTIFF has received three notices of “right to sue” letters to sue in California

1 Superior Court pursuant to California *Government Code* section 12965, subdivision (c). PLAINTIFF
2 files this action within one year of receipt of his “right to sue” letters from CRD, and has, therefore,
3 properly exhausted his administrative remedies, and has timely filed this complaint. PLAINTIFF
4 received a Right to Sue letter on April 24, 2023, and two Right to Sue letters on May 25, 2023. This
5 action is being filed within one year from the date PLAINTIFF was issued the Right to Sue letters.
6 True and correct copies of the same are attached hereto as Exhibit “A,” A-1 to A-3.

7 IV. FACTS COMMON TO ALL CAUSES OF ACTION

8 22. Defendant BRYAN FULLER cultivated and maintained a hostile work environment
9 as a result of harassment, discrimination, sexual harassment, sexual assault, and retaliation from the
10 years 2020 to 2022.

11 23. MR. FULLER sexually assaulted PLAINTIFF several times throughout the
12 STEAKHAUS Production of *Queer for Fear* for AMC DEFENDANTS and their streaming service,
13 SHUDDER.

14 24. MR. FULLER did so under the guise of ‘cracking [PLAINTIFF’s] back’ and, due to
15 his height, completely restricted PLAINTIFF from movement as MR. FULLER pressed his penis
16 against PLAINTIFF’s buttocks, holding it there so PLAINTIFF could feel it through the fabric of
17 MR. FULLER’s track pants, in or around May and June 2021.

18 25. From on or around August 2020 to approximately July 2021, MR. FULLER
19 frequently brought up his penis, whether it was reading material that gave him erections, actors/films
20 that he “masturbated so much” to, adult/child power dynamics in stories that he was “wanking it to”
21 or “jerked off so many times to,” or describing the adult men he interpreted as grooming a 12-year-
22 old-boy in a movie as “sexy as f*ck” in July 2021.

23 26. MR. FULLER’s preoccupation with masturbation permeated everything, like asking
24 an interviewee to prepare by watching his film recommendation with a “box of tissues and lotion”
25 in October 2020. MR. FULLER talked about “furiously masturbating” so often, the phrase became
26 a running theme among employees. Sexual harassment over text messages to PLAINTIFF included
27 inappropriate replies to work texts, such as when PLAINTIFF asked if an interviewee identified as
28 gay and MR. FULLER said, “No, but his d*ck tastes like sh*t” in August 2020.

1 27. In other texts, MR. FULLER called PLAINTIFF a “c*nt”, asked if a disgraced
2 producer “flash[ed PLAINTIFF] his penis”, and described to PLAINTIFF, in detail, “the last time
3 [MR. FULLER] got f*cked” in September 2020.

4 28. Visual harassment included MR. FULLER leaving out personal lubricant and balled
5 up tissues on his work desk, in or around May 2021, so when PLAINTIFF visited, PLAINTIFF
6 would know MR. FULLER had been masturbating.

7 29. Another time, MR. FULLER messaged PLAINTIFF to tell PLAINTIFF his lube was
8 in view of AMC executives during their zoom call, in February 2021.

9 30. Relentless verbal harassment included casual bullying, such as shouting
10 “[PLAINTIFF’s] an asshole!” during work meetings from approximately January to July 2021, and
11 humiliating PLAINTIFF in front of subordinates, such as expressing displeasure with a bathroom
12 break by saying, “[PLAINTIFF] can use the sink” in June 2021.

13 31. Behind closed doors, MR. FULLER berated PLAINTIFF until PLAINTIFF cried,
14 criticizing not just PLAINTIFF’s leadership style, but who PLAINTIFF was, saying PLAINTIFF
15 was weak, had no charisma, and that PLAINTIFF was ‘drier than NPR’ in July 2021.

16 32. Whenever MR. FULLER perceived anything PLAINTIFF did as rejection, he
17 retaliated by denying creative requests, sabotaging shots, heckling interviewees, storming off set,
18 and ignoring PLAINTIFF, sometimes for weeks, until PLAINTIFF appeased him throughout 2020,
19 2021, and 2022.

20 33. EXECUTIVE PRODUCER DEFENDANTS, namely “Steak House”, an individual
21 also known as “Stacy Rallison” (“Ms. House”), forced PLAINTIFF to go to MR. FULLER’s home
22 in July 2021 and apologize for not putting MR. FULLER’s needs first, saying ‘[MR. FULLER] is
23 the money’, and ‘we have to keep the money happy’.

24 34. MR. FULLER manufactured a constant fear for job safety, firing individuals
25 PLAINTIFF worked with who supported PLAINTIFF. MR. FULLER’s actions put employees
26 wishing to keep their jobs in a state of constant conflict, culminating in, for several of them, tearful
27 breakdowns at the *Queer for Fear* shoots approximately between May and June 2021.

28 35. Between 2020 and 2021, MR. FULLER made discriminatory comments targeting

1 groups that crew and interviewees belonged to, PLAINTIFF included, frequently proclaiming his
2 hatred of all gay men. MR. FULLER's comments created an opening for EXECUTIVE
3 PRODUCER DEFENDANTS, namely Ms. House, to make anti-trans and racially insensitive
4 remarks throughout the production as well in approximately May, June, and August 2021.

5 36. The powerlessness of their hostile work environment was reinforced by the way MR.
6 FULLER mocked any sort of reporting, such as when an interviewee expressed discomfort with the
7 way MR. FULLER was speaking and he ridiculed the individual about "calling human resources"
8 in July 2021.

9 37. EXECUTIVE PRODUCER DEFENDANTS, namely Ms. House, denied
10 PLAINTIFF's requests to have a trained First Assistant Director ("1st AD"), an individual
11 responsible for workplace safety (including harassment), saying Ms. House did that already,
12 approximately between April and July 2021.

13 38. Ms. House eventually allowed PLAINTIFF to hire an individual to keep the
14 production on schedule, crediting him as 1st AD in name only, but letting him go after approximately
15 four days.

16 39. PLAINTIFF reported MR. FULLER's harassment and hostile work environment to
17 Defendant STAGE 3, namely Phil Nobile Jr., Defendant STEAKHAUS, namely Ms. House, and
18 Nick Lazo at Defendants AMC and SHUDDER in June and July 2021.

19 40. Defendant STEAKHAUS, namely Ms. House, witnessed and enabled harassment,
20 but did not act and ignored PLAINTIFF's concerns in real time as they happened.

21 41. In August 2021, about four weeks after PLAINTIFF reported MR. FULLER's abuse,
22 including but not limited to, MR. FULLER's unlawful behavior and comments, to Nick Lazo at
23 AMC and SHUDDER, PLAINTIFF was removed from the *Queer for Fear* project by Ms. House.

24 42. AMC DEFENDANTS and EXECUTIVE PRODUCER DEFENDANTS ignored all
25 warning signs, facilitated, and permitted MR. FULLER's unlawful conduct, and ultimately ratified
26 MR. FULLER's behavior and comments. DEFENDANTS' final act of retaliation was reducing
27 PLAINTIFF's earned credits when the production aired on or around September 30, 2022.
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V. CAUSES OF ACTION

FIRST CAUSE OF ACTION

QUID PRO QUO SEXUAL HARASSMENT

(By PLAINTIFF against all DEFENDANTS)

43. PLAINTIFF incorporates by reference as though fully set forth herein each of the foregoing Paragraphs of this Complaint and incorporates the same by this reference as set forth above.

44. As alleged herein, PLAINTIFF was employed by DEFENDANTS at all times relevant hereto.

45. Agents and/or employees of DEFENDANTS, namely MR. FULLER, engaged in unwanted verbal and physical conduct of a sexual nature toward PLAINTIFF.

46. The terms of employment, job benefits, or favorable working conditions were made contingent, by words or conduct, on PLAINTIFF’s acceptance of DEFENDANTS.

47. PLAINTIFF was harmed.

48. DEFENDANTS’ conduct was a substantial factor in causing PLAINTIFF’s harm.

49. As a proximate result thereof, PLAINTIFF has suffered damages in the form of future lost earnings, future economic loss, past noneconomic loss, including physical pain and mental suffering, and future noneconomic loss, including physical pain and mental suffering, all in an amount to be proved at trial.

50. In acting as herein alleged, DEFENDANTS acted with fraud, oppression, and malice and with the intent to cause injury to PLAINTIFF. The conduct of DEFENDANTS was fraudulent, despicable, and oppressive, and was taken in conscious disregard of the rights of PLAINTIFF. Accordingly, PLAINTIFF is entitled to recover exemplary and punitive damages from DEFENDANTS in a sum sufficient to punish and make an example of DEFENDANTS, which sum shall be shown according to proof at trial.

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SECOND CAUSE OF ACTION

RETALIATION IN VIOLATION OF PUBLIC POLICY

(By PLAINTIFF against DEFENDANTS)

51. PLAINTIFF incorporates by reference as though fully set forth herein each of the foregoing Paragraphs of this Complaint and incorporates the same by this reference as set forth above.

52. In acting as herein alleged, DEFENDANTS retaliated against PLAINTIFF for reporting being harassed, discriminated against based on sex, gender, and sexual orientation, and being unlawfully sexually harassed and assaulted by his employer.

53. PLAINTIFF is protected as a man and from on-the-job sexual harassment by DEFENDANTS, his employer.

54. DEFENDANTS discharged PLAINTIFF, or PLAINTIFF was constructively discharged.

55. PLAINTIFF’s subjection to on-the-job sexual harassment, sex discrimination, and general unlawful treatment (or his reasonable belief that he was being subjected to same), and his reporting of same, were substantial motivating reasons for DEFENDANTS’ decision to terminate PLAINTIFF’s contract for employment.

56. PLAINTIFF was harmed.

57. DEFENDANTS’ unreasonable decision to terminate PLAINTIFF’s contract for employment was a substantial factor in causing PLAINTIFF’s harm.

58. As a proximate result thereof, PLAINTIFF has suffered damages in the form of future lost earnings, future economic loss, past noneconomic loss, including physical pain and mental suffering, and future noneconomic loss, including physical pain and mental suffering, all in an amount to be proved at trial.

59. In acting as herein alleged, DEFENDANTS acted with fraud, oppression, and malice and with the intent to cause injury to PLAINTIFF. The conduct of DEFENDANTS was fraudulent, despicable, and oppressive, and was taken in conscious disregard of the rights of PLAINTIFF. Accordingly, PLAINTIFF is entitled to recover exemplary and punitive damages from

1 DEFENDANTS in a sum sufficient to punish and make an example of DEFENDANTS, which sum
2 shall be shown according to proof at trial.

3
4 **THIRD CAUSE OF ACTION**

5 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

6 **(By PLAINTIFF against DEFENDANTS)**

7 60. PLAINTIFF incorporates by reference as though fully set forth herein each of the
8 foregoing Paragraphs of this Complaint and incorporates the same by this reference as set forth
9 above.

10 61. DEFENDANTS’ conduct as described herein was outrageous.

11 62. In acting as described herein, DEFENDANTS intended to cause PLAINTIFF
12 emotional distress, or acted with reckless disregard of the probability that PLAINTIFF would suffer
13 emotional distress, knowing that PLAINTIFF was present when the conduct occurred.

14 63. PLAINTIFF suffered severe emotional distress, including suffering, anguish, fright,
15 horror, nervousness, grief, anxiety, worry, shock, humiliation, helplessness, and shame.

16 64. DEFENDANTS’ conduct was a substantial factor in causing PLAINTIFF’s severe
17 emotional distress.

18 65. As a proximate result thereof, PLAINTIFF has suffered damages in the form of future
19 lost earnings, future economic loss, past noneconomic loss, including physical pain and mental
20 suffering, and future noneconomic loss, including physical pain and mental suffering, all in an
21 amount to be proved at trial.

22 66. In acting as herein alleged, DEFENDANTS acted with fraud, oppression, and malice
23 and with the intent to cause injury to PLAINTIFF. The conduct of DEFENDANTS was fraudulent,
24 despicable, and oppressive, and was taken in conscious disregard of the rights of PLAINTIFF.
25 Accordingly, PLAINTIFF is entitled to recover exemplary and punitive damages from
26 DEFENDANTS in a sum sufficient to punish and make an example of DEFENDANTS, which sum
27 shall be shown according to proof at trial.
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FOURTH CAUSE OF ACTION

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

(By PLAINTIFF against DEFENDANTS)

67. PLAINTIFF incorporates by reference as though fully set forth herein each of the foregoing Paragraphs of this Complaint and incorporates the same by this reference as set forth above.

68. DEFENDANTS’ conduct as described herein caused PLAINTIFF to suffer serious emotional distress, including suffering, anguish, fright, horror, nervousness, grief, anxiety, worry, shock, humiliation, helplessness, and shame.

69. In causing PLAINTIFF to suffer serious emotional distress, DEFENDANTS were negligent, violating duties owed to PLAINTIFF.

70. DEFENDANTS’ negligence was a substantial factor in causing PLAINTIFF’s severe emotional distress.

71. As a proximate result thereof, PLAINTIFF has suffered damages in the form of future lost earnings, future economic loss, past noneconomic loss, including physical pain and mental suffering, and future noneconomic loss, including physical pain and mental suffering, all in an amount to be proved at trial.

FIFTH CAUSE OF ACTION

HARASSMENT AND HOSTILE WORK ENVIRONMENT HARASSMENT IN

VIOLATION OF THE FAIR EMPLOYMENT AND HOUSING ACT

(GOV. CODE, § 12940, SUBD. (j)(1))

(By PLAINTIFF against DEFENDANTS)

72. PLAINTIFF incorporates by reference as though fully set forth herein each of the foregoing Paragraphs of this Complaint and incorporates the same by this reference as set forth above.

73. This action is brought pursuant to the California Fair Employment and Housing Act,

1 section 12940, subdivision (j)(1) of the *Government Code*, which prohibits harassment against a
2 person on the basis of the person’s sex, gender or sexual orientation, and the corresponding
3 regulations of the California Fair Employment and Housing Commission.

4 74. At all times mentioned herein, DEFENDANTS regularly employed at least one
5 employee bringing the DEFENDANTS within the provision of California *Government Code* section
6 12940, *et seq.*, prohibiting employers or their agents from harassing employees on the basis of “sex,
7 gender, ...or sexual orientation.”

8 75. PLAINTIFF was subjected to harassment based on his sex, gender, and sexual
9 orientation by DEFENDANTS, causing a harassing, hostile and abusive work environment.

10 76. As alleged herein, PLAINTIFF was employed by DEFENDANTS at all times
11 relevant hereto.

12 77. PLAINTIFF was subjected to unwanted harassing conduct and sexual assault during
13 PLAINTIFF’s employment as alleged herein. Further, DEFENDANTS repeatedly engaged in
14 unwelcome, harassing behavior that was derogatory on the basis of PLAINTIFF’s sex, gender, and
15 sexual orientation.

16 78. The harassing conduct was severe or pervasive.

17 79. A reasonable man in PLAINTIFF’s circumstances would have considered the work
18 environment to be hostile or abusive.

19 80. PLAINTIFF considered the work environment to be hostile or abusive.

20 81. DEFENDANTS engaged in the conduct alleged herein, and their fellow supervisors,
21 employees or agents knew or should have known of the conduct and failed to take immediate and
22 appropriate corrective action. In fact, DEFENDANTS participated in, assisted, encouraged, and
23 ratified the harassing conduct.

24 82. PLAINTIFF was harmed.

25 83. The conduct of DEFENDANTS was a substantial factor in causing PLAINTIFF’s
26 harm.

27 84. As a proximate result thereof, PLAINTIFF has suffered damages in the form of future
28 lost earnings, future economic loss, past noneconomic loss, including physical pain and mental

1 suffering, and future noneconomic loss, including physical pain and mental suffering, all in an
2 amount to be proved at trial.

3 85. Since PLAINTIFF was harassed in violation of law, PLAINTIFF is entitled to
4 recover attorneys' fees and costs in this action pursuant to *Government Code* section 12965,
5 subdivision (b).

6 86. In acting as herein alleged, DEFENDANTS acted with fraud, oppression, and malice
7 and with the intent to cause injury to PLAINTIFF. The conduct of DEFENDANTS was fraudulent,
8 despicable, and oppressive, and was taken in conscious disregard of the rights of PLAINTIFF.
9 Accordingly, PLAINTIFF is entitled to recover exemplary and punitive damages from
10 DEFENDANTS in a sum sufficient to punish and make an example of DEFENDANTS, which sum
11 shall be shown according to proof at trial.

12 87. DEFENDANTS committed the acts herein alleged maliciously, fraudulently, and
13 oppressively, with the wrongful intention of injuring PLAINTIFF from an improper motive
14 amounting to malice, and in conscious disregard of PLAINTIFF's rights. Such conduct was also
15 authorized and/or ratified by an officer, director or managing agent of DEFENDANTS and DOES
16 1 through 50.

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19 **SIXTH CAUSE OF ACTION**

20 **FAILURE TO PREVENT HARASSMENT, DISCRIMINATION, AND RETALIATION IN**

21 **VIOLATION OF THE FAIR EMPLOYMENT AND HOUSING ACT**

22 **(GOV. CODE, §§ 12940, et seq.)**

23 **(By PLAINTIFF against DEFENDANTS)**

24 88. PLAINTIFF incorporates by reference as though fully set forth herein each of the
25 foregoing Paragraphs of this Complaint and incorporates the same by this reference as set forth
26 above.

27 89. At all times mentioned herein, FEHA, *Government Code* section 12940, subdivision
28 (k), was in full force and effect and was binding on DEFENDANTS. This statute deems it is unlawful

1 employment practice in California for an employer “to fail to take all reasonable steps necessary to
2 prevent discrimination, harassment, and retaliation from occurring.”

3 90. During the course of PLAINTIFF’s employment, DEFENDANTS failed to prevent
4 their employees, agents and executive producers from engaging in intentional actions that resulted
5 in PLAINTIFF’s harassment and discrimination because of PLAINTIFF’s protected status (i.e., his
6 sex, gender, and sexual orientation).

7 91. During the course of PLAINTIFF’s employment, DEFENDANTS failed to prevent
8 their employees from engaging in unjustified employment practices against employees in such
9 protected classes. DEFENDANTS condoned, encouraged, tolerated, sanctioned, ratified, approved
10 of, and/or acquiesced in discrimination toward and harassment of PLAINTIFF.

11 92. In acting as alleged herein, DEFENDANTS failed to take all reasonable steps to
12 prevent harassment, discrimination, sexual harassment, sexual assault, and retaliation based on
13 PLAINTIFF’s status as a man, and PLAINTIFF’s subjection to on-the-job sexual harassment and
14 other unlawful harassment and reporting thereof.

15 93. As alleged herein, PLAINTIFF was employed by DEFENDANTS at all times
16 relevant hereto.

17 94. PLAINTIFF was subjected to harassment, discrimination, sexual harassment, sexual
18 assault, and retaliation during the course of PLAINTIFF’s employment.

19 95. DEFENDANTS failed to take all reasonable steps to prevent the harassment,
20 discrimination, sexual harassment, sexual assault, and retaliation.

21 96. PLAINTIFF was harmed.

22 97. DEFENDANTS’ failure to take all reasonable steps to prevent harassment,
23 discrimination, sexual harassment, sexual assault, and retaliation was a substantial factor in causing
24 PLAINTIFF’s harm.

25 98. As a proximate result thereof, PLAINTIFF has suffered damages in the form of future
26 lost earnings, future economic loss, past noneconomic loss, including physical pain and mental
27 suffering, and future noneconomic loss, including physical pain and mental suffering, all in an
28 amount to be proved at trial.

1 99. As a result of DEFENDANTS’ willful, knowing, and intentional misconduct as
 2 alleged herein, PLAINTIFF has incurred and continues to incur legal expenses and attorneys’ fees.
 3 Pursuant to *Government Code* section 12965, subdivision (b), PLAINTIFF is entitled to recover
 4 reasonable attorneys’ fees and costs (including expert costs) in an amount according to proof.

5 100. In acting as herein alleged, DEFENDANTS acted with fraud, oppression, and malice
 6 and with the intent to cause injury to PLAINTIFF. The conduct of DEFENDANTS was fraudulent,
 7 despicable, and oppressive, and was taken in conscious disregard of the rights of PLAINTIFF.
 8 Accordingly, PLAINTIFF is entitled to recover exemplary and punitive damages from
 9 DEFENDANTS in a sum sufficient to punish and make an example of DEFENDANTS, which sum
 10 shall be shown according to proof at trial.

11
 12 **SEVENTH CAUSE OF ACTION**
 13 **NEGLIGENT HIRING, TRAINING, AND RETENTION**
 14 **(By PLAINTIFF against DEFENDANTS)**

15 101. PLAINTIFF incorporates by reference as though fully set forth herein each of the
 16 foregoing Paragraphs of this Complaint and incorporates the same by this reference as set forth
 17 above.

18 102. At all times mentioned herein, DEFENDANTS, and their employees and agents,
 19 including but not limited to DOES 1 through 50, and each of them, owed PLAINTIFF a duty to
 20 exercise reasonable care, including the duty to foster a harassment-free work environment and use
 21 reasonable measures to protect him from workplace bullying, harassment, discrimination, and
 22 retaliation. This meant observing, responding to, and preventing physical, emotional, and mental
 23 harm to PLAINTIFF.

24 103. At all times mentioned herein, DEFENDANTS, and their employees and agents,
 25 including but not limited to DOES 1 through 50, and each of them, owed PLAINTIFF a duty of care
 26 to provide a safe workplace with a multi-faceted tiered system of support, including strategies to
 27 prevent, respond to, and recover from incidents of workplace bullying, harassment, discrimination,
 28 and retaliation, as well as corollary duties to uphold the standards of inclusion, respect and civility

1 and foster an understanding that workplace bullying, harassment, discrimination, and retaliation are
2 unacceptable, inappropriate, and harmful.

3 104. DEFENDANTS, and their employees and agents, including but not limited to DOES
4 1 through 50, and each of them, allowed managers, supervisors, and executive producers to severely
5 and pervasively discriminate, harass, and bully PLAINTIFF, as well as retaliate against him.
6 DEFENDANTS, and their employees and agents, including but not limited to DOES 1 through 50,
7 and each of them, were aware, or had reasonable suspicion of the workplace bullying, harassment,
8 discrimination, and retaliation and should have been aware how easily employees such as Plaintiff
9 could be subject to pervasively workplace bullying, harassment, discrimination, and retaliation
10 within DEFENDANTS' control.

11 105. In carrying out the above conduct, DEFENDANTS, and their employees and agents,
12 including but not limited to DOES 1 through 50, and each of them, breached their duties to
13 PLAINTIFF by failing to properly hire, train, and/or retain its executive producers, supervisors,
14 managers, employees, and staff against workplace bullying, harassment, discrimination, and
15 retaliation and/or how to appropriate handle incidents of workplace bullying, harassment,
16 discrimination, and retaliation. DEFENDANTS, and their employees and agents, including but not
17 limited to DOES 1 through 50, and each of the, were aware of the discriminatory, harassing, and
18 retaliatory conduct because PLAINTIFF repeatedly reported to supervisors and/or management. The
19 conduct of Defendant MR. FULLER as PLAINTIFF's supervisor, and other EXECUTIVE
20 PRODUCER DEFENDANTS exceeded the inherent risks of employment and was not the sort of
21 conduct a reasonable person could cope with and expect to occur within the workplace.

22 106. In the alternative to the preceding paragraph, DEFENDANTS, and their employees
23 and agents, including but not limited to DOES 1 through 50, and each of them, breached their duties
24 to Plaintiff by acting contrary to their training on how to appropriately address and respond to
25 incidents of workplace bullying, harassment, discrimination, and retaliation when they were put on
26 notice, the bullying and harassment occurring at the time, and failed to prevent the workplace
27 bullying, harassment, discrimination, and retaliation; failed to stop the workplace bullying,
28 harassment, discrimination, and retaliation; failed to properly investigate into the matter further;

1 failed to develop a safe, fair, and independent complaint-reporting process; failed to ensure that an
2 independent discipline review team examined the workplace bullying, harassment, discrimination,
3 and retaliation; and failed to apply disciplinary actions and interventions in accordance with
4 DEFENDANTS' policies and procedures to ensure Plaintiff's safety and well-being at the
5 workplace.

6 107. As a direct and proximate result of the careless and negligent acts and/or omissions
7 of DEFENDANTS, and their employees and agents, including but not limited to DOES 1 through
8 50, and each of them, PLAINTIFF sustained economic harms and losses in an amount according to
9 proof at the time of trial. These amounts included but are not limited to lost wages and benefits that
10 exceed the jurisdictional requirements of this Court.

11 108. As a further result of DEFENDANTS' actions, PLAINTIFF suffered severe physical
12 sickness or injury, emotional and mental distress, depression, anguish, humiliation, shame,
13 embarrassment, fright, shock, pain, discomfort, and anxiety. These amounts exceed the jurisdictional
14 requirements of this Court.

15
16
17 **EIGHTH CAUSE OF ACTION**

18 **VICARIOUS LIABILITY**

19 **(By PLAINTIFF against DEFENDANTS)**

20 109. PLAINTIFF incorporates by reference as though fully set forth herein each of the
21 foregoing Paragraphs of this Complaint and incorporates the same by this reference as set forth
22 above.

23 110. An employer or principal is responsible for harm caused by the wrongful conduct of
24 its employees or agents while acting within the scope of their employment or authority.

25 111. An employee or agent is always responsible for harm caused by his/her/its own
26 wrongful conduct, whether or not the employer or principal is also liable.

27 112. PLAINTIFF was harmed by DEFENDANTS' intentional and negligent conduct, as
28 set forth herein.

1 113. DEFENDANTS are further responsible for PLAINTIFF’s harm since DOES 1
2 through 50 were acting as employees or agents of DEFENDANTS when the incidents described
3 herein occurred and were acting within the scope of their agency or employment relationship with
4 DEFENDANTS.

5 114. As a proximate result thereof, PLAINTIFF has suffered damages in the form of future
6 lost earnings, future economic loss, past noneconomic loss, including physical pain and mental
7 suffering, and future noneconomic loss, including physical pain and mental suffering, all in an
8 amount to be proved at trial.

9 115. In acting as herein alleged, DEFENDANTS acted with fraud, oppression, and malice
10 and with the intent to cause injury to PLAINTIFF. The conduct of DEFENDANTS was fraudulent,
11 despicable, and oppressive, and was taken in conscious disregard of the rights of PLAINTIFF.
12 Accordingly, PLAINTIFF is entitled to recover exemplary and punitive damages from
13 DEFENDANTS in a sum sufficient to punish and make an example of DEFENDANTS, which sum
14 shall be shown according to proof at trial.

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PRAYER FOR RELIEF

WHEREFORE, PLAINTIFF SAMUEL WINEMAN prays that judgment be entered in his favor and against DEFENDANTS, and their employees and agents, including but not limited to DOES 1 through 50, and each of them, as follows:

1. For general damages for emotional distress and mental anguish in a sum according to proof;
2. For special damages, according to proof;
3. For equitable relief;
4. For pre-judgment interest at the prevailing legal rate;
5. For attorneys’ fees and costs as permitted based on above causes of action;
6. For punitive damages in an amount sufficient to punish and make an example out of all individual DEFENDANTS; and
7. For such other and further relief as this Court may deem just and proper.

Dated: September 28, 2023

Respectfully submitted,

GOOD GUSTAFSON AUMAIS LLP

By: /s/ J. Ryan Gustafson
 J. RYAN GUSTAFSON
 CHRISTINA W. KIM
Attorneys for Plaintiff,
 SAMUEL WINEMAN

ATKINS & ASSOCIATES ATTORNEYS AT LAW LLC

By: /s/ Pamela Atkins
 PAMELA ATKINS
Attorneys for Plaintiff,
 SAMUEL WINEMAN

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GOOD GUSTAFSON AUMAIS LLP

DEMAND FOR JURY TRIAL

PLAINTIFF SAMUEL WINEMAN hereby demands a trial by jury on all claims so triable.

Dated: September 28, 2023

Respectfully submitted,
GOOD GUSTAFSON AUMAIS LLP

By: /s/ J. Ryan Gustafson
J. RYAN GUSTAFSON
CHRISTINA W. KIM
Attorneys for Plaintiff,
SAMUEL WINEMAN

ATKINS & ASSOCIATES ATTORNEYS AT LAW LLC

By: /s/ Pamela Atkins
PAMELA ATKINS
Attorneys for Plaintiff,
SAMUEL WINEMAN

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EXHIBIT A

A-1



Civil Rights Department

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1684 (voice) | 800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

May 25, 2023

Pamela I Atkins
6075 Barfield Rd.
Atlanta, GA 30328

RE: Notice to Complainant's Attorney
CRD Matter Number: 202305-20791125
Right to Sue: Wineman / AMC Networks Inc. c/o Kristin Dolan et al.

Dear Pamela I Atkins:

Attached is a copy of your complaint of discrimination filed with the Civil Rights Department (CRD) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also attached is a copy of your Notice of Case Closure and Right to Sue.

Pursuant to Government Code section 12962, CRD will not serve these documents on the employer. You must serve the complaint separately, to all named respondents. Please refer to the attached Notice of Case Closure and Right to Sue for information regarding filing a private lawsuit in the State of California. A courtesy "Notice of Filing of Discrimination Complaint" is attached for your convenience.

Be advised that the CRD does not review or edit the complaint form to ensure that it meets procedural or statutory requirements.

Sincerely,

Civil Rights Department



Civil Rights Department

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calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

May 25, 2023

RE: Notice of Filing of Discrimination Complaint

CRD Matter Number: 202305-20791125

Right to Sue: Wineman / AMC Networks Inc. c/o Kristin Dolan et al.

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Civil Rights Department (CRD) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

No response to CRD is requested or required.

Sincerely,

Civil Rights Department



Civil Rights Department

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800-884-1684 (voice) | 800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

May 25, 2023

Samuel Wineman
1541 Rockwood St. Apt. 13
Los Angeles, CA 90026

RE: Notice of Case Closure and Right to Sue
CRD Matter Number: 202305-20791125
Right to Sue: Wineman / AMC Networks Inc. c/o Kristin Dolan et al.

Dear Samuel Wineman:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective May 25, 2023 because an immediate Right to Sue notice was requested.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

To obtain a federal Right to Sue notice, you must contact the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this CRD Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Civil Rights Department

1 **COMPLAINT OF EMPLOYMENT DISCRIMINATION**
2 **BEFORE THE STATE OF CALIFORNIA**
3 **Civil Rights Department**
4 **Under the California Fair Employment and Housing Act**
5 **(Gov. Code, § 12900 et seq.)**

6 **In the Matter of the Complaint of**

7 Samuel Wineman

CRD No. 202305-20791125

8 Complainant,

9 vs.

10 AMC Networks Inc. c/o Kristin Dolan
11 11 Penn Plaza
12 New York, NY 10001

13 Shudder c/o AMC Networks, Inc.
14 11 Penn Plaza
15 New York, NY 10001

16 Respondents

17 **1. Respondent AMC Networks Inc. c/o Kristin Dolan is an employer subject to suit under the**
18 **California Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).**

19 **2. Complainant is naming Shudder c/o AMC Networks, Inc. business as Co-Respondent(s).**

20 **3. Complainant Samuel Wineman, resides in the City of Los Angeles, State of CA.**

21 **4. Complainant alleges that on or about September 30, 2022, respondent took the**
22 **following adverse actions:**

23 **Complainant was harassed.**

24 **Complainant was discriminated against** because of complainant's sexual orientation,
25 sexual harassment- hostile environment and as a result of the discrimination was
26 terminated, reprimanded, demoted, denied any employment benefit or privilege, denied
27 work opportunities or assignments.

28 **Complainant experienced retaliation** because complainant reported or resisted any form
of discrimination or harassment and as a result was terminated, reprimanded, demoted,
denied work opportunities or assignments.

1
2 **Additional Complaint Details:** Bryan Fuller cultivated and maintained a hostile work
3 environment as a result of harassment, discrimination, sexual harassment, sexual assault,
4 and retaliation. Fuller sexually assaulted me several times on a Steakhaus Production for
5 Shudder and AMC Networks. Fuller did so under the guise of “cracking my back” and, due to
6 his height, completely restricted me from movement as he pressed his penis against my
7 buttocks, holding it there so I could feel it through the fabric of his track pants. Fuller
8 frequently brought up his penis, whether it was reading material that gave him erections,
9 actors/films that he “masturbated so much” to, adult/child power dynamics in stories that he
10 was “wanking it to” or “jerked off so many times to,” or describing the adult men he
11 interpreted as grooming a 12-year-old-boy in a movie as “sexy as fuck.” His preoccupation
12 with masturbation permeated everything, like asking an interviewee to prepare by watching
13 his film recommendation with a “box of tissues and lotion.” Fuller talked about “furiously
14 masturbating” so often, the phrase became a running joke among employees.

15 Sexual harassment over text messages included inappropriate replies to work texts, like
16 when I asked if an interviewee identified as gay and he said, “No, but his dick tastes like
17 shit.” In other texts, Fuller called me a “cunt,” asked if a disgraced producer “flash[ed me] his
18 penis,” and described to me, in detail, “the last time [he] got fucked.” Visual harassment
19 included Fuller leaving out personal lubricant and balled up tissues on his work desk so
20 when I visited, I’d know he’d been masturbating. Another time, Fuller messaged me to tell
21 me his lube was in view of AMC executives during our zoom call. Relentless verbal
22 harassment included casual bullying, like shouting “Sam’s an asshole!” during work
23 meetings and humiliating me in front of subordinates, like expressing displeasure with a
24 bathroom break by saying, “Sam can use the sink.” Behind closed doors, Fuller berated me
25 until I cried, criticizing not just my leadership style, but who I am, saying I was weak, had no
26 charisma, and that I was drier than NPR. When Fuller perceived anything I did as rejection,
27 he retaliated by denying creative requests, sabotaging shots, heckling interviews, storming
28 off set, and ignoring me, sometimes for weeks, until I appeased him. House required me to
go to Fuller’s home and apologize for not putting Bryan’s needs first, saying he’s the money,
and we have to keep the money happy. Fuller manufactured a constant fear for job safety,
firing anyone I worked with who supported me. This put employees wishing to keep their
jobs in conflict, culminating in, for several of them, tearful breakdowns at our final shoots.

Fuller made discriminatory comments targeting groups that crew and interviewees
belonged to, myself included, frequently proclaiming his hatred of all gay men. This created
an opening for House to make anti-trans and racially insensitive remarks throughout the
production as well. The powerlessness of our hostile work environment was reinforced by
the way Fuller mocked any sort of reporting, like when an interviewee expressed discomfort
with the way Fuller was speaking and he cracked a joke about calling “human resources.”
Executive Producer Steak House denied my requests to have a trained 1st Assistant
Director, an individual responsible for workplace safety (including harassment), saying she
does that already. Ms. House eventually allowed me to hire someone to keep us on
schedule, crediting him as 1st AD in name only, but let him go after just 4 days.

Steakhaus Productions, through Ms. House, witnessed and enabled harassment, but did
not act. Stage 3, through Phil Nobile Jr, ignored and acquiesced the conduct. After reporting
Fuller’s behavior to Nick Lazo at Shudder, my employment was terminated. Shudder and

1 AMC Networks ignored all warning signs, facilitated the conduct, and ultimately permitted
2 Fuller's behavior. Their final act of retaliation was reducing my earned credits when the
3 production aired 9/30/22.

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Date Filed: May 25, 2023

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1 VERIFICATION

2 I, **Samuel Wineman**, am the **Complainant** in the above-entitled complaint. I have
3 read the foregoing complaint and know the contents thereof. The same is true of my
4 own knowledge, except as to those matters which are therein alleged on information
and belief, and as to those matters, I believe it to be true.

5 On May 25, 2023, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

7 **Los Angeles, CA**

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Date Filed: May 25, 2023

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EXHIBIT A

A-2



Civil Rights Department

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1684 (voice) | 800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

May 25, 2023

Pamela I Atkins
6075 Barfield Rd.
Atlanta, GA 30328

RE: Notice to Complainant's Attorney
CRD Matter Number: 202305-20791825
Right to Sue: Wineman / AMC Networks, Inc. c/o Corporation Service Company
et al.

Dear Pamela I Atkins:

Attached is a copy of your complaint of discrimination filed with the Civil Rights Department (CRD) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also attached is a copy of your Notice of Case Closure and Right to Sue.

Pursuant to Government Code section 12962, CRD will not serve these documents on the employer. You must serve the complaint separately, to all named respondents. Please refer to the attached Notice of Case Closure and Right to Sue for information regarding filing a private lawsuit in the State of California. A courtesy "Notice of Filing of Discrimination Complaint" is attached for your convenience.

Be advised that the CRD does not review or edit the complaint form to ensure that it meets procedural or statutory requirements.

Sincerely,

Civil Rights Department



Civil Rights Department

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May 25, 2023

RE: Notice of Filing of Discrimination Complaint

CRD Matter Number: 202305-20791825

Right to Sue: Wineman / AMC Networks, Inc. c/o Corporation Service Company
et al.

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Please refer to the attached complaint for a list of all respondent(s) and their contact information.

No response to CRD is requested or required.

Sincerely,

Civil Rights Department



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800-884-1684 (voice) | 800-700-2320 (TTY) | California's Relay Service at 711
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May 25, 2023

Samuel Wineman
1541 Rockwood St. Apt. 13
Los Angeles, CA 90026

RE: Notice of Case Closure and Right to Sue
CRD Matter Number: 202305-20791825
Right to Sue: Wineman / AMC Networks, Inc. c/o Corporation Service Company
et al.

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Civil Rights Department

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2 **BEFORE THE STATE OF CALIFORNIA**
3 **Civil Rights Department**
4 **Under the California Fair Employment and Housing Act**
5 **(Gov. Code, § 12900 et seq.)**

6 **In the Matter of the Complaint of**

7 Samuel Wineman

CRD No. 202305-20791825

8 Complainant,

9 vs.

10 AMC Networks, Inc. c/o Corporation Service Company
11 80 State Street
12 Albany, NY 12207

13 AMC Networks, Inc.
14 251 Little Falls Drive
15 Wilmington, DE 19808

16 Respondents

17
18
19 **1. Respondent AMC Networks, Inc. c/o Corporation Service Company is an employer**
20 **subject to suit under the California Fair Employment and Housing Act (FEHA) (Gov. Code, §**
21 **12900 et seq.).**

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23 **3. Complainant Samuel Wineman, resides in the City of Los Angeles, State of CA.**

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28 sexual harassment- hostile environment and as a result of the discrimination was
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work opportunities or assignments.

1 **Complainant experienced retaliation** because complainant reported or resisted any form
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3 denied any employment benefit or privilege, denied work opportunities or assignments.

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6 and retaliation. Fuller sexually assaulted me several times on a Steakhaus Production for
7 Shudder and AMC Networks. Fuller did so under the guise of “cracking my back” and, due to
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14 with masturbation permeated everything, like asking an interviewee to prepare by watching
15 his film recommendation with a “box of tissues and lotion.” Fuller talked about “furiously
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22 when I visited, I’d know he’d been masturbating. Another time, Fuller messaged me to tell
23 me his lube was in view of AMC executives during our zoom call. Relentless verbal
24 harassment included casual bullying, like shouting “Sam’s an asshole!” during work
25 meetings and humiliating me in front of subordinates, like expressing displeasure with a
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2 Fuller's behavior to Nick Lazo at Shudder, my employment was terminated. Shudder and
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3 Fuller's behavior. Their final act of retaliation was reducing my earned credits when the
production aired 9/30/22.
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Date Filed: May 25, 2023

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1 VERIFICATION

2 I, **Samuel Wineman**, am the **Complainant** in the above-entitled complaint. I have
3 read the foregoing complaint and know the contents thereof. The same is true of my
4 own knowledge, except as to those matters which are therein alleged on information
and belief, and as to those matters, I believe it to be true.

5 On May 25, 2023, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

7 **Los Angeles, CA**

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Date Filed: May 25, 2023

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EXHIBIT A

A-3



Civil Rights Department

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1684 (voice) | 800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

May 26, 2023

Samuel Wineman
1541 Rockwood St. Apt. 13
Los Angeles, CA 90026

RE: **Notice to Complainant**
CRD Matter Number: 202304-20455124
Right to Sue: Wineman / Fuller et al.

Dear Samuel Wineman:

Attached is a copy of your **amended** complaint of discrimination filed with the Civil Rights Department (CRD) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq.

Pursuant to Government Code section 12962, CRD will not serve these documents on the employer. You or your attorney must serve the complaint. If you do not have an attorney, you must serve the complaint yourself.

The amended complaint is deemed to have the same filing date of the original complaint. This is not a new Right to Sue letter. The original Notice of Case Closure and Right to Sue issued in this case remains the only such notice provided by the CRD. (Cal. Code Regs., tit. 2, § 10022.)

Be advised that the CRD does not review or edit the complaint form to ensure that it meets procedural or statutory requirements.

Sincerely,

Civil Rights Department

1 **COMPLAINT OF EMPLOYMENT DISCRIMINATION**
2 **BEFORE THE STATE OF CALIFORNIA**
3 **Civil Rights Department**
4 **Under the California Fair Employment and Housing Act**
5 **(Gov. Code, § 12900 et seq.)**

6 **In the Matter of the Complaint of**

7 Samuel Wineman

CRD No. 202304-20455124

8 Complainant,

9 vs.

10 Bryan Fuller
11 2328 Cove Ave.
12 Los Angeles, CA 90039

13 c/o Attorney Bryan J. Freedman, Esq. Freedman &
14 Taitelman, LLP
15 1801 Century Park West 5th Floor
16 Los Angeles, CA 90067

17 Steakhaus Productions, Inc. c/o Ara A Babaian
18 1100 Wilshire Boulevard, Suite 3305
19 Los Angeles, CA 90017

20 Respondents

21 1. Respondent **Bryan Fuller** is an **employer** subject to suit under the California Fair
22 Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

23 2. Complainant is naming **c/o Attorney Bryan J. Freedman, Esq. Freedman & Taitelman,**
24 **LLP** business as Co-Respondent(s).
25 Complainant is naming **Steakhaus Productions, Inc. c/o Ara A Babaian** business as Co-
26 Respondent(s).

27 3. Complainant **Samuel Wineman**, resides in the City of **Los Angeles**, State of **CA**.

28 4. Complainant alleges that on or about **August 20, 2021**, respondent took the
following adverse actions:

Complainant was harassed.

1 **Complainant was discriminated against** because of complainant's sexual orientation,
2 sexual harassment- hostile environment and as a result of the discrimination was
3 terminated, reprimanded, demoted, denied any employment benefit or privilege, denied
4 work opportunities or assignments.

5 **Complainant experienced retaliation** because complainant reported or resisted any form
6 of discrimination or harassment and as a result was terminated, reprimanded, demoted,
7 denied work opportunities or assignments.

8 **Additional Complaint Details:** Bryan Fuller cultivated and maintained a hostile work
9 environment as a result of harassment, discrimination, sexual harassment, sexual assault,
10 and retaliation. Fuller sexually assaulted me several times on a Steakhaus Production for
11 Shudder and AMC Networks. Fuller did so under the guise of "cracking my back" and, due
12 to his height, completely restricted me from movement as he pressed his penis against my
13 buttocks, holding it there so I could feel it through the fabric of his track pants. Fuller
14 frequently brought up his penis, whether it was reading material that gave him erections,
15 actors/films that he "masturbated so much" to, adult/child power dynamics in stories that he
16 was "wanking it to" or "jerked off so many times to," or describing the adult men he
17 interpreted as grooming a 12-year-old-boy in a movie as "sexy as fuck." His preoccupation
18 with masturbation permeated everything, like asking an interviewee to prepare by watching
19 his film recommendation with a "box of tissues and lotion." Fuller talked about "furiously
20 masturbating" so often, the phrase became a running joke among employees.
21 Sexual harassment over text messages included inappropriate replies to work texts, like
22 when I asked if an interviewee identified as gay and he said, "No, but his dick tastes like
23 shit." In other texts, Fuller called me a "cunt," asked if a disgraced producer "flash[ed me] his
24 penis," and described to me, in detail, "the last time [he] got fucked." Visual harassment
25 included Fuller leaving out personal lubricant and balled up tissues on his work desk so
26 when I visited, I'd know he'd been masturbating. Another time, Fuller messaged me to tell
27 me his lube was in view of AMC executives during our zoom call. Relentless verbal
28 harassment included casual bullying, like shouting "Sam's an asshole!" during work
meetings and humiliating me in front of subordinates, like expressing displeasure with a
bathroom break by saying, "Sam can use the sink." Behind closed doors, Fuller berated me
until I cried, criticizing not just my leadership style, but who I am, saying I was weak, had no
charisma, and that I was drier than NPR. When Fuller perceived anything I did as rejection,
he retaliated by denying creative requests, sabotaging shots, heckling interviews, storming
off set, and ignoring me, sometimes for weeks, until I appeased him. House required me to
go to Fuller's home and apologize for not putting Bryan's needs first, saying he's the money,
and we have to keep the money happy. Fuller manufactured a constant fear for job safety,
firing anyone I worked with who supported me. This put employees wishing to keep their
jobs in conflict, culminating in, for several of them, tearful breakdowns at our final shoots.
Fuller made discriminatory comments targeting groups that crew and interviewees belonged
to, myself included, frequently proclaiming his hatred of all gay men. This created an
opening for House to make anti-trans and racially insensitive remarks throughout the
production as well. The powerlessness of our hostile work environment was reinforced by
the way Fuller mocked any sort of reporting, like when an interviewee expressed discomfort

1 with the way Fuller was speaking and he cracked a joke about calling "human resources."
2 Executive Producer Steak House denied my requests to have a trained 1st Assistant
3 Director, an individual responsible for workplace safety
4 (including harassment), saying she does that already. Ms. House eventually allowed me to
5 hire someone to keep us on schedule, crediting him as 1st AD in name only, but let him go
6 after just 4 days. Steakhaus Productions, through Ms. House, witnessed and enabled
7 harassment, but did not act. Stage 3, through Phil Nobile Jr, ignored and acquiesced the
8 conduct. After reporting Fuller's behavior to Nick Lazo at Shudder, my employment was
9 terminated. Shudder and AMC Networks ignored all warning signs, facilitated the conduct,
10 and ultimately permitted Fuller's behavior. Their final act of retaliation was reducing my
11 earned credits when the production aired 9/30/22.

1 VERIFICATION

2 I, **Samuel Wineman**, am the **Complainant** in the above-entitled complaint. I have
3 read the foregoing complaint and know the contents thereof. The same is true of my
4 own knowledge, except as to those matters which are therein alleged on information
and belief, and as to those matters, I believe it to be true.

5 On April 24, 2023, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

7 **Los Angeles, CA**

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VERIFICATION

Verification of Pleading (Code Civ. Proc., § 446)

Declaration under Penalty of Perjury Form (Code Civ. Proc., §§ 446, 2015.5)

by Plaintiff Sam Wineman

SAMUEL WINEMAN v. AMC NETWORKS, INC.; AMC NETWORK ENTERTAINMENT, LLC; SHUDDER, LLC; STEAKHAUS PRODUCTIONS, INC.; BRYAN FULLER; and DOES 1 through 50, inclusive

I, SAMUEL WINEMAN, declare:

I am the Plaintiff in the above-entitled matter.

I have read the foregoing Verified Complaint for Damages and Demand for Jury Trial and know the contents thereof.

The same is true of my own knowledge, except as to those matters which are therein stated on information and belief, and, as to those matters, I believe it to be true.

Executed on September 28, 2023, at Los Angeles County, California.

I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:

Samuel Wineman

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Samuel Wineman