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KARA VALLOW, DISNEY TELEVISION
11 STUDIOS, INC. and THE WALT DISNEY
COMPANY
12

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA
14 COUNTY OF LOS ANGELES, CENTRAL DISTRICT
15

16 PAMELA PETROFF, an individual,

17 Plaintiff,

18 vs.
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20 KARA VALLOW, an individual; DISNEY
21 TELEVISION STUDIOS, INC., a California
corporation; THE WALT DISNEY
22 COMPANY, a Delaware corporation; and
DOES 1 through 10, inclusive,
23

24 Defendants.
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CASE NO. 22STCV27474

**DEFENDANTS KARA VALLOW,
DISNEY TELEVISION STUDIOS, INC.,
AND THE WALT DISNEY
COMPANY'S ANSWER TO
PLAINTIFF PAMELA PETROFF'S
FIRST AMENDED COMPLAINT FOR
DAMAGES, DECLARATORY RELIEF,
AND INJUNCTIVE RELIEF**

Judge: Malcolm Mackey
Dept.: 55

Complaint Filed: August 24, 2022
FAC Filed: November 8, 2022
Trial Date: None Set

1 TO PLAINTIFF PAMELA PETROFF AND TO HER ATTORNEYS OF RECORD:

2 Defendants Kara Vallow (“Vallow”) and Defendants Disney Television Studios, Inc. and
3 The Walt Disney Company (together, the “Corporate Defendants” and collectively with Ms.
4 Vallow, “Defendants”), for themselves alone and no other defendant, hereby answer the
5 unverified first amended complaint (“Complaint”) of Plaintiff as follows:

6 1. Pursuant to Section 431.30(d) of the California Code of Civil Procedure,
7 Defendants deny, generally and specifically, each and every allegation in Plaintiff’s Complaint.

8 2. Defendants further deny, generally and specifically, that Plaintiff is entitled to the
9 relief requested, or that Plaintiff has been or will be damaged in any sum, or at all, by reason of
10 any act or omission on the part of Defendants, or any of their past or present agents,
11 representatives, or employees.

12 Without admitting any facts alleged by Plaintiff, Defendants also plead the following
13 separate and affirmative defenses to the Complaint:

14 **AFFIRMATIVE DEFENSES**

15 **FIRST SEPARATE AND AFFIRMATIVE DEFENSE**

16 3. The Complaint, and each cause of action therein, fails to state facts sufficient to
17 constitute a cause of action.

18 **SECOND SEPARATE AND AFFIRMATIVE DEFENSE**

19 4. The Complaint, and each cause of action therein, is barred because Plaintiff was
20 never employed by one or more of the Corporate Defendants during the relevant time period.

21 **THIRD SEPARATE AND AFFIRMATIVE DEFENSE**

22 5. Plaintiff waived the right, if any, to pursue the Complaint, and each of its causes of
23 action, by reason of Plaintiff’s own actions and course of conduct.

24 **FOURTH SEPARATE AND AFFIRMATIVE DEFENSE**

25 6. The Complaint, and each cause of action therein, is barred by the doctrine of
26 laches.

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FIFTH SEPARATE AND AFFIRMATIVE DEFENSE

7. The Complaint, and each cause of action therein, is barred by the doctrine of unclean hands.

SIXTH SEPARATE AND AFFIRMATIVE DEFENSE

8. The Complaint, and each cause of action therein, is barred by the avoidable consequences doctrine.

SEVENTH SEPARATE AND AFFIRMATIVE DEFENSE

9. The Complaint, and each cause of action therein, is barred in whole or in part, because Defendants had an honest, good faith belief that all decisions with respect to Plaintiff were made by Defendants solely for legitimate, business-related reasons and were reasonably based upon the facts as Defendants understood them. Defendants were not motivated, in whole or in part, by any protected activity or status, if any.

EIGHTH SEPARATE AND AFFIRMATIVE DEFENSE

10. Defendants did not commit the acts or omissions alleged in the Complaint for discriminatory, retaliatory or pretextual motives, but assuming that they did, such acts or omissions would have been taken in any event for legitimate, non-discriminatory, non-retaliatory, non-pretextual reasons.

NINTH SEPARATE AND AFFIRMATIVE DEFENSE

11. The Complaint, and each applicable cause of action therein, is barred, in whole or in part, because Defendants' actions, with respect to Plaintiff, were done in good faith.

TENTH SEPARATE AND AFFIRMATIVE DEFENSE

12. The Complaint, and the cause of action therein, is barred because no act by Defendants were the cause in fact of any injury, damages, or loss claimed by Plaintiff.

ELEVENTH SEPARATE AND AFFIRMATIVE DEFENSE

13. The Complaint, and the cause of action therein, is barred because no act by Defendants was the proximate cause of any injury, damages, or loss claimed by Plaintiff.

1 SEVENTEENTH SEPARATE AND AFFIRMATIVE DEFENSE

2 19. Plaintiff's cause of action for violation of the California Constitution (to the extent
3 it occurred at all) is barred because Plaintiff consented to the alleged conduct, and/or the alleged
4 intrusion was justified by the existence of legitimate, competing and countervailing non-privacy
5 interests.

6 EIGHTEENTH SEPARATE AND AFFIRMATIVE DEFENSE

7 20. Plaintiff's cause of action for violation of the California Constitution (to the extent
8 it occurred at all) is barred because Plaintiff waived her reasonable expectation of privacy through
9 her actions, including but not limited to, requesting a workplace accommodation.

10 NINETEENTH SEPARATE AND AFFIRMATIVE DEFENSE

11 21. Plaintiff's cause of action for violation of the California Constitution (to the extent
12 it occurred at all) is barred because Corporate Defendants have not acted in a manner highly
13 offensive to a reasonable person and/or Plaintiff was not harmed by any such intrusion.

14 TWENTIETH SEPARATE AND AFFIRMATIVE DEFENSE

15 22. Plaintiff's cause of action for violation of the California Constitution (to the extent
16 it occurred at all) is barred because any intrusion was not intentional.

17 TWENTY-FIRST SEPARATE AND AFFIRMATIVE DEFENSE

18 23. Plaintiff may not recover damages in connection with her first cause of action
19 because there is no private right of action for damages for privacy claims under the California
20 Constitution.

21 TWENTY-SECOND SEPARATE AND AFFIRMATIVE DEFENSE

22 24. Plaintiff has no right to a jury trial in connection with her first cause of action
23 because Plaintiff's claims are equitable in nature and properly tried by a court rather than a jury.

24 TWENTY-THIRD SEPARATE AND AFFIRMATIVE DEFENSE

25 25. The Complaint, and each applicable cause of action, is barred to the extent that
26 Plaintiff failed to exhaust all administrative remedies, and/or otherwise failed to comply with the
27 statutory prerequisites to the bringing of this action, pursuant to the California Fair Employment
28 and Housing Act, California Government Code § 12960 *et seq.*

1 TWENTY-FOURTH SEPARATE AND AFFIRMATIVE DEFENSE

2 26. To the extent that Plaintiff complains about matters that were not reasonably
3 within the scope of any complaint or charge Plaintiff allegedly filed with the California
4 Department of Fair Employment and Housing, the Court lacks jurisdiction with respect to any
5 such matters.

6 TWENTY-FIFTH SEPARATE AND AFFIRMATIVE DEFENSE

7 27. Plaintiff's fourth cause of action against Defendant Vallow is barred because
8 Defendant Vallow may not be held individually liable for actions taken within the course and
9 scope of her employment (*See* Complaint ¶ 5), including under the managerial immunity doctrine.

10 TWENTY-SIXTH SEPARATE AND AFFIRMATIVE DEFENSE

11 28. The Complaint, and each applicable cause of action, is barred by the after-acquired
12 evidence doctrine.

13 TWENTY-SEVENTH SEPARATE AND AFFIRMATIVE DEFENSE

14 29. Plaintiff is not entitled to recover any punitive damages, and any allegations in
15 support of a claim for punitive damages should be stricken, because California's laws regarding
16 the acts and omissions alleged are too vague to permit the imposition of punitive damages, and
17 because any award of punitive damages in this action would violate Defendants' constitutional
18 rights under the due process clauses of the Fifth and Fourteenth Amendments to the United States
19 Constitution, and the excessive fines and cruel and unusual punishment clauses of the Eighth
20 Amendment to the United States Constitution, as well as other provisions of the United States
21 Constitution and the California Constitution.

22 TWENTY-EIGHTH SEPARATE AND AFFIRMATIVE DEFENSE

23 30. Plaintiff may not recover punitive damages because at all times relevant to the
24 Complaint, Corporate Defendants had in place a policy to prevent discrimination, retaliation, and
25 harassment in the workplace and made good-faith efforts to implement and enforce that policy.

26 TWENTY-NINTH SEPARATE AND AFFIRMATIVE DEFENSE

27 31. Plaintiff is not entitled to recover any punitive or exemplary damages, and any
28 allegations with respect thereto should be stricken because no director, officer, or any managing

1 agent of Defendants committed any alleged oppressive, fraudulent, or malicious act, or authorized
2 or ratified such an act.

3 THIRTIETH SEPARATE AND AFFIRMATIVE DEFENSE

4 32. Plaintiff's Complaint is barred, in whole or in part, by protections afforded to
5 Defendants by provisions of the United States Constitution and the California Constitution,
6 including but not limited to the First Amendment to the United States Constitution and Article I,
7 Section 2 of the California Constitution.

8
9 Defendants reserve the right, pending completion of discovery, to assert any additional
10 defenses and affirmative defenses that may exist.

11
12 WHEREFORE, Defendants pray for judgment as follows:

13 33. That Plaintiff take nothing by reason of her Complaint, that the Complaint be
14 dismissed in its entirety with prejudice, and that judgment be entered for Defendants;

15 34. That Defendants be awarded their reasonable costs and attorneys' fees; and

16 35. That Defendants be awarded such other and further relief as the Court deems just
17 and proper.

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20 DATED: April 17, 2023

PAUL HASTINGS LLP
STEVEN A. MARENBERG
JARRYD M. COOPER
DEISY CASTRO

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23 
24 By: _____
STEVEN A. MARENBERG

25 Attorneys for Defendants
26 KARA VALLOW, DISNEY TELEVISION
27 STUDIOS, INC. and THE WALT DISNEY
COMPANY

28 LEGAL_US_W # 114474079.1

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PROOF OF SERVICE

STATE OF CALIFORNIA)
CITY OF LOS ANGELES AND COUNTY OF LOS) ss:
ANGELES)

I am employed in the City of Los Angeles and County of Los Angeles, State of California. I am over the age of 18, and not a party to the within action. My business address is 515 South Flower Street, Twenty-Fifth Floor, Los Angeles, California 90071-2228.

On April 17, 2023, I served the foregoing document(s) described as:

**DEFENDANTS KARA VALLOW, DISNEY TELEVISION STUDIOS, INC.,
AND THE WALT DISNEY COMPANY’S ANSWER TO PLAINTIFF
PAMELA PETROFF’S FIRST AMENDED COMPLAINT FOR DAMAGES,
DECLARATORY RELIEF, AND INJUNCTIVE RELIEF**

on the interested parties as follows:

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VIA ELECTRONIC TRANSMISSION:

By personally emailing the aforementioned document(s) in PDF format to the respective email address(es) listed above on April 17, 2023. I did not receive an electronic message indicating any errors in transmission.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on April 17, 2023, at Los Angeles, California.



Francine Sheldon