

SUMMONS (CITACION JUDICIAL)

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

Maria Zhang; Yahoo! Inc.; Does 1-10

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

Nan Shi

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es): SANTA CLARA SUPERIOR COURT

191 N. First Street
San Jose, CA 95113

CASE NUMBER:
(Número del Caso):

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Matthew H. Fisher, Da Vega Fisher Mechtenberg LLP, 955 Benecia Ave., Sunnyvale, CA 94085; (408) 758-8974

DATE:
(Fecha)

Clerk, by
(Secretario)

, Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

3. ☐ on behalf of (specify):

- under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):

4. ☐ by personal delivery on (date):

[SEAL]

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Matthew H. Fisher (SBN 229532) DA VEGA FISHER MECHTENBERG LLP 955 Benecia Ave. Sunnyvale, CA 94085 TELEPHONE NO.: 408.758.8974 FAX NO.: 805.246.1548 ATTORNEY FOR (Name): Plaintiff Nan Shi		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Santa Clara STREET ADDRESS: 191 N. First St. MAILING ADDRESS: Same CITY AND ZIP CODE: San Jose 95113 BRANCH NAME: Downtown		
CASE NAME: Shi v. Zhang, et al.		
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	

Items 1–6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input checked="" type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400–3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties
b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
c. <input type="checkbox"/> Substantial amount of documentary evidence | d. <input type="checkbox"/> Large number of witnesses
e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
|--|--|
3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☒ punitive
4. Number of causes of action (specify): **3 -- Sexual Harrasment, IIED, Wrongful Termination**
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: **July 8, 2014**
Matthew H. Fisher

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (*not asbestos or toxic/environmental*) (24)
Medical Malpractice (45)
Medical Malpractice—Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (*not medical or legal*)
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease Contract (*not unlawful detainer or wrongful eviction*)
Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (*not provisionally complex*) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court Case Matter
Writ—Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal—Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (*non-domestic relations*)
Sister State Judgment
Administrative Agency Award (*not unpaid taxes*)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (*not specified above*) (42)
Declaratory Relief Only
Injunctive Relief Only (*non-harassment*)
Mechanics Lien
Other Commercial Complaint Case (*non-tort/non-complex*)
Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (*not specified above*) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief From Late Claim
Other Civil Petition

1. **Plaintiff** (name or names): Nan Shi
alleges causes of action against **defendant** (name or names):
Maria Zhang; Yahoo! Inc.
2. This pleading, including attachments and exhibits, consists of the following number of pages: 6
3. Each plaintiff named above is a competent adult
 - a. ☐ **except** plaintiff (name):
 - (1) ☐ a corporation qualified to do business in California
 - (2) ☐ an unincorporated entity (describe):
 - (3) ☐ a public entity (describe):
 - (4) ☐ a minor ☐ an adult
 - (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 - (b) ☐ other (specify):
 - (5) ☐ other (specify):
 - b. ☐ **except** plaintiff (name):
 - (1) ☐ a corporation qualified to do business in California
 - (2) ☐ an unincorporated entity (describe):
 - (3) ☐ a public entity (describe):
 - (4) ☐ a minor ☐ an adult
 - (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 - (b) ☐ other (specify):
 - (5) ☐ other (specify):

☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

SHORT TITLE: Shi v. Zhang	CASE NUMBER:
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4. ☐ Plaintiff (*name*):
is doing business under the fictitious name (*specify*):

and has complied with the fictitious business name laws.
5. Each defendant named above is a natural person
- a. ☒ **except** defendant (*name*): **Yahoo! Inc.**
 (1) ☐ a business organization, form unknown
 (2) ☒ a corporation
 (3) ☐ an unincorporated entity (*describe*):

 (4) ☐ a public entity (*describe*):
 (5) ☐ other (*specify*):
- c. ☐ **except** defendant (*name*):
 (1) ☐ a business organization, form unknown
 (2) ☐ a corporation
 (3) ☐ an unincorporated entity (*describe*):

 (4) ☐ a public entity (*describe*):
 (5) ☐ other (*specify*):
- b. ☐ **except** defendant (*name*):
 (1) ☐ a business organization, form unknown
 (2) ☐ a corporation
 (3) ☐ an unincorporated entity (*describe*):

 (4) ☐ a public entity (*describe*):
 (5) ☐ other (*specify*):
- d. ☐ **except** defendant (*name*):
 (1) ☐ a business organization, form unknown
 (2) ☐ a corporation
 (3) ☐ an unincorporated entity (*describe*):

 (4) ☐ a public entity (*describe*):
 (5) ☐ other (*specify*):
- ☐ Information about additional defendants who are not natural persons is contained in Attachment 5.
6. The true names of defendants sued as Does are unknown to plaintiff.
 a. ☒ Doe defendants (*specify Doe numbers*): 1-5 were the agents or employees of other named defendants and acted within the scope of that agency or employment.
 b. ☒ Doe defendants (*specify Doe numbers*): 6-10 are persons whose capacities are unknown to plaintiff.
7. ☐ Defendants who are joined under Code of Civil Procedure section 382 are (*names*):
8. This court is the proper court because
 a. ☒ at least one defendant now resides in its jurisdictional area.
 b. ☒ the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.
 c. ☒ injury to person or damage to personal property occurred in its jurisdictional area.
 d. ☐ other (*specify*):
9. ☐ Plaintiff is required to comply with a claims statute, and
 a. ☐ has complied with applicable claims statutes, or
 b. ☐ is excused from complying because (*specify*):

SHORT TITLE:

Shi v. Zhang

CASE NUMBER:

10. The following causes of action are attached and the statements above apply to each (*each complaint must have one or more causes of action attached*):

- a. ☐ Motor Vehicle
- b. ☐ General Negligence
- c. ☒ Intentional Tort
- d. ☐ Products Liability
- e. ☐ Premises Liability
- f. ☒ Other (*specify*):

Plaintiff asserts three intentional causes of action 1) Sexual Harassment in violation of California's Fair Employment and Housing Act (FEHA), 2) Intentional Infliction of Emotional Distress; and (3) Wrongful Termination

11. Plaintiff has suffered

- a. ☒ wage loss
- b. ☐ loss of use of property
- c. ☐ hospital and medical expenses
- d. ☒ general damage
- e. ☐ property damage
- f. ☒ loss of earning capacity
- g. ☒ other damage (*specify*):

Loss of stock and other employment benefits

12. ☐ The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a. ☐ listed in Attachment 12.
- b. ☐ as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

14. **Plaintiff prays** for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1) ☒ compensatory damages
- (2) ☒ punitive damages

The amount of damages is (*in cases for personal injury or wrongful death, you must check (1)*):

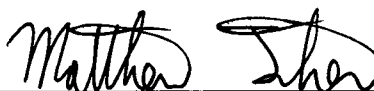
- (1) ☒ according to proof
- (2) ☐ in the amount of: \$

15. ☒ The paragraphs of this complaint alleged on information and belief are as follows (*specify paragraph numbers*):

Date: July 8, 2014

Matthew H. Fisher

(TYPE OR PRINT NAME)

▶ 

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

SHORT TITLE: Shi v. Zhang	CASE NUMBER
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First

(number)

CAUSE OF ACTION—Intentional Tort

Page 4 of 6

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

IT-1. Plaintiff (name): Nan Shi

alleges that defendant (name): Maria Zhang; Yahoo! Inc.

☒ Does 1 to 10

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant intentionally caused the damage to plaintiff

on (date): 02/2013 to present

at (place): 1281 Lawrence Station Rd, Sunnyvale CA 94089

(description of reasons for liability):

FIRST CAUSE OF ACTION -- SEXUAL HARASSMENT (FEHA VIOLATION)

The California Department of Fair Employment & Housing ("DFEH") issued Plaintiff Nan Shi ("Plaintiff") a "Right to Sue" letter on May 13, 2014. Defendant Maria Zhang ("Zhang") is a Senior Director of Engineering at Yahoo! Inc. ("Yahoo"). Plaintiff has worked as a Principal Software Engineer at Yahoo since February 2013. Zhang is Plaintiff's direct supervisor, and assigns her projects. Upon her hire, Zhang instructed Plaintiff to let Zhang stay in her temporary Yahoo housing unit in Sunnyvale. While staying with Plaintiff, Zhang coerced Plaintiff to have oral and digital sex with her on multiple occasions against her will, even after Plaintiff told her she did not want to have sex. Zhang told Plaintiff she would have a bright future at Yahoo if she had sex with her. She also stated she could take away everything from her including her job, stocks, and future if she did not do what she wanted. During these incidents, Zhang also acted as Plaintiff's work manager, forcing her to work grueling hours and compose work emails over the weekend at the apartment, sometimes right after sex. Zhang would yell at Plaintiff if she did not do so. When Plaintiff rejected Zhang's further advances, Zhang became angry and retaliated against her by unfairly downgrading her performance reviews for the second and third quarters of 2013. In 2014, Zhang continued to retaliate against her by removing her as lead from projects and promoting others beneath her to supervise her.

When Plaintiff reported the harassment to Human Resources personnel, they refused to conduct a proper investigation, reprimand Zhang, or transfer Plaintiff out of her intolerable work environment under Zhang. Instead, Yahoo has retaliated against Plaintiff by putting her on an unpaid leave of absence, and then terminating her from her position at the company. As a result of the foregoing, Plaintiff has suffered emotional distress, lost wages, and lost benefits, including stock options.

SHORT TITLE: Shi v. Zhang	CASE NUMBER
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Second

(number)

CAUSE OF ACTION—Intentional TortPage 5 of 6ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

IT-1. Plaintiff (name): Nan Shi

alleges that defendant (name): Maria Zhang; Yahoo! Inc.

☒ Does 1 to 10

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant intentionally caused the damage to plaintiff
on (date): 02/2013 to present
at (place): 1281 Lawrence Station Rd, Sunnyvale CA 94089

(description of reasons for liability):

SECOND CAUSE OF ACTION -- INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

Defendant Maria Zhang ("Zhang") is a Senior Director of Engineering at Yahoo! Inc. ("Yahoo"). Plaintiff has worked as a Principal Software Engineer at Yahoo since February 2013. Zhang is Plaintiff's direct supervisor, and assigns her projects.

Upon her hire, Zhang instructed Plaintiff to let Zhang stay in her temporary Yahoo housing unit in Sunnyvale. While staying with Plaintiff, Zhang coerced Plaintiff to have oral and digital sex with her on multiple occasions against her will, even after Plaintiff told her she did not want to have sex. Zhang told Plaintiff she would have a bright future at Yahoo if she had sex with her. She also stated she could take away everything from her including her job, stocks, and future if she did not do what she wanted. During these incidents, Zhang also acted as Plaintiff's work manager, forcing her to work grueling hours and compose work emails over the weekend at the apartment, sometimes right after sex. Zhang would yell at Plaintiff if she did not do so. When Plaintiff rejected Zhang's further advances, Zhang became angry and retaliated against her by unfairly downgrading her performance reviews for the second and third quarters of 2013. In 2014, Zhang continued to retaliate against her by removing her as lead from projects and promoting others beneath her to supervise her.

When Plaintiff reported the harassment to Human Resources personnel, they refused to conduct a proper investigation, reprimand Zhang, or transfer Plaintiff out of her intolerable work environment under Zhang. Instead, Yahoo has retaliated against Plaintiff by putting her on an unpaid leave of absence, and then terminating her from her position at the company.

As a result of the foregoing, Plaintiff has suffered emotional distress, lost wages, and lost benefits, including stock options.

SHORT TITLE: Shi v. Zhang	CASE NUMBER
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Third **CAUSE OF ACTION—Intentional Tort** Page 6 of 6
(number)

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

IT-1. Plaintiff (name): Nan Shi

alleges that defendant (name): Maria Zhang; Yahoo! Inc.

☒ Does 1 to 10

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant intentionally caused the damage to plaintiff
on (date): 02/2013 to present
at (place): 1281 Lawrence Station Rd, Sunnyvale CA 94089

(description of reasons for liability):

THIRD CAUSE OF ACTION -- WRONGFUL TERMINATION

The California Department of Fair Employment & Housing ("DFEH") issued Plaintiff Nan Shi ("Plaintiff") a "Right to Sue" letter on May 13, 2014. Defendant Maria Zhang ("Zhang") is a Senior Director of Engineering at Yahoo! Inc. ("Yahoo"). Plaintiff has worked as a Principal Software Engineer at Yahoo since February 2013. Zhang is Plaintiff's direct supervisor, and assigns her projects. Upon her hire, Zhang instructed Plaintiff to let Zhang stay in her temporary Yahoo housing unit in Sunnyvale. While staying with Plaintiff, Zhang coerced Plaintiff to have oral and digital sex with her on multiple occasions against her will, even after Plaintiff told her she did not want to have sex. Zhang told Plaintiff she would have a bright future at Yahoo if she had sex with her. She also stated she could take away everything from her including her job, stocks, and future if she did not do what she wanted. During these incidents, Zhang also acted as Plaintiff's work manager, forcing her to work grueling hours and compose work emails over the weekend at the apartment, sometimes right after sex. Zhang would yell at Plaintiff if she did not do so. When Plaintiff rejected Zhang's further advances, Zhang became angry and retaliated against her by unfairly downgrading her performance reviews for the second and third quarters of 2013. In 2014, Zhang continued to retaliate against her by removing her as lead from projects and promoting others beneath her to supervise her.

When Plaintiff reported the harassment to Human Resources personnel, they refused to conduct a proper investigation, reprimand Zhang, or transfer Plaintiff out of her intolerable work environment under Zhang. Instead, Yahoo has retaliated against Plaintiff by putting her on an unpaid leave of absence, and then terminating her from her position at the company. As a result of the foregoing, Plaintiff has suffered emotional distress, lost wages, and lost benefits, including stock options.