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14 NICOLO LAURENT

15 SUPERIOR COURT OF THE STATE OF CALIFORNIA
16 FOR THE COUNTY OF LOS ANGELES
17 CENTRAL DISTRICT – SPRING STREET COURTHOUSE

18 SHARON O'DONNELL, an individual,

19 Plaintiff,

20 vs.

21 RIOT GAMES, INC., a business entity exact
22 form unknown, NICHOLAS LAURENT, an
23 individual and DOES 1 through 100, inclusive

24 Defendants.

CASE NO. 21STCV00596

**DEFENDANT RIOT GAMES, INC.'S AND
NICOLO LAURENT'S *EX PARTE*
APPLICATION FOR AN ORDER SETTING
A STATUS CONFERENCE**

*[Declaration of Catherine A. Conway filed
herewith]*

ASSIGNED TO THE HON. ELIHU M. BERLE

Action Filed: January 7, 2021
Trial Date: None set

HEARING:

Date: March 17, 2021
Time: 8:30 a.m.
Dept: 6

1 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2 **PLEASE TAKE NOTICE** that at 8:30 a.m. on March 17, 2021, or as soon thereafter as this
3 matter may be heard in Department 6 of the above-titled Court, located at the Spring Street Courthouse,
4 312 N Spring Street, Los Angeles, CA 90012, Defendants Riot Games, Inc. (“Riot Games”) and Nicolo
5 Laurent (“Mr. Laurent”) (collectively “Defendants”) will and hereby do apply *ex parte*, pursuant to
6 California Rules of Court 3.1200 *et seq.*, for an order setting a status conference to address Plaintiff
7 Sharon O’Donnell’s (“Plaintiff”) repeated actions of witness tampering and apparent harassment of
8 potential witnesses. Defendants have learned that Plaintiff has engaged in harassing and/or apparently
9 threatening behavior toward potential witnesses in this action—*as recently as last week*—including
10 that she (1) offered an individual compensation for testifying on her behalf; (2) encouraged individuals
11 to file a lawsuit against Mr. Laurent and/or join in her lawsuit so they can personally benefit, despite
12 the individuals having stated they have no claim against Mr. Laurent; (3) likely disseminated private
13 contact information of witnesses to the press; and (4) likely encouraged individuals to threaten wit-
14 nesses on her behalf. (See Declaration of Catherine A. Conway (“Conway Decl.”), Ex. A ¶¶ 9–11; Ex.
15 B ¶¶ 4–10.) Defendants are unable to immediately raise these concerns to an arbitrator, despite Plaintiff
16 having executed a binding arbitration agreement, because Plaintiff filed her claim in court. And De-
17 fendants are unable to move to compel arbitration, or otherwise raise this issue to this Court, because
18 the Court has stayed this action until the April 27, 2021 initial status conference. (See Minute Order,
19 dated March 5, 2021 [“[T]he Court stays this case, except for service of the Summons and Complaint
20 ... until at least the Initial Status Conference ... set for 04/27/2021 ... Responsive pleadings shall not
21 be filed until further Order of the Court.”].)

22 Good cause exists to grant this application on an *ex parte* basis as Defendants have legitimate
23 concerns that Plaintiff’s actions, both known and unknown, are rising to the level of irreparable witness
24 tampering and are affecting the ability of unrelated third parties to do their jobs and live their lives free
25 of unwanted threats and harassment. (See *San Francisco Unified Sch. Dist. ex rel. Contreras v. First*
26 *Student, Inc.* (2013) 213 Cal.App.4th 1212, 1227 [recognizing that the inherent authority of the courts
27 includes the authority to prohibit unlawful and improper conduct of litigants with respect to potential
28 witnesses]; *Franklin v Monadnock Co.* (2007) 151 Cal.App.4th 252, 258–263 [public policies require

1 employers to provide a safe and secure workplace and encourage employees to report credible threats
2 of violence in the workplace].)

3 Because Plaintiff executed an arbitration agreement with Riot identical in substance to the
4 agreements this Court has enforced in the *McCracken* action (Case No. 18STCV03957), Defendants
5 believe Plaintiff's claims should and will ultimately be addressed before an arbitrator. However, under
6 the current stay, Defendants are unable at this time to move this case to arbitration and seek relief
7 regarding Plaintiff's inappropriate actions before an arbitrator. Thus, intervention and guidance from
8 this Court is currently strongly requested. Because the parties are not otherwise set to appear before
9 this Court until April 27, 2021 (more than a month from now), Defendants respectfully request that the
10 Court set a status conference as soon as practicable from the date of the hearing on this application, so
11 that the Court can provide guidance to the parties as to how to proceed regarding Defendants' concerns
12 as set forth in this Application.

13 Plaintiff is represented by Timothy B. Sottile, Michael F. Baltaxe, Payam I. Aframian, and
14 Victoria V. Felder with the law firm, Sottile Baltaxe, located at 28632 Roadside Drive, Suite 100,
15 Agoura Hills, California 91301, telephone number: (818) 889-0050. Notice of this *Ex Parte* Applica-
16 tion was provided to Plaintiff's counsel via email on March 15, 2021 at 9:47 a.m. (Conway Decl., Ex.
17 E.) Plaintiff's counsel responded that same morning and stated that Plaintiff will oppose this Applica-
18 tion. (*Ibid.*) Defendants' counsel offered to meet and confer telephonically with Plaintiff's counsel
19 later that day. (*Ibid.*) Thereafter, Defendants' counsel met and conferred telephonically with Plaintiff's
20 counsel, Michael F. Baltaxe, on March 15, 2021 at approximately 3:00 p.m. (*Id.*, ¶ 8.) Defendants'
21 counsel provided Mr. Baltaxe further notice that, on Tuesday, March 16, 2021, Defendants would file
22 an *ex parte* application for an order setting a status conference and the reason such a status conference
23 is necessary. (*Ibid.*) Mr. Baltaxe reiterated that Plaintiff will oppose the Application and indicated that
24 this is the first he had heard of any alleged harassing and threatening behavior by Plaintiff toward
25 potential witnesses in this action. (*Ibid.*)

26 This application is based upon this *ex parte* application, the accompanying memorandum of
27 points and authorities, the declaration of Catherine A. Conway, proposed order, the pleadings and other
28 papers on file in this action, all matters of which judicial notice may be taken, and such other evidence

1 as may be presented at or prior to the hearing.

2 DATED: March 16, 2021

GIBSON, DUNN & CRUTCHER LLP

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4
5 By: Catherine A. Conway
6 Catherine A. Conway

7 Attorneys for Defendants RIOT GAMES, INC. and
8 NICOLO LAURENT
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1 I. INTRODUCTION

2 On January 7, 2021, Plaintiff Sharon O’Donnell (“Plaintiff”) filed a Complaint against her former employer, Riot Games, Inc. (“Riot Games”) and its CEO, Nicolo Laurent (“Mr. Laurent”) (collectively “Defendants”), alleging violations of the California Labor Code and California Fair Employment & Housing Act based on alleged sexual discrimination, harassment, and retaliation. Defendants have learned, however, that since that time, Plaintiff has (1) offered at least one individual compensation for testifying on her behalf; (2) encouraged individuals to file a lawsuit against Mr. Laurent and/or join in hers so they can personally benefit, despite the individuals having stated they have no claim against Mr. Laurent; (3) likely disseminated private contact information of witnesses to the press, resulting in a deluge of disruptive calls to at least one individual; and (4) likely encouraged individuals to threaten witnesses on her behalf. (See Declaration of Catherine A. Conway (“Conway Decl.”), Ex. A ¶¶ 9–11; Ex. B ¶¶ 4–10.) Accordingly, Defendants bring this *ex parte* application to ask that the Court set a status conference to address these concerns.

14 Defendants believe Plaintiff’s claims should ultimately be addressed before an arbitrator once this action has been sent to arbitration; however, with the current posture of the case, intervention and guidance from this Court is currently required. When Plaintiff began her employment with Riot Games, she and Riot Games entered into a mutually binding arbitration agreement (“Arbitration Agreement” or “Agreement”) in which they expressly agreed to arbitrate all claims “arising out of or in any way related to the employment relationship” by or against Plaintiff, Riot Games, or any of its officers and employees, including Mr. Laurent. (Conway Decl., Ex. D.) Accordingly, Defendants are ready to request that the Court enforce the Arbitration Agreement as soon as the opportunity arises.¹ However, when this case was designated complex, the Court placed a stay on all responsive pleadings. (See Minute Order, dated March 5, 2021 [“Responsive pleadings shall not be filed until further Order of the Court.”].) Defendants are therefore unable at this time to move this case to arbitration and seek relief before an arbitrator. Therefore, in the interim, Defendants request that the Court set a status conference

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27
28 ¹ Plaintiff’s Arbitration Agreement is identical in substance to the agreements that this Court enforced in January of this year against five other current and former Riot employees. (See *Melanie McCracken, et al. v. Riot Games, Inc.*, Case No. 18STCV03957, Order Granting Motion to Compel, dated January 25, 2021.) By seeking the relief herein, Defendants do not waive, and instead expressly reserve, their right to compel Plaintiff to arbitrate her claims.

1 as soon as practicable at which time the parties may present these issues to the Court and, in turn,
2 receive guidance on how to proceed.

3 Good cause exists to grant this application on an *ex parte* basis, as Defendants have legitimate
4 concerns that Plaintiff's actions, both known and unknown, are rising to the level of irreparable witness
5 tampering and are affecting third parties' ability to do their jobs and live their lives free of unwanted
6 threats and harassment. Furthermore, the relief Defendants seek at this time is uncontroversial. De-
7 fendants are not asking the Court to take any action at this time other than to set a status conference so
8 that Defendants can receive guidance from the Court as to how to obtain relief without waiving their
9 rights to arbitration. *Ex parte* relief is therefore warranted.

10 II. EX PARTE RELIEF SHOULD BE GRANTED

11 **A. Defendants Have Legitimate Concerns that Plaintiff is Engaging in Witness Tampering**
12 Defendants have legitimate concerns that Plaintiff is engaging in witness tampering, which
13 needs to be addressed as soon as practicable.

14 1. Plaintiff Reportedly Offered to Pay for an Individual to Testify in Her Favor

15 Defendants recently learned that, before filing her Complaint, Plaintiff attempted to solicit an
16 individual to join her in filing a lawsuit against Mr. Laurent. (Conway Decl., Ex. A² ¶ 6.) As set forth
17 in the Doe 1 Declaration submitted herewith, Plaintiff told this individual that she was planning to
18 accuse Mr. Laurent of harassment, and said this individual should do the same. (*Id.*; see also *id.*, Ex.
19 C ¶ 12.³) In response, the individual made clear that she had never observed or experienced any wrong-
20 doing by Mr. Laurent. (*Id.*, Ex. A ¶ 6.) This individual declined to engage with Plaintiff further. (Ex.

21
22 ² Defendants have submitted redacted versions of the supporting declarations because the witnesses
23 have expressed concerns about additional harassment from Plaintiff and/or the press. (Conway
24 Decl., Ex. A; Ex. B.) Defendants are prepared to submit the declarations in full to the Court for *in*
camera review. Defendants ask that Plaintiff's counsel also protect the identity of these individuals
to prevent further harassment to these parties.

25 ³ Defendants had prepared their Answer for filing before this Court designated the matter complex
26 and stayed Defendants' responsive pleading deadline. Given the exigency of the matter, and be-
27 cause the draft Answer is the most succinct summary of the concerning conduct of Ms. O'Donnell,
28 Defendants provide the Answer to the Court here as context for its request for a status conference.
In so doing, Riot Games and Mr. Laurent do so without waiving their right to request that this action
be compelled to arbitration. (See *Khalatian v. Prime Time Shuttle, Inc.* (2015) 237 Cal. App. 4th
651, 662 ["Answering a complaint does not result in waiver"].) Defendants intend to file their
Answer with their Motion to Compel Arbitration, whenever such filing is permitted by the Court.

1 A ¶ 6.)

2 But after filing her Complaint, Plaintiff approached this individual again. (Conway Decl., Ex.
3 A ¶ 10–11.) This time, *Plaintiff offered to share any proceeds from this lawsuit with the individual*
4 *in exchange for testimony against Mr. Laurent.* (*Id.*, ¶ 11) Plaintiff also suggested that this individual
5 could financially benefit to the tune of several hundreds of thousands of dollars if this individual filed
6 their own claims against Mr. Laurent (which this individual had already told Plaintiff did not exist).
7 (*Id.*, ¶ 13.) This individual has also reported that Plaintiff repeatedly called this individual on
8 blocked numbers asking this person to assist and participate in the litigation against Mr. Laurent.
9 (*Id.*, ¶¶ 7–10.) On more than one occasion, Plaintiff has suggested to this individual that they could
10 financially benefit if they cooperated with Plaintiff. (*Id.*, ¶¶ 11, 13.)

11 **2. It Appears that Plaintiff Provided Contact Information of Witnesses to the Press,**
12 **Resulting in Harassment to These Individuals**

13 It also appears that, on information and belief, since filing her lawsuit, Plaintiff has provided
14 the contact information of potential witnesses to several media outlets. (Conway Decl., Ex. A ¶ 9.)
15 The press subsequently contacted one individual repeatedly, despite their insistence to stop calling and
16 texting. (*Id.*, ¶ 7.) The harassment became so severe for this individual that their current employer
17 (unrelated to Defendants) decided to terminate their working relationship. (*Id.*, ¶ 8.) This individual
18 is concerned that Plaintiff will disseminate their private information once again, and that their future
19 employment will be jeopardized by Plaintiff. (*Id.*, ¶ 15.)

20 **3. Another Individual Has Reported Repeated Harassing and Threatening Calls En-**
21 **couraging This Individual to “Join” Plaintiff in Her Lawsuit**

22 Defendants have also learned that since Plaintiff filed her Complaint, another individual who is
23 employed in Mr. Laurent’s household has received numerous harassing and/or threatening calls from
24 individuals who appear to be working at Plaintiff’s behest.

25 This individual reported recently receiving two calls from a woman purporting to be the assis-
26 tant to Plaintiff’s lawyer, both from a blocked number. (Conway Decl., Ex. C ¶ 15; *id.*, Ex. B ¶¶ 5–
27 6.) On both occasions, the “assistant” would not share her name or the name of Plaintiff’s lawyer. (*Id.*,
28 Ex. B ¶¶ 5–6.) The “assistant” demanded that the individual meet with Plaintiff, which the individual
declined to do. (*Id.*, ¶ 6.) The “assistant” also said that if this individual were to join Plaintiff’s lawsuit,

1 *the individual could “get money out of” the Laurent family.* (Conway Decl., Ex. B ¶ 7.) When the
2 individual objected, the “assistant” referred to the individual as a “bitch,” said “fuck the Laurents,” and
3 again insisted that the individual meet with Plaintiff at an address that the “assistant” would provide.
4 (*Id.*, ¶ 8.) The individual declined and told the “assistant” to stop calling. (*Ibid.*)

5 The harassment and attempted witness tampering of that same individual did not stop there.
6 Just last week, on March 9, 2021, the individual received another call, this time from a man, again from
7 a blocked number. (Conway Decl., Ex. B ¶ 9.) When the individual answered, the man said, “is this
8 fucking [name]?” in an aggressive and threatening tone. (*Ibid.*) When the individual asked who the
9 man was, the man said, “bitch, is this fucking [name]?” (*Ibid.*) The man then said that the individual
10 “need[ed] to be united with Shari” so that “all this lawsuit shit can come to a conclusion.” (*Ibid.*) He
11 said that he would only tell the individual this once, not twice. (*Ibid.*) The individual declined to
12 participate. (*Ibid.*) The man then said, “bitch you have no money, you are fucking broke,” and the
13 individual again declined to participate. (*Ibid.*) After the call dropped, the man called back to tell the
14 individual “*I know where you live.*” (*Ibid.*, emphasis added.) The individual told the man to stop the
15 calls and harassment and said that they would report the call to the police. (*Ibid.*) This individual did
16 indeed report their concerns to the police who stated that a criminal judge likely would not act on this
17 unless the individual received death threats. (*Ibid.*)

18 ***

19 This is the conduct of which Defendants are currently aware, by virtue of these two individuals
20 coming to Defendants with their concerns about Plaintiff’s actions. Defendants do not know, but based
21 on the above, have reason to suspect, that Plaintiff may be engaged in, encouraging, or aware of similar
22 conduct with respect to other potential witnesses who have not contacted Defendants.

23 **B. The Court Should Set a Status Conference to Address these Concerns and Provide Guid-**
24 **ance to the Parties on how to Proceed**

25 These apparent actions reasonably give Defendants serious concerns about Plaintiff’s litigation
26 tactics and strategy in this case up to this point. This concern is compounded by Defendants’
27 knowledge of Plaintiff’s reported tactics in prior litigation, where she was previously accused of
28 “blackmail” and “libel” for her alleged attempts to extract money that she demanded. (See *O’Donnell*

1 *v. Hollywood Int’l Film Exchange, et al.*, Los Angeles Superior Court Case No. BC698392, Aug. 24,
2 2018 Second Amended Cross-Complaint; see also Conway Decl., Ex. C ¶ 10.) Indeed, in reviewing
3 Plaintiff’s allegations in anticipation of filing an Answer on March 11, 2021, Defendants uncovered
4 significant concerning material that further heightens the need to have Plaintiff’s behavior addressed
5 as soon as possible. (See, e.g. *id.*, Ex. C ¶¶ 19–21 [Plaintiff misrepresented information to Riot Games
6 during her employment]; *id.*, ¶¶ 22–26 [Plaintiff deceived Defendants during the hiring process]; *id.*, ¶
7 17 [“Plaintiff, one of a select group of employees entrusted with a Riot corporate credit card, used that
8 card to make tens of thousands of dollars’ worth of personal purchases ... sometimes exceed[ing]
9 \$10,000 in a month alone”]; *id.*, ¶13 [“Plaintiff posted text messages between her and another former
10 Riot employee, without their permission, and mischaracterized the selected texts as supporting her
11 Complaint.”].)

12 Furthermore, the examples of witness tampering and harassment listed above are only those of
13 which Defendants have been made aware at this point in time and may be non-exhaustive. What is
14 clear is that Plaintiff has reportedly demonstrated a willingness to pay for false testimony and appar-
15 ently encourage false claims. Defendants therefore have legitimate concerns that Plaintiff’s conduct
16 rises to the level of improper conduct that must be curbed under the court’s inherent authority to miti-
17 gate abuses of the court system by litigants. (See *San Francisco Unified Sch. Dist. ex rel. Contreras*
18 *v. First Student, Inc.* (2013) 213 Cal.App.4th 1212, 1227 [recognizing that the inherent authority of the
19 courts includes the authority to prohibit unlawful and improper conduct of litigants with respect to
20 potential witnesses]; *In re M.B.* (2011) 201 Cal.App.4th 1057, 1062 [ordering “[a]ll employees and
21 staff” of a public agency to be protected by an injunction against threats]; see also *Huntingdon Life*
22 *Sciences, Inc. v Stop Huntingdon Animal Cruelty USA, Inc.* (2005) 129 Cal.App.4th 1228, 1255–1256
23 [reasoning that the intent requirement for a true threat is that the respondent intentionally or knowingly
24 communicates the threat; it is not necessary that the respondent intends to, or is able to carry out the
25 threat].) Indeed, Plaintiff’s conduct could interfere with Defendants’ duty to provide a safe and secure
26 workplace for their employees, which this Court should seek to support and protect. (See *Franklin v*
27 *Monadnock Co.* (2007) 151 Cal.App.4th 252, 258–263 [public policies require employers to provide a
28

1 safe and secure workplace and encourage employees to report credible threats of violence in the work-
2 place].)

3 These issues should be addressed in the immediate future. To that end, Defendants request that
4 the Court set a status conference as soon as practicable to address Plaintiff’s alleged witness tampering
5 and harassment. (See *Stephen Slesinger, Inc. v. Walt Disney Co.* (2007) 155 Cal.App.4th 736, 762
6 [“California courts . . . retain flexibility to exercise historic inherent authority in modern circumstances,
7 fashioning procedures and remedies as necessary to protect litigants’ rights.”]; *id.* at pp. 762–763 [rec-
8 ognizing that “the exercise of the inherent power to” address “deliberate and egregious misconduct . . .
9 relies . . . on the power the court derives from its nature as an institution of justice”].)

10 A status conference is the most logical and reasonable way to proceed at this juncture. Defend-
11 ants are currently unable to move Plaintiff’s suit (and, relatedly, Defendants’ concerns about witness
12 tampering) to arbitration—where they should have been brought in the first place—due to the stay put
13 in place on any responsive pleadings until further order from the Court. (See Minute Order, dated
14 March 5, 2021 [“Responsive pleadings shall not be filed until further Order of the Court.”].) Mean-
15 while, the parties are not set to appear before the Court until April 27, 2021, more than a month from
16 now. An expedited status conference therefore allows the Court the opportunity to consider the appro-
17 priate guidance to provide to the parties in the interim.

18 **C. Good Cause Exists to Grant the Requested Relief on an *Ex Parte* Basis**

19 Good cause exists to set the requested status conference on an *ex parte* basis. **First**, as ex-
20 plained, the parties are not set to appear before the Court until April 27, 2021. (See Minute Order,
21 dated March 5, 2021 [setting initial status conference].)

22 **Second**, Plaintiff has shown a clear willingness to harass and attempt to tamper with potential
23 witnesses since filing her lawsuit, and did so **as recently as last week**. (See Conway Decl., Ex. B, ¶ 9
24 [detailing threats received on March 9, 2021].) The Court therefore needs to address these issues in
25 the immediate future in order to avoid further harassment and unlawful tampering of these and poten-
26 tially other witnesses. Defendants will be irreparably harmed if Plaintiff were able to purchase testi-
27 mony from individuals or threaten individuals into cooperating with litigation. (Conway Decl., Ex. A
28 ¶ 11; Ex. B ¶ 9.) In addition, Plaintiff’s actions have already irreparably harmed a third party witness

1 who have had their private contact information disclosed to the press, which ultimately resulted in the
2 termination of their employment with another employer (unrelated to Defendants). (See Conway Decl.,
3 Ex. A, ¶ 8.)

4 *Third*, the relief requested is uncontroversial and will not prejudice any party to this action.
5 Defendants are not requesting that the Court take any action at this time other than *set a status confer-*
6 *ence*, so that the Court can provide guidance to the parties on how to proceed.

7 **III. CONCLUSION**

8 Defendants have good cause to believe that Plaintiff is actively harassing and seeking to tamper
9 the testimony of potential witnesses whose testimonies may be pertinent to this lawsuit. Because the
10 parties are not otherwise set to appear before this Court until April 27, 2021 (more than a month from
11 now), Defendants respectfully request that the Court set a status conference as soon as practicable from
12 the date of the hearing on this application, so that the Court can provide guidance to the parties as to
13 how to proceed.

14
15 DATED: March 16, 2021

GIBSON, DUNN & CRUTCHER LLP

16
17
18 By: 
19 Catherine A. Conway

20 Attorneys for Defendants RIOT GAMES, INC.
21 and NICOLO LAURENT
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