

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF PRINCE WILLIAM

KRYSTAL GAYLE WILLIAMS,)	
)	
Plaintiff,)	
)	
v.)	Case No. CL25-1340
)	
MESSAGE ENVY FRANCHISING, LLC,)	
FS GAINESVILLE, LLC,)	
MICHAEL FITZGERALD, and)	
JOHN GABRIEL ROMERO,)	
)	
Defendants.)	

PLAINTIFF’S MOTION TO COMPEL DISCOVERY RESPONSES AND REQUEST FOR SANCTIONS AS TO DEFENDANT MESSAGE ENVY FRANCHISING, LLC

Plaintiff respectfully requests that this Court enter an order compelling Defendant Massage Envy Franchising, LLC (“MEF”) to provide complete responses to all outstanding interrogatories, requests for production of documents, and requests for admission. Plaintiff further requests that the Court order monetary sanctions pursuant to Va. Sup. Ct. R. 4:12 based on MEF’s obstruction.

On September 16, 2025, Plaintiff served MEF with interrogatories, requests for production, and requests for admission seeking information essential to this case, including: MEF’s knowledge of sexual assault risks at its franchises; the extent of MEF’s control over franchisee operations; MEF’s safety policies and rejected safety measures; and insurance coverage and risk management practices. MEF served its responses on October 7, 2025. (Exhibit 2). Rather than provide substantive discovery responses, MEF submitted boilerplate objections claiming virtually every request was vague, ambiguous, overly broad, unduly burdensome, not relevant, and not likely to lead to admissible evidence. MEF produced no responsive documents and provided no privilege log despite claiming privilege. MEF also refused to admit basic facts about its franchise operations.

Plaintiff sent a deficiency letter to MEF on October 9, 2025, identifying these deficiencies and requesting complete responses by October 16, 2025. (Exhibit 1). The letter explicitly warned that Plaintiff would seek court intervention if MEF failed to cure its deficient responses. In response, MEF stated that it “will produce all relevant and discoverable documents in response to Plaintiff’s discovery requests upon entry of the Protective Order, which is pending with the Court.” (Exhibit 3). This response is inadequate for two reasons. First, MEF does not unilaterally determine what is relevant and discoverable—that determination is governed by Virginia’s discovery rules and ultimately this Court. Second, it is inconceivable that every single answer and document requested requires confidentiality protection. MEF’s wholesale refusal to produce any documents while hiding behind a pending protective order constitutes improper obstruction of discovery.

Standard of Review

Virginia’s discovery rules contemplate broad disclosure of relevant information. “Parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action.” Va. Sup. Ct. R. 4:1(b)(1). Information need not be admissible at trial if it “appears reasonably calculated to lead to the discovery of admissible evidence.” *Id.*; *see also Hirsch v. CSX Transportation, Inc.*, 98 Va. Cir. 286, 292 (Loudoun County 2018) (“Virginia law contemplates a rather liberal application of discovery rules in civil cases”).

When a party fails to answer interrogatories under Rule 4:8 or fails to produce documents under Rule 4:9, “the discovering party may move for an order compelling an answer... or an order compelling inspection in accordance with the request.” Va. Sup. Ct. R. 4:12(a)(2). Significantly, “an incomplete answer is to be treated as a failure to answer.” Va. Sup. Ct. R. 4:12(a)(3).

1. MEF's Discovery Responses Constitute Complete Non-Compliance

MEF's discovery responses consist almost entirely of boilerplate objections, with no meaningful information provided. For example, the Plaintiff asked MEF to describe its franchise relationship to its franchisees. In response, MEF asserted numerous objections, parroting the refrain that the request was vague, ambiguous, overly broad, unduly burdensome, and compound, and provided no meaningful response. The terms used in the interrogatory, however, were neither vague nor unfamiliar, especially given that franchising is MEF's core business. Its refusal to answer this interrogatory exemplifies how MEF has stonewalled even the most basic inquiries.

MEF's responses to document requests are equally evasive. Plaintiff's requests for production sought core documents one would expect in a case of this nature, including, for example: MEF's applicable insurance policies, any operations manuals or franchising policies provided to franchisees, any safety or security protocols regarding customer protection, and documents concerning the widely-publicized past incidents of sexual assault at Massage Envy locations. These are documents that go to the heart of MEF's potential liability (e.g., control over franchises, knowledge of risks, and measures taken or not taken to prevent assaults). Yet MEF produced nothing at all in response to these requests. Instead, MEF reflexively asserted boilerplate objections such as unduly burdensome and overly broad, without offering any specific explanation or any documents. Tellingly, MEF did not even provide a privilege log or identify any documents withheld on privilege grounds, as required if it were legitimately withholding responsive materials.

MEF even obstructed discovery on background facts through its handling of requests for admission. Plaintiff served requests for admission seeking to have MEF admit basic facts about its franchising model and its relationship with the co-defendant franchisee. These requests included an admission that MEF requires its franchisees (like FS Gainesville, LLC) to operate under the

Message Envy brand name and logo, and an admission that MEF collects royalties or fees from its franchisees—straightforward facts that reflect how a franchisor-franchisee relationship typically operates. Yet rather than answering “Admit” or “Deny” as required by Rule 4:11, MEF objected to each request on technical or unfounded grounds (for instance, claiming the term royalty was vague). MEF’s approach defeats the very purpose of requests for admission, which is to narrow issues by securing admissions of facts not in dispute. By objecting across the board, MEF has forced Plaintiff to prove obvious facts that should have been confirmed, wasting judicial resources.

In sum, MEF has responded to each of Plaintiff’s discovery requests with the same tactic: boilerplate, unsupported objections with minimal substantive information. Under Rule 4:12(a)(3), such evasive or incomplete answers are treated as a failure to answer. Virginia’s discovery rules require either a legitimate answer or a specific, valid objection. MEF has provided neither; therefore, MEF’s objections should be overruled and it should be ordered to answer fully.

2. Monetary Sanctions Are Warranted Under Va. Sup. Ct. R. 4:12

Beyond rule violations in the abstract, MEF’s obstructionist conduct has concrete consequences: it is blocking Plaintiff’s access to evidence that is central to her case. By providing nothing of substance in discovery, MEF is attempting to deprive Plaintiff of the proof needed to establish her claims on liability and damages. This prejudice to Plaintiff is significant and ongoing.

The Court should not only compel responses by MEF but also impose monetary sanctions. Under Rule 4:12(a)(4), if a motion to compel is granted, the Court must award reasonable expenses, including attorney’s fees, unless the noncompliance was substantially justified or an award would be unjust. MEF’s blanket refusal to meaningfully answer any interrogatories or produce documents, relying solely on boilerplate and unsupported objections, is not substantially justified under any standard. As such, Plaintiff requests that Court order an award of all reasonable

fees and costs incurred in preparing the deficiency letter, this motion, legal research, and attending any associated hearing. Plaintiff will submit a detailed fee petition if the Court grants fees.

CONCLUSION

MEF has engaged in willful, across-the-board obstruction of discovery by refusing to answer basic interrogatories, produce core documents, or provide proper responses to requests for admission. Its blanket use of boilerplate objections—without explanation, factual support, or a privilege log—violates Virginia’s discovery rules and prejudices Plaintiff’s ability to prosecute her claims. This is not a case of minor or technical deficiencies, but a complete failure to comply.

MEF’s conduct is particularly egregious given the criminal conviction already establishing that Plaintiff was sexually assaulted at a Massage Envy location. MEF cannot simultaneously defend against liability for this assault while claiming that information about its franchise operations, safety policies, and knowledge of assault risks is somehow irrelevant or overly burdensome to produce. This Court should not permit MEF to use discovery obstruction as a litigation tactic to avoid accountability for systemic safety failures that have victimized thousands.

For the foregoing reasons, Plaintiff respectfully requests that the Court:

(1) Compel MEF to serve full and complete responses to all outstanding interrogatories, requests for production, and requests for admission within 10 days of the Court’s Order. As to any withheld documents, order that MEF must provide a privilege log compliant with Rule 4:1(b)(6).

(2) Award Plaintiff her reasonable attorney’s fees and costs incurred in connection with this motion pursuant to Rule 4:12(a)(4).

KRYSTAL GAYLE WILLIAMS

By: _____
Counsel

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Gray B. Broughton (VSB No. 46692)
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Counsel for Plaintiff

CERTIFICATE OF SERVICE

I certify that I sent the foregoing by email and fax on October 21, 2025 to:

C. Stephen Setliff, Esq.
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Counsel for Defendants FS Gainesville, LLC and Michael Fitzgerald

Counsel

October 9, 2025

VIA EMAIL

Nicole M. Stewart, Esq.
C. Stephen Setliff, Esq.
Counsel for Massage Envy Franchising, LLC

Re: Massage Envy Franchising, LLC's October 7, 2025 Discovery Responses
Williams v. Massage Envy Franchising, LLC, et al.
Case No. CL25-1340

Counsel for Massage Envy Franchising, LLC:

Massage Envy Franchising LLC's ("MEF") Objections and Responses to Plaintiff's September 16, 2025 Discovery Request are deficient and do not comply with Virginia's Discovery Rules. We request that MEF provide complete responses **no later than October 16, 2025**. This letter constitutes Plaintiff's attempt to meet and confer before seeking court intervention.

MEF provided no substantive answers to the interrogatories, produced no responsive documents to the requests for production, and did not provide any meaningful responses to the requests for admission. This constitutes obstruction. MEF is preventing Mrs. Williams from obtaining any discovery about MEF's knowledge of widespread sexual assault problems at its franchises, its control over franchise operations, or its decisions to reject safety measures that could have prevented the assault. MEF's conduct warrants sanctions if not corrected.

GENERAL DEFICIENCIES APPLICABLE TO ALL RESPONSES

MEF's responses suffer from systemic deficiencies that permeate every response:

1. Even when asserting objections, a party must provide responsive information for any non-objectionable portion of the request. MEF failed to do this, instead treating each objection as an excuse to provide no information whatsoever.
2. MEF violated Rule 4:1(b)(6) by claiming attorney-client privilege and work product protection without providing a privilege log. The Rules require that when documents are withheld on privilege grounds, the withholding party must provide a log identifying the nature of the documents, the date, the author, the recipient, and the specific basis for the privilege claim. MEF has provided no such log, making it impossible for Plaintiff to evaluate whether MEF's privilege claims have any

validity. This is particularly troubling given that MEF appears to be claiming privilege for routine business documents that have no connection to legal advice.

3. MEF's objections themselves are improper. MEF claims that virtually every standard term used in discovery is "vague and ambiguous," including terms like "sexual assault" in a sexual assault case, "franchise agreement" when MEF is a franchisor, and "insurance policy" when seeking standard insurance information.
4. While MEF repeatedly invokes "undue burden" as an objection, it has not provided any specifics about why production would be burdensome, how many documents are involved, how much time production would require, or why its burden should excuse it from standard discovery obligations.

INTERROGATORY DEFICIENCIES

The interrogatories were designed to elicit basic information about MEF's relationship with the franchise where Mrs. Williams was assaulted, MEF's knowledge of sexual assault risks, and MEF's response to known dangers. MEF, however, did not provide any substantive response.

For example, when asked to describe the franchise relationship between MEF and FS Gainesville, including aspects of control, mandatory requirements, restrictions, reporting obligations, financial structures, and other key elements of the relationship, MEF's response consisted largely of objections claiming the request is vague, ambiguous, overly broad, unduly burdensome, and compound. MEF provided no substantive information whatsoever about its franchise relationship. MEF cannot credibly claim that the term "franchise relationship" is vague when MEF's entire business model is based on franchising. The requested information about control, requirements, and restrictions is directly relevant to determining whether MEF exercised sufficient control over FS Gainesville to be held liable for the assault that occurred there.

When asked to identify incidents of sexual assault, sexual misconduct, or inappropriate touching reported at Massage Envy locations nationwide, MEF objected as vague, ambiguous, overly broad, unduly burdensome, not relevant, and not likely to lead to admissible evidence, providing no response. Prior similar incidents are directly relevant to notice and foreseeability. Pattern evidence is also admissible to show that MEF knew or should have known about the risk of sexual assault at its franchises. The November 2017 BuzzFeed article publicly reported over 180 allegations of sexual assault at Massage Envy locations, making MEF's claim that this information is irrelevant or that MEF lacks knowledge incorrect, as shown in Complaint Exhibit B:

More Than 180 Women Have Reported Sexual Assaults At Massage Envy

Across the US, people go to Massage Envy spas in search of a soothing, affordable escape. More than 180 people say what they got instead was sexual assault. But the billion-dollar company says that's not its problem to solve. A BuzzFeed News investigation.



Katie J.M. Baker
BuzzFeed News Reporter

Posted on November 26, 2017, at 11:23 a.m. ET

On May 2, 2015, Susan Ingram lay facedown in the dark at her local Massage Envy in West Chester, Pennsylvania, one of the franchise's nearly 1,200 spas nationwide. It was her seventh session with James Deiter, a massage therapist whom the spa had enthusiastically recommended. By now, Ingram trusted Deiter, and she closed her eyes and relaxed as he worked her muscles. Then, without warning, Deiter ground his erect penis against Ingram's body. He groped her breasts. He put his fingers in and out of her vagina.

MEF also refused to provide any information about its policies and procedures for preventing sexual assault, its knowledge of sexual assault risks, its directives to franchisees about safety, its inspections of the franchise location, or any other substantive information requested by the interrogatories. Each refusal is accompanied by the same boilerplate objections without any attempt to provide non-objectionable information as required.

DOCUMENT PRODUCTION DEFICIENCIES

The requests for production sought documents central to liability and damages. MEF, however, produced no responsive documents in response to these requests.

For example, MEF refused to produce its insurance policies, which are discoverable under Virginia Rule 4:8(b)(2). MEF refused to produce operations manuals that would show the level of control MEF exercises. MEF refused to produce safety policies and procedures that are central to Plaintiff's negligence claims. MEF refused to produce any documents relating to the 2017 BuzzFeed investigation that reported 180+ sexual assaults at Massage Envy locations.

MEF is preventing Plaintiff from obtaining any information about prior incidents that would establish notice, corporate knowledge of dangers, rejected safety measures showing conscious disregard, and control mechanisms necessary for vicarious liability.

ADMISSION REQUEST DEFICIENCIES

The requests for admission were made in an effort to establish basic facts and narrow the issues for trial. MEF, again, did not provide any meaningful responses to these requests.

For example, when asked to admit that MEF requires franchisees to operate under the Massage Envy brand name, logo, and signage, MEF objected rather than admitting this fundamental aspect of its franchise system that is not reasonably disputable. Similarly, when asked to admit that MEF receives royalties from franchise locations—the very economic foundation of franchising—MEF claimed the terms "royalty" and "gross revenue" are ambiguous.

DEMAND FOR IMMEDIATE COMPLIANCE

Based on the foregoing, Plaintiff demands that MEF provide complete, substantive responses to all discovery requests within seven days of this letter. This requires:

1. MEF must provide actual answers to interrogatories, not just objections. MEF must identify all persons with knowledge, describe the franchise relationship, identify prior incidents, describe safety policies, and provide all other requested information.
2. MEF must produce responsive documents or provide a detailed privilege log explaining why specific documents are being withheld. At a minimum, MEF must immediately produce all documents that cannot conceivably be privileged.
3. MEF must admit or deny the requests for admission or provide specific, detailed reasons why it cannot do so. MEF cannot simply object to requests for admission about basic facts like its corporate structure or matters of public record.
4. MEF must replace its boilerplate objections with specific objections tied to particular requests. Any claim of burden must be supported with specific facts. Any claim of privilege must be supported with a privilege log. Any claim of irrelevance must explain why information is not relevant to claims or defenses in this case.

If MEF's discovery errors are not remedied **by October 16, 2025**, Plaintiff will move to compel and will request all available sanctions, including fees, costs, evidentiary preclusion, adverse inferences, striking of MEF's defenses, and potentially entry of default judgment.

Sincerely,

A handwritten signature in black ink, reading "Sharif L. Gray". The signature is written in a cursive, flowing style with a long horizontal flourish extending to the right.

Sharif L. Gray

EXHIBIT

2

SETLIFF III LAW

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www.setliffllaw.com

Julie Harthill Turner
jturner@setliffllaw.com

Direct Dial: 804-377-1274
Direct Fax: 804-377-1294

October 7, 2025

File No. 534-008

VIA EMAIL & FIRST-CLASS US MAIL

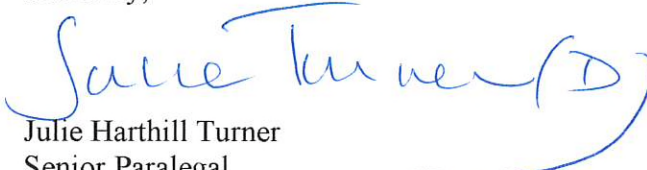
Sharif L. Gray, Esquire
The Broughton Law Firm, PLLC
9701 Gayton Road, Suite 12
Henrico, VA 23238

Re: Krystal Gayle Williams v. Massage Envy Franchising, LLC, et al.
Case No.: CL25-1340

Dear Mr. Gray:

Enclosed please find *Defendant Massage Envy Franchising, LLC's Responses and Objections to Plaintiff's September 16, 2025 Discovery Requests.*

Sincerely,


Julie Harthill Turner
Senior Paralegal

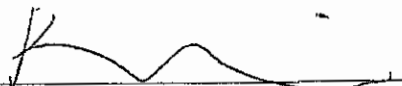
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Enclosure

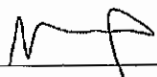
cc: Gray B. Broughton, Esq. (*via email and first-class mail*)
Zachary P. Grubaugh, Esq. (*via email and first-class mail*)
Jeremy D. Camacho, Esq. (*via email and first-class mail*)

employees and counsel of Massage Envy Franchising, LLC, and affiant is informed by those authorized employees that the facts stated in the foregoing document are true.

Massage Envy Franchising, LLC

By 
Kristin Paiva
General Counsel

Subscribed and sworn to before me this 06 day of OCTOBER, 2025.

 MIKALA THOMAS



My commission expires: 04 / 06 / 2029

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF PRINCE WILLIAM

KRYSTAL GAYLE WILLIAMS,)
)
 Plaintiff,)
)
 v.)
)
 MASSAGE ENVY FRANCHISING, LLC,)
)
 FS GAINESVILLE, LLC,)
)
 MICHAEL FITZGERALD, and)
)
 JOHN GABRIEL ROMERO)
)
 Defendants.)

Case No. CL25-1340

**DEFENDANT MASSAGE ENVY FRANCHISING, LLC'S RESPONSES AND
OBJECTIONS TO PLAINTIFF'S SEPTEMBER 16, 2025 DISCOVERY REQUESTS**

Defendant MASSAGE ENVY FRANCHISING, LLC ("MEF"), by and through undersigned counsel and pursuant to Rules 4:8, 4:9, and 4:10 of the Rules of the Supreme Court of Virginia, hereby provides its Objections and Responses to Plaintiff's First Interrogatories, Requests for Production of Documents, and Requests for Admission (hereinafter the "Requests").

PRELIMINARY STATEMENT

1. As a preliminary matter, MEF objects to producing certain confidential, proprietary, private, or otherwise protected information and/or documents in this matter prior to the entry of a protective order by the Court. Because the documents Plaintiff seeks to discover invoke various protections, as outlined herein, MEF will not produce certain documents absent the entry of a protective order; however, upon the entry of a protective order, and subject to the

objections below, MEF intends to produce relevant, non-privileged information that is responsive to Plaintiff's discovery and applicable to Plaintiff's claims.

2. These objections and answers are made solely for the purpose of, and use in, this proceeding. MEF's investigation and development of all facts and circumstances relating to this action is ongoing. These responses and objections are made without prejudice to, and are not a waiver of, MEF's right to rely on other facts or documents at trial.

3. By making the accompanying responses and objections to the Requests, MEF does not waive, and hereby expressly reserves, its right to assert any and all objections as to the admissibility of such responses into evidence in this action, or any other proceedings, on any and all grounds including, but not limited to, competency, relevancy, materiality, and privilege. Further, MEF makes the responses and objections herein without in any way implying that it considers the Requests or responses thereto to be relevant or material to this action. Similarly, MEF does not concede that the Requests seek information that is relevant to any party's claim or defense.

4. A response to a Request stating objections and/or providing information and/or indicating that documents will be produced shall not be deemed or construed that there are, in fact, responsive documents, that MEF performed any of the acts described in the Request or definitions and/or instructions applicable to the Request, or that MEF acquiesces in the characterization of the conduct or activities contained in the Request or the definitions and/or instructions applicable to the Request. MEF's responses are based upon the present knowledge, information, and belief of MEF. MEF expressly reserves the right to supplement, clarify, revise, or correct any or all of the responses and objections herein, and to assert additional objections or privileges, in one or more subsequent supplemental responses.

5. The fact that a Request herein has been answered should not be taken as an admission of, or a concession of the existence of, any facts set forth or assumed by such a Request. All responses must be construed as given on the basis of present recollection. In the event that any of MEF's responses are ever read to the jury, MEF expressly requires that any modifications or supplements to these responses be read as well.

6. The objections and answers contained herein are made on behalf of MEF only. MEF has not conducted any investigation into what information or documents may be known to other entities or individuals, nor does it have any obligation to do so.

7. MEF is willing to meet and confer regarding these responses and objections.

OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS

1. MEF objects to the Definitions of "Document," "Person," "Identify," "Subject Incident," "You," "Your," "Massage Envy Franchising," "Franchisee," "Sexual Assault Allegation," "Control," and "AIR Tool" to the extent they are inconsistent with the Rules of Virginia Supreme Court or to the extent they do not comport with the ordinary meaning of those words.

2. MEF further objects to the definition of "You," "Your," and "Massage Envy Franchising" to the extent they purport to impose on MEF an obligation to produce documents from any person or entity other than MEF, or to the extent they purport to impose an obligation on MEF to produce documents that are not in MEF's possession, custody, or control.

OBJECTIONS AND CONDITIONS

The following Objections and Conditions apply to each of the Requests and shall have the same force and effect as if set forth in full in response to each individually numbered Request.

1. MEF objects to each of the Requests to the extent that they seek information protected from discovery or exempted from disclosure by the attorney-client privilege, the attorney work-product doctrine, the Rules of Supreme Court of Virginia, or any other applicable privilege, protection, immunity, law, or rule. Any disclosure of information protected from discovery or exempted from disclosure by the attorney-client privilege, the attorney work-product doctrine, the Virginia or United States Constitutions, Rules of Supreme Court of Virginia, or any other applicable privilege, protection, immunity, law, or rule is inadvertent and should not be construed to constitute a waiver of MEF's right to assert any applicable privilege with respect to any such information.

2. MEF objects to each Request to the extent it seeks information that is protected by the right to privacy of the affected individual(s) as set forth under federal or state constitutional, statutory, or common law.

3. MEF objects to each of the Requests (and their accompanying Instructions) to the extent that they seek to impose burdens and obligations on MEF that exceed those imposed by the Rules of Supreme Court of Virginia and/or any Orders entered in this litigation.

4. MEF objects to each Request to the extent it is overly broad and unduly burdensome and seeks information that is not relevant to any party's claim or defense.

5. MEF objects to each Request to the extent it seeks documents or information that is not relevant or likely to lead to the discovery of admissible evidence.

6. MEF objects to each Request to the extent it seeks information from persons or entities unrelated and irrelevant to Plaintiff's claims.

7. MEF objects to each Request to the extent it seeks documents or information already in the possession of or readily available to Plaintiff.

8. MEF objects to each Request to the extent it seeks documents or information not within MEF's possession, custody, or control.

9. MEF objects to each Request to the extent it seeks to elicit information concerning issues in dispute between the parties that is more appropriately sought through other discovery devices.

10. MEF objects to each Request to the extent it seeks information or documents that MEF does not maintain in its ordinary course of business or had no obligation to preserve.

11. MEF objects to each Request to the extent it calls for legal conclusions or seeks ratification of the legal significance Plaintiff ascribes to disputed issues of fact.

12. MEF objects to each Request to the extent it is argumentative or reflects Plaintiff's subjective interpretation of factual issues.

13. MEF objects to each Request to the extent it assumes facts which are incorrect or do not exist.

14. Any Request deemed as continuing is objected to as overly burdensome, oppressive, improper, and inconsistent with the Rules of Supreme Court of Virginia, and will not be regarded as continuing in nature.

15. MEF incorporates by reference every objection and condition set forth above into each response set forth below.

16. MEF's responses reflect the present state of MEF's knowledge, information, and belief concerning the information requested in the Requests. MEF reserves the right to amend or supplement its document production and these responses and objections as appropriate.

17. MEF reserves the right to amend its responses.

OBJECTIONS AND RESPONSES TO INTERROGATORIES

1. Identify each person who assisted in answering these discovery requests, including their name, title, relationship to Massage Envy Franchising, and which specific interrogatories, requests for production, or requests for admission they assisted with.

RESPONSE TO INTERROGATORY NO. 1:

Subject to the Preliminary Statement, Objections to Definitions and Instructions, and Objections and Conditions above, MEF objects to this Interrogatory because it seeks information protected by the attorney-client privilege and/or the attorney work-product doctrine.

Subject to and without waiving its objections, MEF responds as follows: MEF and its outside counsel, Kristin Paiva, General Counsel for MEF, have answered these Requests. Ms. Paiva can be reached through counsel for MEF.

MEF reserves the right to supplement, clarify, revise, or correct its response to this Interrogatory.

2. Describe the franchise relationship between Massage Envy Franchising and its franchisees, including but not limited to: (a) all aspects of daily operations that Massage Envy Franchising controls, directs, or influences; (b) all mandatory requirements franchisees must follow; (c) all restrictions placed on franchisees; (d) all reporting obligations; (e) all financial obligations and payment structures; (f) all inspection and audit rights; (g) all training requirements; (h) all policy and procedure requirements; (i) all technology and system requirements; (j) all marketing and branding requirements; (k) all consequences for non-compliance; (l) all termination rights and procedures; and (m) any aspect of the business in which franchisees have discretion.

RESPONSE TO INTERROGATORY NO. 2:

Subject to the Preliminary Statement, Objections to Definitions and Instructions, and Objections and Conditions above, MEF objects to this Interrogatory because the use of the terms “daily operations,” “directs,” “influences,” “mandatory,” “must follow,” “restrictions,” “reporting obligations,” “financial obligations and payment structure,” “inspection and audit rights,” “training requirements,” “policy and procedure requirements,” “technology and system requirements,” “marketing and branding requirements,” “consequences for non-compliance,” “termination rights and procedurals,” and “any aspect of the business in which franchisees have discretion” is vague and ambiguous, thereby rendering a response impossible without speculation or undue burden.

MEF objects to this Interrogatory because the information sought may be confidential, trade secret, and/or proprietary.

MEF objects to this Interrogatory because it is overly broad and unduly burdensome.

MEF objects to this Interrogatory as compound.

MEF objects to this Interrogatory because it is, in part, premised on a legal conclusion and false assertion—that MEF “controls, directs, or influences” its independently owned and operated franchises. MEF is a business format franchisor of approximately 1,000 Massage Envy® franchises. The franchises are independently owned and operated businesses that are solely responsible for their own premises, day-to-day operations, employees (including the therapists those franchisees hire to provide massage and other services to customers of the franchisee), and liabilities arising out of those operations and employees. MEF has no control over the franchisees’ day-to-day operations.

MEF objects to this Interrogatory to the extent the information requested is not

relevant or likely to lead to the discovery of admissible evidence.

Subject to and without waiving its objections, MEF responds as follows: At all relevant times, MEF and Defendant FSG were parties to a franchise agreement dated November 26, 2017. It is the terms contained in the franchise agreement (and the documents incorporated therein) that define the license granted to franchisees and which govern the relationship between the franchisor and franchisee. Upon entry of a protective order, and to the extent they exist and are within MEF's possession, custody, or control, MEF will produce non-privileged documents responsive to this Interrogatory relating to the specific franchisor-franchisee relationship pursuant to Rule 4.8(f) of the Rules of Supreme Court of Virginia, but will not otherwise produce additional information or documents in response to this Interrogatory.

MEF reserves the right to supplement, clarify, revise, or correct its response to this Interrogatory.

3. For every Sexual Assault Allegation reported at any Massage Envy franchise location from January 1, 2015 to the present, provide the following information: (a) date of the alleged incident; (b) franchise location; (c) name of the accused service provider; (d) nature of the allegation; (e) how the allegation was reported; (f) when it was reported to Massage Envy Franchising; (g) what investigation was conducted; (h) whether law enforcement was notified; (i) whether criminal charges were filed; (j) the disposition of any criminal charges; (k) whether a civil lawsuit was filed; (l) the disposition of any civil lawsuit; (m) whether the service provider was terminated; (n) whether the franchise agreement was terminated; (o) any settlement amounts paid; and (p) any other actions taken in response.

RESPONSE TO INTERROGATORY NO. 3:

Subject to the Preliminary Statement, Objections to Definitions and Instructions, and Objections and Conditions above, MEF objects to this Interrogatory because the use of the terms “reported,” “allegation,” “investigation,” and “other actions taken in response” is vague and ambiguous, thereby rendering a response impossible without speculation or undue burden.

MEF objects to this Interrogatory because it is overly broad and unduly burdensome, including that it is not limited in scope or time and seeks information after the date of the alleged incident referred to in Plaintiff’s Complaint. Plaintiff’s claim arises out of specific alleged inappropriate conduct, committed by a particular massage therapist, on a specific date.

MEF objects to this Interrogatory because it is not relevant or likely to lead to the discovery of admissible evidence. MEF objects to this Interrogatory because it seeks information regarding massage therapists other than the one at issue. Plaintiff’s claim arises out of specific alleged conduct, committed by a particular massage therapist. What may or may not have happened with regard to different therapists, and different clients, at different times is not relevant to Plaintiff’s claims. MEF is a business format franchisor of approximately 1,000 Massage Envy® franchises. The franchises are independently owned and operated businesses that are solely responsible for their own premises, day-to-day operations, employees (including the therapists those franchisees hire to provide massage and other services to customers of the franchisee), and liabilities arising out of those operations and employees. MEF has no control over the franchisees’ day-to-day operations.

MEF objects to the extent this Interrogatory seeks information not within MEF's possession, custody, or control.

MEF objects to this Interrogatory to the extent it invades the confidentiality and/or privacy interests of third parties and will seek sensitive information about them without their prior knowledge or consent; any response by MEF disclosing information of third parties will necessarily invade constitutional privacy interests of both the accused parties and the alleged complainants, and such information may be subject to confidentiality orders, protective orders, and/or similar agreements.

MEF objects to this Interrogatory to the extent it seeks information protected by the attorney work-product doctrine, the attorney-client privilege, confidentiality agreements, protective orders, and/or any other privileges. MEF further objects because the information sought may be confidential, trade secret, and/or proprietary.

MEF objects to this Interrogatory as compound.

Subject to and without waiving its objections, MEF responds as follows: Upon entry of a protective order, and to the extent they exist and are within MEF's possession, custody, or control, MEF will produce the incident report relating to the specific incident alleged by Plaintiff, pursuant to Rule 4.8(f) of the Rules of Supreme Court of Virginia, but will not otherwise produce information and/or documents in response to this Interrogatory.

MEF reserves the right to supplement, clarify, revise, or correct its responses to this Interrogatory.

4. State whether Massage Envy Franchising has ever instructed, directed, encouraged, suggested, trained, or allowed franchisees to handle Sexual Assault Allegations "in-house," internally, or without involving law enforcement, and if so: (a) identify all policies, procedures, training materials, or other documents containing such instructions; (b) explain who developed and approved such policies; (c) state the rationale for this approach; (d) identify all persons involved in developing or implementing this approach; (e) describe any training provided on "defusing" situations without police involvement; (f) explain any changes to this approach and when implemented; (g) identify any franchisees who were disciplined or rewarded based on their handling of sexual assault allegations; and (h) describe any consequences for franchisees who immediately contacted law enforcement.

RESPONSE TO INTERROGATORY NO. 4:

Subject to the Preliminary Statement, Objections to Definitions and Instructions, and Objections and Conditions above, MEF objects to this Interrogatory because the use of the terms "instructed," "directed," "encouraged," "suggested," "trained," "allowed," "in-house," "policies," "procedures," "training materials," "other documents," "instructions," "developed," "approved," "rationale," "approach," "developing," "implementing," "training," "provided," "defusing," "situations," "changes," "implemented," "disciplined," "rewarded," "handling," "consequences," and "immediately" is vague and ambiguous, thereby rendering a response impossible without speculation or undue burden.

MEF objects to this Interrogatory because it is overly broad and unduly burdensome, including that it is not limited in scope or time and seeks information after the date of the alleged incident referred to in Plaintiff's Complaint. Plaintiff's claim arises out of specific alleged inappropriate conduct, committed by a particular massage therapist, on a specific date, at a specific franchise location.

MEF objects to this Interrogatory because it is not relevant or likely to lead to the discovery of admissible evidence. Plaintiff's claim arises out of specific alleged inappropriate conduct, committed by a particular massage therapist, on a specific date, at a specific franchise location. MEF is a business format franchisor of approximately 1,000 Massage Envy® franchises. The franchises are independently owned and operated businesses that are solely responsible for their own premises, day-to-day operations, employees (including the therapists those franchisees hire to provide massage and other services to customers of the franchisee), and liabilities arising out of those operations and employees. MEF has no control over the franchisees' day-to-day operations.

MEF objects to this Interrogatory to the extent it seeks information protected by the attorney work-product doctrine, the attorney-client privilege, confidentiality agreements, protective orders and/or any other privilege. MEF further objects because the information sought may be confidential, trade secret, and/or proprietary.

MEF objects to this Interrogatory as compound.

MEF reserves the right to supplement, clarify, revise, or correct its responses to this Interrogatory.

5. Describe all knowledge, information, reports, studies, or concerns that any officer, director, board member, or executive of Massage Envy Franchising had prior to February 25, 2023 regarding: (a) the risk of sexual assault at franchise locations; (b) the frequency of sexual assault allegations; (c) any pattern of sexual assaults across locations; (d) concerns about "connecting the dots" between incidents; (e) potential corporate liability for sexual assaults; (f) the effectiveness of prevention measures; (g) media coverage of sexual assault allegations; (h) being placed on the

National Center on Sexual Exploitation's "Dirty Dozen List"; (i) recommendations from consultants or experts regarding sexual assault prevention; (j) warnings or requirements from insurance carriers; and (k) any internal discussions about the scope of the problem.

RESPONSE TO INTERROGATORY NO. 5:

Subject to the Preliminary Statement, Objections to Definitions and Instructions, and Objections and Conditions above, MEF objects to this Interrogatory because the use of the terms “knowledge,” “information,” “reports,” “studies,” “concerns,” “risk,” “sexual assault,” “frequency,” “allegations,” “pattern,” ““connecting the dots’,” “potential corporate liability,” “effectiveness,” “prevention measures,” “media coverage,” “recommendations,” “consultants,” “experts,” “prevention,” “warnings,” “requirements,” “internal discussions,” “scope,” and “problem” is vague and ambiguous, thereby rendering a response impossible without speculation or undue burden.

MEF objects to this Interrogatory because it is overly broad and unduly burdensome, including that it is not limited in scope or time. Plaintiff’s claim arises out of specific alleged inappropriate conduct, committed by a particular massage therapist, on a specific date, at a specific franchise location. Additionally, MEF further objects to this Interrogatory as overly broad, unduly burdensome, and seeks irrelevant information because it seeks the personal knowledge of countless individuals involved MEF from the inception of MEF through February 25, 2023, which is nearly impossible to ascertain.

MEF objects to this Interrogatory because it is not relevant or likely to lead to the discovery of admissible evidence. Plaintiff’s claim arises out of specific alleged inappropriate conduct, committed by a particular massage therapist, on a specific date, at a specific franchise location.

MEF objects to this Interrogatory to the extent it invades the confidentiality and/or

privacy interests of third parties and will seek sensitive information about them without their prior knowledge or consent; any response by MEF disclosing information of third parties will necessarily invade constitutional privacy interests of both the accused parties and the alleged complainants, and such information may be subject to confidentiality orders, protective orders, and/or similar agreements.

MEF objects to this Interrogatory to the extent it seeks information protected by the attorney work-product doctrine, the attorney-client privilege, confidentiality agreements, protective orders and/or any other privilege. MEF further objects because the information sought may be confidential, trade secret, and/or proprietary.

MEF objects to this Interrogatory as compound.

MEF reserves the right to supplement, clarify, revise, or correct its responses to this Interrogatory.

6. Provide a chronological timeline of all events from when Massage Envy Franchising first learned of the February 25, 2023 incident through the present, including: (a) date, time, and method of initial notification; (b) identity of all Massage Envy Franchising personnel who were notified and when; (c) all actions taken by Massage Envy Franchising in response; (d) all communications with FS Gainesville; (e) all internal communications within Massage Envy Franchising; (f) all directives or instructions given to FS Gainesville; (g) when the AIR Tool report was received and by whom; (h) what review or analysis was conducted; (i) any delays in response and reasons for such delays; and (j) all ongoing monitoring or follow-up.

RESPONSE TO INTERROGATORY NO. 6:

Subject to the Preliminary Statement, Objections to Definitions and Instructions, and

Objections and Conditions above, MEF objects to this Interrogatory because the use of the terms “all events,” “learned” “method,” “actions taken...in response,” “internal communications,” “directives,” “instructions,” “review,” “analysis,” “delays,” “response,” “ongoing,” “monitoring,” and “follow-up” is vague and ambiguous, thereby rendering a response impossible without speculation or undue burden.

MEF objects to this Interrogatory because it is not relevant or likely to lead to the discovery of admissible evidence.

MEF objects to this Interrogatory to the extent it seeks information protected by the attorney work-product doctrine, the attorney-client privilege, confidentiality agreements, protective orders, and/or any other privilege. MEF further objects because the information sought may be confidential, trade secret, and/or proprietary.

MEF objects to this Interrogatory as compound.

Subject to and without waiving its objections, MEF responds as follows: Upon entry of a protective order, and to the extent they exist and are within MEF’s possession, custody, or control, MEF will produce the incident report relating to the specific incident alleged by Plaintiff, pursuant to Rule 4.8(f) of the Rules of Supreme Court of Virginia, but will not otherwise produce information and/or documents in response to this Interrogatory.

MEF reserves the right to supplement, clarify, revise, or correct its responses to this Interrogatory.

11. Describe all inspections, audits, reviews, or compliance monitoring of FS Gainesville from January 1, 2020 to present, including: (a) all dates and types of review; (b) whether announced or surprise; (c) who conducted each review; (d) areas examined; (e) findings and deficiencies noted; (f) any issues related to safety, security, or sexual assault prevention; (g)

required corrective actions; (h) deadlines for compliance; (i) follow-up conducted; (j) any penalties or consequences imposed; and (k) current compliance status.¹

RESPONSE TO INTERROGATORY NO. 11:

Subject to the Preliminary Statement, Objections to Definitions and Instructions, and Objections and Conditions above, MEF objects to this Interrogatory because the use of the terms “inspections,” “audits,” “review[s],” “compliance monitoring,” “types of review,” “announced,” “surprised” “conducted,” “areas examined,” “findings,” “deficiencies,” “issues,” “safety,” “security,” “sexual assault” “prevention,” “required,” “corrective actions,” “deadline,” “compliance,” “follow-up,” “conducted,” “penalties,” “consequences,” “imposed,” and “compliance status” is vague and ambiguous, thereby rendering a response impossible without speculation or undue burden.

MEF objects to this Interrogatory because it is not relevant or likely to lead to the discovery of admissible evidence.

MEF objects to this Interrogatory because it is overly broad and unduly burdensome, including that it is not reasonably limited in time or subject matter, and that it seeks information that is wholly unrelated to the dates of Plaintiff’s alleged incident, including that it seeks information after the date of the alleged incident referred to in Plaintiff’s Complaint.

MEF objects to this Interrogatory to the extent it seeks information protected by the attorney work-product doctrine, the attorney-client privilege, confidentiality agreements, protective orders, and/or any other privilege. MEF further objects because the information sought may be confidential, trade secret, and/or proprietary.

¹ Plaintiff’s Interrogatories skip from 6 to 11 in the original document, so MEF will maintain this incorrect numbering for ease moving forward.

MEF objects to this Interrogatory as compound.

Subject to and without waiving its objections, MEF responds as follows: Upon entry of a protective order, and to the extent they exist and are within MEF's possession, custody, or control, MEF will produce non-privileged documents responsive to this Interrogatory relating to the subject franchise location and that is closest in time prior to the date of the incident alleged in Plaintiff's Complaint, pursuant to Rule 4.8(f) of the Rules of Supreme Court of Virginia, but will not otherwise produce information and/or documents in response to this Interrogatory.

MEF reserves the right to supplement, clarify, revise, or correct its responses to this Interrogatory.

12. Describe the financial relationship between Massage Envy Franchising and FS Gainesville, including: (a) initial franchise fees paid; (b) ongoing royalty structure and amounts; (c) marketing fund contributions; (d) technology fees; (e) training fees; (f) any other required payments; (g) penalties assessed for any reason; (h) financial reporting requirements; (i) audit rights over financial records; (j) consequences for late or missed payments; (k) any profit-sharing or revenue-sharing arrangements; and (l) total revenues Massage Envy Franchising has received from FS Gainesville.

RESPONSE TO INTERROGATORY NO. 12:

Subject to the Preliminary Statement, Objections to Definitions and Instructions, and Objections and Conditions above, MEF objects to this Interrogatory because the use of the terms "financial relationship," "initial franchise fees," "structure," "amounts," "marketing fund," "technology fees," "training fees," "other required payments," "penalties," "assessed," "financial reporting requirements," "audit rights," "financial records,"

“consequences,” “profit-sharing,” and “revenue-sharing,” is vague and ambiguous, thereby rendering a response impossible without speculation or undue burden.

MEF objects to this Interrogatory because it is overly broad and unduly burdensome, including that it is not limited in scope or time, and that it seeks information after the date of the alleged incident referred to in Plaintiff’s Complaint.

MEF objects to this Interrogatory because it is not relevant or likely to lead to the discovery of admissible evidence.

MEF objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, consulting expert privilege, any other privilege, confidentiality agreements, and/or protective orders.

MEF objects because the information sought may be confidential, trade secret, and/or proprietary.

MEF objects to this Interrogatory as compound.

MEF objects to this Interrogatory as harassing.

MEF reserves the right to supplement, clarify, revise, or correct its responses to this Interrogatory.

13. Identify all communications between Massage Envy Franchising and FS Gainesville regarding: (a) the February 25, 2023 incident; (b) John Romero's employment or termination; (c) sexual assault prevention policies; (d) any prior incidents or complaints at the Gainesville location; (e) compliance issues; (f) training requirements; (g) the AIR Tool reporting; (h) insurance claims; (i) this litigation; and (j) any other matters related to sexual assault or safety.

RESPONSE TO INTERROGATORY NO. 13:

Subject to the Preliminary Statement, Objections to Definitions and Instructions, and Objections and Conditions above, MEF objects to this Interrogatory because the use of the terms “communications,” “sexual assault,” “prevention policies,” “incidents,” “complaints,” “compliance issues,” “training requirements,” “insurance claims,” “sexual assault,” and “safety” is vague and ambiguous, thereby rendering a response impossible without speculation or undue burden.

MEF objects to this Interrogatory because it is not relevant or likely to lead to the discovery of admissible evidence.

MEF objects to this Interrogatory because it is overly broad and unduly burdensome, including that it is not reasonably limited in time or subject matter, and that it seeks information after the date of the alleged incident referred to in Plaintiff’s Complaint. Plaintiff’s claim arises out of specific alleged inappropriate conduct, committed by a particular massage therapist on a specific date, at an identified franchise location, owned and operated by the franchisee in this litigation.

MEF objects to this Interrogatory because the information sought may be confidential, trade secret, and/or proprietary.

MEF objects to this Interrogatory to the extent it invades the confidentiality and/or privacy interests of third parties and will seek sensitive information about them without their prior knowledge or consent; any response by MEF disclosing information of third parties will necessarily invade constitutional privacy interests of both the accused parties and the alleged complainants, and such information may be subject to confidentiality orders, protective orders, and/or similar agreements.

MEF objects to this Interrogatory as compound.

Subject to and without waiving its objections, MEF responds as follows: Upon entry of a protective order, and to the extent they exist and are within MEF's possession, custody, or control, MEF will produce the incident report relating to the incident alleged in Plaintiff's Complaint, pursuant to Rule 4.8(f) of the Rules of Supreme Court of Virginia, but will not otherwise produce information and/or documents in response to this Interrogatory.

MEF reserves the right to supplement, clarify, revise, or correct its responses to this Interrogatory.

14. With regard to the February 25, 2023 incident, identify each policy of insurance which affords liability coverage to you and any excess, umbrella or other policies. For each policy listed, state the name and address of the named insured and of the insurance company, the policy number, the policy period and the limits of liability coverage for personal injuries and property damage and whether question or doubt exists as to your rights under the policy (reservation of rights asserted, non-waiver agreement).

RESPONSE TO INTERROGATORY NO. 14:

Subject to the Preliminary Statement, Objections to Definitions and Instructions, and Objections and Conditions above, MEF objects to this Interrogatory because it seeks information that is not relevant or likely to lead to the discovery of admissible evidence.

MEF objects to this Interrogatory to the extent it seeks information not in MEF's possession, custody, or control.

MEF objects to this Interrogatory as compound.

Subject to and without waiving its objections, MEF responds as follows: MEF may be insured under the franchisee location's insurance policy as an additional insured. The

franchise location is also contractually required to defend and indemnify MEF in connection with this lawsuit.

MEF reserves the right to supplement, clarify, revise, or correct its response to this Interrogatory.

15. Identify all persons you intend to call as expert witnesses at trial, their qualifications, training, and experience (in the alternative, attach a current curriculum vitae); the subject matter on which your expert witnesses are expected to testify; and the substance of the facts and opinions to which your expert witnesses are expected to testify and a summary of the grounds for each opinion.

RESPONSE TO INTERROGATORY NO. 15:

Subject to the Preliminary Statement, Objections to Definitions and Instructions, and Objections and Conditions above, MEF objects to this Interrogatory to the extent it seeks information protected by the attorney work-product doctrine, the attorney-client privilege, confidentiality agreements, protective orders, and/or any other privilege.

MEF objects to this Interrogatory to the extent it seeks information beyond that which is discoverable under the Rules of Supreme Court of Virginia.

MEF further objects to this Interrogatory because it seeks the premature disclosure of expert discovery.

Subject to and without waiving its objections, MEF responds as follows: MEF has not yet retained the services of an expert in this matter and, as such, the Request is currently premature. MEF will produce relevant documents in response to this Request in accordance with the Court's Scheduling Order and/or the Rules of Supreme Court of Virginia.

MEF reserves the right to supplement, clarify, revise, or correct its response to this Request.

OBJECTIONS AND RESPONSES TO REQUESTS FOR PRODUCTION

1. All documents identified, referred to, relied upon, or consulted in answering the above Interrogatories.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1:

In addition to the Preliminary Statement, Objections to Definitions and Instructions, and Objections and Conditions above, MEF objects to this Interrogatory because it seeks information that is not relevant or likely to lead to the discovery of admissible evidence.

MEF objects to this Request because the information sought may be confidential, trade secret, and/or proprietary.

MEF objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, consulting expert privilege, any other privilege, confidentiality agreements, and/or protective orders.

MEF objects to this Request to the extent it invades the confidentiality and/or privacy interests of third parties and will seek sensitive information about them without their prior knowledge or consent; any response by MEF disclosing information of third parties will necessarily invade constitutional privacy interests of both the accused parties and the alleged complainants, and such information may be subject to confidentiality orders, protective orders, and/or similar agreements.

Subject to and without waiving its objections, MEF responds as follows: Upon entry of a protective order, and to the extent they exist and are within MEF's possession, custody,

or control, MEF will produce non-privileged, responsive documents referenced in the above Interrogatory Responses.

MEF reserves the right to supplement, clarify, revise, or correct its response to this Request.

2. Each insurance policy (and declarations page for each policy) which affords liability coverage to you and any excess, umbrella or other policies.

RESPONSE TO REQUEST FOR PRODUCTION NO. 2:

Subject to the Preliminary Statement, Objections to Definitions and Instructions, and Objections and Conditions above, MEF objects to this Request because the use of the terms “affords” and “other policies” is vague and ambiguous, thereby rendering a response impossible without speculation or undue burden.

MEF objects to this Request because it seeks information that is not relevant or likely to lead to the discovery of admissible evidence.

MEF objects to this Request to the extent it seeks information not in MEF’s possession, custody, or control.

Subject to and without waiving its objections, MEF responds as follows: MEF may be insured under the franchisee location’s insurance policy as an additional insured, so this Request is best directed at the franchisee defendant. The franchise location is also contractually required to defend and indemnify MEF in connection with this lawsuit.

MEF reserves the right to supplement, clarify, revise, or correct its response to this Request.

3. All franchise agreements between Massage Envy Franchising and FS Gainesville, LLC, including but not limited to the master franchise agreement, area development agreements, technology agreements, marketing agreements, amendments, addenda, exhibits, schedules, and any side agreements or understandings.

RESPONSE TO REQUEST FOR PRODUCTION NO. 3:

Subject to the Preliminary Statement, Objections to Definitions and Instructions, and Objections and Conditions above, MEF objects to this Request because the use of the terms “area development agreements,” “technology agreements,” “marketing agreements,” “amendments,” “addenda,” “exhibits,” “schedules, and “side agreements or understandings,” is vague and ambiguous, thereby rendering a response impossible without speculation or undue burden.

MEF objects to this Request to the extent the information requested is not relevant or likely to lead to the discovery of admissible evidence.

MEF objects to this Request to the extent it seeks information that was not in effect or applicable on the date Plaintiff alleges the incident subject to her Complaint occurred, and MEF will only provide information in effect on or applicable to that date.

MEF objects to this Request because it is overly broad and unduly burdensome, including because it is not reasonably limited in time, and seeks information after the date of the alleged incident referred to in Plaintiff’s Complaint.

MEF objects to this Interrogatory because the information sought may be confidential, trade secret, and/or proprietary.

MEF objects to this Request to the extent it requests information not within MEF’s possession, custody, or control.

Subject to and without waiving its objections, MEF responds as follows: Upon entry of a protective order, and to the extent they exist and are within MEF's possession, custody, or control, MEF will produce the franchise agreement that was in effect or applicable on the date of the incident alleged in Plaintiff's Complaint, but will not otherwise produce documents in response to this Request.

MEF reserves the right to supplement, clarify, revise, or correct its response to this Request.

4. All operations manuals, policy manuals, procedure manuals, standards manuals, brand standards, system standards, and any other manuals or written requirements that franchisees must follow, including all versions in effect from January 1, 2018 to present.

RESPONSE TO REQUEST FOR PRODUCTION NO. 4:

Subject to the Preliminary Statement, Objections to Definitions and Instructions, and Objections and Conditions above, MEF objects to this Request because the use of the terms "policy manuals," "procedure manuals," "standard manuals," "brand standards," "system standards," "any other manuals or written requirements," and "must follow" is vague and ambiguous, thereby rendering a response impossible without speculation or undue burden.

MEF objects to this Request to the extent the information requested is not relevant or likely to lead to the discovery of admissible evidence. MEF objects to the extent this Request seeks information that was not in effect or applicable on the date Plaintiff alleges the incident subject to her Complaint occurred, and MEF will only provide information in effect on or applicable to that date.

MEF objects to this Request to the extent it is premised on incorrect assumptions or

implications. MEF is a business format franchisor of approximately 1,000 Massage Envy® franchises. The franchises are independently owned and operated businesses that are solely responsible for their own premises, day-to-day operations, employees (including the therapists those franchisees hire to provide massage and other services to customers of the franchisee), and liabilities arising out of those operations and employees. MEF has no control over the franchisees' day-to-day operations.

MEF objects to this Request because it is overly broad and unduly burdensome, including because it is not reasonably limited in time or location, and because it seeks information after the date of the alleged incident referred to in Plaintiff's Complaint.

MEF objects to this Interrogatory because the information sought may be confidential, trade secret, and/or proprietary.

MEF objects to this Request to the extent it requests information not within MEF's possession, custody, or control.

Subject to and without waiving its objections, MEF responds as follows: Upon entry of a protective order, and to the extent they exist and are within MEF's possession, custody, or control, MEF will produce the operations manual that was in effect or applicable on the date of the incident alleged in Plaintiff's Complaint, but will not otherwise produce documents in response to this Request.

MEF reserves the right to supplement, clarify, revise, or correct its response to this Request.

5. All documents evidencing, describing, or relating to Massage Envy Franchising's control over franchisee operations, including but not limited to mandatory procedures, required systems, operational restrictions, compliance requirements, inspection procedures, audit procedures, and consequences for non-compliance.

RESPONSE TO REQUEST FOR PRODUCTION NO. 5:

Subject to the Preliminary Statement, Objections to Definitions and Instructions, and Objections and Conditions above, MEF objects to this Request because the use of the terms “evidencing,” “describing,” “relating to,” “control,” “franchisee operations,” “mandatory procedures,” “required systems,” “operational restrictions,” “compliance requirements,” “inspection procedures,” “audit procedures,” “consequences,” “non-compliance” is vague and ambiguous, thereby rendering a response impossible without speculation or undue burden.

MEF objects to this Request because it is, in part, premised on a legal conclusion and false assertion—that MEF “controls” its independently owned and operated franchises. MEF is a business format franchisor of approximately 1,000 Massage Envy® franchises. The franchises are independently owned and operated businesses that are solely responsible for their own premises, day-to-day operations, employees (including the therapists those franchisees hire to provide massage and other services to customers of the franchisee), and liabilities arising out of those operations and employees. MEF has no control over the franchisees’ day-to-day operations.

MEF objects to this Request to the extent the information requested is not relevant or likely to lead to the discovery of admissible evidence.

MEF objects to this Request to the extent it seeks information that was not in effect or applicable on the date Plaintiff alleges the incident subject to her Complaint occurred,

and MEF will only provide information in effect on or applicable to that date.

MEF objects to this Request because it is overly broad and unduly burdensome, including because it is not limited in time or location, and that it seeks information after the date of the alleged incident referred to in Plaintiff's Complaint.

MEF objects to this Interrogatory because the information sought may be confidential, trade secret, and/or proprietary.

MEF objects to this Request to the extent it requests information not within MEF's possession, custody, or control.

MEF objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, consulting expert privilege, any other privilege, confidentiality agreements, and/or protective orders.

MEF will not produce documents in response to this Request.

MEF reserves the right to supplement, clarify, revise, or correct its response to this Request.

6. All documents relating to Sexual Assault Allegations at any Massage Envy location from January 1, 2010 to present, including but not limited to incident reports, investigation files, AIR Tool reports, correspondence, analyses, summaries, databases, spreadsheets, and statistical compilations.

RESPONSE TO REQUEST FOR PRODUCTION NO. 6:

Subject to the Preliminary Statement, Objections to Definitions and Instructions, and Objections and Conditions above, MEF objects to this Request because the use of the "investigation files," "correspondence," "analyses," "summaries," "databases," "spreadsheets," and "statistical compilations" is vague and ambiguous, thereby rendering a

response impossible without speculation or undue burden.

MEF objects to this Request to the extent the information requested is not relevant or likely to lead to the discovery of admissible evidence. Any such alleged documents are irrelevant to this litigation. Plaintiff's claim arises out of a specific alleged inappropriate conduct, committed by a particular massage therapist on a specific date, at an identified franchise location, owned and operated by the franchisee in this litigation.

MEF objects to this Request because it is overly broad and unduly burdensome, including because it is not reasonably limited in time, location, or subject matter and that it seeks documents after the date of the alleged incident referred to in Plaintiff's Complaint. MEF objects to this Request because it would cause unreasonable annoyance, oppression, burden or expense and would require MEF to undertake an unreasonable investigation. It is unreasonable and would take excessive time and cost for MEF to gather information pertaining to "any" franchisee, including approximately 1,000 independently owned and operated businesses, employing approximately 16,000 service providers, over a timespan that has no relevance to the allegations in this litigation. In contrast, Plaintiff's claim arises out of specific alleged inappropriate conduct, committed by a particular massage therapist, on a specific date and at an identified franchise location, owned and operated by the franchisee in this litigation.

MEF objects to this Request to the extent it requests information not within MEF's possession, custody, or control.

MEF objects to this Request to the extent it invades the confidentiality and/or privacy interests of third parties and will seek sensitive information about them without their prior knowledge or consent; any response by MEF disclosing information of third

parties will necessarily invade constitutional privacy interests of both the accused parties and the alleged complainants, and such information may be subject to confidentiality orders, protective orders, and/or similar agreements.

MEF objects to this Request to the extent it seeks information protected by the attorney work-product doctrine, the attorney-client privilege, confidentiality agreements, protective orders, and/or any other privilege. MEF further objects because the information sought may be confidential, trade secret, and/or proprietary.

Subject to and without waiving its objections, MEF responds as follows: Upon entry of a protective order, and to the extent they exist and are within MEF's possession, custody, or control, MEF will produce the incident report relating to the specific incident alleged by Plaintiff, but will not otherwise produce documents in response to this Request.

MEF reserves the right to supplement, clarify, revise, or correct its response to this Request.

7. All board of directors meeting minutes, agendas, presentations, materials, notes, and recordings from January 1, 2015 to present that discuss, mention, or relate to sexual assault, sexual misconduct, customer safety, liability concerns, insurance, or reputation management.

RESPONSE TO REQUEST FOR PRODUCTION NO. 7:

Subject to the Preliminary Statement, Objections to Definitions and Instructions, and Objections and Conditions above, MEF objects to this Request because the use of the terms "board of directors," "agendas," "presentations," "materials," "notes," "recordings," "discuss," "mention," "relate to," "sexual assault," "sexual misconduct," "customer safety," "liability concerns," and "reputation management," is vague and ambiguous, thereby rendering a response impossible without speculation or undue burden.

MEF objects to this Request to the extent the information requested is not relevant or likely to lead to the discovery of admissible evidence. Any such alleged documents are irrelevant to this litigation. Plaintiff's claim arises out of a specific alleged inappropriate conduct, committed by a particular massage therapist on a specific date, at an identified franchise location, owned and operated by the franchisee in this litigation.

MEF objects to this Request because it is overly broad and unduly burdensome, including because it is not reasonably limited in time, location, or subject matter and that it seeks documents after the date of the alleged incident referred to in Plaintiff's Complaint.

MEF objects to this Request to the extent it requests information not within MEF's possession, custody, or control.

MEF objects to this Request to the extent it invades the confidentiality and/or privacy interests of third parties and will seek sensitive information about them without their prior knowledge or consent; any response by MEF disclosing information of third parties will necessarily invade constitutional privacy interests of both the accused parties and the alleged complainants, and such information may be subject to confidentiality orders, protective orders, and/or similar agreements.

MEF objects to this Request to the extent it seeks information protected by the attorney work-product doctrine, the attorney-client privilege, confidentiality agreements, protective orders, and/or any other privilege. MEF further objects because the information sought may be confidential, trade secret, and/or proprietary.

MEF will not be producing document responsive to this Request.

MEF reserves the right to supplement, clarify, revise, or correct its response to this Request.

8. All communications with insurance carriers regarding sexual assault coverage, including but not limited to applications, policies, correspondence about coverage requirements, claims history, loss runs, premium calculations, underwriting materials, risk assessments, and recommendations.

RESPONSE TO REQUEST FOR PRODUCTION NO. 8:

Subject to the Preliminary Statement, Objections to Definitions and Instructions, and Objections and Conditions above, MEF objects to this Request because the use of the terms “communications,” “sexual assault coverage,” “correspondence,” “coverage requirements,” “claims history,” “loss runs,” “premium calculations,” “underwriting materials,” “risk assessments,” and “recommendations” is vague and ambiguous, thereby rendering a response impossible without speculation or undue burden.

MEF objects to this Request to the extent the information requested is not relevant or likely to lead to the discovery of admissible evidence. Any such alleged documents are irrelevant to this litigation. Plaintiff’s claim arises out of a specific alleged inappropriate conduct, committed by a particular massage therapist on a specific date, at an identified franchise location, owned and operated by the franchisee in this litigation.

MEF objects to this Request because it is overly broad and unduly burdensome, including because it is not reasonably limited in time, location, or subject matter and seeks documents after the date of the alleged incident referred to in Plaintiff’s Complaint.

MEF objects to this Request to the extent it requests information not within MEF’s possession, custody, or control.

MEF objects to this Request to the extent it invades the confidentiality and/or privacy interests of third parties and will seek sensitive information about them without their prior knowledge or consent; any response by MEF disclosing information of third

parties will necessarily invade constitutional privacy interests of both the accused parties and the alleged complainants, and such information may be subject to confidentiality orders, protective orders, and/or similar agreements.

MEF objects to this Request to the extent it seeks information protected by the attorney work-product doctrine, the attorney-client privilege, confidentiality agreements, protective orders, and/or any other privilege. MEF further objects because the information sought may be confidential, trade secret, and/or proprietary.

MEF will not produce documents in response to this Request.

MEF reserves the right to supplement, clarify, revise, or correct its response to this Request.

9. All documents relating to the requirement that franchisees maintain insurance coverage for at least three sexual assault claims per year, including analyses, calculations, correspondence, and decision-making documents.

RESPONSE TO REQUEST FOR PRODUCTION NO. 9:

Subject to the Preliminary Statement, Objections to Definitions and Instructions, and Objections and Conditions above, MEF objects to this Request because the use of the terms “requirement,” “maintain,” “sexual assault,” “analyses,” “calculations,” “correspondence,” and “decision-making documents” is vague and ambiguous, thereby rendering a response impossible without speculation or undue burden.

MEF objects to this Request to the extent the information requested is not relevant or likely to lead to the discovery of admissible evidence. Any such alleged documents are irrelevant to this litigation. Plaintiff’s claim arises out of a specific alleged inappropriate

conduct, committed by a particular massage therapist on a specific date, at an identified franchise location, owned and operated by the franchisee in this litigation.

MEF objects to this Request because it is overly broad and unduly burdensome, including because it is not reasonably limited in time or location and seeks documents after the date of the alleged incident referred to in Plaintiff's Complaint.

MEF objects to this Request to the extent it requests information not within MEF's possession, custody, or control.

MEF objects to this Request to the extent it invades the confidentiality and/or privacy interests of third parties and will seek sensitive information about them without their prior knowledge or consent; any response by MEF disclosing information of third parties will necessarily invade constitutional privacy interests of both the accused parties and the alleged complainants, and such information may be subject to confidentiality orders, protective orders, and/or similar agreements.

MEF objects to this Request to the extent it seeks information protected by the attorney work-product doctrine, the attorney-client privilege, confidentiality agreements, protective orders, and/or any other privilege. MEF further objects because the information sought may be confidential, trade secret, and/or proprietary.

MEF will not be producing documents responsive to this Request.

MEF reserves the right to supplement, clarify, revise, or correct its response to this Request.

10. All documents relating to Massage Envy being placed on the National Center on Sexual Exploitation's "Dirty Dozen List," including internal communications, public responses,

strategy documents, and any changes implemented in response.

RESPONSE TO REQUEST FOR PRODUCTION NO. 10:

Subject to the Preliminary Statement, Objections to Definitions and Instructions, and Objections and Conditions above, MEF objects to this Request because the use of the terms “being placed,” “internal communications,” “public responses,” “strategy documents,” “changes implemented in response,” is vague and ambiguous, thereby rendering a response impossible without speculation or undue burden.

MEF objects to this Request to the extent the information requested is not relevant or likely to lead to the discovery of admissible evidence. Any such alleged documents are irrelevant to this litigation. Plaintiff’s claim arises out of a specific alleged inappropriate conduct, committed by a particular massage therapist on a specific date, at an identified franchise location, owned and operated by the franchisee in this litigation.

MEF objects to this Request because it is overly broad and unduly burdensome, including because it is not reasonably limited in time or location and that it seeks documents after the date of the alleged incident referred to in Plaintiff’s Complaint.

MEF objects to this Request to the extent it requests information not within MEF’s possession, custody, or control.

MEF objects to this Request to the extent it seeks information protected by the attorney work-product doctrine, the attorney-client privilege, confidentiality agreements, protective orders, and/or any other privilege. MEF further objects because the information sought may be confidential, trade secret, and/or proprietary.

MEF will not be producing document responsive to this Request.

MEF reserves the right to supplement, clarify, revise, or correct its response to this

Request.

11. All media management, public relations, and crisis management documents relating to sexual assault allegations, including but not limited to contracts with PR firms, strategic plans, talking points, scripts, media training materials, press releases, and internal communications about media strategy.

RESPONSE TO REQUEST FOR PRODUCTION NO. 11:

Subject to the Preliminary Statement, Objections to Definitions and Instructions, and Objections and Conditions above, MEF objects to this Request because the use of the terms “media management,” “public relations,” “crisis management,” “sexual assault,” “allegations,” “PR firms,” “strategic plans,” “talking points,” “scripts,” “media training materials,” “press releases,” “internal communications,” and “media strategy” is vague and ambiguous, thereby rendering a response impossible without speculation or undue burden.

MEF objects to this Request to the extent the information requested is not relevant or likely to lead to the discovery of admissible evidence. Any such alleged documents are irrelevant to this litigation. Plaintiff’s claim arises out of a specific alleged inappropriate conduct, committed by a particular massage therapist on a specific date, at an identified franchise location, owned and operated by the franchisee in this litigation.

MEF objects to this Request because it is overly broad and unduly burdensome, including because it is not reasonably limited in time or location, and that it seeks information after the date of the alleged incident referred to in Plaintiff’s Complaint.

MEF objects to this Request to the extent it requests information not within MEF’s possession, custody, or control.

MEF objects to this Request to the extent it invades the confidentiality and/or privacy interests of third parties and will seek sensitive information about them without their prior knowledge or consent; any response by MEF disclosing information of third parties will necessarily invade constitutional privacy interests of both the accused parties and the alleged complainants, and such information may be subject to confidentiality orders, protective orders, and/or similar agreements.

MEF objects to this Request to the extent it seeks information protected by the attorney work-product doctrine, the attorney-client privilege, confidentiality agreements, protective orders, and/or any other privilege. MEF further objects because the information sought may be confidential, trade secret, and/or proprietary.

MEF will not be producing document responsive to this Request.

MEF reserves the right to supplement, clarify, revise, or correct its response to this Request.

12. All documents relating to or evidencing any policy, practice, training, or instruction to handle Sexual Assault Allegations "in-house," internally, or without law enforcement involvement.

RESPONSE TO REQUEST FOR PRODUCTION NO. 12:

Subject to the Preliminary Statement, Objections to Definitions and Instructions, and Objections and Conditions above, MEF objects to this Request because the use of the terms "relating to," "evidencing any," "policy," "practice," "training," "instruction," "handle," "in-house," "internally," and "law enforcement involvement" is vague and ambiguous, thereby rendering a response impossible without speculation or undue burden.

MEF objects to this Request to the extent the information requested is not relevant or likely to lead to the discovery of admissible evidence. Any such alleged documents are irrelevant to this litigation. Plaintiff's claim arises out of a specific alleged inappropriate conduct, committed by a particular massage therapist on a specific date, at an identified franchise location, owned and operated by the franchisee in this litigation.

MEF objects to this Request because it is overly broad and unduly burdensome, including because it is not reasonably limited in time or location, and that it seeks information after the date of the alleged incident referred to in Plaintiff's Complaint.

MEF objects to this Request to the extent it requests information not within MEF's possession, custody, or control.

MEF objects to this Request to the extent it seeks information protected by the attorney work-product doctrine, the attorney-client privilege, confidentiality agreements, protective orders, and/or any other privilege. MEF further objects because the information sought may be confidential, trade secret, and/or proprietary.

MEF will not be producing document responsive to this Request.

MEF reserves the right to supplement, clarify, revise, or correct its response to this Request.

13. All consultant reports, expert opinions, studies, or recommendations regarding sexual assault prevention, customer safety, liability reduction, or related topics, whether implemented or not.

RESPONSE TO REQUEST FOR PRODUCTION NO. 13:

Subject to the Preliminary Statement, Objections to Definitions and Instructions, and

Objections and Conditions above, MEF objects to this Request because the use of the terms “consultant reports,” “expert opinions,” “studies,” “recommendations,” “sexual assault prevention,” “customer safety,” “liability reduction,” “related topics,” and “implemented” is vague and ambiguous, thereby rendering a response impossible without speculation or undue burden.

MEF objects to this Request to the extent the information requested is not relevant or likely to lead to the discovery of admissible evidence.

MEF objects to this Request because it is overly broad and unduly burdensome, including because it is not limited in time or location, and seeks documents after the date of the alleged incident referred to in Plaintiff’s Complaint.

MEF objects to this Request because it would cause unreasonable annoyance, oppression, burden or expense and would require the making of an unreasonable investigation by MEF. MEF objects because this Request is not reasonably limited in scope or time, including covering time after the date of the alleged incident referred to in Plaintiff’s Complaint.

MEF objects to this Request to the extent it requests information not within MEF’s possession, custody, or control.

MEF objects to this Request to the extent it seeks information protected by the attorney work-product doctrine, the attorney-client privilege, confidentiality agreements, protective orders, and/or any other privilege. MEF will not produce any privileged communications or work product. MEF further objects because the information sought may be confidential, trade secret, and/or proprietary.

MEF will not be producing document responsive to this Request.

MEF reserves the right to supplement, clarify, revise, or correct its response to this Request.

14. All non-disclosure agreements, confidentiality agreements, settlement agreements, or releases involving victims of sexual assault at Massage Envy locations.

RESPONSE TO REQUEST FOR ADMISSION NO. 14:

Subject to the Preliminary Statement, Objections to Definitions and Instructions, and Objections and Conditions above, MEF objects to this Request because the use of the terms “non-disclosure agreements,” “confidentiality agreements,” “settlement agreements,” “releases,” “victims,” and “sexual assault” is vague and ambiguous, thereby rendering a response impossible without speculation or undue burden.

MEF objects to this Request to the extent the information requested is not relevant or likely to lead to the discovery of admissible evidence. Any such alleged documents are irrelevant to this litigation. Plaintiff’s claim arises out of a specific alleged inappropriate conduct, committed by a particular massage therapist on a specific date, at an identified franchise location, owned and operated by the franchisee in this litigation.

MEF objects to this Request because it is overly broad and unduly burdensome, including because it is not limited in time or location, and that it seeks documents after the date of the alleged incident referred to in Plaintiff’s Complaint.

MEF objects to this Request to the extent it requests information not within MEF’s possession, custody, or control.

MEF objects to this Request to the extent it invades the confidentiality and/or privacy interests of third parties and will seek sensitive information about them without

their prior knowledge or consent; any response by MEF disclosing information of third parties will necessarily invade constitutional privacy interests of both the accused parties and the alleged complainants, and such information may be subject to confidentiality orders, protective orders, and/or similar agreements.

MEF objects because the information sought may be confidential, trade secret, and/or proprietary.

MEF will not be producing document responsive to this Request.

MEF reserves the right to supplement, clarify, revise, or correct its response to this Request.

15. All lawsuits filed against any Massage Envy location or Massage Envy Franchising alleging sexual assault or similar claims, including pleadings, discovery, motions, orders, judgments, and settlement documents.

RESPONSE TO REQUEST FOR PRODUCTION NO. 15:

Subject to the Preliminary Statement, Objections to Definitions and Instructions, and Objections and Conditions above, MEF objects to this Request because the use of the terms “sexual assault,” and “similar claims” is vague and ambiguous, thereby rendering a response impossible without speculation or undue burden.

MEF objects to this Request to the extent the information requested is not relevant or likely to lead to the discovery of admissible evidence. Any “lawsuits” dealing with another therapist, at another location, and/or with another customer are irrelevant to this lawsuit. Plaintiff’s claim arises out of specific alleged inappropriate conduct, committed by a particular massage therapist on a specific date, at an identified franchise location, owned

and operated by the franchisee in this litigation.

MEF objects to this Request because it is overly broad and unduly burdensome, including because it is not limited in time or location, or reasonably limited in subject matter, and it would cause unreasonable annoyance, oppression, burden, or expense. It also seeks documents after the date of the alleged incident referred to in Plaintiff's Complaint.

MEF objects to this Request to the extent that the "lawsuits" are publicly filed, and are thus equally accessible to Plaintiff as they are to MEF.

MEF objects to this Request to the extent that the "lawsuits" are not publicly filed, the Request invades the confidentiality and/or privacy interests of third parties and will seek sensitive information about them without their prior knowledge or consent; any response by MEF disclosing information of third parties will necessarily invade constitutional privacy interests of both the accused parties and the alleged complainants, and such information may be subject to confidentiality orders, protective orders, and/or similar agreements.

MEF will not produce documents in response to this Request.

MEF reserves the right to supplement, clarify, revise, or correct its response to this Request.

16. All databases, lists, spreadsheets, or tracking systems containing information about service providers accused of misconduct, Sexual Assault Allegations, incidents by location, or related information.

RESPONSE TO REQUEST FOR PRODUCTION NO. 16:

Subject to the Preliminary Statement, Objections to Definitions and Instructions, and Objections and Conditions above, MEF objects to this Request because the use of the terms “database,” “list,” “spreadsheets,” “tracking systems,” “accused,” “misconduct,” and “related information” is vague and ambiguous, thereby rendering a response impossible without speculation or undue burden.

MEF objects to this Request to the extent the information requested is not relevant or likely to lead to the discovery of admissible evidence. Any such alleged documents are simply irrelevant to this litigation. Plaintiff’s claims arise out of specific alleged inappropriate conduct, committed by a particular massage therapist on a specific date, at an identified franchise location, owned and operated by the franchisee in this litigation.

MEF objects to this Request because it is overly broad and unduly burdensome, including because it is not reasonably limited in time, location, or subject matter, including that it seeks information after the date of the alleged incident referred to in Plaintiff’s Complaint. MEF objects to this Request because it would cause unreasonable annoyance, oppression, burden or expense and would require MEF to undertake an unreasonable investigation. It is unreasonable and would take excessive time and cost for MEF to gather information pertaining to any franchisee, including approximately 1,000 independently owned and operated businesses, employing approximately 16,000 service providers, over an unlimited timespan. In contrast, Plaintiff’s claim arises out of specific alleged inappropriate conduct, committed by a particular massage therapist, on a specific date and at an identified franchise location, owned and operated by the franchisee in this litigation.

MEF objects to this Request to the extent it requests information not within MEF's possession, custody, or control.

MEF objects to this Request to the extent it invades the confidentiality and/or privacy interests of third parties and will seek sensitive information about them without their prior knowledge or consent; any response by MEF disclosing information of third parties will necessarily invade constitutional privacy interests of both the accused parties and the alleged complainants, and such information may be subject to confidentiality orders, protective orders, and/or similar agreements.

MEF objects to this Request to the extent it seeks information protected by the attorney work-product doctrine, the attorney-client privilege, confidentiality agreements, protective orders, and/or any other privilege. MEF further objects because the information sought may be confidential, trade secret, and/or proprietary.

MEF will not produce documents in response to this Request.

MEF reserves the right to supplement, clarify, revise, or correct its response to this Request.

17. All communications with FS Gainesville from January 1, 2022 to present, including but not limited to emails, letters, text messages, instant messages, and messages through any electronic platform.

RESPONSE TO REQUEST FOR PRODUCTION NO. 17:

Subject to the Preliminary Statement, Objections to Definitions and Instructions, and Objections and Conditions above, MEF objects to this Request because the use of the terms "communications," "instant messages," "messages," "any electronic platform," is

vague and ambiguous, thereby rendering a response impossible without speculation or undue burden.

MEF objects to this Request to the extent the information requested is not relevant or likely to lead to the discovery of admissible evidence. Plaintiff's claims arise out of specific alleged inappropriate conduct, committed by a particular massage therapist on a specific date.

MEF objects to this Request because it is overly broad and unduly burdensome, including because it is not reasonably limited in time and subject matter, including that it seeks information after the date of the alleged incident referred to in Plaintiff's Complaint.

MEF objects to this Request to the extent it seeks information protected by the attorney work-product doctrine, the attorney-client privilege, confidentiality agreements, protective orders, and/or any other privilege. MEF further objects because the information sought may be confidential, trade secret, and/or proprietary. Specifically, MEF is not producing any privileged communications or work product regarding the allegations underlying this or any litigation proceeding or any privileged communications or work product generated in anticipation of or in conjunction with the pending or other litigation because such communications are protected from disclosure.

MEF objects to this Request to the extent it invades the confidentiality and/or privacy interests of third parties and will seek sensitive information about them without their prior knowledge or consent; any response by MEF disclosing information of third parties will necessarily invade constitutional privacy interests of both the accused parties and the alleged complainants, and such information may be subject to confidentiality orders, protective orders, and/or similar agreements.

MEF objects to this Request to the extent it requests information not within MEF's possession, custody, or control.

Subject to and without waiving its objections, MEF responds as follows: Upon entry of a protective order, and to the extent they exist and are within MEF's possession, custody, or control, MEF will produce the incident report relating to the specific incident alleged by Plaintiff but will not otherwise produce documents in response to this Request.

MEF reserves the right to supplement, clarify, revise, or correct its response to this Request.

18. All documents relating to the February 25, 2023 incident, including but not limited to incident reports, AIR Tool reports, communications, notes, analyses, and directives to FS Gainesville.

RESPONSE TO REQUEST FOR PRODUCTION NO. 18:

Subject to the Preliminary Statement, Objections to Definitions and Instructions, and Objections and Conditions above, MEF objects to this Request because the use of the terms "AIR Tool reports," "communications," "notes," "analyses," and "directives" is vague and ambiguous, thereby rendering a response impossible without speculation or undue burden.

MEF objects to this Request to the extent it requests information not within MEF's possession, custody, or control.

MEF objects to this Request to the extent it seeks information protected by the attorney work-product doctrine, the attorney-client privilege, confidentiality agreements,

protective orders, and/or any other privilege. MEF further objects because the information sought may be confidential, trade secret, and/or proprietary.

Subject to and without waiving its objections, MEF responds as follows: Upon entry of a protective order, and to the extent they exist and are within MEF's possession, custody, or control, MEF will produce the incident report relating to the specific incident alleged by Plaintiff, but will not otherwise produce documents in response to this Request.

MEF reserves the right to supplement, clarify, revise, or correct its response to this Request.

19. All inspection reports, audit reports, compliance reviews, and related documents for FS Gainesville from January 1, 2018 to present.

RESPONSE TO REQUEST FOR PRODUCTION NO. 19:

Subject to the Preliminary Statement, Objections to Definitions and Instructions, and Objections and Conditions above, MEF objects to this Request because the terms "inspection reports," "audit reports," "compliance reviews," and "related documents" are vague and ambiguous, thereby rendering a response impossible without speculation or undue burden.

MEF objects to this Request to the extent the information requested is not relevant or likely to lead to the discovery of admissible evidence.

MEF objects to this Request because it is overly broad and unduly burdensome, including because it is not reasonably limited in time, location, or subject matter, and it seeks information that is wholly unrelated to the date of Plaintiff's alleged incident,

including that it seeks information after the date of the alleged incident referred to in Plaintiff's Complaint.

MEF objects because the information sought may be confidential, trade secret, and/or proprietary.

MEF objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, consulting expert privilege, any other privilege, confidentiality agreements, and/or protective orders.

Subject to and without waiving its objections, MEF responds as follows: Upon entry of a protective order, and to the extent they exist and are within MEF's possession, custody, or control, MEF will produce non-privileged documents responsive to this Request relating to the subject franchise location and that is closest in time prior to the date of the incident alleged in Plaintiff's Complaint, but will not otherwise produce documents in response to this Request.

MEF reserves the right to supplement, clarify, revise, or correct its response to this Request.

20. All financial records showing the relationship with FS Gainesville, including franchise fees, royalty payments, marketing contributions, other fees, penalties, and total revenues received.

RESPONSE TO REQUEST FOR PRODUCTION NO. 20:

Subject to the Preliminary Statement, Objections to Definitions and Instructions, and Objections and Conditions above, MEF objects to this Request because the use of the terms "financial records," "relationship," "franchise fees," "royalty payments," "marketing contributions," "other fees," "penalties" and "total revenues received" is vague and

ambiguous, thereby rendering a response impossible without speculation or undue burden.

MEF objects to this Request because it is overly broad and unduly burdensome, including that it is not limited in scope or time, and that it seeks documents after the date of the alleged incident referred to in Plaintiff's Complaint.

MEF objects to this Request because it is not relevant or likely to lead to the discovery of admissible evidence.

MEF objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, consulting expert privilege, any other privilege, confidentiality agreements, and/or protective orders.

MEF objects because the information sought may be confidential, trade secret, and/or proprietary.

MEF objects to this Request as harassing.

MEF will not produce documents in response to this Request.

MEF reserves the right to supplement, clarify, revise, or correct its responses to this Request.

21. All training materials, presentations, videos, manuals, and other documents used to train franchisees or their employees on sexual assault prevention, professional boundaries, proper draping, incident response, or related topics.

RESPONSE TO REQUEST FOR ADMISSION NO. 21:

Subject to the Preliminary Statement, Objections to Definitions and Instructions, and Objections and Conditions above, MEF objects to this Request because the use of the terms "training materials," "presentations," "videos," "manuals," "other documents,"

“train,” “sexual assault prevention,” “professional boundaries,” “proper draping,” “incident response,” and “related topics” is vague and ambiguous, thereby rendering a response impossible without speculation or undue burden.

MEF objects to this Request to the extent the information requested is not relevant or likely to lead to the discovery of admissible evidence.

MEF objects to the extent this Request seeks information that was not in effect or applicable on the date Plaintiff alleges the incident subject to her Complaint occurred, and MEF will only provide information in effect on or applicable to that date.

MEF objects to this Request because it is overly broad and unduly burdensome, including because it is not reasonably limited in time or location, and that it seeks information after the date of the alleged incident referred to in Plaintiff’s Complaint.

MEF objects because the information sought may be confidential, trade secret, and/or proprietary.

MEF objects to this Request to the extent it requests information not within MEF’s possession, custody, or control.

Subject to and without waiving its objections, MEF responds as follows: Upon entry of a protective order, and to the extent they exist and are within MEF’s possession, custody, or control, MEF will the training(s) taken by the therapist prior to Plaintiff’s alleged incident, but will not otherwise produce documents in response to this Request.

MEF reserves the right to supplement, clarify, revise, or correct its response to this Request.

22. All internal communications, including emails, memoranda, text messages, and instant messages, between or among officers, directors, or executives of Massage Envy Franchising discussing sexual assault incidents, liability concerns, media coverage, or prevention strategies.

RESPONSE TO REQUEST FOR PRODUCTION NO. 22:

Subject to the Preliminary Statement, Objections to Definitions and Instructions, and Objections and Conditions above, MEF objects to this Request because the use of the terms “internal communications,” “memoranda,” “instant messages,” “between or among,” “sexual assault,” “incidents,” “liability concerns,” “media coverage,” and “prevention strategies” is vague and ambiguous, thereby rendering a response impossible without speculation or undue burden.

MEF objects to this Request to the extent the information requested is not relevant or likely to lead to the discovery of admissible evidence. Plaintiff’s claims arise out of specific alleged inappropriate conduct, committed by a particular massage therapist on a specific date, at an identified franchise location, owned and operated by the franchisee in this litigation.

MEF objects to this Request because it is overly broad and unduly burdensome, including because it is not reasonably limited in time and subject matter, including that it seeks information after the date of the alleged incident referred to in Plaintiff’s Complaint.

MEF objects to this Request to the extent it seeks information protected by the attorney work-product doctrine, the attorney-client privilege, confidentiality agreements, protective orders, and/or any other privilege. MEF further objects because the information sought may be confidential, trade secret, and/or proprietary. Specifically, MEF is not

producing any privileged communications or work product regarding the allegations underlying this or any litigation proceeding or any privileged communications or work product generated in anticipation of or in conjunction with the pending or other litigation because such communications are protected from disclosure.

MEF objects to this Request to the extent it invades the confidentiality and/or privacy interests of third parties and will seek sensitive information about them without their prior knowledge or consent; any response by MEF disclosing information of third parties will necessarily invade constitutional privacy interests of both the accused parties and the alleged complainants, and such information may be subject to confidentiality orders, protective orders, and/or similar agreements.

MEF objects to this Request to the extent it requests information not within MEF's possession, custody, or control.

MEF will not produce documents in response to this Request.

MEF reserves the right to supplement, clarify, revise, or correct its response to this Request.

16a. All documents showing or discussing franchisee attempts to implement safety measures beyond Massage Envy Franchising requirements and Massage Envy Franchising's response to such attempts.²

RESPONSE TO REQUEST FOR PRODUCTION NO. 16a:

Subject to the Preliminary Statement, Objections to Definitions and Instructions,

² Plaintiff's original numbering goes from number 22 back to a second set of numbers 16-22. So that there is a distinct identifier for each Request, MEF will number the second set of numbers 16-22 as numbers 16a-22a.

and Objections and Conditions above, MEF objects to this Request because the use of the terms “showing,” “discussing,” “attempts,” “implement,” “safety measures,” “requirements,” “response,” and “attempts” is vague and ambiguous, thereby rendering a response impossible without speculation or undue burden.

MEF objects to this Request to the extent the information requested is not relevant or likely to lead to the discovery of admissible evidence. Plaintiff’s claims arise out of specific alleged inappropriate conduct, committed by a particular massage therapist on a specific date, at an identified franchise location, owned and operated by the franchisee in this litigation.

MEF objects to this Request because it is overly broad and unduly burdensome, including because it is not reasonably limited in time and subject matter and that it seeks information after the date of the alleged incident referred to in Plaintiff’s Complaint.

MEF objects to this Request to the extent it seeks information protected by the attorney work-product doctrine, the attorney-client privilege, confidentiality agreements, protective orders, and/or any other privilege. MEF further objects because the information sought may be confidential, trade secret, and/or proprietary.

MEF objects to this Request to the extent it requests information not within MEF’s possession, custody, or control.

MEF will not produce documents in response to this Request.

MEF reserves the right to supplement, clarify, revise, or correct its response to this Request.

17a. All industry standards, best practices, guidelines, or recommendations regarding sexual assault prevention in massage establishments that Massage Envy Franchising has reviewed, considered, or received.

RESPONSE TO REQUEST FOR PRODUCTION NO. 17a:

Subject to the Preliminary Statement, Objections to Definitions and Instructions, and Objections and Conditions above, MEF objects to this Request because the use of the terms “industry standards,” “best practices,” “guidelines,” “recommendations,” “sexual assault,” “prevention,” “massage establishments,” “reviewed,” “considered,” and “received” is vague and ambiguous, thereby rendering a response impossible without speculation or undue burden.

MEF objects to this Request to the extent the information requested is not relevant or likely to lead to the discovery of admissible evidence. Plaintiff’s claims arise out of specific alleged inappropriate conduct, committed by a particular massage therapist on a specific date, at an identified franchise location, owned and operated by the franchisee in this litigation.

MEF objects to this Request because it is overly broad and unduly burdensome, including because it is not limited in time and seeks information after the date of the alleged incident referred to in Plaintiff’s Complaint.

MEF objects to this Request to the extent it seeks information protected by the attorney work-product doctrine, the attorney-client privilege, confidentiality agreements, protective orders, and/or any other privilege. MEF further objects because the information sought may be confidential, trade secret, and/or proprietary. Specifically, MEF is not producing any privileged communications or work product regarding the allegations underlying this or any litigation proceeding or any privileged communications or work

product generated in anticipation of or in conjunction with the pending or other litigation because such communications are protected from disclosure.

MEF objects to this Request to the extent it requests information not within MEF's possession, custody, or control.

MEF will not produce documents in response to this Request.

MEF reserves the right to supplement, clarify, revise, or correct its response to this Request.

18a. All documents relating to the development, implementation, functionality, and use of the AIR Tool system.

RESPONSE TO REQUEST FOR PRODUCTION NO. 18a:

Subject to the Preliminary Statement, Objections to Definitions and Instructions, and Objections and Conditions above, MEF objects to this Request because the use of the terms "relating to," "development," "implementation," "functionality," "use," and "system" is vague and ambiguous, thereby rendering a response impossible without speculation or undue burden.

MEF objects to this Request to the extent the information requested is not relevant or likely to lead to the discovery of admissible evidence. Plaintiff's claims arise out of specific alleged inappropriate conduct, committed by a particular massage therapist on a specific date, at an identified franchise location, owned and operated by the franchisee in this litigation.

MEF objects to this Request because it is overly broad and unduly burdensome, including because it is not reasonably limited in time and seeks documents after the date of the alleged incident referred to in Plaintiff's Complaint.

MEF objects to this Request to the extent it seeks information protected by the attorney work-product doctrine, the attorney-client privilege, confidentiality agreements, protective orders, and/or any other privilege. MEF further objects because the information sought may be confidential, trade secret, and/or proprietary. Specifically, MEF is not producing any privileged communications or work product regarding the allegations underlying this or any litigation proceeding or any privileged communications or work product generated in anticipation of or in conjunction with the pending or other litigation because such communications are protected from disclosure.

MEF objects to this Request to the extent it invades the confidentiality and/or privacy interests of third parties and will seek sensitive information about them without their prior knowledge or consent; any response by MEF disclosing information of third parties will necessarily invade constitutional privacy interests of both the accused parties and the alleged complainants, and such information may be subject to confidentiality orders, protective orders, and/or similar agreements.

Subject to and without waiving its objections, MEF responds as follows: Upon entry of a protective order, and to the extent they exist and are within MEF's possession, custody, or control, MEF will produce the incident report relating to the specific incident alleged by Plaintiff, but will not otherwise produce documents in response to this Request.

MEF reserves the right to supplement, clarify, revise, or correct its response to this Request.

19a. All documents showing consequences imposed on franchisees for non-compliance with policies, including termination of franchise agreements, penalties, or other disciplinary actions.

RESPONSE TO REQUEST FOR PRODUCTION NO. 19a:

Subject to the Preliminary Statement, Objections to Definitions and Instructions, and Objections and Conditions above, MEF objects to this Request because the use of the terms “showing,” “consequences,” “imposed,” “non-compliance with policies,” “penalties,” or “other disciplinary actions” is vague and ambiguous, thereby rendering a response impossible without speculation or undue burden.

MEF further objects to this Request because it seeks documents and information that are not relevant or reasonably calculated to lead to the discovery of admissible evidence. This action is about an allegation by one specific client, that she was assaulted by one specific massage therapist, at one specific franchise location, owned by one specific franchise owner.

Decisions made with respect to franchise agreements with other franchisees have no bearing on Plaintiff’s claims. Indeed, courts across the country presiding over similar cases have refused to permit discovery concerning unrelated franchisees. *See, e.g.,* Order Rider at 1, *Jane Doe #1 v. Massage Envy Franchising, LLC*, No. MID-L-5163-18 (N.J. Super. Ct. Mar. 13, 2020), attached hereto as Exhibit A; Opinion at 2-3, *Jane Doe C.D. v. Massage Envy Franchising, LLC*, No. BER-L-440-20 (N.J. Super. Feb. 9, 2020), attached hereto as Exhibit B; Transcript of Proceedings at 66:14-67:14, *Lawless v. Massage Envy Franchising, LLC*, No. CJ-2018-4177 (Okla. Dist. Ct. Jan. 14, 2020), attached hereto as Exhibit C; Order at 8-9, *Doe v. Massage Envy Franchising, LLC*, No. 34-2017-00210331 (Cal. Super. Ct. July 3, 2018), attached hereto as Exhibit D. Termination letters, other correspondence, and/or

communications relating or pertaining consequences imposed on franchisees bear no relation to the claims in this action, and what allegedly happened to this Plaintiff. The Request for such documents is therefore not relevant to this action.

MEF further objects to this Request because it is overly broad and unduly burdensome, including that it seeks documents after the date of the alleged incident referred to in Plaintiff's Complaint.

MEF objects to this Request because it would cause unreasonable annoyance, oppression, burden, or expense and would require the making of an unreasonable investigation by MEF. There are approximately 1,000 independently owned and operated Massage Envy franchises in 49 states, employing approximately 16,000 service providers. It is unreasonable and would take excessive time and cost for MEF to gather documents directed to approximately 1,000 independently owned and operated businesses, employing approximately 16,000 service providers, over an unlimited time span, that have no relevance to any claims or defenses in this action.

MEF objects to this Request to the extent it seeks information protected from disclosure by the attorney work-product doctrine, the attorney-client privilege, any other applicable privilege against disclosure, or any confidentiality agreements and/or protective orders.

MEF will not produce documents in response to this Request.

MEF reserves the right to supplement, clarify, revise, or correct its response to this Request.

20a. All marketing materials, advertisements, or customer communications that represent, promise, or discuss customer safety or security at Massage Envy locations.

RESPONSE TO REQUEST FOR PRODUCTION NO. 20a:

Subject to the Preliminary Statement, Objections to Definitions and Instructions, and Objections and Conditions above, MEF objects to this Request because the use of the terms “marketing materials,” “advertisements,” “customer communications,” “represent,” “promise,” “discuss,” “customer safety,” and “security” is vague and ambiguous, thereby rendering a response impossible without speculation or undue burden.

MEF objects to this Request to the extent the information requested is not relevant or likely to lead to the discovery of admissible evidence. Plaintiff’s claims arise out of specific alleged inappropriate conduct, committed by a particular massage therapist on a specific date, at an identified franchise location, owned and operated by the franchisee in this litigation.

MEF objects to this Request because it is overly broad and unduly burdensome, including because it is not reasonably limited in time or scope, and that it seeks documents after the date of the alleged incident referred to in Plaintiff’s Complaint.

MEF objects to this Request to the extent it requests information not within MEF’s possession, custody, or control.

MEF objects to this Request to the extent that the “marketing materials, advertisements, or customer communications” are publicly available, and are thus equally accessible to Plaintiff as they are to MEF.

MEF will not produce documents in response to this Request.

MEF reserves the right to supplement, clarify, revise, or correct its response to this Request.

21a. All risk assessments, risk management documents, or enterprise risk management materials discussing sexual assault liability or prevention.

RESPONSE TO REQUEST FOR PRODUCTION 21a:

Subject to the Preliminary Statement, Objections to Definitions and Instructions, and Objections and Conditions above, MEF objects to this Request because the use of the terms “risk assessments,” “risk management documents,” “enterprise risk management,” “materials,” “discussing,” “sexual assault,” “liability,” or “prevention” is vague and ambiguous, thereby rendering a response impossible without speculation or undue burden.

MEF objects to this Request to the extent the information requested is not relevant or likely to lead to the discovery of admissible evidence. Plaintiff’s claims arise out of specific alleged inappropriate conduct, committed by a particular massage therapist on a specific date, at an identified franchise location, owned and operated by the franchisee in this litigation.

MEF objects to this Request because it is overly broad and unduly burdensome, including because it is not reasonably limited in time and seeks documents after the date of the alleged incident referred to in Plaintiff’s Complaint.

MEF objects to this Request to the extent it seeks information protected by the attorney work-product doctrine, the attorney-client privilege, confidentiality agreements, protective orders, and/or any other privilege. MEF further objects because the information sought may be confidential, trade secret, and/or proprietary. Specifically, MEF is not producing any privileged communications or work product regarding the allegations underlying this or any litigation proceeding or any privileged communications or work product generated in anticipation of or in conjunction with the pending or other litigation because such communications are protected from disclosure.

MEF objects to this Request to the extent it invades the confidentiality and/or privacy interests of third parties and will seek sensitive information about them without their prior knowledge or consent; any response by MEF disclosing information of third parties will necessarily invade constitutional privacy interests of both the accused parties and the alleged complainants, and such information may be subject to confidentiality orders, protective orders, and/or similar agreements.

MEF objects to this Request to the extent it requests information not within MEF's possession, custody, or control.

MEF will not produce documents in response to this Request.

MEF reserves the right to supplement, clarify, revise, or correct its response to this Request.

22a. All documents relating to background check procedures, requirements, and vendors used for screening service providers.

RESPONSE TO REQUEST FOR PRODUCTION 22a:

Subject to the Preliminary Statement, Objections to Definitions and Instructions, and Objections and Conditions above, MEF objects to this Request because the use of the terms "relating to," "background check procedures," "requirements," "used," and "screening" is vague and ambiguous, thereby rendering a response impossible without speculation or undue burden.

MEF objects to this Request to the extent the information requested is not relevant or likely to lead to the discovery of admissible evidence.

MEF objects to this Request because it is overly broad and unduly burdensome, including because it is not reasonably limited in time and seeks documents after the date of

the alleged incident referred to in Plaintiff's Complaint.

MEF objects to this Request because the information sought may be confidential, trade secret, and/or proprietary.

MEF objects to this Request to the extent it requests information not within MEF's possession, custody or control.

MEF further objects to this Request to the extent it assumes or implies that MEF has any relationship with any franchisee employees and/or that MEF owns and/or operates the franchise location at issue in the Complaint, which it does not. Franchisees, including the franchisee defendant in this action, are responsible for all personnel matters relating to their employees, including, without limitation, hiring employees who work at their independently owned and operated locations. MEF does not have and has never had any employment, agency, or any other jural relationship with massage therapists, including Romero.

MEF objects to this Request to the extent it seeks information protected by the attorney work-product doctrine, the attorney-client privilege, confidentiality agreements, protective orders, and/or any other privilege. MEF further objects because the information sought may be confidential, trade secret, and/or proprietary.

MEF objects to this Request to the extent it requests information not within MEF's possession, custody, or control.

MEF will not produce documents in response to this Request.

MEF reserves the right to supplement, clarify, revise, or correct its response to this Request.

23. All documents received from or provided to any governmental agency or regulatory body regarding sexual assault incidents or prevention.

RESPONSE TO REQUEST FOR ADMISSION NO. 23:

Subject to the Preliminary Statement, Objections to Definitions and Instructions, and Objections and Conditions above, MEF objects to this Request because the use of the terms “received from,” “provided to,” “governmental agency,” “regulatory body,” “sexual assault,” “incidents,” and “prevention” is vague and ambiguous, thereby rendering a response impossible without speculation or undue burden.

MEF objects to this Request to the extent the information requested is not relevant or likely to lead to the discovery of admissible evidence. Any documents are simply irrelevant to this litigation. Plaintiff’s claims arise out of specific alleged inappropriate conduct, committed by a particular massage therapist on a specific date, at an identified franchise location, owned and operated by the franchisee in this litigation.

MEF objects to this Request because it is overly broad and unduly burdensome, including because it is not reasonably limited in time (and seeks documents after the date of the alleged incident referred to in Plaintiff’s Complaint), and it would cause unreasonable annoyance, oppression, burden or expense.

MEF objects to this Request because the information sought may be confidential, trade secret, and/or proprietary.

MEF objects to this Request to the extent it requests information not within MEF’s possession, custody, or control.

MEF objects to this Request to the extent it invades the confidentiality and/or privacy interests of third parties and will seek sensitive information about them without their prior knowledge or consent; any response by MEF disclosing information of third

parties will necessarily invade constitutional privacy interests of both the accused parties and the alleged complainants, and such information may be subject to confidentiality orders, protective orders, and/or similar agreements.

MEF will not produce documents in response to this Request.

MEF reserves the right to supplement, clarify, revise, or correct its response to this Request.

24. All documents that you intend to use as exhibits at trial or that you may use to support any defense in this litigation.

RESPONSE TO REQUEST FOR PRODUCTION NO. 24:

Subject to the Preliminary Statement, Objections to Definitions and Instructions, and Objections and Conditions above, MEF objects to this Request because the use of the term “support any defense in this litigation” is vague and ambiguous, thereby rendering a response impossible without speculation or undue burden.

MEF objects to this Request because the information sought may be confidential, trade secret, and/or proprietary.

MEF objects to this Request to the extent it seeks information protected from disclosure by the attorney work-product doctrine, the attorney-client privilege, any other applicable privilege against disclosure, or any confidentiality agreements, and/or protective orders.

Subject to and without waiving its objections, MEF responds as follows: MEF will identify its trial exhibits in accordance with any Court orders, as well as with the Rules of Supreme Court of Virginia and any local applicable rules. MEF expressly preserves the

right to use any documents it has produced prior to the date of these responses, produced concurrently with these responses, or produced after the date of these responses.

MEF reserves the right to supplement, clarify, revise, or correct its response to this Request.

25. With respect to each expert witness who may provide testimony, provide a copy of all documents and items of any kind produced to the expert; a copy of all documents and items of any kind generated or produced by the expert; a copy of the entire file of the expert; a current résumé or curriculum vitae for the expert; and all billing records and work logs for the expert.

RESPONSE TO REQUEST FOR PRODUCTION NO. 25:

Subject to the Preliminary Statement, Objections to Definitions and Instructions, and Objections and Conditions above, MEF objects to this Request because the use of the terms “items of any kind,” “produced,” “generated,” “produced by,” and “work logs” is vague and ambiguous, thereby rendering a response impossible without speculation or undue burden.

MEF objects to this Request to the extent it seeks information protected by the attorney work-product doctrine, the attorney-client privilege, confidentiality agreements, protective orders and/or any other privilege.

MEF objects to this Request because the information sought may be confidential, trade secret, and/or proprietary.

MEF objects to this Request to the extent it seeks information beyond that which is discoverable under the Rules of Supreme Court of Virginia.

MEF objects to this Request because it seeks the premature disclosure of expert

discovery.

Subject to and without waiving its objections, MEF responds as follows: MEF has not yet retained the services of an expert in this matter and, as such, the Request is currently premature. MEF will produce relevant documents in response to this Request in accordance with the Court's Scheduling Order and/or the Rules of Supreme Court of Virginia.

MEF reserves the right to supplement, clarify, revise, or correct its response to this Request.

OBJECTIONS AND RESPONSES TO REQUESTS FOR ADMISSION

1. Admit that Massage Envy Franchising, LLC requires franchisees to offer only those services that are approved by Massage Envy Franchising, LLC.

RESPONSE TO REQUEST FOR ADMISSION NO. 1:

Defendant objects to this Request as ambiguous in that the terms "requires," "offer," "services" and "approved" are subject to multiple interpretations leaving Defendant unable to properly respond. Defendant also objects to this Request as irrelevant, overly broad, and unduly burdensome as it is not limited in time or to the Plaintiff, therapist defendant, and/or franchisee defendant in this action. Defendant also objects to this Request because the information sought may be confidential, trade secret, and/or proprietary. Defendant also objects to this Request to the extent it calls for a legal conclusion, specifically the legal interpretation of the operative franchise agreement and documents incorporated therein. Defendant affirmatively states that MEF is a business format franchisor of approximately 1,000 Massage Envy® franchises. The franchises are independently owned and operated businesses that are solely responsible for their own premises, day-to-day operations,

employees (including the therapists those franchisees hire to provide massage and other services to customers of the franchisee), and liabilities arising out of those operations and employees. MEF has no control over the franchisees' day-to-day operations.

Subject to and without waiving its objections, MEF responds as follows: Admit only that the operative franchise agreement governs the relationship between MEF and franchisee defendant and that franchise agreement and/or the documents incorporated therein addresses what services independently owned and operated franchisees may offer to their customers. These documents speak for themselves and will be produced upon entry of a protective order. MEF denies the Request to the extent that it is inconsistent with the operative franchise agreement and/or its incorporated documents.

MEF reserves the right to supplement, clarify, revise, or correct its response to this Request.

2. Admit that Massage Envy Franchising, LLC mandates that franchisees use specific software systems to record or manage data related to employee performance or client complaints.

RESPONSE TO REQUEST FOR ADMISSION NO. 2:

Defendant objects to this Request as ambiguous in that the terms "mandates," "specific software systems," "record," "manage," "data," "employee performance," and "client complaints" are subject to multiple interpretations leaving Defendant unable to properly respond. Defendant also objects to this Request as irrelevant, overly broad, and unduly burdensome as it is not limited in time or to the Plaintiff, therapist defendant and/or franchisee defendant in this action. Defendant also objects to this Request because the information sought may be confidential, trade secret, and/or proprietary. Defendant also

objects to this Request to the extent it calls for a legal conclusion, specifically the legal interpretation of the operative franchise agreement and documents incorporated therein. Defendant affirmatively states that MEF is a business format franchisor of approximately 1,000 Massage Envy® franchises. The franchises are independently owned and operated businesses that are solely responsible for their own premises, day-to-day operations, employees (including the therapists those franchisees hire to provide massage and other services to customers of the franchisee), and liabilities arising out of those operations and employees. MEF has no control over the franchisees' day-to-day operations.

Subject to and without waiving its objections, MEF responds as follows: Admit only that the operative franchise agreement governs the relationship between MEF and franchisee defendant and that franchise agreement and/or the documents incorporated therein addresses software. These documents speak for themselves and will be produced upon entry of a protective order. MEF denies the Request to the extent that it is inconsistent with the operative franchise agreement and/or its incorporated documents.

MEF reserves the right to supplement, clarify, revise, or correct its response to this Request.

3. Admit that Massage Envy Franchising, LLC requires franchisees to operate under the Massage Envy brand name, logo, and signage as defined in its Franchise Disclosure Document and operations manual.

RESPONSE TO REQUEST FOR ADMISSION NO. 3:

Defendant objects to this Request as ambiguous in that the terms “requires,” “operates,” “brand name,” “logo,” “signage,” “Franchise Disclosure Document,” and “operations manual” are subject to multiple interpretations leaving Defendant unable to

properly respond. Defendant also objects to this Request as irrelevant, overly broad, and unduly burdensome as it is not limited in time or to the Plaintiff, therapist defendant and/or franchisee defendant in this action. Defendant also objects to this Request because the information sought may be confidential, trade secret, and/or proprietary. Defendant also objects to this Request to the extent it calls for a legal conclusion, specifically the legal interpretation of the operative franchise agreement and documents incorporated therein. Defendant affirmatively states that MEF is a business format franchisor of approximately 1,000 Massage Envy® franchises. The franchises are independently owned and operated businesses that are solely responsible for their own premises, day-to-day operations, employees (including the therapists those franchisees hire to provide massage and other services to customers of the franchisee), and liabilities arising out of those operations and employees. MEF has no control over the franchisees' day-to-day operations.

Subject to and without waiving its objections, MEF responds as follows: Admit only that the operative franchise agreement governs the relationship between MEF and franchisee defendant and that franchise agreement and/or the documents incorporated therein addresses the use of Massage Envy® marks. These documents speak for themselves and will be produced upon entry of a protective order. MEF denies the Request to the extent that it is inconsistent with the operative franchise agreement and/or its incorporated documents.

MEF reserves the right to supplement, clarify, revise, or correct its response to this Request.

4. Admit that Massage Envy Franchising, LLC reserves the right to inspect and audit the operations of any franchise location at any time, with or without prior notice.

RESPONSE TO REQUEST FOR ADMISSION NO. 4:

Defendant objects to this Request as ambiguous in that the terms “reserves,” “right,” “inspect,” “audit,” “operations,” “any franchise location,” “at any time,” and “notice” are subject to multiple interpretations leaving Defendant unable to properly respond. Defendant also objects to this Request as irrelevant, overly broad, and unduly burdensome because it is not limited in time or to the Plaintiff, therapist defendant and/or franchisee defendant in this action. Defendant also objects to this Request because the information sought may be confidential, trade secret, and/or proprietary. Defendant also objects to this Request to the extent it calls for a legal conclusion, specifically the legal interpretation of the operative franchise agreement and documents incorporated therein. Defendant affirmatively states that MEF is a business format franchisor of approximately 1,000 Massage Envy® franchises. The franchises are independently owned and operated businesses that are solely responsible for their own premises, day-to-day operations, employees (including the therapists those franchisees hire to provide massage and other services to customers of the franchisee), and liabilities arising out of those operations and employees. MEF has no control over the franchisees’ day-to-day operations.

Subject to and without waiving its objections, MEF responds as follows: Admit only that the operative franchise agreement governs the relationship between MEF and franchisee defendant and that franchise agreement and/or the documents incorporated therein addresses inspections and audits. These documents speak for themselves and will be

produced upon entry of a protective order. MEF denies the Request to the extent that it is inconsistent with the operative franchise agreement and/or its incorporated documents.

MEF reserves the right to supplement, clarify, revise, or correct its response to this Request.

5. Admit that Massage Envy Franchising, LLC receives a royalty or percentage of gross revenue from services performed at franchise locations.

RESPONSE TO REQUEST FOR ADMISSION NO. 5:

Defendant objects to this Request as ambiguous in that the terms “royalty,” “gross revenue,” and “services” are subject to multiple interpretations leaving Defendant unable to properly respond. Defendant also objects to this Request as non-relevant, overly broad, and unduly burdensome because it is not limited in time or to the Plaintiff, therapist defendant and/or franchisee defendant in this action. Defendant also objects to this Request because the information sought may be confidential, trade secret, and/or proprietary. Defendant also objects to this Request to the extent it calls for a legal conclusion, specifically the legal interpretation of the operative franchise agreement and documents incorporated therein. Defendant affirmatively states that MEF is a business format franchisor of approximately 1,000 Massage Envy® franchises. The franchises are independently owned and operated businesses that are solely responsible for their own premises, day-to-day operations, employees (including the therapists those franchisees hire to provide massage and other services to customers of the franchisee), and liabilities arising out of those operations and employees. MEF has no control over the franchisees’ day-to-day operations.

Subject to and without waiving its objections, MEF responds as follows: Admit only that the operative franchise agreement governs the relationship between MEF and franchisee defendant and that franchise agreement and/or the documents incorporated therein addresses royalties. These documents speak for themselves and will be produced upon entry of a protective order. MEF denies the Request to the extent that it is inconsistent with the operative franchise agreement and/or its incorporated documents.

MEF reserves the right to supplement, clarify, revise, or correct its response to this Request.

6. Admit that Massage Envy Franchising, LLC required or encouraged franchisees to maintain insurance coverage for liability relating to sexual assault claims.

RESPONSE TO REQUEST FOR ADMISSION NO. 6:

Defendant objects to this Request as ambiguous in that the terms “required,” “encouraged,” and “sexual assault” are subject to multiple interpretations leaving Defendant unable to properly respond. Defendant also objects to this Request as irrelevant, overly broad, and unduly burdensome because it is not limited in time or to the Plaintiff, therapist defendant and/or franchisee defendant in this action. Defendant also objects to this Request to the extent it calls for a legal conclusion, specifically the legal interpretation of the operative franchise agreement and documents incorporated therein. Defendant also objects to this Request because the information sought may be confidential, trade secret, and/or proprietary. Defendant affirmatively states that MEF is a business format franchisor of approximately 1,000 Massage Envy® franchises. The franchises are independently owned and operated businesses that are solely responsible for their own premises, day-to-day

operations, employees (including the therapists those franchisees hire to provide massage and other services to customers of the franchisee), and liabilities arising out of those operations and employees. MEF has no control over the franchisees' day-to-day operations.

Subject to and without waiving its objections, MEF responds as follows: Admit only that the operative franchise agreement governs the relationship between MEF and franchisee defendant and that franchise agreement and/or the documents incorporated therein addresses insurance requirements for franchisees. These documents speak for themselves and will be produced upon entry of a protective order. MEF denies the Request to the extent that it is inconsistent with the operative franchise agreement and/or its incorporated documents.

MEF reserves the right to supplement, clarify, revise, or correct its response to this Request.

7. Admit that Massage Envy Franchising, LLC maintains a database or software platform, including AIR Tool, to track complaints against employees and/or service providers at franchise locations.

RESPONSE TO REQUEST FOR ADMISSION NO. 7:

Defendant objects to this Request as ambiguous in that the terms "maintain," "database," "software platform," "track," and "complaints" are subject to multiple interpretations leaving Defendant unable to properly respond. Defendant also objects to this Request as irrelevant, overly broad, and unduly burdensome because it is not limited in time or to the Plaintiff, therapist defendant and/or franchisee defendant in this action. Defendant also objects to this Request because the information sought may be confidential, trade secret,

and/or proprietary. Defendant affirmatively states that MEF is a business format franchisor of approximately 1,000 Massage Envy® franchises. The franchises are independently owned and operated businesses that are solely responsible for their own premises, day-to-day operations, employees (including the therapists those franchisees hire to provide massage and other services to customers of the franchisee), and liabilities arising out of those operations and employees. MEF has no control over the franchisees' day-to-day operations.

Subject to and without waiving its objections, MEF responds as follows: MEF admits that the Massage Envy brand utilizes an automated incident reporting tool through which franchisees report certain incidents. As phrased and subject to the objections above, MEF denies the remainder of this Request for Admission but is willing to revisit its response should Plaintiff amend this Request.

MEF reserves the right to supplement, clarify, revise, or correct its response to this Request.

8. Admit that more than 100 distinct allegations of sexual assault by massage therapists at franchise locations have been reported to Massage Envy Franchising, LLC since 2010.

RESPONSE TO REQUEST FOR ADMISSION NO. 8:

Defendant objects to this Request as ambiguous in that the terms “distinct,” “allegations,” “sexual assault,” “franchise locations,” and “reported” are subject to multiple interpretations leaving Defendant unable to properly respond. Defendant also objects to this Request as irrelevant, overly broad, and unduly burdensome because it is not reasonably limited in time or to the Plaintiff, therapist defendant, and/or franchisee defendant in this action. Defendant affirmatively states that MEF is a business format franchisor of

approximately 1,000 Massage Envy® franchises. The franchises are independently owned and operated businesses that are solely responsible for their own premises, day-to-day operations, employees (including the therapists those franchisees hire to provide massage and other services to customers of the franchisee), and liabilities arising out of those operations and employees. MEF has no control over the franchisees' day-to-day operations. Subject to and without waiving its objections, MEF responds as follows: MEF admits that, since 2010 to the present, franchisees have submitted more than 100 incidents via the AIR Tool that involve distinct allegations that therapists employed by franchised locations acted inappropriately. As phrased and subject to the objections above, MEF denies the remainder of this Request for Admission but is willing to revisit its response should Plaintiff amend this Request.

MEF reserves the right to supplement, clarify, revise, or correct its response to this Request.

9. Admit that the National Center on Sexual Exploitation listed Massage Envy Franchising, LLC on its "Dirty Dozen List" in 2019 due to concerns regarding its handling of sexual misconduct allegations.

RESPONSE TO REQUEST FOR ADMISSION NO. 9:

Defendant objects to this Request as ambiguous in that the terms "concerns," "handling," "sexual misconduct," and "allegations" are subject to multiple interpretations leaving Defendant unable to properly respond. Defendant also objects to this Request as irrelevant because it is not related to the Plaintiff, therapist defendant and/or franchisee defendant in this action, nor is it related to the timeframe of Plaintiff's alleged incident.

Subject to and without waiving its objections, MEF responds as follows: Upon reasonable inquiry, the information known or readily obtainable by MEF is insufficient to enable MEF to admit or deny the Request, and therefore this Request is denied. MEF has no independent knowledge of why this third party took any action that it did.

MEF reserves the right to supplement, clarify, revise, or correct its response to this Request.

10. Admit that Massage Envy Franchising, LLC has provided franchisees with sample scripts, public relations guidance, or talking points to use when responding to Sexual Assault Allegations made by clients.

RESPONSE TO REQUEST FOR ADMISSION NO. 10:

Defendant objects to this Request as ambiguous in that the terms “sample scripts,” “public relations guidance,” “talking points,” “responding,” and “clients” are subject to multiple interpretations leaving Defendant unable to properly respond. Defendant also objects to this Request as irrelevant, overly broad, and unduly burdensome because it is not limited in time or to the Plaintiff, therapist defendant and/or franchisee defendant in this action. Defendant also objects to this Request because the information sought may be confidential, trade secret, and/or proprietary. Defendant affirmatively states that MEF is a business format franchisor of approximately 1,000 Massage Envy® franchises. The franchises are independently owned and operated businesses that are solely responsible for their own premises, day-to-day operations, employees (including the therapists those franchisees hire to provide massage and other services to customers of the franchisee), and liabilities arising out of those operations and employees. MEF has no control over the

franchisees' day-to-day operations.

Subject to and without waiving its objections, MEF responds as follows: Admit only that MEF makes certain materials available to its franchisees that relate to allegations of inappropriate conduct, including the applicable operations manual, which speaks for itself and will be produced upon entry of a protective order. As phrased and subject to the objections above, MEF denies the remainder of this Request for Admission but is willing to revisit its response should Plaintiff amend this Request.

MEF reserves the right to supplement, clarify, revise, or correct its response to this Request.

11. Admit that Massage Envy Franchising, LLC was notified within 7 days of the February 25, 2023 incident involving Krystal Williams and John Romero.

RESPONSE TO REQUEST FOR ADMISSION NO. 11:

Subject to and without waiving its objections, MEF responds as follows: MEF admits only that defendant franchisee submitted an incident report regarding an alleged incident of inappropriate conduct involving Plaintiff and Romero on March 1, 2023. As phrased and subject to the objections above, MEF denies the remainder of this Request for Admission but is willing to revisit its response should Plaintiff amend this Request.

MEF reserves the right to supplement, clarify, revise, or correct its response to this Request.

12. Admit that Massage Envy Franchising, LLC requires franchisees to follow specific draping procedures as outlined in its official policies or operations manuals.

RESPONSE TO REQUEST FOR ADMISSION NO. 12:

Defendant objects to this Request as ambiguous in that the terms “requires,” “specific draping procedures,” “outlined,” and “official policies” are subject to multiple interpretations leaving Defendant unable to properly respond. Defendant also objects to this Request as irrelevant, overly broad, and unduly burdensome because it is not limited in time or to the Plaintiff, therapist defendant and/or franchisee defendant in this action. Defendant also objects to this Request because the information sought may be confidential, trade secret, and/or proprietary. Defendant also objects to this Request to the extent it calls for a legal conclusion, specifically the legal interpretation of the operative franchise agreement and documents incorporated therein. Defendant affirmatively states that MEF is a business format franchisor of approximately 1,000 Massage Envy® franchises. The franchises are independently owned and operated businesses that are solely responsible for their own premises, day-to-day operations, employees (including the therapists those franchisees hire to provide massage and other services to customers of the franchisee), and liabilities arising out of those operations and employees. MEF has no control over the franchisees’ day-to-day operations.

Subject to and without waiving its objections, MEF responds as follows: Admit only that the operative franchise agreement governs the relationship between MEF and franchisee defendant and that franchise agreement and/or the documents incorporated therein addresses draping. These documents speak for themselves and will be produced upon entry of a protective order. MEF denies the Request to the extent that it is inconsistent with the operative franchise agreement and/or its incorporated documents.

MEF reserves the right to supplement, clarify, revise, or correct its response to this Request.

13. Admit that Massage Envy Franchising, LLC requires that all franchisees conduct background checks on massage therapists using vendors pre-approved or recommended by Massage Envy Franchising, LLC.

RESPONSE TO REQUEST FOR ADMISSION NO. 13:

Defendant objects to this Request as ambiguous in that the terms “requires,” “background checks,” “vendors,” “pre-approved,” and “recommended” are subject to multiple interpretations leaving Defendant unable to properly respond. Defendant also objects to this Request as irrelevant, overly broad, and unduly burdensome because it is not limited in time or to the Plaintiff, therapist defendant and/or franchisee defendant in this action. Defendant also objects to this Request because the information sought may be confidential, trade secret, and/or proprietary. Defendant also objects to this Request to the extent it calls for a legal conclusion, specifically the legal interpretation of the operative franchise agreement and documents incorporated therein. Defendant affirmatively states that MEF is a business format franchisor of approximately 1,000 Massage Envy® franchises. The franchises are independently owned and operated businesses that are solely responsible for their own premises, day-to-day operations, employees (including the therapists those franchisees hire to provide massage and other services to customers of the franchisee), and liabilities arising out of those operations and employees. MEF has no control over the franchisees’ day-to-day operations.

Subject to and without waiving its objections, MEF responds as follows: Admit only that the operative franchise agreement governs the relationship between MEF and franchisee defendant and that franchise agreement and/or the documents incorporated therein addresses background checks. These documents speak for themselves and will be

produced upon entry of a protective order. MEF denies the Request to the extent that it is inconsistent with the operative franchise agreement and/or its incorporated documents.

MEF reserves the right to supplement, clarify, revise, or correct its response to this Request.

14. Admit that Massage Envy Franchising, LLC reserves the right to terminate franchise agreements for violations of its policies, including those related to client safety.

RESPONSE TO REQUEST FOR ADMISSION NO. 14:

Defendant objects to this Request as ambiguous in that the terms “violations,” “policies” and “client safety” are subject to multiple interpretations leaving Defendant unable to properly respond. Defendant also objects to this Request as irrelevant, overly broad, and unduly burdensome because it is not limited in time or to the Plaintiff, therapist defendant and/or franchisee defendant in this action. Defendant also objects to this Request because the information sought may be confidential, trade secret, and/or proprietary. Defendant also objects to this Request to the extent it calls for a legal conclusion, specifically the legal interpretation of the operative franchise agreement and documents incorporated therein. Defendant affirmatively states that MEF is a business format franchisor of approximately 1,000 Massage Envy® franchises. The franchises are independently owned and operated businesses that are solely responsible for their own premises, day-to-day operations, employees (including the therapists those franchisees hire to provide massage and other services to customers of the franchisee), and liabilities arising out of those operations and employees. MEF has no control over the franchisees’ day-to-day operations.

Subject to and without waiving its objections, MEF responds as follows: Admit only that the operative franchise agreement governs the relationship between MEF and

franchisee defendant and that operative franchise agreement and/or the documents incorporated therein addresses what contractual recourse MEF may have in the event that an independently owned and operated franchisee breaches its obligations under the franchise agreement. These documents speak for themselves and will be produced upon entry of a protective order. MEF denies the Request to the extent that it is inconsistent with the operative franchise agreement and/or its incorporated documents.

15. Admit that Massage Envy Franchising, LLC maintains final authority to approve or reject safety protocols or policy changes proposed by franchisees.

RESPONSE TO REQUEST FOR ADMISSION NO. 15:

Defendant objects to this Request as ambiguous in that the terms “maintains,” “final authority,” “safety protocols,” “policy changes,” and “proposed” are subject to multiple interpretations leaving Defendant unable to properly respond. Defendant also objects to this Request as irrelevant, overly broad, and unduly burdensome because it is not limited in time or to the Plaintiff, therapist defendant and/or franchisee defendant in this action. Defendant also objects to this Request because the information sought may be confidential, trade secret, and/or proprietary. Defendant also objects to this Request to the extent it calls for a legal conclusion, specifically the legal interpretation of the operative franchise agreement and documents incorporated therein. Defendant affirmatively states that MEF is a business format franchisor of approximately 1,000 Massage Envy® franchises. The franchises are independently owned and operated businesses that are solely responsible for their own premises, day-to-day operations, employees (including the therapists those franchisees hire to provide massage and other services to customers of the franchisee), and liabilities arising out of those operations and employees. MEF has no control over the franchisees’ day-to-day

operations.

Subject to and without waiving its objections, MEF responds as follows: Denied; the franchise agreement and/or the documents incorporated therein set forth certain requirements, but because MEF does not control the day-to-day operations of its independently owned and operated franchisees, franchisees are free to institute policies or protocols that go beyond and/or do not conflict with MEF's required policies.

Dated: October 7, 2025

Respectfully submitted,

MESSAGE ENVY FRANCHISING, LLC,
Defendant

By: 

Counsel for Defendant

C. Stephen Setliff, Esquire (Bar No. 27882)
SETLIFF LAW, P.C.
4940 Dominion Boulevard
Glen Allen, Virginia 23060
Telephone: (804) 377-1260
Facsimile: (804) 377-1280
ssetliff@setlifflaw.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of October 2025 a true copy of the foregoing was provided to the Plaintiff by both first-class mail, postage prepaid, and by email to:

Sharif L. Gray
Gray B. Broughton
Zachary P. Grubaugh
THE BROUGHTON LAW FIRM, PLLC
1602 Rolling Hills Drive, Suite 212
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*Counsel for Defendant FS Gainesville, LLC
and Michael Fitzgerald*



C. Stephen Setliff

Exhibit A

LAFFEY, BUCCI & KENT LLP

BY: Brian D. Kent, Esquire, Attorney ID: 041892004
M. Stewart Ryan, Esquire, Attorney ID: 019492012
V. Paul Bucci, II, Esquire (*Admitted Pro Hac Vice*)
371 Hoes Ln #200
Piscataway, NJ 08854
(215) 399-9255
Fax (215) 241-8700
Attorneys for Plaintiff

FILED

March 13, 2020

Hon. Thomas Daniel McCloskey, J.S.C.

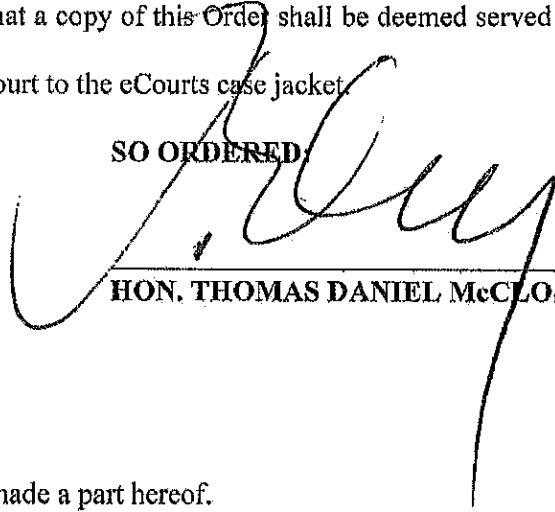
JANE DOE #1 (a fictitious name),	:	SUPERIOR COURT OF NEW JERSEY
c/o Laffey, Bucci & Kent LLP	:	LAW DIVISION
1435 Walnut Street, 7 th Floor	:	MIDDLESEX COUNTY
Philadelphia, PA 19102	:	
	:	Civil Action
Plaintiff,	:	
	:	DOCKET NO.: MID-L-5163-18
v.	:	
	:	
MESSAGE ENVY FRANCHISING, LLC;	:	ORDER
PISCATAWAY ME, LLC; ABC, INC, 1 –	:	
10 (fictitious entities) and JOHN DOES 1	:	
– 10 (fictitious persons),	:	
	:	
Defendants.	:	

This Matter, being brought before the Court on the Motion of Plaintiff, by and through counsel, Laffey, Bucci & Kent, LLP, for an Order granting Plaintiff's Motion to Compel discovery responses of Defendant, Massage Envy Franchising, LLC; and the Court, having reviewed and considered the moving papers, those submitted in opposition thereto, those in reply, for the reasons set forth in the "RIDER" attached hereto and made part hereof, and for good cause shown;

It is on the 13th day of March, 2020, ORDERED that Plaintiff's Motion is **GRANTED IN PART** and **DENIED IN PART**; and

It is FURTHER ORDER, that a copy of this Order shall be deemed served on all counsel of record upon its posting by the Court to the eCourts case jacket.

SO ORDERED



HON. THOMAS DANIEL McCLOSKEY, J.S.C.

Opposed
 Unopposed

See "RIDER" attached hereto and made a part hereof.

RIDER TO THE COURT'S ORDER OF MARCH 13, 2020

[R. 1:6-2(f)]

With respect to:

- *Plaintiff's demand for all documents relating to any complaints of sexual assaults at any of the 1,200 Massage Envy-branded franchise locations for the past 14 years (Request Nos. 2, 3, 4, 5, 6, 7, 8, 10, 12, 14, 16 and 32):*

Ruling: The Court **DENIES** the Plaintiff's application to compel production of such documents and finds that the discovery sought in these requests is irrelevant, unduly burdensome for this Defendant to produce, and if produced would potentially (and improperly) invade the privacy rights of non-party third parties notwithstanding the "Discovery Confidentiality and Protective Order" in place and entered by the Court on January 24, 2020. This matter is only about the Plaintiff and her alleged injuries arising out of her experiences and treatment at the Piscataway Massage Envy (ME) franchised facility. They do not give the Plaintiff license to engage in seemingly overbroad and potentially limitless attempts to uncover any and every piece of information that may have, at one time or another, occurred at upwards of 1,999 other Massage Envy franchised locations over 14 years.

However, that stated, if not already produced the Defendant, MEF, shall produce any and all documents in its custody, possession or control relating to any complaints made or received at the Piscataway ME location from the date of its inception in business through and including the date or dates of Plaintiff's treatments there. Accordingly, the Court **GRANTS IN PART** the Plaintiff's application.

- *Plaintiff's demand for all documents relating to any meetings at any time at any location where the topic of sexual assaults at Massage Envy franchise locations arose (Request Nos. 2, 13, 14 and 22):*

Ruling: The Court **DENIES** the Plaintiff's application to compel production of such documents and finds that the discovery sought in these requests is overly broad, unduly burdensome and without any limitation in time or in scope, and simply not relevant to Plaintiff's claims arising out of her experience(s) and treatment at the Piscataway Massage Envy franchised location.

- *Plaintiff's demand for all documents relating to Defendant, MEF's, relationship with outside organizations for the past fourteen years, including relationships arising after Plaintiff's alleged incident, and other post-incident information or subsequent remedial measures. (Request Nos. 15, 20, 21, 22 and 25):*

Ruling: The Court **GRANTS** the Plaintiff's application to compel production of such documents and finds that the discovery sought in these requests is reasonably calculated to lead to admissible evidence. Whether it is ultimately admissible at trial, or not, is not the standard governing its *discoverability*. Moreover, even if policies and procedures

Jane Doe #1 v. Massage Envy Franchising, LLC, et al.
Dkt. No. MID-L-5163-18

implemented and safety initiatives that were developed and implemented *after* the Plaintiff's alleged incident(s), given the claims inveighed by the Plaintiff here against the Defendant, MEF, vis-à-vis the relationships it has, or has had, under its franchise agreement(s) with its franchisees (including, without limitation, the Piscataway Massage Envy franchised location), and with the Rape, Abuse & Incest National Network ("RAINN"), subsequent remedial measures are, at a minimum, discoverable. While evidence of subsequent remedial measures taken after an event is not ordinarily admissible to prove that the event was caused by the negligence or culpable conduct of another (in this case, the Defendants, MEF, and/or Piscataway MEF, LLC), it may be admitted as to other issues. See N.J.R.E. 407. For example, the admissibility of such evidence for other purposes has been recognized by case law, especially as to issues concerning notice, maintenance and/or the feasibility and practicability of making repairs or taking corrective action, and potentially admissible to support a finding of "palpably unreasonable" conduct on the part of a party - in acting and/or failing to act - that can be submitted to a jury for evaluation and determination.. Any confidentiality or related concerns over the production of such information or documents will be covered by the "Discovery Confidentiality and Protective Order" entered by the Court on January 24, 2020.

- *Plaintiff's demand for all documents relating to Mesak, including Mesak's customer list (Request No. 26).*

Ruling: The Court **DENIES** the Plaintiff's application to compel production of such documents and finds that the discovery sought in this request is directed at the wrong party. The Defendant, MEF, did not employ the alleged perpetrator, Mesak, did not have a relationship with any customer(s) that were or may have been allegedly massaged by Mesak, and does not own or operate the Defendant, Piscataway ME, franchised location.

However, if the Defendant, MEF, has any information or documentation that concerns Mesak or complaints made about the conduct of Mesak either at the Piscataway ME franchised location, or at any other ME franchised location, at any time, if not already produced by the Defendant, MEF, the Court directs that it produce the same. Accordingly, the Court **GRANTS IN PART** the Plaintiff's application.

Exhibit B

FILED

FEB 09 2022

Robert C. Wilson
J.S.C.

LAFHEY, BUCCI & KENT LLP

BY: Brian D. Kent, Esquire, Attorney ID: 041892004
M. Stewart Ryan, Esquire, Attorney ID: 019492012
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Fax (215) 241-8700
Attorneys for Plaintiff

JANE DOE C.D. (a fictitious name),
c/o Laffey, Bucci & Kent LLP
1435 Walnut Street, 7th Floor
Philadelphia, PA 19102

Plaintiff,

v.

MESSAGE ENVY FRANCHISING, LLC;
SUMMERWIND MASSAGE, LLC; ABC,
INC, 1 - 10 (fictitious entities) and JOHN
DOES 1 - 10 (fictitious persons),

Defendants

and

MESSAGE ENVY FRANCHISING, LLC

Third Party Plaintiff

and

MICHAEL EGAN

Third Party Defendant

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
BERGEN COUNTY

Civil Action

DOCKET NO.: BER-L-440-20

ORDER

*Denied For the Reasons
Stated in the Court's
Written Opinion*

This Matter, being brought before the Court on the Motion of Plaintiff, by and through counsel, Laffey, Bucci & Kent, LLP, for an Order granting Plaintiff's Motion to Compel Discovery Responses From Defendant, Massage Envy Franchising, LLC.

It is on the 9th day of February, 2021 ORDERED that Plaintiff's Motion is ~~GRANTED~~ **DENIED**.

It is ~~FURTHER ORDERED~~ that Defendant, Massage Envy Franchising, LLC shall provide responses to Plaintiff's Third Set of Requests for Production of Documents No. 3 - 4 and 5 - 8, without objection, within ten (10) days of the date of this order.

BY THE COURT:


ROBERT C. WILSON, J.S.C.

Opposed

Unopposed

PREPARED BY THE COURT

JANE DOE C.D. (a fictitious name), c/o
Laffey, Bucci & Kent LLP
1435 Walnut Street, 7th Floor
Philadelphia, PA 19102,

Plaintiff,

v.

MASSAGE ENVY FRANCHISING, LLC;
SUMMERWIND MASSAGE, LLC; ABC,
INC, 1-10 (fictitious entities) and JOHN
DOES 1-10 (fictitious persons),

Defendants,

and

MASSAGE ENVY FRANCHISING, LLC,

Third-Party Plaintiff,

v.

MICHAEL EGAN,

Third-Party Defendant.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY

DOCKET NO.: **L-440-20**

Civil Action

OPINION**FACTUAL BACKGROUND**

This action arises from an alleged incident that occurred on April 20, 2015, while Plaintiff was receiving a massage from Michael Egan, an employee at the Massage Envy-branded franchise location in Closter, New Jersey. The franchise, Summerwind Massage LLC d/b/a Massage Envy Closter ("Closter"), is an independent business entity that is not owned or operated by Massage Envy Franchising, LLC ("MEF" and collectively with Closter the "Defendants").

A complaint was filed by multiple plaintiffs in Middlesex County in 2018, alleging that they were sexually assaulted at Massage Envy branded franchise locations. On Defendants'

motion, Judge McCloskey, of Middlesex County, severed the claims of each Plaintiff and transferred them to their appropriate venues. Plaintiff filed the Complaint in Bergen County in January 2020. Discovery has been continuous since then with several extensions.

On October 27, 2021, Plaintiff served its Third Set of Requests for Production of Documents on MEF. These requests seek documents related to complaints of inappropriate conduct by licensed massage therapists at Massage Envy-branded franchise locations other than Closter, and certain documents provided by MEF to Dr. Michael Fogel or Redirect, an organization retained by MEF's counsel to consult on the matter. MEF responded and objected to Plaintiff's requests on December 1, 2021. Plaintiff filed the instant motion on January 5, 2022.

RULE OF LAW AND DECISION

Generally, "parties may obtain discovery regarding any matter, *not privileged*, which is relevant to the subject matter involved in the pending action," R. 4:10-2(a) (emphasis added). The New Jersey Rules of Court provide that "[a] party, upon reasonable notice to other parties and all persons affected thereby, may apply for an order compelling discovery" R. 4:23-1. "If a deponent fails to answer a question propounded or submitted under R. 4:14 or 4:15 . . . the discovering party may move for an order compelling an answer or designation in accordance with the request." Id. Furthermore, "there must be a substantial showing that [the discovery sought] contain[s] evidence relevant and material to the issue. If the specification is so broad and indefinite as to be oppressive and in excess of the defendant's necessities," then the Motion should be denied. State v. Cooper, 2 N.J. 540, 556 (1949).

Plaintiff attempts to obtain incident reports involving different franchise locations and different massage therapists. This information is not relevant to the instant matter and to this Plaintiff's claims. It does not go to MEF's defenses, it is not reasonably or narrowly tailored in

geography, time, or location. Compelling such discovery would place an undue burden on MEF and potentially invade the privacy rights of third parties. It is for these reasons that discovery is limited to matters that are “relevant to the subject matter involved in the pending action.” R. 4:10-2(a).

Plaintiff relies on Clohesy v. Food Circus Supermarkets, Inc., 149 N.J. 496 (1997), which involved a shopper at the defendant-owned supermarket who was the victim of a crime while walking in the defendant’s parking lot. The court admitted evidence of prior criminal acts that occurred at the same parking lot or in “close proximity” to the property. Id. at 516-17. To the extent Clohesy has applicability to the present matter, it stands for the proposition that Plaintiff could seek evidence of prior misconduct at the Closter location. It does not hold that Plaintiff is entitled to discovery of unrelated incidents at other locations across the country with other parties.

Nor is Clohesy relevant to any supposed duty of care Plaintiff claims MEF owed. There, the supermarket owned and operated both the supermarket and parking lot. MEF, as a franchisor, does not owe a duty of care to Plaintiff, whose relationship is with the Closter location, the franchisee. See Capriglione v. Radisson Hotels Int’l, Inc., 2011 WL 4736310, at *2-3 (D.N.J. Oct. 5, 2011).

Plaintiff argues that this discovery request is justified because incident reports were utilized by MEF policy makers to formulate policies. However, Plaintiff has not established that the wide geographic scope and lengthy time period sought are relevant to the policies. Given the irrelevance to the issues in this matter, there is no justification for compelling MEF to undertake this burden to produce the discovery. See, e.g., Abreu v. State, 2015 WL 9480021, at *8 (D.N.J. Dec. 29, 2015) (rejecting as “overbroad, burdensome and irrelevant” a request for all complaints and

investigations over a five-year period where material specifically relevant to plaintiff had been produced).

Further, the discovery Plaintiff requests is protected by the attorney-client privilege and the work product doctrine. The privilege “exists to protect not only the giving of professional advice to those who can act on it but also the giving of information to the lawyer to enable him to give sound and informed advice.” Upjohn Co. v. United States, 449 U.S. 383, 390 (1981). The work product doctrine appeases “the need for lawyers to ‘work with a certain degree of privacy, free from unnecessary intrusion by opposing parties and their counsel.’” O’Boyle v. Bor. Of Longport, 218 N.J. 168, 189 (2014) (quoting Hickman v. Taylor, 329 U.S. 495, 510 (1947)).

Where, as here counsel and third-party expert, Dr. Fogel, consider documents and communications to be confidential, an assertion of attorney-client privilege or work product protection is appropriate. See O’Boyle, 218 N.J. at 185 (“The privilege also extends to consultations with third parties whose presence and advice are necessary to the legal representation” and apply to “those communications expected or intended to be confidential”).

For the aforementioned reasons, Plaintiff’s motion to compel is denied.


HON. ROBERT C. WILSON

Exhibit C

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IN THE DISTRICT COURT OF TULSA COUNTY
STATE OF OKLAHOMA

JENNY LAWLESS,)
Plaintiff,) CASE NO. CJ-2018-4177
V.) Judge Rebecca Nightingale
MESSAGE ENVY FRANCHISING, LLC,)
a foreign for-profit Limited)
Liability Company, PROVIDENT)
PACE, LLC, an Oklahoma Limited)
Liability Company d/b/a)
MESSAGE ENVY, PATRICK STRICKLAND,)
SHELBY RANGEL, LINDSEY CASLER)
and LEROY DOE,)
Defendants.)

TRANSCRIPT OF PROCEEDINGS
HELD ON THE 14TH DAY OF JANUARY, 2020
BEFORE THE HONORABLE JUDGE REBECCA NIGHTINGALE
DISTRICT JUDGE
TULSA COUNTY COURTHOUSE

KEMA L. HICKS, CSR
500 SOUTH DENVER
TULSA, OKLAHOMA 74103

1 want to get. If Your Honor is not going to allow them to
2 get that information, then they can't get it in any form
3 which it comes in, no matter whether it is in a report or an
4 email. The format doesn't matter. But I certainly want to
5 make clear that any insinuation that Roark Capital Group
6 owns them is simply untrue.

7 THE COURT: Okay.

8 MR. SHWER: But I do think -- sorry to interrupt.
9 I do think it might help to get some ideas as to where you
10 are sort of going because that might facilitate some of
11 this.

12 THE COURT: Okay.

13 MR. KENT: That's fine, Your Honor. Yeah.

14 THE COURT: Okay. With regard to the groupings.
15 Grouping number 1 which was sexual assault on a national
16 level, that's denied. That involves interrogatory 2, 3, 4,
17 7, 14. Request for production 3, 4, 5, 9, and 11. That
18 includes the sexual assaults on a national level as well as
19 law enforcement and therapy board reports.

20 With regard to number 2, the Court is going to
21 grant in part and deny in part. The part that will be
22 granted is styles and jurisdiction of the lawsuits for five
23 years prior to the franchise -- I am sorry, I am trying to
24 decipher my notes -- five years prior to the franchise in
25 this case and the years prior to the sexual assault while

1 they were franchised. My memory was four years but somebody
2 looked with a question mark on their face so I might have
3 the wrong time. So effectively if sexual assault happened
4 in four years prior to that the franchisee was in business,
5 those four years and then five years prior to that. So
6 limited to basically nine years before the date of this
7 allegation. And that just includes the general information
8 about the lawsuits. It will give numbers, it will assist or
9 contribute toward the possibility of relevant evidence
10 regarding foreseeability. The specific documents, it is not
11 specific enough. It is too broad. There is no way to say
12 just give us the relevant things as to those lawsuits. It
13 is overly burdensome and the Court is going to deny with
14 regard to that.

15 But to try to recap what the Court is granting is
16 the style and jurisdiction of lawsuits regarding the
17 specific allegation of sexual abuse as it is between a
18 massage therapist and a customer -- and I believe that's how
19 it is defined based on what Mr. Kent had said -- for nine
20 years prior to the allegation in this case.

21 With regard to number 3, executive board members,
22 the Court is going to deny that.

23 Four, studies and evaluations, the Court will deny
24 as to the internal information and to the RAINN report.

25 Changes in policies, number 5, let me go back and

Exhibit D

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SACRAMENTO
GORDON D SCHABER COURTHOUSE

MINUTE ORDER

DATE: 07/03/2018

TIME: 02:00:00 PM

DEPT: 53

JUDICIAL OFFICER PRESIDING: David Brown

CLERK: E. Brown

REPORTER/ERM:

BAILIFF/COURT ATTENDANT:

CASE NO: **34-2017-00210331-CU-PO-GDS** CASE INIT.DATE: 03/30/2017

CASE TITLE: **Doe vs. Massage Envy Franchising LLC**

CASE CATEGORY: Civil - Unlimited

EVENT TYPE: Motion to Compel - Other - Civil Law and Motion

APPEARANCES

Nature of Proceeding: Ruling on Submitted Matter (Motion to Compel 1) Form 2) Special 3) Production of Documents) taken under submission on 6/26/2018

TENTATIVE RULING

The Motion to Compel further responses to form interrogatories, special interrogatories and request for production of documents is **GRANTED IN PART** and **DENIED IN PART**.

The instant discovery dispute arises out of Plaintiff's claims that she was inappropriately touched by a massage therapist, Carlos Ocampo, who was employed at a Massage Envy franchisee, R&S.

Plaintiff has served form and special interrogatories and request for production of documents on Defendant Massage Envy Franchising LLC (MEF), which are the subject of the instant motion to compel.

Form Interrogatories

Form Interrogatory 12.3

Form Interrogatory 12.3 requests information regarding any written or recorded statements regarding the subject incident.

Plaintiff claims that MEF has not produced an "incident report" prepared by co-Defendant R&S as well as correspondence between MEF and R&S regarding the incident, and must be compelled to do so. Defendant argues, however, that the report was provided to Plaintiff before the instant motion was ever filed. (Paiva Decl. at ¶ 23.) Defendant further argues that all correspondence was also provided, save and except that which is protected by the attorney-client privilege or the work product doctrine.

The Court concludes that both Parties miss the point of Form Interrogatory 12.3. Interrogatory 12.3 does not call for production of documents, but instead requests **identification and contact information of persons who may have given and obtained a statement, the date any statement was obtained, and anyone in possession of copies of the statement.** The identification of persons with relevant

DATE: 07/03/2018

MINUTE ORDER

Page 1

DEPT: 53

Calendar No.

information is not privileged information and should be divulged. That said, Defendant's Supplemental Response to this Interrogatory indicates that it has obtained no such statements, but co-Defendant R&S has done so. Defendant must provide the information requested by Form Interrogatory 12.3 with regard to any responsive materials it has; again, the interrogatory does not require disclosure of the contents thereof.

For the foregoing reason, Plaintiff's motion as to Form Interrogatory 12.3 is GRANTED.

Form Interrogatory 12.6

Form Interrogatory 12.6 seeks information as to whether any report was made concerning the subject incident, by whom it was made, the date made, for whom it was made, and the contact information for the preparer and recipient of the report.

For the same reasons the Court granted Plaintiff's Motion as to Form Interrogatory 12.3, above, the motion with respect to Form Interrogatory 12.6 also is GRANTED.

Special Interrogatories

Special Interrogatory No. 11

Interrogatory No. 11 seeks all training of massage therapists, including training regarding sexual conduct, inappropriate conversations or conduct, reporting requirements, investigations, and "warning signs." Plaintiff demands all training required by MEF at any time as well as who conducted the training.

Defendant MEF objected to the interrogatory on the ground of vagueness and ambiguity as well as Plaintiff's failure to place a time limit on the scope of the discovery requested. Despite its objections, MEF responded that its policies obligated franchisee R&S to ensure that the massage therapists it employed completed four training modules and that R&S may have provided additional training beyond that mandated by MEF.

As this Court has concluded several times already in this case, this matter is only about Plaintiff and her alleged injuries. Plaintiff's injuries do not give license for her to engage in a limitless attempt to uncover any and every piece of information that may have, at one time or another, been MEF's policies. The relevant information is contained in the policies and practices that were in place at the time of Plaintiff's alleged injury.

Defendant responds that it already has identified those training modules that it required at the time of the injury. Defendant also has provided its operations manual that was in place at the time of the incidents, its crisis communication guide, information regarding option therapist training made available to franchisees at the time of the incident, and best practices guide that was in place at the time of the incident. The Court finds that the information Defendant has provided is sufficient. The Court further notes that Plaintiff's interrogatory does not, by its language, request the identity of anyone who conducted the training. Accordingly, any lack of identification by Defendant is not an insufficient response to the interrogatory.

For the foregoing reasons, the Motion to Compel as to Special Interrogatory No. 11 is DENIED.

Special Interrogatory No. 12

This interrogatory seeks the identity of the persons or the company who conducted any of the training identified in Interrogatory No. 11.

Defendant responded that "[p]ursuant to MEF's mandatory policies, R&S was obligated to ensure that all massage therapists it employed ... completed the Training Modules." The Court construes MEF's response as stating that it does not know who completed the training because the actual training was the responsibility of R&S. If this is the case, then Defendant should simply say so, particularly since the current response is ambiguous. Accordingly, motion to compel a further response to this interrogatory is GRANTED.

Special Interrogatory No. 22

This interrogatory asks Defendant to identify all individuals with knowledge of Plaintiff's report regarding Carlos Ocampo inappropriately touching her during a massage.

Defendant avers that it was unable to provide a response because Plaintiff failed to identify the report referenced, and any such report would speak for itself. Defendant further states that it already produced an email that Plaintiff sent to Guest relations, but will not produce the incident report it received from R&S because of R&S claim that it is protected by the work product doctrine.

The Court finds that this is a basic interrogatory request that does not seek privileged information, but instead seek only the identification of individuals with knowledge of Plaintiff's "report." The problem, however, is not Defendant's response, but Plaintiff's failure to identify to which report she was referring. Defendant attempted to seek clarification from Plaintiff regarding this issue but received no response. Based on the information that Defendant had to work with, the response as stated was sufficient and the motion to compel is DENIED.

Special Interrogatory No. 62

Here, Plaintiff seeks a description of "each and every allegation of sexual misconduct made against any of YOUR massage therapists and/or employees or any Massage Envy franchisee that was made known to YOU prior to, during and/or subsequent to the period of time covering the sexual misconduct alleged in this case."

Aside from the fact that the request is overbroad in time and scope, the Court once again must note its prior conclusions that this case is about Plaintiff and her alleged injuries **only**. Plaintiff has previously attempted to obtain information regarding allegations of sexual misconduct by massage therapists at other MEF franchise locations, and the Court has unilaterally rejected those efforts. As the Parties will recall, the Court has quashed two separate subpoenas for business records to the California Massage Therapy Council that sought essentially the same information that Plaintiff requests here via this interrogatory. In both cases, this Court concluded that the information was not subject to discovery because it was not relevant to this action and because it would infringe on the constitutionally-guaranteed rights of privacy held by third parties. The Court affirms its prior rulings of December 27, 2017 and February 2, 2018 in this regard and reminds the Parties that this action concerns only Plaintiff and whether MEF knew or had reason to know of **Ocampo's** improper conduct prior to Plaintiff's alleged injuries. Plaintiff has presented no persuasive reason that this information is relevant or necessary to this litigation. Accordingly, the motion to compel a further response to this interrogatory is DENIED.

Special Interrogatory No. 70

This interrogatory requests MEF to identify every customer that received a massage or any other treatment by Carlos Ocampo at any Massage Envy location.

For the same reasons the Court denied the motion with regard to Special Interrogatory No. 62, the motion as to this interrogatory also is DENIED. Plaintiff has failed to persuade the Court that there is any justification to invading third-party privacy rights without substantial justification to do so. The Court acknowledges the liberality of California's Discovery Act, but has not established any grounds upon which this request will lead to the discovery of relevant admissible evidence (see *Glenfed Development Corp. v. Superior Court* (1997) 53 Cal.App.4th 1113, 1117) that overcomes those third party privacy rights.

Special Interrogatory No. 71

Plaintiff requests MEF to identify all of its officers, directors and managing agents.

Defendant objected to the interrogatory on the grounds it was vague and overly broad, and attempted to clarify with Plaintiff why this information is necessary but did not receive a response. Plaintiff now states that the information is necessary to identify individuals who were involved in policy making, supervision and sexual assault reporting.

The Court sees nothing wrong with the identification of corporate officers, even in the face of Plaintiff's lack of specificity. The motion for a further response is GRANTED.

Request for Production of Documents

Request No. 3

Request No. 3 seeks all contracts, agreements, licenses, or other documents relating to the organizational structure and legal relationship between all Defendants.

Despite objecting on various grounds, Defendant responded that the information is set forth in its demurrer and answer, but fails to identify the specific documents that would be responsive.

The Court concludes that the information requested is relevant, **specific to the time period in which Plaintiff alleges injury**, and the request is GRANTED. Defendant shall provide additional responses that pertain to the organization structure at the time of Plaintiff's purported injury.

Request No. 4

This request seeks the franchise application submitted to MEF by R&S.

While the application is apparently ten years old, the Court finds no reason by which the identification and production of the application should be precluded. The motion is granted as to this request.

Request Nos. 7, 8 and 9

This request seeks all documents related to MEF or any franchisee involving sexual assault, sexual harassment or sexual misconduct by any MEF employee (No. 7), any employee or staff at any franchise location that has been disciplined for such behavior (No. 8), and complaints regarding employees or staff regarding such behavior (No. 9).

For the same reasons that the Court denied the motion with regard to Special Interrogatory No. 62, the Motion as to these Requests also is DENIED.

Request No. 16

This Request seeks all documents pertaining to complaints or reports made to Defendant regarding Carlos Ocampo.

The Court concludes that the request, being specifically tailored as to Ocampo, is sufficiently narrowly tailored to include only relevant information. To the extent that Defendant believes that identification of responsive documents impinges upon third party privacy rights, that the documents are privileged, or that they are protected from disclosure upon any basis, Defendant shall prepare a privilege log that is sufficiently detailed for Plaintiff to properly evaluate whether the asserted privilege is applicable. Subject to these conditions, the motion as to Request No. 16 is GRANTED.

Request No. 44

Here, Plaintiff seeks all communications between of the Defendants or their agents, employees or representatives regarding the subjects contained in Plaintiff's Complaint in this case.

Defendant declines to produce documents covered by the attorney client privilege, which is its right. Defendant shall, however, produce a sufficiently detailed privilege log identifying each potentially responsive document for which privilege is claimed and produce same to Plaintiff. Defendant also shall identify all communications, if any, that are not protected by any such privilege. The motion to compel further response is GRANTED.

Request No. 45

This request seeks documents regarding instructions pertaining to reporting of sexual misconduct by any employee at any MEF location.

Defendant responds that it has identified and produced all responsive documents relevant to the time frame of Plaintiff's injury. Defendant's response is sufficient and the motion to compel further response as to this request is denied. Moreover, the Court denies the request on the same grounds as was denied with regard to Special Interrogatory No. 62, above.

CONCLUSION

Based on the foregoing, the Court GRANTS Plaintiff's Motion to Compel Further Responses to Form Interrogatory No. 12.3 and 12.6; Special Interrogatory Nos. 12 and 71; and Request for Production of Document Nos. 3, 4, 16 and 44.

The Motion to Compel is DENIED as to Special Interrogatory Nos. 11, 22, 62, and 70; and Request for Production of Documents Nos. 7, 8, 9 and 45.

The Court is aware that Code of Civil Procedure sections 2030.290(c) and 2031.300(c) require imposition of monetary sanctions against "any party, person, or attorney who unsuccessfully makes or opposes a motion to compel [.]". However, those same sections grant the Court authority to deny sanctions where the Court "finds that the one subject to the sanction acted with substantial justification or that the other circumstances make the imposition of the sanction unjust." (*Id.*)

Here, the Court concludes that the limited instances in which Defendant is required to provide further responses, and that Plaintiff should have more clearly defined the terms contained in the requests (or at least been willing to do so after the fact), reflect that Defendant's responses were not made in bad faith or as any misuse or abuse of the discovery process. (See CCP § 2023.010.) Accordingly, sanctions are DENIED.

The minute order is effective immediately. No formal order pursuant to CRC Rule 3.1312 or further notice is required.

COURT RULING

The matter was argued and submitted. The matter was taken under submission.

Having taken the matter under submission on 6/26/2018, the Court now rules as follows:

SUBMITTED MATTER RULING

The Court vacates the Tentative Ruling and now rules as follows:

The Motion to Compel further responses to form interrogatories, special interrogatories and request for production of documents is GRANTED IN PART and DENIED IN PART.

The instant discovery dispute arises out of Plaintiff's claims that she was inappropriately touched by a massage therapist, Carlos Ocampo, who was employed at a Massage Envy franchisee, R&S.

Plaintiff has served form and special interrogatories and request for production of documents on Defendant Massage Envy Franchising LLC (MEF), which are the subject of the instant motion to compel.

Form Interrogatories

Form Interrogatory 12.3

Form Interrogatory 12.3 requests information regarding any written or recorded statements regarding the subject incident.

Plaintiff claims that MEF has not produced an "incident report" prepared by co-Defendant R&S as well as correspondence between MEF and R&S regarding the incident, and must be compelled to do so. Defendant argues, however, that the report was provided to Plaintiff before the instant motion was ever filed. (Paiva Decl. at ¶ 23.) Defendant further argues that all correspondence was also provided, save and except that which is protected by the attorney-client privilege or the work product doctrine.

The Court concludes that both Parties miss the point of Form Interrogatory 12.3. Interrogatory 12.3 does not call for production of documents, but instead requests **identification and contact information of persons who may have given and obtained a statement, the date any statement was obtained, and anyone in possession of copies of the statement.** The identification of persons with relevant information is not privileged information and should be divulged. That said, Defendant's Supplemental Response to this Interrogatory indicates that it has obtained no such statements, but co-Defendant R&S has done so. Defendant must provide the information requested by Form Interrogatory 12.3 with regard to any responsive materials it has; again, the interrogatory does not require disclosure of the contents thereof.

For the foregoing reason, Plaintiff's motion as to Form Interrogatory 12.3 is GRANTED.

Form Interrogatory 12.6

Form Interrogatory 12.6 seeks information as to whether any report was made concerning the subject incident, by whom it was made, the date made, for whom it was made, and the contact information for

the preparer and recipient of the report.

For the same reasons the Court granted Plaintiff's Motion as to Form Interrogatory 12.3, above, the motion with respect to Form Interrogatory 12.6 also is GRANTED.

Special Interrogatories

Special Interrogatory No. 11

Interrogatory No. 11 seeks all training of massage therapists, including training regarding sexual conduct, inappropriate conversations or conduct, reporting requirements, investigations, and "warning signs." Plaintiff demands all training required by MEF at any time as well as who conducted the training.

Defendant MEF objected to the interrogatory on the ground of vagueness and ambiguity as well as Plaintiff's failure to place a time limit on the scope of the discovery requested. Despite its objections, MEF responded that its policies obligated franchisee R&S to ensure that the massage therapists it employed completed four training modules and that R&S may have provided additional training beyond that mandated by MEF.

As this Court has addressed several times already in this case, this matter is primarily about Plaintiff and her alleged injuries at the hands of Ocampo. Plaintiff's injuries do not give license for her to engage in a limitless attempt to uncover any and every piece of information that may have, at one time or another, been MEF's policies. The relevant information is contained in the policies and practices that were in place at the time of Plaintiff's alleged injury **and** during the term of Ocampo's affiliation with Massage Envy.

Defendant responds that it already has identified those training modules that it required at the time of the injury. Defendant also has provided its operations manual that was in place at the time of the incident, its crisis communication guide, information regarding optional therapist training made available to franchisees at the time of the incident, and best practices guide that was in place at the time of the incident. The Court further notes that Plaintiff's interrogatory does not, by its language, request the identity of anyone who conducted the training. Accordingly, any lack of identification by Defendant is not an insufficient response to the interrogatory.

As is noted herein, the complaint seeks recovery on several bases, including IIED, and sexual battery, *inter alia*. Punitive damages are sought as against all defendants. Any party may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter involved in the pending action or to the determination of any motion made in that action, if the matter either is itself admissible in evidence or appears reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc. § 2017.010.) Indeed, discoverability of information does not depend on its admissibility at trial. (*Pacific Tel. & Tel. Co. v. Superior Court* (1970) 2 Cal.3d 161, 172-173.) The possibility that the information might be excluded at trial pursuant to an evidentiary objection is not a relevant consideration for the trial court in ruling on a discovery motion. Doubts as to the appropriateness of a given line of inquiry, in view of the liberal policies underlying the discovery statutes, should generally be resolved in favor of permitting discovery. (*Volkswagen of Am., Inc. v. Superior Court*, (2006) 139 Cal.App.4th 1481; *Norton v. Superior Court* (1994) 24 Cal.App.4th 1750, 1761.) In establishing the statutory methods of obtaining discovery, it was the intent of the Legislature that discovery be allowed whenever consistent with justice and public policy. (See *Greyhound Corp. v. Superior Court* (1961) 56 Cal.2d 355, 382. Here, as addressed at oral argument, plaintiff's counsel argues that policy and procedure manuals and training materials during the course of Ocampo's tenure with MEF is relevant, not only those in effect at the time of the incident. The Court agrees.

For the foregoing reasons, the Motion to Compel as to Special Interrogatory No. 11 is GRANTED to the extent Defendant may not have provided all training and policy and procedure manuals that occurred during Ocampo's period of employment as opposed to training materials and policy and procedure manuals existing only at the time of the subject incident. The Court does not find the word "training" to be vague or ambiguous. The interrogatory, *as framed by counsel at oral argument*, seeks the materials during Ocampo's tenure, not an unlimited inquiry. For the same reasons, the request is not overly broad or "burdensome," even if evidence of burden was provided, which it was not.

In all other respects, the motion regarding this interrogatory is denied.

Special Interrogatory No. 12

This interrogatory seeks the identity of the persons or the company who conducted any of the training identified in Interrogatory No. 11.

Defendant responded that "[p]ursuant to MEF's mandatory policies, R&S was obligated to ensure that all massage therapists it employed ... completed the Training Modules." The Court construes MEF's response as stating that it does not know who completed the training because the actual training was the responsibility of R&S. If this is the case, then Defendant should simply say so, particularly since the current response is ambiguous. Accordingly, motion to compel a further response to this interrogatory is GRANTED.

Special Interrogatory No. 22

This interrogatory asks Defendant to identify all individuals with knowledge of Plaintiff's report regarding Carlos Ocampo inappropriately touching her during a massage.

Defendant avers that it was unable to provide a response because Plaintiff failed to identify the report referenced, and any such report would speak for itself. Defendant further states that it already produced an email that Plaintiff sent to Guest relations, but will not produce the incident report it received from R&S because of R&S claim that it is protected by the work product doctrine.

The Court finds that this is a basic interrogatory request that does not seek privileged information, but instead seek only the identification of individuals with knowledge of Plaintiff's "report." The problem, however, is not Defendant's response, but Plaintiff's failure to identify to which report she refers. Defendant attempted to seek clarification from Plaintiff regarding this issue but received no response. Based on the information that Defendant had to work with, the response as stated was sufficient and the motion to compel is DENIED.

Special Interrogatory No. 62

Here, Plaintiff seeks a description of "each and every allegation of sexual misconduct made against any of YOUR massage therapists and/or employees or any Massage Envy franchisee that was made known to YOU prior to, during and/or subsequent to the period of time covering the sexual misconduct alleged in this case."

Aside from the fact that the request is overbroad in time ["prior," during, and after means "forever"] and scope [all franchises and all therapists], [as well as vague and ambiguous as it may encompass various claims unrelated to massage therapy, such as internal claims of sex harassment], the Court once again must note its prior conclusions that this case is about Plaintiff and her alleged injuries. Plaintiff has previously attempted to obtain information regarding allegations of sexual misconduct by massage therapists at other MEF franchise locations, and the Court has unilaterally rejected those efforts. As the

Parties will recall, the Court has quashed two separate subpoenas for business records to the California Massage Therapy Council that sought essentially the same information that Plaintiff requests here via this interrogatory. In both cases, this Court concluded that the information was not subject to discovery because it was not relevant to this action and because it would infringe on the constitutionally-guaranteed rights of privacy held by third parties. The Court affirms its prior rulings of December 27, 2017 and February 2, 2018 in this regard and reminds the Parties that this action concerns Plaintiff and whether MEF knew or had reason to know of **Ocampo's** improper conduct prior to Plaintiff's alleged injuries and/or ratified that conduct. Accordingly, as the interrogatory is framed, the motion to compel a further response to this interrogatory is DENIED.

Special Interrogatory No. 70

This interrogatory requests MEF to identify every customer that received a massage or any other treatment by Carlos Ocampo at any Massage Envy location.

The Court is constrained to note, as it did at the oral arguments, that the complaint seeks recovery on several bases, including IIED, and sexual battery, *inter alia*. Punitive damages are sought as against all defendants. The complaint alleges, generally, that a national epidemic of sexual assaults committed by massage therapists at Massage Envy Franchising exists, in part as a result of the franchise entity's "incomprehensible policy and procedure of directing franchisees to conceal reports of allegations of improper touching involving its massage therapists and directing franchisees not to report said allegation to local law enforcement and/or state massage therapy boards." (para. 11) It also alleges that in "numerous" other cases "involving improper touching, Massage Envy Franchising therapists were allowed to remain employed and/or were transferred and/or hire/re-hired at another Massage Envy franchise location, only to go on to improperly touch other female customers." (para. 13). It is also alleged that "Plaintiff reported Mr. Ocampo's improper touching to defendants, and their officers, directors and/or managing agents, who failed to take any action in response to Mr. Ocampo's improper touching, thereby ratifying the actions of Mr. Ocampo...." (para. 22; see also para. 33) It is further alleged "defendants" used "deliberate strategies to conceal known sexual misconduct by massage therapists..." (para. 30). This is not a comprehensive recitation of the salient allegations but suffices to outline the parameters of the pleading for purposes of the Court's analysis.

In addressing this Special Interrogatory, it bears noting that objections based on irrelevancy and immateriality to the issues of the case "cannot be used to deny discovery." (*Coy v. Superior Court* (1962) 58 Cal.2d 210, 217.) These standards are to be applied in accordance with the liberal policies underlying the discovery procedures. (See *Greyhound Corp. v. Superior Court*, *supra*, 56 Cal. 2d at 376.) "In the context of discovery, evidence is 'relevant' if it might reasonably assist a party in evaluating its case, preparing for trial, or facilitating a settlement. Inadmissibility is not the test, and it is sufficient if the information sought might reasonably lead to other, admissible evidence." (*Glenfed Development Corp. v. Superior Court* (1997) 53 Cal.App.4th 1113, 1117.)

MEF objects to Special Interrogatory No. 70 on the ground that it seeks information not relevant or likely to lead to the discovery of admissible evidence. The Court disagrees. It is also asserted that the request "invades the confidentiality or privacy interests of third parties." (Oppo. to Plaintiff's Separate Statement, p. 23) And, MEF also objects that the interrogatory is overly broad and "undue burden including because it is not reasonably limited in time." (*Id.*) The "burden" objection is easily disposed of: Defendant has failed to meet its burden of proof by any evidentiary showing regarding the asserted undue burden (in cost and/or person hours) that such production would place on them. (Code Civ. Proc. § 2025.480(d).) No declaration in support of the contention that the production is unduly burdensome and oppressive, and harassing has been provided, documenting cost and/or person hours required to produce the responsive documents in this complex litigation. The objection based upon burden must be sustained by evidence showing the quantum of work required, while to support an objection of

oppression there must be some showing either of an intent to create an unreasonable burden or that the ultimate effect of the burden is incommensurate with the result sought. (*West Pico Furniture Co. v. Superior Court* (1961) 56 Cal.2d 407, 417.) The Paiva Declaration does not address the burden based on "time." In any event, it is addressed at oral argument that Ocampo worked for ME for about five years. The interrogatory only addresses Ocampo's customers, not all customers of the defendant state-wide or nation-wide.

On the privacy issue, the Court is presented with a thornier question. First, it is true that the "disclosure of the names and addresses of potential witnesses is a routine and essential part of pretrial discovery." (*Puerto v. Superior Court* (2008) 158 Cal.App.4th 1242, 1250.) "[O]nly under unusual circumstances" will the Court restrict discovery of contact information. (*Id.* at 1253.) As *Puerto* recognizes, however, such right to disclosure is not absolute, particularly where privacy rights are involved. (*Id.* at 1251.) "Courts have frequently recognized that individuals have a substantial interest in the privacy of their home." (*Planned Parenthood Golden Gate v. Superior Court* (2000) 83 Cal.App.4th 347, 359.) The Court also recognizes that "a percipient witness's willingness to participate in civil discovery has never been considered relevant-witnesses may be compelled to appear and testify whether they want to or not." (*Puerto, supra*, at 1251-1252.) The *Puerto* court noted that Plaintiffs had a statutory right to such information (Code Civ. Proc, §2017.010), and that the discovery system is founded on the understanding that the parties' ability to obtain the "names and contact information for possible witnesses was the starting point for further investigation and essential to the ability to use other methods of discovery. (*Id.* at 1249-1250 ("a party's ability to subpoena witnesses presumes that he has the witnesses' contact information.")) The "right to privacy in the California Constitution (Art. I § 1) 'protects the individual's reasonable expectation of privacy against a serious invasion.'" (*Puerto, supra*, 158 Cal.App.4th at 1250, citing *Pioneer Electronics (USA), Inc. v. Superior Court* (2007) 40 Cal.4th 360, 370.) In assessing a claimed privacy interest in the course of civil discovery, courts apply the following methodology: first, a claimant must possess a legally protected privacy interest; second, the claimant must have a reasonable expectation of privacy under the particular circumstances, including the customs, practices, and physical settings surrounding particular activities; third, the invasion of privacy must be serious in nature, scope, and actual or potential impact. Trivial invasions do not implicate the right.

Moreover, the court must balance competing rights--the right of a litigant to discover relevant facts and the right of an individual to maintain reasonable privacy. (*Shaffer v. Superior Court* (1995) 33 Cal.App.4th 993, 999; *Britt v. Superior Court* (1978) 20 Cal.3d 844, 855.) While the right to discovery is very broad, it is not absolute, particularly where issues of privacy are involved. Indeed, a party seeking Constitutionally-protected information in discovery may obtain such information only where he or she can demonstrate a "compelling need" that outweighs the right to privacy. (*Harding Lawson Assoc. v. Sup. Court (Bailey)* (1992) 10 Cal.App.4th 7, 10 (denying production of records); *Bd of Trustees v. Sup. Court (Dong)* (1981) 119 Cal.App.3d 516, 525 (the Constitutional right to privacy "may be abridged when, but only when, there is a "compelling" need for the information.)) The "compelling need" standard requires "direct relevance" rather than the typical relevance standard applied in typical discovery disputes: mere relevance is not sufficient; indeed, such private information is presumptively protected. The need for discovery is balanced against the magnitude of the privacy invasion, and the party seeking discovery must make a higher showing of relevance and materiality than otherwise would be required for less sensitive material. (*Rancho Publications v. Superior Court* (1999) 68 Cal.App.4th 1538, 1549-1550.)

The Court perceives that a privacy right may indeed exist in the information sought; for much the same reason plaintiff chose to use a "Doe" pseudonym (see, e.g. *Starbucks Corp. v. Superior Court* (2008) 168 Cal.App.4th 1436; *Doe v. City of Los Angeles* (2007) 42 Cal.4th 531; *Roe v. Wade* (1973) 410 U.S. 113), women [or men] may not want to discuss the experience of a massage, much less a negative or traumatic experience, which necessarily involves some form of [therapeutic or relaxing] touching. Indeed, anonymity is necessary to preserve privacy in a matter of sensitive and highly personal nature. Persons who may perceive [or even if they do not so perceive] inappropriate conduct by a therapist may

not wish for their contact information to be made known, although plaintiff might assert that a "listing" by itself is neutral of such information. At oral argument Plaintiff suggested a referee and a mailing [see, e.g. *Belaire-West Landscaping, Inc. v. Superior Court* (2007) 149 Cal.App.4th 554] with the notification providing either an "opt-in" or "opt-out" approach [plaintiff counsel asserts he would accept either approach] which would allow persons to elect whether to allow their contact information to be provided. Defendant argues, *inter alia* (but without supporting evidence), that such a proposition would be unduly expensive.

Attempting to weave a coherent path through the various arguments, and to arrive at a just and equitable solution consistent with the Discovery Act, and the assertion of privilege, the Court must note that all courts have inherent powers which enable them to carry out their duties and ensure the orderly administration of justice. The inherent powers of courts are derived from article VI, section 1 of the California Constitution and are not necessarily dependent on statute. (*Walker v. Superior Court* (1991) 53 Cal.3d 257, 266-267; see *Millholen v. Riley* (1930) 211 Cal. 29, 33-34.) These powers entitle courts to ". . . adopt any suitable method of practice, both in ordinary actions and special proceedings, if the procedure is not specified by statute or by rules adopted by the Judicial Council." [Citation.]" (*Citizens Utilities Co. v. Superior Court* (1963) 59 Cal.2d 805, 812-813.) Accordingly, a trial court has the inherent authority to create a new form of procedure in a particular case, where justice demands it. (*Cottle v. Superior Court* (1992) 3 Cal.App.4th 1367, 1376-1378; *Asbestos Claims Facility v. Berry & Berry* (1990) 219 Cal.App.3d 9, 19.) "The . . . power arises from necessity where, in the absence of any previously established procedural rule, rights would be lost or the court would be unable to function." [Citation.]" (*James H. v. Superior Court* (1978) 77 Cal.App.3d 169, 175-176.)

The Court therefore shall adopt the following protocol for the specific interrogatory at issue here: The motion is to compel further response to this interrogatory is GRANTED, subject to the following: Defendant shall first answer the interrogatory, stating whether or not it has the customer information sought by Special Interrogatory No. 70. The response will, of course, be verified. If the response states unequivocally that Defendant does not have the information available to it, in either print or electronic form, and that reasonable inquiry cannot produce the information, that will be a sufficient answer. If Defendant states that it does have the information, or at least information of names, and last known addresses, the parties shall meet and confer to select a third party administrator (TPA) and further meet and confer to arrive at mailing/notification to the identified customers. The mailing shall be in "opt-in" format [i.e., only those who affirmatively respond and agree to opt-in shall have their contact information disclosed], and shall address whether the customer had a positive or negative experience with Mr. Ocampo, and may include the words "inappropriate touching." If the parties are unable to agree on the wording, the Court, upon application, shall conduct an in camera review of each party's proposed mailing and select one, or compose its own version. The TPA (whose expense will be borne equally by the parties) shall then effect a mailing of the notice, with a 30-day reply period. Upon receipt of any opt-in responses from the identified customers, the TPA shall forward the responses and contact information to all counsel.

Special Interrogatory No. 71

Plaintiff requests MEF to identify all of its officers, directors and managing agents.

Defendant objected to the interrogatory on the grounds it was vague and overly broad, and attempted to clarify with Plaintiff why this information is necessary but did not receive a response. Plaintiff now states that the information is necessary to identify individuals who were involved in policy making, supervision and sexual assault reporting.

The Court sees nothing wrong with the identification of corporate officers, even in the face of Plaintiff's lack of specificity. The motion for a further response is GRANTED.

Request for Production of Documents*Request No. 3*

Request No. 3 seeks all contracts, agreements, licenses, or other documents relating to the organizational structure and legal relationship between all Defendants.

Despite objecting on various grounds, Defendant responded that the information is set forth in its demurrer and answer, but fails to identify the specific documents that would be responsive.

The Court concludes that the information requested is relevant, **specific to the time period in which Plaintiff alleges injury**, and the request is GRANTED. Defendant shall provide additional responses that pertain to the organization structure at the time of Plaintiff's purported injury.

Request No. 4

This request seeks the franchise application submitted to MEF by R&S.

While the application is apparently ten years old, the Court finds no reason by which the identification and production of the application should be precluded. The motion is granted as to this request.

Request Nos. 7, 8 and 9

This request seeks all documents related to MEF or any franchisee involving sexual assault, sexual harassment or sexual misconduct by any MEF employee (No. 7), any employee or staff at any franchise location that has been disciplined for such behavior (No. 8), and complaints regarding employees or staff regarding such behavior (No. 9).

For the same reasons that the Court denied the motion with regard to Special Interrogatory No. 62, the Motion as to these Requests also is DENIED.

Request No. 16

This Request seeks all documents pertaining to complaints or reports made to Defendant regarding Carlos Ocampo.

The Court concludes that the request, being specifically tailored as to Ocampo, is sufficiently narrowly tailored to include only relevant information. To the extent that Defendant believes that identification of responsive documents impinges upon third party privacy rights, that the documents are privileged, or that they are protected from disclosure upon any basis, Defendant shall prepare a privilege log that is sufficiently detailed for Plaintiff to properly evaluate whether the asserted privilege is applicable. Subject to these conditions, the motion as to Request No. 16 is GRANTED.

Request No. 44

Here, Plaintiff seeks all communications between of the Defendants or their agents, employees or representatives regarding the subjects contained in Plaintiff's Complaint in this case.

Defendant declines to produce documents covered by the attorney client privilege, which is its right. Defendant shall, however, produce a sufficiently detailed privilege log identifying each potentially responsive document for which privilege is claimed and produce same to Plaintiff. Defendant also shall

identify all communications, if any, that are not protected by any such privilege. The motion to compel further response is GRANTED.

Request No. 45

This request seeks documents regarding instructions pertaining to reporting of sexual misconduct by any employee at any MEF location.

Defendant responds that it has identified and produced all responsive documents relevant to the time frame of Plaintiff's injury. Defendant's response is sufficient and the motion to compel further response as to this request is denied. Moreover, the Court denies the request on the same grounds as was denied with regard to Special Interrogatory No. 62, above.

CONCLUSION

Based on the foregoing, the Court GRANTS Plaintiff's Motion to Compel Further Responses to Form Interrogatory No. 12.3 and 12.6; Special Interrogatory Nos. 11, 12, 70 and 71; and Request for Production of Document Nos. 3, 4, 16 and 44.

The Motion to Compel is DENIED as to Special Interrogatory Nos. 22, and 62; and Request for Production of Documents Nos. 7, 8, 9 and 45.

The Court is aware that Code of Civil Procedure sections 2030.290(c) and 2031.300(c) require imposition of monetary sanctions against "any party, person, or attorney who unsuccessfully makes or opposes a motion to compel [.]". However, those same sections grant the Court authority to deny sanctions where the Court "finds that the one subject to the sanction acted with substantial justification or that the other circumstances make the imposition of the sanction unjust." (*Id.*)

Here, the Court concludes that the limited instances in which Defendant is required to provide further responses, and that Plaintiff should have more clearly defined the terms contained in the requests (or at least been willing to do so after the fact), reflect that Defendant's responses were not made in bad faith or as any misuse or abuse of the discovery process. (See CCP § 2023.010.) Accordingly, sanctions are DENIED.

The parties shall submit a formal order pursuant to Rule 3.1312.

Declaration of Mailing

I hereby certify that I am not a party to the within action and that I deposited a copy of this document in sealed envelopes with first class postage prepaid, addressed to each party or the attorney of record in the U.S. Mail at 720 Ninth Street, Sacramento, California.

Dated: July 3, 2018

E. Brown, Deputy Clerk _____ s/ E. Brown _____

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EXHIBIT**3****RE: Krystal Williams v. Massage Envy Franchising et al.****From** Nicole Stewart <nstewart@thorpeshwer.com>**Date** Wed 10/15/2025 2:33 PM**To** Sharif Gray <sharif@graybroughton.com>; Stephen Setliff <ssetliff@setlifflaw.com>**Cc** Gray Broughton <gray@graybroughton.com>; Jeremy Camacho <jcamacho@grsm.com>; Stephanie Hamborsky <shamborsky@setlifflaw.com>; Lara Bradshaw <lara@graybroughton.com>; Brian Scotti <bscott@grsm.com>; Julie H. Turner <jturner@setlifflaw.com>; Jamie Santos <jsantos@thorpeshwer.com>; McKenzie List <mlist@thorpeshwer.com>; Brad Shwer <bshwer@thorpeshwer.com>

Sharif,

MEF will produce all relevant and discoverable documents in response to Plaintiff's discovery requests upon entry of the Protective Order, which is pending with the Court. We can produce those documents within two days of notice of the Court's entry of the PO. Once you get the documents, if you would like to address certain perceived discovery deficiencies, we will be happy to meet and confer regarding same.

Thanks,
Nicole**Nicole M. Stewart****THORPE SHWER, P.C.**

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From: Sharif Gray <sharif@graybroughton.com>**Sent:** Thursday, October 9, 2025 4:28 AM**To:** Stephen Setliff <ssetliff@setlifflaw.com>; Nicole Stewart <nstewart@thorpeshwer.com>**Cc:** Gray Broughton <gray@graybroughton.com>; Jeremy Camacho <jcamacho@grsm.com>; Stephanie

Hamborsky <shamborsky@setlifflaw.com>; Lara Bradshaw <lara@graybroughton.com>; Brian Scotti

<bscott@grsm.com>; Julie H. Turner <jturner@setlifflaw.com>; Jamie Santos <jsantos@thorpeshwer.com>;

McKenzie List <mlist@thorpeshwer.com>; Brad Shwer <bshwer@thorpeshwer.com>

Subject: Re: Krystal Williams v. Massage Envy Franchising et al.

Nicole and Stephen:

Attached is a deficiency letter concerning MEF's discovery responses. Please comply no later than October 16, 2025.

Thank you,
Sharif

On Tue, Oct 7, 2025 at 4:08 PM Julie H. Turner <jturner@setlifflaw.com> wrote:

Good afternoon-

Attached please find Defendant Massage Envy Franchising's Objections and Responses to Plaintiff's 09.16.2025 Discovery Requests.

Best,
Julie



Julie Hartill Turner (she/her/hers)
Senior Paralegal/Mentor
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Sharif L. Gray
(804) 613-3800