



Grant & Eisenhofer Advances Its Advocacy for Women with Filing of New Sexual Assault Case against Massage Envy in California

Lawsuit alleges groping and forced sexual contact of customers by massage therapists at four separate Massage Envy locations in California; Wellness provider and franchisees accused of failing to prevent and report repeated abuse; plaintiffs represented by G&E director Elizabeth Graham, also counsel to injured women in Essure medical device litigation and families in mass tort suits; G&E represents women in assault cases in other industries, including financial services and technology

SAN FRANCISCO, CA (July 18, 2019) – Leading plaintiffs’ law firm **Grant & Eisenhofer P.A.** announced the filing of sexual assault lawsuit against **Massage Envy**, the Scottsdale, Ariz.-based therapeutic massage franchisor and largest employer of massage therapists nationwide. The legal action advances G&E’s advocacy and representation of women in assault cases in various industries, including financial services and technology.

Grant & Eisenhofer filed suit in California Superior Court, San Mateo County. The firm represents four women who assert they were subjected to groping, digital penetration and other sexual assaults by staff therapists at four separate Massage Envy locations throughout California. The locations where the assaults allegedly occurred are: Encinitas, Cotati, Daly City and Corona. The lawsuit names Massage Envy’s corporate parent as well as franchise operators as defendants.

The California assault case is the latest of a nationwide series of such suits against Massage Envy. The plaintiffs’ complaints state that the high rate of sexual assaults persists because of the company’s “incomprehensible policy and procedure” of directing franchisees to conceal reports of sexual assault allegations in order to protect the brand, and that Massage Envy’s protocol encouraged employees to handle allegations of sexual misconduct “in-house.”

The plaintiffs contend that Massage Envy did not require its franchisees to report sexual assaults of customers to law enforcement or even to State massage therapy boards. The complaint states that the “Inappropriate Touch Procedure” found in Massage Envy’s General Orientation, Manual & Workbook lacked any instructions to notify authorities.

Plaintiffs also maintain that Massage Envy’s protocol instructed franchisees to avoid making any admission or promising to do anything more than to internally investigate complaints of inappropriate touching, then to create an incident report and forward it to the corporate office. The complaint describes an incident at the Encinitas, Calif. franchise, in which a customer accused a therapist of ejaculating onto her as she lay undressed on a massage table. She later contacted Massage Envy Encinitas’ manager to report the assault. The manager apologized and offered her a free massage.

G&E director **Elizabeth Graham** is representing the plaintiffs in the Massage Envy case, along with associate **Paige Alderson**.

“It’s unconscionable that such brazen client abuse would take place in just one Massage Envy franchise — let alone multiple locations across California,” Ms. Graham said. “This is a by-product of a toxic work culture, where abuse persisted and was tolerated even after the problem was well recognized within the company, and yet customer complaints went smothered and unreported.”

The lawsuit also accuses Massage Envy of negligently hiring and supervising five therapists accused by the plaintiffs, and ignoring the known risk of assault they posed to customers. Plaintiffs contend that therapists accused of assault were allowed to remain employed or were transferred to another

franchise location, and in some instances sexually assaulted other customers. The complaints argue that by failing to adequately investigate or punish the therapists, their misconduct was effectively condoned and authorized by Massage Envy.

“Employees who went to management were told not to complain, which sent a message to those speaking up that such conduct was acceptable,” Ms. Graham said. “In at least one instance, male therapists shamed women clients, claiming they obviously wanted sex by seeking a massage, even though massage treatments are standard at virtually every spa and nail salon in the country. The misconduct itself is disturbing enough at franchise locations, but compounded by the parent company’s lack of reporting and rooting out of the abusers – not unlike the wider sex abuse scandals we’ve seen at the U.S. Gymnastics Association or even the Catholic Church.”

Grant & Eisenhofer Expands Advocacy for Women in Litigation Matters

The action against Massage Envy is part of Grant & Eisenhofer’s wider advocacy on behalf of women in cases stemming from the #MeToo movement. The firm has represented women bringing sexual harassment and workplace abuse claims against companies in technology, financial services and other areas.

Ms. Graham and other G&E attorneys recently recorded four short videos to help women respond to suspected sexual harassment and assault, including detailed steps for proper and safe reporting to ensure evidence in the event of an investigation by law enforcement or a civil lawsuit. The video includes Q&A reviewing basic steps for responding and setting the record. Here is a link to the page containing the videos: <https://www.gelaw.com/civil-rights/>

Ms. Graham also directs one of the country’s leading litigation practices on behalf of women who have suffered physical injury from medical devices and defective pharmaceutical products. She has successfully led lawsuits on behalf of women alleging that Bayer’s Essure birth control device caused serious injuries, and that the company concealed extreme risks associated with its product.

Ms. Graham is overseeing litigation nationally for women and children plaintiffs injured by GlaxoSmithKline’s anti-nausea medication Zofran; those lawsuits allege that GSK marketed Zofran “off label” for unapproved uses and failed to warn doctors and patients that it could cause birth defects.

Ms. Graham has also represented women asserting claims against makers of power morcellators, gynecological tools used in the removal of fibroids during hysterectomies or myomectomies. Their lawsuits allege that these devices were responsible for spreading aggressive uterine cancer in women who underwent the procedure.

Ms. Graham has recently spoken on the #MeToo movement at the 2018 Global Shareholder Activism Conference sponsored by G&E, as well as at the 2018 Mass Torts Made Perfect event also sponsored by the firm, “Women in Legal Leadership.”

G&E co-founder and managing director **Jay Eisenhofer** commented on the firm’s increasing representation of aggrieved women in sexual misconduct matters: “As the #MeToo movement continues into its second year, we see more women in a variety of industries come forward to expose harassment, abuse and other misconduct in the workplace and in business,” he said. “We are pleased to advance our litigation efforts for women, especially knowing we have one of the country’s leading women trial advocates in Beth Graham leading our work in this important area.”

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