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6
 7 **SUPERIOR COURT OF CALIFORNIA**
 8 **IN AND FOR THE COUNTY OF SANTA BARBARA**
 9 **UNLIMITED JURISDICTION**

10 ERIC ENTRIKIN;) Case No.:
 11)
 Plaintiff,)
 12 v.) VERIFIED COMPLAINT
)
 13 DEVON BROGILE; CHRIS BATES;)
 RANDALL BERTAO; SCOTT CARNEY;)
 14 CRAIG COLLINS; BRETT DAVIS; RON)
 EDWARDS; TIM GAISER; PETER)
 15 GRANOFF; VIRGINIA PHILLIPS; STEVEN)
 POE; THOMAS PRICE; LAURA)
 16 WILLIAMSON; COURT OF MASTER)
 SOMMELIERS, AMERICAS, a California)
 17 nonprofit mutual benefit corporation; and)
 DOES 1-50, Inclusive;)
 18)
 Defendants.)
 19)

20
 21 Plaintiff ERIC ENTRIKIN (“Plaintiff”) brings this action against defendants, DEVON
 22 BROGILE; CHRIS BATES; RANDALL BERTAO; SCOTT CARNEY; CRAIG COLLINS; BRETT
 23 DAVIS; RON EDWARDS; TIM GAISER; PETER GRANOFF; VIRGINIA PHILLIPS; STEVEN
 24 POE; THOMAS PRICE; LAURA WILLIAMSON; COURT OF MASTER SOMMELIERS,
 25 AMERICAS, a California nonprofit mutual benefit corporation; and DOES 1-50, for violations of
 26 California statutory and common law and alleges the following.

27 **INTRODUCTION**

28 1. The process for selection of Court of Master Sommeliers members is arduous and protracted.

1 There are only 155 member Master Sommeliers. After years of experience and testing an
2 applicant is only invited only after passing the Advanced examination. Becoming a member
3 of the Court of Master Sommelier, Americas from Introductory level to Master exam takes
4 on average 10 years.

5 2. Plaintiff had a vested property right in the Court of Master Sommelier, Americas membership
6 and did enjoy the benefits and privileges of the Court of Master Sommelier, Americas which
7 included enhanced business opportunities obtained from social interaction with members,
8 among other opportunities.

9 3. The common law right of fair procedure requires at least adequate notice of the charges and
10 a meaningful opportunity to respond. (*Youngblood v. Wilcox* (1989) 207 Cal.App.3d 1368,
11 1374.) “This ‘fair procedure’ need not be equivalent to a court trial” (*Crosier v. United*
12 *Parcel Service, Inc.* (1983) 150 Cal.App.3d 1135, 1141.) “The minimum requirements are
13 described in varying ways and may depend upon the action contemplated by the organization
14 and the effect of that action on the individual.” (*Hackethal v. California Medical Assn.* (1982)
15 138 Cal.App.3d 435, 442.) Due process “may be satisfied by any one of a variety of
16 procedures which afford a fair opportunity for an applicant to present his position.”
17 (*Marmion v. Mercy Hospital & Medical Center* (1983) 145 Cal.App.3d 72, 88–89.)

18 4. Defendants had (have) a fiduciary duty to Court of Master Sommeliers, Americas, its
19 members as a whole and its members individually. It is well established California law that
20 directors have a fiduciary relationship and a duty to act in the best interests of all shareholders
21 in the corporation not just a select few. *Shepard v. Wilcox* (1962) 210 Cal. App. 2d. 53, 59
22 (“stockholders in California... have the right to demand that directors and officers of the
23 corporation do not use their positions for their own personal advantage, or to discriminate
24 between stockholders”). As described by the Court of Appeal in *Remillard Brick Co. v.*
25 *Remillard-Danhini* (1952) 109 Cal. App. 405: A director is a fiduciary.... He cannot
26 manipulate the affairs of his corporation to their detriment and in disregard of the standards
27 of common decency and honesty. He cannot use his power for his personal advantage . . . no
28 matter how meticulous he is to satisfy technical requirements. For that power is at all times

1 subject to the equitable limitation that it may not be exercised for the aggrandizement,
2 preference, or advantage of the fiduciary to the exclusion or detriment of the *ces tuis*. Where
3 there is a violation of those principles, equity will undo the wrong or intervene to prevent its
4 consummation. *Remillard Brick*, 109 Cal. App. at pp. 420-421 (internal citations omitted).

5 5. On November 2, 2020, Board of Directors of the Court of Master Sommelier, Americas
6 unanimously voted to remove Plaintiff from his position as a Director and suspend his
7 membership - board activities and all CMS-A activities, all without *ever* disclosing the
8 specific charges against him. One year later, (1) no member of the CMS Board has ever
9 advised Plaintiff of the specific charges against him, (2) Plaintiff has never had any semblance
10 of due process, (3) Plaintiff has not had any semblance of an opportunity to be heard.
11 Plaintiff has not even had an opportunity to deny any charges because Board of Directors of
12 the Court of Master Sommelier, Americas has never disclosed the specific charges to
13 Plaintiff.

14 6. Defendants ignored their fiduciary duties and due process in an attempt to save their position
15 of power. Defendants and each of the reacted to an October 2020 New York Times article and
16 social media responses on Instagram calling for membership action to denounce the Board
17 of Directors of the Court of Master Sommelier, Americas. The Board discussed at length the
18 action items and the next steps that need to be taken, without ever advising Plaintiff of the
19 specific claims against him, without an opportunity to be heard, unanimously voted to
20 maintain his suspension of all activities Defendants knowingly sacrificed Plaintiff to protect
21 their fiefdom.

22 **Food & Wine** - November 4, 2020

23 Last week, the New York Times published the accounts of 21 women who said they
24 have endured sexual harassment, intimidation, and sexual assault by members of the
25 Court of Master Sommeliers, Americas. Some of the women who shared their stories
26 said that they were no longer pursuing their certification as sommeliers, that they had
27 changed careers, or that they felt like they had to move to a different state.

28 A spokesperson for the court told the Times that it expected its members to "uphold
the highest standards of professional conduct and integrity at all times" and that it had
"investigated every accusation of such conduct" that had been reported. The Times has
since reported that the court has suspended seven of its master sommeliers from
participating in court activities. Those men—Robert Bath, Matthew Citrigilia, Fred
Dame, Eric Entrikin, Greg Harrington, Drew Hendricks, and Matt Stamp—will all

1 face a future "hearing process and an investigation conducted by an external
2 organization." *Seven Master Sommeliers Suspended Following Report of Widespread*
3 *Sexual Misconduct: The Court of Master Sommeliers has issued an apology and will*
4 *launch an independent investigation after a New York Times report. By Jelisa*
5 *Castrodale, November 04, 2020.*

6 CODE OF CONDUCT OF COURT OF MASTER SOMMELIERS, AMERICAS

7 Any member who is alleged to have violated this Code of Ethics/Conduct will be given the
8 opportunity to present his/her case to the Board pursuant to the procedures and in the manner
9 described in Section 2.11 of the Bylaws. The authority to terminate any member for a
10 violation of this Code of Ethics/Conduct shall be vested solely in the Board.

11 BYLAWS OF COURT OF MASTER SOMMELIERS, AMERICAS¹

12 Section 2.11 Termination and Suspension of Membership

- 13 (a) Termination. The Board may terminate or suspend a member's membership and rights
14 of membership for good cause if the procedures of Section 2.11(d) of these Bylaws
15 are followed. * * *
- 16 (c) Effect of Suspension. All or certain rights of a member, as determined by the Board
17 or its authorized committee, may be suspended. * * *
- 18 (d) Procedures for Termination or Suspension. Before a member may be terminated or
19 suspended pursuant to Section 2.11(a) of these Bylaws, the Corporation, or its
20 authorized committee if the committee has determined to suspend the member, shall
21 provide the member with thirty (30) days' prior written notice of the termination or
22 suspension stating the reasons therefore and shall provide a timely opportunity for the
23 member to be heard on the matter of the termination or suspension. The notice shall
24 be given personally, by electronic transmission to such member (in a manner
25 permitted by the California Nonprofit Mutual Benefit Corporation Law), or sent by
26 first-class mail to the last address of such member as shown on the records of the
27 Corporation. The opportunity to be heard may, at the election of such member, be oral
28 or in writing and shall occur not less than five (5) days before the effective date of the
29 termination or suspension; such hearing shall be held, or written statement considered,
30 by the Board or its authorized committee to determine whether the termination or
31 suspension should occur. The hearing shall be conducted in a fair and reasonable
32 manner, as determined by the Board or its authorized committee from time to time in
33 accordance with Corporations Code § 7341. A member shall have the opportunity to
34 call upon any person(s) whose evidence may be pertinent, provided that the member
35 shall provide the name(s) of such person(s) in writing to the committee not less than
36 fifteen (15) days before the date of the hearing.

37 JURISDICTION AND VENUE

- 38 7. This Court has jurisdiction over this action by virtue of the fact that this is a civil action
39 wherein the matter in controversy, exclusive of interest, exceeds the jurisdictional minimum
40 of this court.

41 ¹AMENDED AND RESTATED BYLAWS OF COURT OF MASTER SOMMELIERS,
42 AMERICAS (a California nonprofit mutual benefit corporation) [2015]

1 8. Venue is properly laid in this county pursuant to California Code of Civil Procedure Section
2 395 in that some or all of the Defendants reside in the County of Santa Barbara, or,
3 alternatively, principal place of business is located in the County of Santa Barbara.

4 **PARTIES**

5 9. Plaintiff is, and at all times herein mentioned was, an individual residing in the City of San
6 Jose, County of Santa Clara, California.

7 10. Court of Master Sommeliers, Americas, a California nonprofit mutual benefit corporation,
8 with its principal office located at 223 Reef Court, Santa Barbara, County of Santa Barbara,
9 California.

10 11. Defendant RANDALL BERTAO, based upon information and belief, is, and at all times
11 herein mentioned was, an individual who resided in the County of Santa Clara, state of
12 California.

13 12. Defendant CHRIS BATES, based upon information and belief, is, and at all times herein
14 mentioned was, an individual who resided in the state of New York.

15 13. Defendant DEVON BROGLIE, Chair and head of Ethics Committee, based upon information
16 and belief, is, and at all times herein mentioned was, an individual who resided in the state
17 of Texas.

18 14. Defendant SCOTT CARNEY, based upon information and belief, is, and at all times herein
19 mentioned was, an individual who resided in the state of New York.

20 15. Defendant CRAIG COLLINS, Communications Chair, based upon information and belief,
21 is, and at all times herein mentioned was, an individual who resided in the state of Texas.

22 16. Defendant BRETT DAVIS, based upon information and belief, is, and at all times herein
23 mentioned was, an individual who resided in the state of Kentucky.

24 17. Defendant RON EDWARDS, Education Committee Chair, based upon information and
25 belief, is, and at all times herein mentioned was, an individual who resided in the state of
26 Georgia.

27 18. Defendant TIM GAISER, based upon information and belief, is, and at all times herein
28 mentioned was, an individual who resided in the state of New Mexico.

- 1 19. Defendant PETER GRANOFF, Finance Chair, based upon information and belief, is, and at
2 all times herein mentioned was, an individual who resided in the state of California.
- 3 20. Defendant VIRGINIA PHILLIPS, Vice-Chairman, is, and at all times herein mentioned was,
4 a resident of Florida.
- 5 21. Defendant STEVEN POE, Examination Co-Chair, based upon information and belief, is, and
6 at all times herein mentioned was, a resident of Orange County, California.
- 7 22. Defendant THOMAS PRICE, based upon information and belief, is, and at all times herein
8 mentioned was, a resident of the state of Washington.
- 9 23. Defendant LAURA WILLIAMSON, based upon information and belief, is, and at all times
10 herein mentioned was, a resident of the state of Tennessee.
- 11 24. Each Individual Defendant referenced herein above, at all relevant times referenced herein,
12 was a member of the Board of Directors of Court of Master Sommeliers, Americas.
- 13 25. Individual Defendants in their capacity as directors of the Board of Directors of CMS shall
14 hereinafter sometimes be referred to as “CMS Board.”
- 15 26. Defendants Court of Master Sommeliers, Americas and Individual Defendants may
16 hereinafter sometimes be referred to as “CMS.”
- 17 27. Plaintiffs are ignorant of the true names or capacities of defendants sued herein under the
18 fictitious names DOES 1 through 20, inclusive, and they, therefore, sue said defendants by
19 such fictitious names and will seek leave of court to amend this Complaint to show their true
20 names or capacities when the same have been ascertained. Plaintiffs are informed and believe,
21 and therefore allege, that each of the DOE defendants is, in some manner, responsible for the
22 events and happenings herein set forth and proximately caused injury and damages to the
23 plaintiffs as herein alleged.
- 24 28. Plaintiffs are informed and believe and thereon allege that at all times material to this
25 complaint, each of the Defendants and each of the Defendants fictitiously named in this
26 complaint, *i.e.*, DOES 1-50, in addition to acting for himself, herself, or itself and on his, her,
27 or its own behalf individually, is and was acting as the agent, servant, employee and
28 representative of, and with the knowledge, consent and permission of, and in conspiracy with,

1 each and all of the Defendants and within the course, scope and authority of that agency,
2 service, employment, representation, and conspiracy. Plaintiffs further allege on information
3 and belief that the acts of each of the Defendants were fully ratified by each and all of the
4 Defendants. Specifically, and without limitation, Plaintiffs allege on information and belief
5 that the actions, failures to act, breaches, conspiracy, and misrepresentations alleged herein
6 and attributed to one or more of the specific Defendants were approved, ratified, and done
7 with the cooperation and knowledge of each and all of the Defendants.

8 29. Plaintiffs are further informed and believed, and on that basis alleges that at all times relevant
9 herein, defendants, and each of them, were the agents of the other defendants, and in doing
10 the things alleged herein, were acting within the purpose scope of the agency. At all times
11 herein mentioned, each of the defendants was the agent and employee of each of the
12 remaining defendants and was at all times herein mentioned acting within the scope of said
13 agency and employment. Plaintiffs are further informed and believe, and thereon allege, that
14 each of the Defendants herein gave consent to, ratified, and authorized the acts alleged herein
15 to each of the remaining Defendants.

16 30. Defendants and DOES 1 through 50, inclusive, and each of them, are jointly and severally
17 liable for the actions of each other.

18 **FACTUAL BACKGROUND COMMON TO ALL CAUSES OF ACTION**

- 19 31. 01/26/2020: Rudd Roundtable, accusation against Plaintiff presented.
- 20 32. 02/09/2020: CMS Board of Directors meeting, Austin TX. CMS Board discussed event
21 without Plaintiff in attendance.
- 22 33. 08/10/2020: CMS Zoom call Board meeting. Plaintiff asked to wait to call in until CMS
23 Board could discuss the results of the ethics committee decision.
- 24 34. 09/18/2020: Plaintiff received disciplinary letter from CMS Board.
- 25 35. 10/29/2020: New York Times article is released online – Plaintiff’s name is not included.
26 October 29, 2020 New York Times article by Kohlood Eid of the New York
27 Time: *The Wine World's Most Elite Circle Has a Sexual Harassment Problem*
28 *The Court of Master Sommeliers confers high honors, but many women*

1 candidates say they've paid a steep price. Attached hereto as **Exhibit A** and
2 incorporated herein by reference is a true and correct copy of the October 29,
3 2020 New York Time article.

4 36. 11/02/2020: Preceding authorizing the publication of Plaintiff's name by CMS Board of
5 Directors, discussions were held *via* email and ZOOM regarding the propriety
6 of releasing the names of CMS members and, more importantly to defendants,
7 how they would preserve their own reputations and positions on the Board.

8 Monday, November 2, 2020
9 Subject: Eric Entrikin

10 From female thread

11 - I AGREE that the ethics committee and it's vault of files of misdeeds needs to be
12 cracked open and we need to clean house
13 - I realize that the entire female membership didn't agree to ask the BOD to resign, but
14 the wine world is and if we don't take a stand, then I think that will blow up on us. If
15 someone wants to re-run for the board when we again have elections, great. But I feel
16 very strongly that that needs to be articulated
17 IF YOU DON'T AGREE: perhaps we can abbreviate this letter more; keep it
18 acknowledging, apologetic and make a sincere promise that substantive structural
19 change is coming and updates will come soon. (We could get hit for that too).

20 * * *

21 Tuesday, November 3, 2020

22 To not over complicate things, Greg and Eric [Entrikin] will go a long way right now.
23 We can add all the others later.

24 Please, let's make a hard statement with these two. The BOD needs this right now.

25 Tuesday, November 3, 2020

26 Oh sorry missed this one...is it best to list the name of the accuser or just keep in
27 general?

28 Tuesday, November 3, 2020

Can we agree and make swift action on Greg and Eric first thing?
The Ladies vote to remove the BOD is not going well for that group and there is push
back in our favor.

Let's act quickly PLEASE.

Good Morning.

1 This is a tough but serious question and keeping me up right now.
* * *

2 We are constantly playing defense. Ethically, now that I the letter has been exposed,
3 I do not want to be part of a scenario where evidence was found and we decided to
4 turn away. That is what many other BOD did. Was this an abuse of power and a
breach of COE? It is hard for me to read this and know that we did nothing after
finding the letter to collaborate her story. It is heart wrenching to read.

5 Attached to an email from Virginia Phillips was a hyper link to the following:

6 October 30, 2020

Liz Dowdy Mitchell

7 Victims deserve real change from the CMS, not lip service.

8 The NYT article published yesterday [https://www.nytimes.com/2020/10/29/dining/](https://www.nytimes.com/2020/10/29/dining/br/>drinks/court-of-master-sommeliers-sexual-harassment-wine.html)
9 /drinks/court-of-master-sommeliers-sexual-harassment-wine.html has generated
quite a tidal wave in the wine industry. The article exposed the rampant problem of
sexual harassment, predation and abuse by several Master Sommeliers directed at
10 aspiring sommeliers going through the CMS program. So many people (both men and
women) immediately expressed...

11 The hyperlink is to the October 29, 2020 New York Times article by Kohlood Eid of
12 the New York Time: The Wine World's Most Elite Circle Has a Sexual Harassment
Problem The Court of Master Sommeliers confers high honors, but many women
13 candidates say they've paid a steep price. See **Exhibit A**.

14 37. During the course of defendants discussion regarding suspension of plaintiff and the
15 publication of plaintiff's name pending an investigation, all defendants were acutely aware
16 of the serious nature of complaints, complaints of despicable conduct, made against Mr. Kruth
17 and others in the October 29, 2020, New York Times article.

18 38. 11/03/2020: Plaintiff receives a telephone call from Devon Broglie, Chairman of the Board.
19 Plaintiff was removed from the Board of Directors and his membership was
suspended "pending an investigation."

20 39. November 3, 2020, after defendants authorized the publishing of plaintiff's name, the New
21 York Times journalist, Julia Moskin, wrote a follow-up article linking plaintiff to Messrs.
22 Kruth, et al. from the October 29, 2020 article: *Elite Wine Group Suspends Master*
23 *Sommeliers After recent sexual harassment allegations by many women, the Court of Master*
24 *Sommeliers has apologized and announced next steps*. Attached hereto as **Exhibit B** and
25 incorporated herein by reference is a true and correct copy of the November 3, 2020 New
26 York Time article.

27 40. 11/03/2020: Plaintiff is placed upon administrative leave at Gallo subsequent to the
28 November 3, 2020 New York Times article.

- 1 41. 11/09/2020: Plaintiff terminated from Gallo employment.
- 2 42. 02/22/2021: Plaintiff corresponded with Emily Wines MS, then CMS chairman of the
3 Board, Kathryn Morgan MS, vice-chairman of the board and Kathleen Lewis,
4 executive director for the CMS asking why there was such a delay in the
5 investigation and explaining the economic devastation to his livelihood.
- 6 43. 02/23/2021: Plaintiff received email from Ms. Wines saying these investigations are being
7 conducted by a third party and names of accused will be anonymous. In
8 subsequent zoom forum meetings for membership, the co-chairs of the ethics
9 committee have said that the identity of those accused and the accusers will
10 be kept confidential until disciplinary action is taken.
- 11 44. 04/20/2021: Plaintiff is interviewed by CMS appointed investigator, Margaret Bell.
- 12 45. 09/1/2021: Plaintiff sent Attorney Bell an email asking for status on the investigation, no
13 response as of 9/15/2021.
- 14 46. 09/14/2021: After the Third Party investigation, Plaintiff received a letter of warning,
15 which states in pertinent part:
16
17 Based on the information that it was able to obtain, the Board determined that
18 there was significant evidence that, at a minimum, you engaged in conduct that
19 gave the appearance of inconsistency with the expectations for Master
20 Sommeliers set out in the Court's Code of Ethics/Conduct.
21 This letter is a warning to you about the potential consequences of such
22 conduct. If the Board learns of any allegations of similar conduct against you
23 in the future, the Board may determine that further disciplinary action is
24 necessary in order to uphold the Court's standards of conduct for Master
25 Sommeliers. Such action could include temporary prohibitions on
26 participating in Court-sponsored or Court-affiliated activities; removal from
27 your position as a director of the Court; or, in an extreme case, suspension or
28 termination of your membership.
47. 10/28/2021: Defendants CMS has refused to communicate with Plaintiff, including, but not
limited to, removing his suspension.

FIRST CAUSE OF ACTION
(Violation of Corp. Code §7341 and CMS By-Laws, Article 2, Section 2.11)

- 21 48. Plaintiff realleges and incorporates by reference each and every preceding paragraph as though
22 set forth in full herein.
- 23 49. Defendant Court of Master Sommeliers, Americas, by and through and with the consent of
24 each individual defendants - Defendant CMS Board - and DOES 1-50, wilfully and
25 intentionally removed Plaintiff from the Court of Master Sommeliers, Americas, Board and
26 issued a suspension of all his membership activities on November 3, 2021.
- 27 50. At no time from January 2020 through the present has any defendant ever identified the
28 allegations against Plaintiff giving rise to September 14, 2020 letter of warning. On April 20,

1 2021, Defendants outside investigator, Attorney Margaret Bell, disclosed the sum total of the
2 allegations against Plaintiff were from a female, Complainant “A”:

3 a. Allegation No.: 1: Complainant A was a server at a wine organization function. At the
4 very end of a wine organization dinner, Plaintiff tried to tip “A” with cash, then
5 grabbed at her hand, as she turned away to speak to someone, Plaintiff’s hand moved
6 across her back and rested on her lower back, upper buttocks for a couple of seconds.
7 Complainant A later found money in her pocket.

8 b. Allegation No. 2: After the wine organization dinner concluded, Plaintiff was leaving
9 and again encountered Complainant A. Complainant A alleges Plaintiff gave her a big
10 bear hug, picked her up off the ground and whispered in her ear “I still have that
11 private jet.”

12 51. Plaintiff was not given notice pursuant to statute or Court of Master Sommeliers, Americas
13 By-Laws. Plaintiff was simply removed from his position as a director and his membership
14 was suspended, as set forth herein above.

15 52. Defendants, and each of them, have failed and refused to provide Plaintiff “a timely
16 opportunity . . . to be heard on [his] suspension.” Plaintiff initially requested the substance
17 of the allegations presented to defendants CMS in January 2020. Plaintiff was simply advised
18 the identity of the complainant and the complaint involved “inappropriate touching.” On or
19 about April 20, 2020, Plaintiff, only upon inquiry, was advised of the universe of the
20 allegations against him, as set forth herein above. On September 15, 2021, Plaintiff received
21 a letter of warning without suspension or any other disciplinary action. On November 3, 2021,
22 Plaintiff was removed from the CMS Board of Directors and his membership was suspended,
23 effective immediately.

24 53. Defendants failed and refused to provide Plaintiff a fair and reasonable hearing, not to
25 mention a hearing, as provided in Defendant’s By-Laws.

26 54. The wrongful conduct particularized herein was not due to an honest error in judgment, but
27 rather to Defendants’ bad faith and/or reckless disregard of the rights and interests of its
28 membership as a whole and Plaintiff in particular, acting without the reasonable and ordinary

1 care which they owed to the membership and Court of Master Sommeliers

2 55. As a result of the foregoing, Defendants, and each of them, have participated in harming the
3 Plaintiff and have breached their fiduciary duties. Defendants knowingly aided, encouraged,
4 cooperated and/or participated in, and substantially assisted the other Defendants in the
5 breaches of their fiduciary duties.

6 56. By reason of the foregoing, Plaintiff and Court of Master Sommeliers, Americas has sustained
7 and will continue to sustain damages and injuries in an amount to be determined according
8 to proof at trial, and for at least some of which it has no adequate remedy at law.

9 WHEREFORE, plaintiff prays relief against defendants, and each of them, as more fully set
10 forth below;

11 **SECOND CAUSE OF ACTION**
12 **(False Light)**

13 57. Plaintiff realleges and incorporates by reference each and every preceding paragraph as though
14 set forth in full herein.

15 58. Defendant Court of Master Sommeliers, Americas, by and through and with the consent of
16 each individual defendants - Defendant CMS Board - and DOES 1-50, advised Plaintiff he
17 was removed from the Court of Master Sommeliers, Americas Board of Director and
18 suspended his Americas membership on November 3, 2020.

19 59. Defendants, and each of them, authorized for publication and then publicly disclosed
20 information or material that showed Plaintiff in a false light.

21 a. Defendants, and each of them, had actual knowledge of the October 29, 2020 New
22 York Time article referenced herein above.

23 b. Defendants, and each of them, had actual knowledge of the CMS policy to maintain
24 member confidentiality during the course of any human resources investigation.

25 c. Defendants, and each of them, affirmatively discussed disclosure of identities after
26 Defendants had actual knowledge of the October 29, 2020, New York Time article.

27 d. By virtue of the highly offensive conduct disclosed in the October 29, 2020 New York
28 Time article, and other conduct, Defendants, and each of them, came under scrutiny

1 by the media and its own membership which threatened Defendants' standing in the
2 Court of Master Sommeliers, Americas, their standing as members of its Board of
3 Directors and within the elite oenophile community.

4 60. Defendants, and each of them knew disclosing and publishing Plaintiff's name to the media
5 and others, together with the statement that CMS had "investigated every accusation of such
6 conduct," was not only a disclosure of private facts - which hereto fore had been against the
7 policy of Court of Master Sommeliers, Americas - but such a disclosure and concomitant
8 statement would conflate the alleged conduct by Plaintiff with the highly offensive conduct
9 of the individuals identified in the October 29, 2020 New York Times article, identifying
10 Plaintiff as a sexual predator. Defendants, and each of them, knew that the false light created
11 by the disclosure and statement would be highly offensive to a reasonable person.

12 61. Defendants and each of them acted intentionally or with reckless disregard for the truth, or
13 alternatively, defendants were negligent in determining the truth of the information or whether
14 a false impression would be created by its disclosure.

15 62. As a proximate and legal result of the acts and omissions of said defendants as alleged herein,
16 Plaintiff was injured in his health, strength and activity, all of which have caused, and
17 continue to cause, Plaintiff to suffer great mental, physical and nervous pain and suffering that
18 any person would suffer from being publically called identified as a sexual predator. As a
19 result of these injuries, Plaintiff has suffered general damages. The amount of said damages
20 is subject to proof, but in no event less than \$25,000.

21 63. As a proximate and legal result of the acts and omissions of said defendants as alleged herein,
22 Plaintiff has sustained harm to his property, business, profession, and occupation. As a result,
23 Plaintiff has become virtually unemployable in his profession and has suffered and continues
24 to suffer substantial damages. The amount of said damages is subject to proof, but in no event
25 less than \$25,000.

26 64. Defendants, and each of them, acted with malice because said actions constituted despicable
27 conduct which was carried on with a willful and conscious disregard of the rights or safety
28 of others. By reason of the foregoing, punitive damages should be awarded to Plaintiff for the

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purpose of punishing and making an example of said Defendants.

WHEREFORE, plaintiff prays relief against defendants, and each of them, as more fully set forth below.

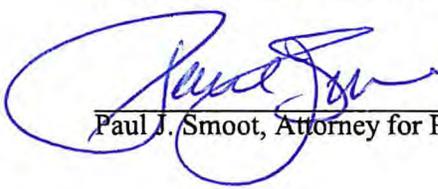
PRAYER

WHEREFORE, plaintiff prays relief against defendant, and each of them, as more fully set forth below:

- 1. Awarding compensatory damages against all Defendants, jointly and severally, in an amount to be proven at trial;
- 2. Awarding appropriate equitable relief, including any injunctive to reinstate Plaintiff Entrikin as a full member and Director of Court of Master Sommeliers, Americas and declaratory relief necessary to change anreform defendant's governance, policies and culture and confirming Plaintiff's position;
- 3. Awarding punitive damages at the maximum amount permitted by law;
- 4. Awarding costs of suit;
- 5. Awarding pre-judgment interest; and
- 6. Awarding such other relief as this Court may deem just and proper.

Dated: October 28, 2021

LAW OFFICE OF PAUL J. SMOOT



Paul J. Smoot, Attorney for Plaintiff

Pld - Cmptrv2.wpd

VERIFICATION

I, Eric Entrikin, am the plaintiff in the above matter. I have read the Complaint ans know the contents thereof. The information in the Complaint is true and correct based upon my own personal knowledge, or, alternatively, based upon information and belief, which I believe to be true.

Dated: October 28, 2021



ERIC ENTRIKIN, PLAINTIFF