

# Daily Journal

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## Resort sued by employees, hit with guest's assault claim

By Wisdom Howell

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Guest safety at a luxury resort in Napa Valley – Auberge Resorts Collection, Solage – was called into question by a new lawsuit filed last week accusing the resort of failing to protect a guest who was sexually assaulted by a massage therapist during her stay.

According to the complaint, filed by John D. Winer of Winer, Burritt & Scott LLP, the plaintiff was sexually assaulted during a massage on Sept. 10 by a massage therapist, Elliot Ferrer, who had been accused of sexually harassing four former female employees in December 2021. *Eastwood v. Auberge Resorts LLC et al.*, 23CV001518 (Napa Sup. Ct. filed Nov. 20, 2023).

Auberge Solage's press office did not respond to requests for

comment regarding the guest's lawsuit but denied any wrongdoing in its answer to the lawsuit by the former employees.

Winer, who also represented the four former employees, said in a

staffer to interact with guests in an environment such as a personal massage.

"I've had thousands of cases and I can't remember a case where we had plaintiffs bringing cases and

so much about what a predator he was, and let him continue working there even after we settled the case."

Winer said he would pursue punitive damages on behalf of the guest.

"What's unique is that, although I'm sure we claimed punitive damages in the other case, this one is a very serious punitive damage case because they had so much notice," Winer said.

Auberge Solage's attorneys in the previous case – Marie T. Holvick and John V. Ricca of Gordon Rees Scully Mansukhani LLP – wrote in the answer, "Defendant alleges that it is not liable for any acts or omissions of its employees, if any, which occurred outside the scope of those employees' employment."

**'I've had thousands of cases and I can't remember a case where we had plaintiffs bringing cases and the perpetrator not being fired during the case, or even after it.'**

— John D. Winer,

Winer, Burritt & Scott LLP

phone interview last week he had never seen a case where an employer retained a staffer accused of such acts; let alone allowing the

perpetrator not being fired during the case, or even after it," Winer said. By the time his client "was sexually abused, they knew

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