UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

DOV ALOOF, Plaintiff, v. THE POKÉMON COMPANY INTERNATIONAL, INC, Defendant.	Case No. 2:26-cv-02528-HDV-PDx **ORDER DENYING MOTION TO DISMISS [17]**

I. INTRODUCTION

Plaintiff Dov Aloof alleges that Defendant, The Pokémon Company International, Inc. ("Pokémon"), violated federal and state antidiscrimination laws when its agents expelled him from the 2025 Pokémon World Championships and banned him from future Pokémon-related events. More specifically, Aloof contends that Defendant retaliated against him on the basis of religion and national origin for his advocacy campaign to bring an official Pokémon tournament to Israel.

Before the Court is Defendant's Motion to Dismiss ("Motion") seeking dismissal of all nine counts alleged in Plaintiff's First Amended Complaint ("FAC"). Defendant maintains that Aloof was kicked out of the Anaheim event because he violated the conduct rules applicable to all convention participants, and that in any event, none of the allegations reflect any invidious discrimination based on Aloof's nationality or religious beliefs.

The Court concludes that Aloof *has* stated a plausible claim of discrimination and retaliation. The FAC alleges quite clearly that Aloof was known to Pokémon as a Jewish player from Israel, that he had repeatedly insisted on speaking with Pokémon management on the issue of Israeli-based tournaments, and that he was both expelled and banned indefinitely for pretextual reasons not enforced on other similarly-situated players. That is sufficient at this pleading stage.

The Motion is denied.

II. BACKGROUND

Plaintiff Aloof is a Jewish, Israeli-American professional Pokémon player.[1] FAC ¶ 3 [Dkt. 12]. For some period prior to the incident at issue, Aloof sent multiple emails and LinkedIn messages to Defendant's agents and executives urging Pokémon to stage a ranked tournament system in Israel. *Id.* ¶¶ 8, 10–12.

On August 14, 2025, the first day of the 2025 Pokémon World Championships in Anaheim (the "2025 Championship"), Aloof picked up his spectator badge to attend the weekend tournament and asked employees at the event to connect him to an appropriate person to whom he could speak

---

[1] The Court draws the facts from Plaintiff's FAC, and accepts all of the plausible allegations as true, as it must at the motion to dismiss stage. *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009).

regarding tournaments in Israel. *Id.* ¶ 23. Aloof alleges that a "member of security"[2] gave him the badge on the condition that he not "make any political outbursts or group protests." *Id.* Aloof purportedly told this security member that he wanted a "private conversation with someone in management in pursuit of his advocacy for Israeli Pokémon enthusiasts," and followed up on that request later that day. *Id.* ¶¶ 23–25. The next day, Aloof again texted the same security agent about meeting with management and notified him that he would be unavailable from the evening of August 15 to the evening of August 16 because of "sabbath hours." *Id.* ¶ 26.

Aloof returned to the tournament for a third day and approached the "Security/Help Desk" to follow up regarding his desire to meet with management to discuss opening ranked tournaments in Israel. *Id.* ¶ 27. "[S]everal members of security" and another man approached Aloof and told him that he had violated the agreement regarding "no political outbursts or group protests" and forced him to relinquish his tournament credential. *Id*. After being ejected, Aloof went to the "Customer Service" desk, informed Defendant's agents about what had transpired, and claimed that the treatment was in violation of "several civil rights laws, including discrimination against [Plaintiff] for [his] nationality, religion, and disability status." *Id.* ¶ 28.

On August 17, 2025, Aloof wrote on LinkedIn to Dave Schwimmer, Senior Manager of Pokémon's Global Retail Programs, complaining about his expulsion from the 2025 Championships and stating, "You have until noon to come to the table and discuss this whole situation with me, or I'm getting every civil rights lawyer I know involved." *Id.* ¶ 32.

On August 29, 2025, Pokémon notified Aloof that he was "indefinitely banned from official Pokémon competition." *Id.* ¶ 33. This suspension letter noted that Aloof's communications with Pokémon's employees were "not an appropriate way to report issues to [Defendant]" and constituted a violation of "Play! Pokémon Standards of Conduct Section 3.2 Harassment and Bullying." *Id.*

---

[2] Plaintiff has not specifically identified this individual but alleges that his first name is "Mark." *Id.* ¶ 23.

III. LEGAL STANDARD

A motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(1) challenges the Court's subject matter jurisdiction over the claims presented. A party may seek dismissal "either on the face of the pleadings or by presenting evidence" under Rule 12(b)(1). *Warren v. Fox Family Worldwide, Inc.*, 328 F.3d 1136, 1139 (9th Cir. 2003) (citation omitted). In resolving a facial attack on jurisdiction, the Court only considers the allegations set forth in the complaint. *Safe Air for Everyone v. Meyer*, 373 F.3d 1035, 1039 (9th Cir. 2004). In contrast, when a party asserts a factual challenge, "the district court may review evidence beyond the complaint without converting the motion to dismiss into a motion for summary judgment." *Id.*

Pursuant to Federal Rule of Civil Procedure 12(b)(6), a party may move to dismiss a complaint for failure to state a claim upon which relief may be granted. "To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" *Iqbal*, 556 U.S. at 678 (citing *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). "A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Iqbal*, 556 U.S. at 678. But a court is "not bound to accept as true a legal conclusion couched as a factual allegation." *Id.* (quoting *Twombly*, 550 U.S. at 555). A properly pled complaint "give[s] the defendant fair notice of what the claim is and the grounds upon which it rests." *Twombly*, 550 U.S. at 555 (citing *Conley v. Gibson*, 355 U.S. 41, 47 (1957)) (cleaned up). And only where a plaintiff fails to "nudge[] their claims across the line from conceivable to plausible" is the complaint properly dismissed. *Id.* at 570.

While the plausibility requirement is not a probability assessment, it demands more than "a sheer possibility that a defendant has acted unlawfully." *Iqbal,* 556 U.S. at 678. The determination of whether a complaint satisfies the plausibility standard is a "context-specific task that requires the reviewing court to draw on its judicial experience and common sense." *Id.* at 679.

IV. DISCUSSION

A. 42 U.S.C. § 2000a Standing

Defendant begins by arguing that Plaintiff lacks standing to pursue a claim under Title II of the Civil Rights Act of 1964. Motion at 17. Defendant contends that it falls outside the four corners of the statute because it does not operate or own a place of "public accommodation" and because the 2025 Championships were an "invitation only" event. *Id.* at 9–10.[3]

The plain language of Title II defeats the argument. 42 U.S.C. § 2000a(b) defines as a "place of public accommodation . . . (3) any motion picture house, theater, concert hall, sports arena, stadium or other place of exhibition or entertainment[.]" And lest there be any doubt that private parties are not categorically exempt, the civil rights statute provides, "The provisions of this subchapter shall not apply to a private club or other establishment not in fact open to the public, ***except*** to the extent that the facilities of such establishment are made available to the customers or patrons of an establishment within the scope of subsection (b)." 42 U.S.C. § 2000a(e)(emphasis added). It strains credulity to argue, as Pokémon does here, that the Anaheim Convention Center is somehow not a "place of exhibition or entertainment" made available to customers of the tournament who paid the entrance fee.

Moreover, the United States Supreme Court has already rejected this exact argument—twice. In *Daniel v. Paul*, 395 U.S. 298 (1969), the Lake Nixon Club in Arkansas sought to defend its racial segregation by arguing that it was not a place of public accommodation under Title II of the Civil Rights Act of 1964. *Id.* at 300–01. The Court flatly disagreed. Justice Brennan specifically analyzed the same "public accommodation" provisions of 42 U.S.C. §2000a(b)(3) applicable here and found that "[u]nder any accepted definition of 'entertainment,' the Lake Nixon Club would surely qualify as a 'place of entertainment.'" *Id*. at 306. Similarly, in *PGA Tour, Inc. v. Martin*, 532

---

[3] Title II of the Civil Rights Act of 1964 (codified in 42 U.S.C. § 2000(a)) provides: "All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation, as defined in this section, without discrimination on the ground of race, color, religion, or national origin."

U.S. 661 (2001), the plaintiff (a disabled golfer) challenged the "walking rule" in professional golf and sought injunctive relief to use a golf cart on the PGA Tour. *Id.* at 669. The Tour argued that its tournaments are played on "private club[s]" and that the "play areas of its tour competitions do not constitute places of 'public accommodation'" within the meaning of the ADA.[4] *Id.* The Court concluded that both the plain language of the statute and existing precedent (including *Daniel*) foreclosed the argument advanced here by Pokémon.[5] *See also Hardie v. Nat'l Collegiate Athletic Ass'n*, No. 13-CV-0346 W (RBB), 2013 WL 12072529, at *4 (S.D. Cal. May 30, 2013) (citing *Martin*, 532 U.S. at 677) ("[E]ven though the [Defendant] was not itself a 'place of public accommodation,' it still had to provide non-discriminatory access to both spectators of, and competitors in, its tournaments.").

B. Sufficiency of 42 U.S.C. § 2000a Claim

"To establish a prima facie case under § 2000a, a plaintiff must show: (1) she is a member of a protected class, (2) she attempted to exercise the right to full benefits and enjoyment of a place of public accommodation, (3) she was denied those benefits and enjoyment, and (4) such services were available to similarly-situated persons outside the protected class who received full benefits or enjoyment, or were treated better." *Serrano v. R Bar*, No. 2:24-CV-01182-VBF-KS, 2025 WL 4052054, at *15 (C.D. Cal. Aug. 28, 2025), *report and recommendation adopted sub nom. Serrano v. Bar*, No. LA CV 24-01182-VBF (KS), 2026 WL 103804 (C.D. Cal. Jan. 8, 2026) (quoting

---

[4] The ADA and Title II have analogous public accommodation language and exemptions as relevant here. *See* 42 U.S.C. §12187 ("The provisions of this subchapter shall not apply to private clubs or establishments exempted from coverage under Title II of the Civil Rights Act of 1964 (42 U. S. C. § 2000–a(e)) or to religious organizations or entities controlled by religious organizations, including places of worship.").

[5] The Court in *PGA Tour* also rejected the derivative argument advanced here in connection with the Anaheim Convention Center, pointing out that the PGA Tour is subject to the strictures of the Act because it "leases" and "operates" the golf courses at issue. *Martin*, 532 U.S. at 677. There is no dispute that, as pled in the FAC, Pokémon was essentially leasing the space for the 2025 Championships. FAC ¶¶ 23, 39, 47, 71, 82.

Baghirzade v. Armenian Nat'l Comm. of Am., No. 24-cv-1077-RSH-MMP, 2025 WL 1000660, at *7 (S.D. Cal. Feb. 27, 2025)). Pokémon does not claim that Plaintiff's allegations fail to meet elements (1) and (2) and instead bases its challenge on elements (3) and (4).[6] *See* Motion at 10–13.

Here, Pokémon argues that Plaintiff fails to allege he was denied the "full benefits and enjoyment" of the 2025 Championships due to his protected characteristics. Motion at 10–11. And it avers that the FAC fails to allege plausibly that Pokémon treated other similarly-situated persons better than Plaintiff. *Id.* at 11.

The Court is unpersuaded. Drawing as it must all reasonable inferences in the light most favorable to Plaintiff, *see Doe v. United States*, 419 F.3d 1058, 1062 (9th Cir. 2005), the Court concludes that the FAC plausibly alleges the required elements—namely, that Pokémon knew of Plaintiff's protected characteristics, denied services to him on that basis, and provided full services to other patrons outside Plaintiff's protected classes. Specifically, the FAC alleges that Pokémon knew of Plaintiff's religious identity and national origin because of his sustained advocacy (through emails to Pokémon executives) on the issue of tournaments in Israel. FAC ¶¶ 6, 8–12. The FAC alleges that the events came to a breaking point only after his repeated demands to speak to a Pokémon representative about his religious-based request. *See id.* ¶¶ 23–24, 27. It avers that Pokémon essentially conceded the true nature of his discipline by imposing the condition of the "no political outbursts." *See, e.g.*, *id.* ¶¶ 23, 27. And it maintains that the fourth element is met because Pokémon countenanced other opposing political statements—*viz*, the wearing of the keffiyeh on the convention floor by another prominent Pokémon player. *FAC* ¶ 25. That is enough at this early pleading stage. *Cf. Hager v. Brinker Texas, Inc.*, 102 F.4th 692, 701 (5th Cir. 2024) ("Title II does

---

[6] Defendant's implicit consent notwithstanding, the first two elements of the claim are sufficiently pled as Plaintiff alleges he is Jewish and is from Israel, and that he purchased an entry ticket to attend the 2025 Championships where he made reservations to purchase goods from Defendant's event in the Anaheim Convention Center. *See* FAC ¶¶ 3, 10, 23, 29; 42 U.S.C. § 2000a ("All persons shall be entitled to the full and equal enjoyment of the goods [and] services . . . of any place of public accommodation . . . without discrimination or segregation on the ground of . . . religion[] or national origin.").

not simply prohibit discrimination in the provision of service, it guarantees '*equal* enjoyment' of that service.") (citing 42 U.S.C. § 2000a(a)) (emphasis added).

C. 42 U.S.C. § 1981

Section 1981 "prohibits racial discrimination in the making and enforcement of private contracts." *Runyon v. McCrary*, 427 U.S. 160, 168 (1976). To state a claim under Section 1981, a plaintiff must plausibly allege that a defendant acted with an intent to discriminate on the basis of race. *See Evans v. McKay*, 869 F.2d 1341, 1344 (9th Cir. 1989).

To establish a prima facie case of retaliation under Section 1981, a plaintiff must demonstrate: (1) a protected activity; (2) an adverse action; and (3) a causal link between the protected activity and the adverse action.[7] *See Surrell v. California Water Serv. Co.*, 518 F.3d 1097, 1108 (9th Cir. 2008). The "[c]ausation sufficient to establish the third element . . . may be inferred from . . . the proximity in time between the protected action" and the alleged retaliation. *Yartzoff v. Thomas*, 809 F.2d 1371, 1376 (9th Cir. 1987).

Here, Plaintiff claims that Pokémon removed him from the tournament and banned him indefinitely because he is Jewish player from Israel who was advocating for tournaments in his home country. FAC ¶¶ 23, 27. Jewish ancestry is considered a race for purposes of Section 1981 discrimination claims. *Saint Francis College v. Al–Khazraji*, 481 U.S. 604, 612, 613 (1987); *see also Shaare Tefila Congregation v. Cobb,* 481 U.S. 615, 617 (1987) (Jews are a race for purposes of Section 1982). Read in the light most favorable to Plaintiff, these allegations support a plausible inference that Defendant's actions could have been motivated by animus towards Plaintiff on account of his religion and national origin.

As to the retaliation claim, Plaintiff informed Pokémon's agents[8] of his intent to pursue a civil rights action on the basis of his expulsion from the tournament. *See* FAC ¶¶ 27, 28, 32; *see*

---

[7] The Ninth Circuit has recognized retaliation actions under Section 1981 and has also explained that such actions share an "identical legal standard[]" with retaliation claims under Title VII. *Williams v. Tucson Unified Sch. Dist.*, 316 F. App'x 563, 564 (9th Cir. 2008).

[8] The doctrine of imputed knowledge provides that "a principal is chargeable with and is bound by the knowledge or notice received by his or her agent while the agent is acting within the scope of his

also Gifford v. Atchison, Topeka & Santa Fe Ry. Co., 685 F.2d 1149, 1156 n.3 (9th Cir. 1982) ("[Ninth Circuit] see[s] no legal distinction to be made between the filing of a charge which is clearly protected and threatening to file a charge.") (internal citations omitted). And within weeks of Plaintiff giving Pokémon notice of this intention, Defendant banned Plaintiff from the Play! Program indefinitely. *Id.* ¶ 33. The proximity in time between these two events supports the inference. *See Keyser v. Sacramento City Unified Sch. Dist.*, 265 F.3d 741, 744 (9th Cir. 2001) ("proximity in time between the protected action and the allegedly retaliatory employment decision" provides sufficient evidentiary basis for finding retaliation); *see also Dawson v. Entek Int'l*, 630 F.3d 928, 937 (9th Cir. 2011) ("In some cases, temporal proximity can by itself constitute sufficient circumstantial evidence of retaliation for purposes of both the prima facie case and the showing of pretext."). Plaintiff's claim survives.

D. 42 U.S.C. § 1982

Section 1982 entitles all citizens of the United States to the same rights "enjoyed by white citizens . . . to inherit, purchase, lease, sell, hold, and convey real and personal property." "Racial motivation is not an element of the [Section] 1982 prima facie case; only a racial impact need be shown." *Phiffer v. Proud Parrot Motor Hotel, Inc.*, 648 F.2d 548, 551 (9th Cir. 1980). Section 1982 also "encompasses retaliation claims." *CBOCS W., Inc. v. Humphries*, 553 U.S. 442, 447 (2008).[9]

The same analysis applies. Again, Plaintiff plausibly alleges that he was thrown out of the 2025 Championships because of his Jewish ancestry and because he was insisting on discussing an idea that Pokémon purportedly found racially objectionable. Because other (arguably) opposing racial views were tolerated and not subject to the same punishment, Plaintiff can allege that the reasons given for his banishment (harassment of employees) were pretextual and show retaliation.

---

or her authority." *River Colony Ests. Gen. P'ship v. Bayview Fin. Trading Grp., Inc.*, 287 F. Supp. 2d 1213, 1227 (S.D. Cal. 2003)

[9] As in the Section 1981 inquiry, a plaintiff pursuing a retaliation claim pursuant to Section 1982 must allege they (1) engaged in protected activity, (2) that resulted in an adverse action, and (3) a causal link exists between the activity and adverse action. *See Manning v. Mcdonal's USA*, No. 23-CV-210, 2026 WL 2824653, at *18 (N.D. Ill. Sept. 21, 2026) ("[A] retaliation claim under section 1982 requires a plaintiff to have spoken up about discrimination in connection with property.").

E. California Claims

Finally, Pokémon challenges the sufficiency of Plaintiff's Unruh Act and Tom Bane Act claims on essentially the same grounds. Motion at 22 ("For the reasons set forth above with respect to Plaintiff's Title II and 1981 claims. . . . Plaintiff does not plausibly plead facts supporting a finding of intentional discrimination under the Unruh Act."); Reply ISO Motion at 9 ("Plaintiff's Unruh and Bane Act claims are fatally flawed by the same deficient discrimination and coercion theories [as the Sections 1981 and 1982 claims]."). Because the federal claims survive, as discussed above, the California state law claim survive as well.

V. CONCLUSION

For the reasons discussed above, the Motion is denied.

Dated: October 8, 2026

Hernán D. Vera
United States District Judge