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COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

MIDDLESEX SUPERIOR COURT
DOCKET NO. 2681 cv 487

<p>NIKE IMORU, Plaintiff,</p> <p>v.</p> <p>AMERICAN REPERTORY THEATER COMPANY, INC., Defendant.</p>

FILED
IN THE OFFICE OF THE
CLERK OF COURTS
FOR THE COUNTY OF MIDDLESEX

FEB 19 2026

[Signature]
CLERK

COMPLAINT AND JURY TRIAL DEMAND

Plaintiff Nike Imoru brings this action based on permanent physical injuries and damages that Defendant American Repertory Theater Company, Inc. ("A.R.T.") inflicted on her during her tenure as an actress in a 2025 A.R.T. production.

A.R.T.'s discriminatory mistreatment of Ms. Imoru, a Black actress, despite A.R.T.'s prior and explicit commitment to protections specifically intended to prevent such mistreatment, caused Ms. Imoru to suffer permanent hair loss and painful scalp damage, severe emotional distress, depression, and panic attacks. Ms. Imoru's disfigurement and trauma have cost her professional opportunities as well as the extensive time and energy she has invested into understanding her condition, consulting with specialists, and seeking treatment.

Ms. Imoru brings this suit to seek redress for all damages she has suffered due to A.R.T.'s callous and prejudicial misconduct and A.R.T.'s abject abandonment of its legal, contractual, and moral responsibilities to her.

Parties

1. Plaintiff Nike Imoru (“Ms. Imoru”) is an individual residing in the State of Washington.

2. Defendant American Repertory Theater Company, Inc. (“A.R.T.”) is a theater company located at the Loeb Drama Center established in 1989 at Harvard University in Cambridge, Massachusetts. In addition to being a professional theater, Harvard’s A.R.T. offers undergraduate courses taught by professional theater artists.

Jurisdiction and Venue

3. Jurisdiction and venue are proper in this Court pursuant to G.L. c. 223, § 1, and c. 212, § 3.

4. Jurisdiction is also proper because Ms. Imoru filed a charge of discrimination against A.R.T. at the Massachusetts Commission Against Discrimination (“MCAD”) on September 19, 2025. Upon filing this complaint, counsel for Ms. Imoru asked the MCAD to dismiss her charge to pursue her case in court.

Facts

Nike Imoru’s Professional Background

5. Ms. Imoru is an award-winning artist with an international reputation as a classical actor, casting director, and theater director, as well as an author, teacher, and academic theater. She holds a Ph.D. and has fifteen years’ experience as an associate professor of theater in the United Kingdom and United States teaching undergraduates and developing graduate theater programs. In 2007, Ms. Imoru founded *The Actor’s Way*, a trauma-informed studio for actor training that unites principles of mindfulness and somatic awareness with professional performance practice.

6. As a classical and physical dance theater actor, Ms. Imoru's body is literally her instrument. As a Black artist, her natural hair has always been central to her personal and professional identity and has been core to her self-expression. Throughout her life, she has taken great pride in styling her natural hair in protective hair styles, which requires close attention and care.

7. In October 2024, Ms Imoru was cast as Woman 3 in A.R.T.'s 2025 production of *The Odyssey*, scheduled to run from February 18 to March 16. Serving as one of a three-woman chorus, on stage for nearly the full duration of the three-hour play, Ms. Imoru embodied five distinct characters, more than any other member of the cast.

8. From the outset, the three-hour play was on an expedited schedule. The production, which would normally require at least five-and-a-half weeks of rehearsals, was scheduled for only four-and-a-half weeks of rehearsals.

The Actors' Union's Anti-Discrimination Commitments to Black Actors

9. Ms. Imoru's contract with A.R.T. was subject to the Actors' Equity Association ("AEA") collective bargaining agreement with the League of Regional Theaters ("LORT") titled "Agreement and Rules Governing Employment in Resident Theaters," effective from February 13, 2023, to June 27, 2027 ("Equity Contract").

10. Unbeknownst to Ms. Imoru at the time of her A.R.T. hiring, the Equity Contract requires a theater to provide an actor with a licensed and qualified hair technician. The intent is to prevent harm to hair during production styling and to enable its restoration to its natural condition thereafter. Specifically, the Equity Contract requires:

- A. written consent from Ms. Imoru for any change in hair style;
- B. identification by the theater of a licensed and qualified technician;

- C. notice to Ms. Imoru, 48 hours in advance of services, of the name and qualifications of the technician; and
- D. a consultation among the theater, Ms. Imoru, and the technician to discuss best practices for the upkeep and maintenance of the hair style and/or protection of the hair or skin.

11. These amendments, which were new to the current Equity Contract, were based on the CROWN Act (Creating a Respectful and Open World for Natural Hair), first enacted in California in 2019 and now the law of 27 states. The CROWN Act prohibits race-based discrimination and the denial of employment or educational opportunities because of hair texture or protective hair styles. In 2022, Massachusetts amended its nondiscrimination law, G. L. 151B, to incorporate the CROWN Act's protection of natural textured hair. Acts of 2022 Section 117.

12. Years before Ms. Imoru's casting at A.R.T., A.R.T. had explicitly and specifically committed itself to prevent precisely the kind of discrimination and harm that the CROWN Act and Equity Contract provisions were designed to prevent.

13. Following the exposure of racism in the production of *Invisible Uganda* at the A.R.T. in 2014, A.R.T. Artistic Director Diane M. Paulus publicly apologized and committed the theater to an anti-racism pledge. Over the next two years, A.R.T. developed an action plan to transform "how work is developed, programmed, produced, and contextualized" at A.R.T. The resulting report described that it resulted from demands that the "leadership, staff, and board of the American Repertory Theater at Harvard University ... openly and loudly affirm that" A.R.T. employees, including Black employees, "are safe at work from racism and discrimination and create programs in order to protect them."

14. The A.R.T. went on to trumpet its efforts to eliminate the harm caused by internal race-based discrimination, including specifically in its physical treatment of Black actors, noting

in 2021 its commitment to training courses “for costumes and wardrobe staff to learn more about working with Black hair and makeup.”

15. Despite this public accounting by A.R.T., the provisions of the Equity Contract, and A.R.T.’s commitment to prevent harm to Black employees because of their race, A.R.T. caused grave and lasting harm to Ms. Imoru through its careless and stereotypical assumptions about her textured hair.

A.R.T.’s Hypocritical and Callous Mistreatment of Ms. Imoru

16. Ms. Imoru arrived in Cambridge on January 6, 2025, and began her employment at A.R.T. The play’s opening was set for February 18, 2025.

17. From the start, Ms. Imoru’s role and the production schedule were demanding.

18. Ms. Imoru’s character was one of a three-woman chorus, on stage for almost the entire play. She rehearsed eight hours per day, six days per week, and dedicated countless additional hours to memorization. The production was also intensely physical, requiring Ms. Imoru to exercise outside of rehearsal to maintain stamina and avoid injury.

19. On January 9, Ms. Imoru met with A.R.T.’s Costume Designer. At the time, Ms. Imoru’s hair was styled in knotless silver box braids which do not pull on the scalp and that hung to the nape of her neck and in loose waves beneath.

20. The Costume Designer explained that the artistic vision for the production required Ms. Imoru to change her hair to a short and not curly style. They discussed undoing Ms. Imoru’s braids and replacing them with cornrows, a tightly braided style for Black hair, which would lay flat on her head. Ms. Imoru orally agreed to the style change and provided some ideas for how to implement it.

21. On or about January 13, Ms. Imoru met briefly with the Hair and Wig Designer for the show and the Costume Designer. The Hair and Wig Designer is a qualified in-house hair technician and a white woman.

22. The Hair and Wig Designer told Ms. Imoru that a backstage A.R.T. employee, who is Black, could style her hair. While Ms. Imoru was given the choice of working with an outside stylist, the short turnaround time that the show schedule required, coupled with Ms. Imoru's unfamiliarity with local hair professionals, made working with an outside stylist unfeasible. Ms. Imoru also believed that the A.R.T. employee was fully qualified to style her hair because the A.R.T. had proposed that she could do so.

23. The A.R.T. employee was not employed as a hairdresser by the A.R.T. for *The Odyssey* but was instead working as a dresser.

24. Neither the Costume Designer nor Hair and Wig Designer, nor anyone else at A.R.T., informed Ms. Imoru of what qualifications the A.R.T. employee had, if any, to style Ms. Imoru's hair.

25. No one at the A.R.T. told Ms. Imoru that the A.R.T. employee assigned to style her hair did not possess the professional qualifications required for this work. While the A.R.T. employee had informally assisted with hair on one prior production in which she was also hired as a dresser, she had never been retained by A.R.T. in the capacity of a licensed or qualified hair technician.

26. No one at the A.R.T. sought or obtained from Ms. Imoru written consent for the hair style change.

27. At some point during early to mid-January, another female *Odyssey* actor, who is white, required a hair color change. A.R.T. provided that actress with a consultation, a list of

recommended salons, and the option of styling by the Hair and Wig Designer, who had an extensive portfolio and professional hairstyling background, including work with the Boston Ballet and on numerous A.R.T. productions for two decades. The white actress had her hair dyed at the recommended salon; the Hair and Wig Designer subsequently styled her hair.

28. On January 21, Ms. Imoru met with the A.R.T. employee for her hair styling. The A.R.T. employee proceeded to weave synthetic hair in with Ms. Imoru's natural hair to create cornrows that would lay flat on her head.

29. The styling looked terrible. Although Ms. Imoru did not immediately say so to the A.R.T. employee, the A.R.T. employee volunteered to Ms. Imoru that with further styling she would work to achieve a more elevated look for Ms. Imoru's hair in readiness for production and archival photos.

30. When the Costume Designer saw Ms. Imoru's new hairstyle, she privately acknowledged to Ms. Imoru that her hair needed to be re-styled. The Costume Designer stated that the next styling would need to improve and create more of a silhouette for Ms. Imoru's head.

31. In the days that followed, Ms. Imoru experienced continual pain from the woven cornrows pulling on the small hairs at the nape of Ms. Imoru's neck.

32. On February 3, a day off for Ms. Imoru, the A.R.T. employee re-braided Ms. Imoru's hair with coiled extensions. The process took five hours to style ten cornrows, something a professional stylist would have completed in less than two hours.

33. When the re-styling was complete, Ms. Imoru immediately understood that something was very wrong. The cornrows were now so tight that they pulled away from Ms Imoru's scalp, lifting the cornrows up from the roots as they began to twist on their side, losing their design and structural integrity. The cornrows also were not holding their shape.

34. Ms. Imoru was also experiencing intense pain. The pressure from the coiled extensions was so intense that it caused red welts on Ms. Imoru's scalp. The pain made it impossible for her to sleep laying down.

35. The next day, February 4, Ms. Imoru emailed the A.R.T. employee to report the tightness and twisting sensation she was experiencing in her scalp. The A.R.T. employee responded by suggesting that the braids be removed.

36. The A.R.T. employee also noted that the synthetic hair she had used was designed for twisting, adding, "I guess it just wants to be a twist." The statement revealed the reality that she had used the wrong type of hair extensions. She had used extensions for twisted braids, which twisted into Ms. Imoru's natural hair and pulled it out from her scalp.

37. Later in the day, the A.R.T. employee removed the cornrows. The process was extremely painful for Ms. Imoru. Due to the chemically derived nature of the twisted extensions that the dresser had used, and the fact that the extensions were designed for twisted styles and not cornrows, the A.R.T. employee was unable to remove the cornrows without harshly cutting and tearing the extensions off Ms. Imoru's head, which ripped out her fragile natural hair.

38. Ms. Imoru knew immediately that her hair had drastically thinned and was severely damaged. She filed a formal accident injury report, and a workers compensation claim the same day.

39. On February 5, Ms. Imoru spent hours at, and traveling to and from, urgent care to receive treatment for her scalp, missing rehearsals just days before the show opened. The urgent care provider diagnosed Ms. Imoru with traumatic loss of hair. The provider also stated that Ms. Imoru would be unable to braid her hair for at least several months.

40. On February 7, the Costume Designer asked the Hair and Wig Designer to design a hairpiece for Ms. Imoru. The Costume Designer also apologized to Ms. Imoru for her role in harming Ms. Imoru and acknowledged she should have been more proactive in managing the styling of Ms. Imoru's hair. Ms. Imoru continued to wear the hairpiece for all but the final two performances.

41. On February 11, Ms. Imoru consulted with Dr. Ip, a Black dermatologist in Dedham, Massachusetts. Dr. Ip recommended Keralase laser treatments with the use of topical treatments. Keralase treatments use lasers to create wounds on the scalp, causing excruciating pain and a burned-skin smell, followed by application of specialized serums containing bio-identical growth factors with proteins. Ms. Imoru learned she would require multiple painful Keralase treatments every six-to-eight weeks over the course of a year, as well as a scalp biopsy, steroid injections, and anti-inflammatory topicals.

42. Most painfully, however, Ms. Imoru also learned that even with a full course of treatment, if her hair follicles had suffered permanent damage, her hair would never grow back.

43. Ms. Imoru was physically and emotionally devastated by these events just as the production opened on February 18. Her self-confidence, a core component of her professional ability, had been destroyed by the time performances began.

44. Just four days into production, on February 22, Ms. Imoru stopped appearing in daytime performances due to the ongoing emotional toll and time constraints her condition was causing. She continued to participate in as many shows as she could despite the excruciating pain, lack of sleep, burden of obtaining care, and emotional distress she was suffering. This incredibly frustrated Ms. Imoru, a professional actor who wanted to fully devote herself to her role.

45. During February and early March, Ms. Imoru suffered continual hair shedding that resulted in irregular areas of alopecia on her scalp. As a result, on March 13, Ms. Imoru had her head shaved by a qualified stylist.

Ms. Imoru's Ongoing and Permanent Damages

46. After *The Odyssey* closed, Ms. Imoru returned home to Washington State.

47. On April 22, 2025, Ms. Imoru received the results of a scalp biopsy. The report indicated that there is a measurable loss of follicles caused by trauma to the scalp resulting in traction alopecia consistent with repeated pulling on the hair. This assessment indicates Ms. Imoru is unlikely to achieve hair regrowth approximating her pre-injury hair density or length.

48. The effect of Ms. Imoru's injury by the A.R.T. will be permanent.

49. Despite applying for Workers' Compensation immediately after her injury, Ms. Imoru was unable to secure treatment at such a clinic accepting such coverage. The laser procedure indicated for her condition was categorized as "cosmetic" and performed in a "medical spa."

50. Upon investigation of medical providers throughout Washington state, Ms. Imoru found no clinics offering Keralase treatment within 300 miles of her residence, and none that accepted workers' compensation. Because she would have been unable to continue to pay out-of-pocket to travel to and receive treatments, Ms. Imoru sought financial assistance from A.R.T., which agreed to provide temporary coverage for a four-month course of treatment. A.R.T. would not agree to pay a provider directly for such treatments but agreed to reimburse Ms. Imoru as she paid a provider for them.

51. A.R.T.'s reimbursement for Ms. Imoru's hair treatment ended in June 2025. By that point, the difficulties of obtaining and paying for Keralase treatment and the limits of its potential long-term success led Ms. Imoru to the difficult decision to stop that treatment.

52. Other than the Director of *The Odyssey* and the Costume Designer, no one in a more senior role at the A.R.T., such as the Artistic Director or the Executive Director, ever contacted Ms. Imoru about her injury or apologized for it. No one at the A.R.T. provided Ms. Imoru with assistance in seeking treatment for her injuries while she was in Cambridge, or in identifying providers or trying to facilitate her access to providers once she left Cambridge.

53. The impacts of Ms. Imoru's likely incurable condition reach throughout Ms. Imoru's life. The loss of her hair has destroyed the former trajectory of her career. She has withdrawn from public and outward-facing endeavors as an actor, casting director, and director across theater and film. This is a devastating loss to Ms. Imoru, who, prior to her A.R.T. experience, was cultivating the continued growth of her public-facing success, including in theater and film acting.

A.R.T.'s Failures

54. A.R.T. violated its nondiscrimination obligations under state law, and its contractual obligations to Ms. Imoru, as well as its own very public pledge to prevent exactly the kind of harms it caused Ms. Imoru.

55. A.R.T.'s misconduct resulted from assumptions based on unlawful stereotyping and implicit bias. These assumptions include (1) that Ms. Imoru's natural hair would not be complicated to style as compared to white hair, (2) that because of race, Ms. Imoru would prefer to work with the Black dresser, rather than with white in-house hair technician, and (3) that

because of race, the chosen stylist would have sufficient experience and qualifications to professionally style Ms. Imoru' s hair.

56. In addition, A.R.T. disparately treated Ms. Imoru based on her race. A white female actor in the same production who needed hair styling was provided with a consultation, a list of recommended salons, and the option of a thoroughly experienced and qualified in-house technician. Ms. Imoru was provided only with a dresser who had worked on hair for just one other show. Ms. Imoru was denied a qualified stylist and the opportunity (and any assistance) to find a qualified stylist.

57. As a result of A.R.T.'s implicit bias and disparate treatment, Ms. Imoru has suffered physical pain, permanent hair loss, significant financial losses and lost professional opportunities, and severe emotional distress.

Claims

Count One

Race Discrimination in Violation of M.G.L. c.151B

58. Plaintiff here asserts and incorporates by reference the allegations in each of the proceeding paragraphs of this Complaint.

59. By its above-described actions, A.R.T discriminated against Ms. Imoru on account of her race by subjecting her to racial discrimination, stereotyping and disparate treatment in violation of M.G.L. c. 151B.

60. As a result of the unlawful discrimination, Ms. Imoru has suffered physical pain, permanent hair loss, significant expenses, financial losses, lost professional opportunities, and severe emotional distress, and has incurred attorneys' fees and costs.

Prayer for Relief

WHEREFORE Plaintiff Nike Imoru respectfully requests that this Court:

- A. Enter judgment in Plaintiff's favor on each count of this Complaint;
- B. Award Plaintiff damages, interest, fees, and costs; and
- C. Award Plaintiff such other relief as is just and appropriate.

Jury Trial Demand

Plaintiff requests trial by jury on all counts and issues so triable.

Dated: February 18, 2026

Respectfully submitted,
NIKE IMORU,
Plaintiff,
By Her Attorneys,

/s/ Jody. L. Newman

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