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FILED  
AUG 20 2012  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

Filed  
paid  
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11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA

13 JULIETA G. LUDOVICO,

14 Plaintiff,

15 v.

16 KAISER PERMANENTE aka THE  
17 PERMANENTE MEDICAL GROUP, INC., a  
18 California corporation, and DOES 1-20,  
19 inclusive,

20 Defendants.

21 Case No.

012-4363

ADR  
JCS

22 COMPLAINT FOR DAMAGES AND  
23 INJUNCTIVE RELIEF

- 24 1. Sexual Harassment - 42 USC §2000e et seq.
- 25 2. Racial/National Origin Discrimination - 42 U.S.C. §2000e et seq.
- 26 3. Retaliation - 42 USC §2000e et seq.
- 27 4. Disability Discrimination - 42 U.S.C. §§1101-12213
- 28 5. Retaliation - 42 U.S.C. §§1101-12213
6. Age Discrimination in Employment - 29 U.S.C. §621
7. Retaliation - 29 U.S.C. §621
8. Race Discrimination - 42 U.S.C. §1981
9. Discrimination, Harassment, Retaliation - Govt. Code §12940 et seq.
10. Failure to Take Reasonable Steps to Prevent Discrimination and Harassment - Cal. Govt. Code §12940(k)
11. Failure to Provide Reasonable Accommodation - Cal. Govt. Code §12940(m)
12. Failure to Engage In the Interactive Process - Cal. Govt. Code §12940(n)
13. Age Discrimination in Employment - Cal. Govt. Code §12941
14. Retaliation - Govt. Code §12940 et seq.
15. Retaliation in Violation of Public Policy

JURY TRIAL DEMANDED

1 Plaintiff, Julieta G. Ludovico alleges:

2 **JURISDICTION AND VENUE**

3 1. This action arises under the Title VII, 42 U.S.C. §2000e *et seq.*; the Americans With  
4 Disabilities Act, 42 U.S.C. §§12101-12213; the Age Discrimination in Employment Act, 29 U.S.C.  
5 §621; 42 U.S.C. §1981; and other federal and state statutes.

6 2. On or around April 27, 2010, Plaintiff filed a charge of sexual harassment and  
7 discrimination, national origin discrimination, age discrimination and retaliation against her  
8 employer, Kaiser Permanente, also known as The Permanent Medical Group, Inc., with the Equal  
9 Employment Opportunity Commission, Charge No. 550-2010-01204.

10 3. On September 7, 2010, Plaintiff filed a charge of national origin discrimination,  
11 disability discrimination and retaliation against her employer, Kaiser Permanente, also known as The  
12 Permanente Medical Group, Inc., with the Equal Employment Opportunity Commission (“EEOC”).

13 4. Jurisdiction is conferred by virtue of 28 U.S.C. §1331 and §1343. The acts and  
14 omissions complained of occurred primarily in the County of Solano, State of California.

15 5. The EEOC issued its Notice of Right-to-Sue letters with respect to both of Plaintiff’s  
16 complaints on May 21, 2012. True and correct copies of the May 21, 2012, Notice of Right-to-Sue  
17 letters issued by the EEOC are attached hereto as Exhibit “A” and incorporated herein by this  
18 reference as if set forth at length in their entirety.

19 6. The pendent state claims contained within this Complaint arise from the same nucleus of  
20 operative facts and involve substantially identical issues of fact and law, such that the entire action  
21 constitutes a single action, which ordinarily would be prosecuted in one proceeding. Plaintiff now  
22 invokes the jurisdiction of this Court to resolve the Federal and pendent state claims arising from the  
23 violations alleged herein, seeking in addition to damages, costs of suit, reasonable attorneys fees and  
24 any other relief ordered by this Court.

25 **PARTIES**

26 7. Plaintiff JULIETA G. LUDOVICO is, and at all material times was, a citizen of the  
27 State of California, residing in the City of Vallejo, California.

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1 8. Defendant KAISER PERMANENTE aka THE PERMANENTE MEDICAL GROUP  
2 (hereinafter, "Kaiser" or "Defendant"), is, and at all material times was, a corporation, organized and  
3 operating under the laws of the State of California.

4 9. Plaintiff is ignorant of the true names and capacities, whether individual, corporate or  
5 otherwise, of DOES 1 through 20 herein and prays leave of Court to insert the true names and  
6 capacities of such Defendants when they become known or ascertained together with appropriate  
7 charging allegations.

8 10. Plaintiff is informed and believes and thereupon alleges that each of the Defendants  
9 named herein was the agent, employee, or representative of each of the remaining Defendants and in  
10 doing the things herein mentioned was acting in the course and scope of such agency and employment.

11 **STATEMENT OF FACTS**

12 11. Plaintiff, JULIETA G. LUDOVICO, has worked for Defendant Kaiser Permanente  
13 since 1997. Her most current position is as a registered nurse.

14 12. Plaintiff is a 51 year old Filipino female.

15 13. Prior to the events giving rise to this action, she worked the mid shift as registered nurse  
16 in the emergency room in the Kaiser Permanente facility located in Vallejo, California, the same city  
17 in which she resides.

18 14. Plaintiff's work as an emergency room nurse required included escorting patients to the  
19 imaging department for x-rays and CT scans, and working with imaging department staff.

20 15. On February 17, 2010, at approximately 12:30 a.m., Plaintiff was sexually assaulted  
21 while on duty at the Kaiser Vallejo facility by "Kevin" (last name unknown), an African American  
22 male employed by Kaiser as an x-ray technician. Kevin grabbed Plaintiff by her right shoulder, pulled  
23 her to him so she was not free to leave, and told her he would "take his big wet tongue and shove it  
24 down her throat a few times, and he was sure she would like that." Plaintiff did not know Kevin and  
25 had never before engaged in any conversation with him other than as needed to attend to patients.

26 16. Plaintiff immediately formally complained to the appropriate Kaiser Permanente  
27 personnel about the sexual assault by Kevin. Several Kaiser employees witnessed the assault and  
28 provided written statements to Kaiser verifying her complaint, including a Kaiser emergency room  
physician.

1 17. Kaiser purportedly has a “zero tolerance” policy with respect to sexual harassment in the  
2 workplace.

3 18. Plaintiff is aware of other Kaiser female employees, who were much younger than  
4 Plaintiff and who were not Filipino, who were sexually harassed while at work. In those cases, Kaiser  
5 either transferred the alleged harasser out of the complainant’s work area or terminated him.

6 19. Plaintiff was completely traumatized by the assault. She requested that Kaiser take  
7 appropriate action to remove Kevin from her work area, as she felt she was working in a sexually  
8 hostile environment which interfered with her ability to perform her work, because she worked in fear  
9 of another encounter with Kevin. There are several other Kaiser facilities in the North San Francisco  
10 Bay area with imaging departments to which Kevin could have been transferred.

11 20. Kaiser did nothing in response to Plaintiff’s complaint that she was sexually assaulted by  
12 Kevin while on duty. Her complaint was not investigated and none of her witnesses were interviewed.  
13 Janis D. Lacy, Kaiser’s Employee and Labor Relations Consultant, simply told Plaintiff to call her if  
14 she encountered Kevin again at work. When Plaintiff protested that Kevin should be removed from  
15 her work environment, she was told that Kevin had rights too. Gayla Odle, The Permanent Medical  
16 Group Administrator, instead of transferring Kevin, unreasonably suggested that Plaintiff transfer to a  
17 different work shift. Plaintiff was forced to return to work in a hostile work environment with Kevin.

18 21. On March 17, 2010, Plaintiff was working her regular night shift in the Vallejo ER  
19 when, at 2:30 a.m., she was suddenly startled to find Kevin coming up behind her in the Emergency  
20 Room. She felt frozen with fear of another encounter. She immediately called Janis Lacy to inform  
21 her Kevin was working in the Emergency Room, but received no response. She also notified the  
22 Emergency Room managers asking help as to what she was supposed to do in the situation because  
23 she was afraid of Kevin, but received no response.

24 22. Plaintiff was scheduled to return to work in the Vallejo Emergency Room on March 24,  
25 2010, at 7PM. She had still received no response from Ms. Lacy or the ER Managers to her March 17,  
26 2010 phone call. On March 24, 2010, she emailed Ms. Lacey and ER Nursing Director Linda Goble,  
27 among others, requesting what to do, what they were doing to investigate her sexual assault complaint,  
28 and how Kaiser and Management were going to provide for her safety at work.

1 23. Janis Lacey responded to Plaintiff's March 24, 2010, email as follows:

2 "I think that it would be wise for you to discuss situations where you may find yourself  
3 in a position to be alone with Kevin with your management team. I am sure they would  
4 be able to work through a situation such as this. . . . If you find yourself in a situation  
5 where you will be in an isolated area, please ask your management team to allow  
6 someone to escort you."

7 24. Thus, rather than remove Kevin from Plaintiff's worksite, Defendant required that  
8 Plaintiff rearrange her work activities in order to accommodate Kevin so that the two did not interact,  
9 further subjecting her to a hostile work environment. For example, on March 31, 2010, Plaintiff's  
10 supervisor, Ms. Wilson, stopped Plaintiff from performing her critical job duties when assisting a  
11 patient, and instructed her to stay in a conference room for about twenty minutes while Kevin was in  
12 Plaintiff's working area. Plaintiff objected to being isolated in the conference room. Ms. Wilson  
13 responded that there was nothing she could do.

14 25. Plaintiff was again isolated in the conference room a second time that day by Ms.  
15 Wilson and not able to perform her job duties.

16 26. On another occasion, Plaintiff was not able to work as a Floater because it would require  
17 that she interact with Kevin.

18 27. Plaintiff was forced to decline overtime out fear of further encountering Kevin and  
19 exposing herself to a hostile and unsafe work environment.

20 28. Plaintiff's union sent several letters to Kaiser Management and Human Resources on  
21 Plaintiff's behalf, including Ms. Goble, Ms. Lacy, Ms. Odle and Human Resources Director Sherri  
22 Stegge, requesting that Kaiser take appropriate steps to investigate Plaintiff's complaint and to remove  
23 Kevin from her work environment. Kaiser insisted that appropriate action had been taken, but did  
24 nothing to remedy Plaintiff's hostile work environment. Plaintiff continued to work in fear of another  
25 sexual assault by Kevin.

26 29. On the night of April 14, 2010, Plaintiff's Manager insisted that Plaintiff transfer a  
27 patient to another location that would require her to go with the patient by the imaging department on  
28 another floor, where she would potentially be alone with Kevin.

1           30. Plaintiff could no longer take the physical, psychological and emotional stress of  
2 working in the same environment as Kevin and filed a workers' compensation claim. In addition,  
3 Kaiser made no effort to refer Plaintiff to Kaiser's Employee Assistance Program, and Plaintiff had to  
4 enquire herself and seek her own help.

5           31. On April 27, 2010, Plaintiff filed a charge with the EEOC against Kaiser for  
6 discrimination based on sex, race, national origin and age, and for retaliation.

7           32. Plaintiff's Kaiser physician placed her on modified duty for two months, from May 11,  
8 2010, to July 11, 2010. The doctor restricted Plaintiff as follows:

9           This patient cannot be allowed to work in the Emergency Room of KSR Hosp. Vallejo so long  
10 as "Kevin" (X-ray tech) is working in that Building. The preferable solution is to transfer him  
11 so that the patient does not feel further victimized by her being transferred as she is the clear  
12 victim of workplace violence. . . .If employer offers modified work as specified . . . , Julieta G.  
13 Ludovico can return to modified work. Please note: if employer cannot accommodate these  
14 restrictions, Julieta G. Ludovico must be regarded as being unable to work for this period.  
15 Employer/Supervisor – if you have questions, please call our Office . . . .”

16           33. Plaintiff contacted various management personnel, including Sharri Stegge, Human  
17 Resources Director, and informed them of her need for accommodation. Plaintiff presented Defendant  
18 with her doctor's note specifying her modified work restrictions. Rather than accommodate Plaintiff,  
19 she was taken out of the schedule and placed off work for the two months. Defendant furthermore  
20 failed to engage in the interactive process with Plaintiff, a disabled employee, to determine whether  
21 reasonable accommodation could be made so that Plaintiff would be able to perform the essential job  
22 requirements.

23           34. Defendants refusal to accommodate Plaintiff was discriminatory and retaliation for  
24 Plaintiff having exercising her rights to complain of unlawful discrimination and harassment in the  
25 workplace and her right to workers' compensation.

26           35. On July 12, 2010, Plaintiff's return to work date, Defendant had still done nothing to  
27 investigate Plaintiff's complaint of February 17, 2010, for sexual harassment, or take any steps to  
28 prevent further harassment from occurring. Neither had Defendant accommodated Plaintiff's

1 disability but instead kept her from working altogether. Plaintiff had no choice but to accept the  
2 recommendation from Linda Goble that she be transferred to another facility to escape the harassing,  
3 discriminatory and retaliatory hostile work environment in which she was being forced to work at the  
4 Vallejo facility.

5 36. On July 12, 2010, Plaintiff transferred to Defendant's Vacaville facility, which is more  
6 than a half hour's drive away from her home, and which she was required to travel at night due to her  
7 shift. Plaintiff is still assigned to that facility.

8 37. On November 3, 2011, Plaintiff suffered an injury while at work to her neck, shoulder,  
9 arm and back when she had to assist a heavy patient from the patient's bed alone and the patient  
10 fainted on her. No other staff was available in the area to assist her, in violation of hospital protocols  
11 and safety standards. Plaintiff was seen by an emergency room physician, who placed her off work  
12 that day and placed her on modified duty thereafter, including no lifting, pushing, pulling more than  
13 five pounds and no reaching up or bending.

14 38. Plaintiff filed a workers' compensation claim for the November 3, 2011. She also  
15 notified Vacaville Emergency Department Manager Kate Hesse, about the incident and complained  
16 about the unsafe working conditions that contributed to her injury due to the lack of available staff to  
17 help her.

18 39. Thereafter, Plaintiff was harassed because of her work limitations. Assistant Manager  
19 Dan Walker insisted that she work the EKG, which was outside her work limitations, and became  
20 angry and threatened her in front of others when she protested that it was outside her work limitations,  
21 saying loudly, "Are you refusing?"

22 40. Plaintiff's physician periodically removed her work restrictions but her condition  
23 persisted and she was placed back on modified duty. Plaintiff's managers continually assigned her  
24 job duties outside her job restrictions and which exacerbated her pain. Plaintiff was assigned menial  
25 tasks like greeter, which embarrassed and humiliated her, or assigned to sit in a room at a computer  
26 and forbidden to be out on the floor. Plaintiff is informed and believes that Defendant could have  
27 accommodated her in a position that would not exacerbate her medical condition and that would  
28 utilize her nursing skills, but they made no effort to do so. Plaintiff is informed and believes and  
thereon alleges that Defendant's actions were taken in retaliation for claiming workers compensation

1 for her work related injuries and for complaining about unsafe working conditions, and were intended  
2 to create a pretext for Defendant to claim that her disability could not be accommodated.

3 41. On April 16, 20120, Plaintiff was advised that Defendant could no longer accommodate  
4 her. She has been placed off work since that date. Defendant has provided not attempted to engage in  
5 the interactive process or provide any opportunity for Plaintiff to return to work with accommodation.

6 **FIRST CAUSE OF ACTION**

7 **Sexual Harassment in Violation of Title VII – 42 USC §2000e et seq.**

8 42. Plaintiff refers to those allegations set forth in Paragraphs 1 - 41 above and incorporates  
9 the same by reference as though fully set forth at length herein in their entirety.

10 43. At all times herein mentioned, Title VII, 42 U.S.C. §2000e, *et seq.*, was in full force and  
11 effect and was binding upon Defendants. This law required Defendant employer to refrain from  
12 discriminating against any employee or applicant for employment on the basis of sex, among other  
13 protected classes.

14 44. Title VII also required the Defendant employer to take remedial steps reasonably  
15 calculated to end harassment and deter future harassment.

16 45. The conduct of Defendants, their agents, representatives and employees as alleged  
17 herein, substantially interfered with the employment of the Plaintiff on the basis of her sex in violation  
18 of Title VII, 42 U.S. §2000e *et seq.*

19 46. Plaintiff timely complied with all EEOC administrative prerequisites to bringing this suit  
20 and has timely filed this suit upon receipt of the EEOC right to sue letters alleged herein.

21 47. Such conduct has denied and will continue to deny the Plaintiff equal protection and  
22 civil rights guaranteed by Title VII all to her damage in an amount within the jurisdiction of the court,  
23 according to proof at time of trial.

24 48. As a result of Defendants' wrongful conduct alleged herein, Plaintiff has sustained and  
25 continues to sustain substantial losses in earnings and other employment benefits and opportunities, all  
26 to her damage in an amount within the jurisdiction of the court, according to proof at time of trial.

27 49. As a further result of Defendants' wrongful conduct, Plaintiff has suffered and continues  
28 to suffer humiliation, emotional distress, damage to reputation, and mental and physical pain and



1 anguish, that has required and will require the treatment of medical professionals, all to her damage in  
2 a sum to be established, according to proof at time of trial.

3 50. Plaintiff has also been required to retain attorneys to defend her legal rights and to  
4 recover damages for Plaintiff's injuries and she is therefore entitled to an award of attorneys' fees and  
5 costs to prosecute this action in accord with law and pursuant to Title VII, 42 U.S.C. §2000e, et seq.  
6 and other applicable State and Federal statutes.

7 51. As a result of Defendants' deliberate, outrageous, malicious and despicable conduct as  
8 alleged herein, Plaintiff is entitled to an award of punitive and exemplary damages in an amount  
9 sufficient to punish and to deter such wrongdoing, in a sum to be established, according to proof at time  
10 of trial.

11 WHEREFORE, Plaintiff prays for judgment as hereinafter set forth.

12 **SECOND CAUSE OF ACTION**

13 **Racial Discrimination in Violation of Title VII – 42 USC §2000e et seq.**

14 52. Plaintiff refers to those allegations set forth in Paragraphs 1 - 52 above and incorporates  
15 the same by reference as though fully set forth at length herein in their entirety.

16 53. At all times herein mentioned, Title VII, 42 U.S.C. §2000e, *et seq.*, was in full force and  
17 effect and was binding upon Defendants. This law required Defendant employer to refrain from  
18 discriminating against any employee or applicant for employment on the basis of race, among other  
19 protected classes.

20 54. Title VII also required the Defendant employer to take remedial steps reasonably  
21 calculated to end discrimination and harassment and to deter further discrimination and harassment.

22 55. The conduct of Defendants, their agents, representatives and employees as alleged  
23 herein, substantially interfered with the employment of the Plaintiff on the basis of her race in violation  
24 of Title VII, 42 U.S. §2000e *et seq.*

25 56. Plaintiff timely complied with all EEOC administrative prerequisites to bringing this suit  
26 and has timely filed this suit upon receipt of the EEOC right to sue letters alleged herein.

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1 57. Such conduct has denied and will continue to deny the Plaintiff equal protection and  
2 civil rights guaranteed by Title VII all to her damage in an amount within the jurisdiction of the court,  
3 according to proof at time of trial.

4 58. As a result of Defendants' wrongful conduct alleged herein, Plaintiff has sustained and  
5 continues to sustain substantial losses in earnings and other employment benefits and opportunities, all  
6 to her damage in an amount within the jurisdiction of the court, according to proof at time of trial.

7 59. As a further result of Defendants' wrongful conduct, Plaintiff has suffered and continues  
8 to suffer humiliation, emotional distress, damage to reputation, and mental and physical pain and  
9 anguish, that has required and will require the treatment of medical professionals, all to her damage in  
10 a sum to be established, according to proof at time of trial.

11 60. Plaintiff has also been required to retain attorneys to defend her legal rights and to  
12 recover damages for Plaintiff's injuries and she is therefore entitled to an award of attorneys' fees and  
13 costs to prosecute this action in accord with law and pursuant to Title VII, 42 U.S.C. §2000e, et seq.  
14 and other applicable State and Federal statutes.

15 61. As a result of Defendants' deliberate, outrageous, malicious and despicable conduct as  
16 alleged herein, Plaintiff is entitled to an award of punitive and exemplary damages in an amount  
17 sufficient to punish and to deter such wrongdoing, in a sum to be established, according to proof at time  
18 of trial.

19 WHEREFORE, Plaintiff prays for judgment as hereinafter set forth.

20 **THIRD CAUSE OF ACTION**

21 **Retaliation for Opposing Sexual and Racial**  
22 **Discrimination and Harassment Environment in Violation**  
23 **of Title VII - 42 U.S.C. §2000e, et seq.**

24 62. Plaintiff refers to those allegations set forth in Paragraphs 1 - 11 above, and incorporates  
25 the same by reference as though fully set forth at length herein their entirety.

26 63. At all times herein mentioned, Title VII, 42 U.S.C. §2000e, et seq. was in full force and  
27 effect and was binding upon Defendants. This law specifically prohibits retaliation against "employees  
28 ... who engage in protected activities." [42 USC §2000e-3(a)]

1           64. Title VII also required the Defendant employer to take remedial steps reasonably  
2 calculated to end harassment and deter future harassment.

3           65. Plaintiff reasonably believed that the sexual and racially discriminatory conduct and  
4 practices by Defendants, and each of them, was unlawful and opposed the discriminatory conduct and  
5 practices by Defendants, and each of them. Plaintiff reported and complained in writing about the  
6 sexual and racially discriminatory conduct and practices to Defendants, and filed charges of sexual and  
7 racial discrimination and harassment with the EEOC, as set forth herein.

8           66. As alleged herein, Defendants, by and through their agents, representatives, and  
9 employees, in violation of Title VII, retaliated against Plaintiff for exercising her statutorily protected  
10 rights, all to her damage in an amount according to proof at time of trial. Plaintiff's opposition to the  
11 sexual and racial discrimination, harassment, and hostile work environment was a motivating factor in  
12 the adverse employment actions against the Plaintiff as alleged herein. A causal link exists between the  
13 Plaintiff's protected activity and Defendants' adverse employment actions.

14           67. Such conduct has denied and will continue to deny the Plaintiff equal protection and  
15 civil rights guaranteed by Title VII all to her damage in an amount within the jurisdiction of the court,  
16 according to proof at time of trial.

17           68. Plaintiff timely complied with all EEOC administrative prerequisites to bringing this suit  
18 and has timely filed this suit upon receipt of the EEOC right to sue letters alleged herein.

19           69. As a result of Defendants' wrongful conduct as alleged herein, Plaintiff has sustained  
20 and continues to sustain substantial losses in earnings and other employment benefits and opportunities,  
21 all to her damage in an amount within the jurisdiction of the court, according to proof at time of trial.

22           70. As a further result of Defendants' wrongful conduct, Plaintiff has suffered and  
23 continues to suffer humiliation, emotional distress, loss of reputation, and mental and physical pain and  
24 anguish, that has required and will require the treatment of medical professionals, all to her damage in  
25 a sum to be established, according to proof at time of trial.

26           71. Plaintiff has also been required to retain attorneys to defend his legal rights and to  
27 recover damages for Plaintiff's injuries and he is therefore entitled to an award of attorneys' fees and  
28 costs to prosecute this action in accord with law and pursuant to Title VII, 42 U.S.C. §2000e, et seq.

1 and other applicable State and Federal statutes.

2 72. As a result of Defendants' deliberate, outrageous, malicious and despicable conduct as  
3 alleged herein, Plaintiff is entitled to an award of punitive and exemplary damages in an amount  
4 sufficient to punish and to deter such wrongdoing, in a sum to be established, according to proof at time  
5 of trial.

6 WHEREFORE, Plaintiff prays for judgment as hereinafter set forth.

7 **FOURTH CAUSE OF ACTION**

8 **Disability Discrimination in Violation of the Americans With Disabilities Act (ADA)**

9 **42 USC §§12101-12213**

10 73. Plaintiff refers to those allegations set forth in Paragraphs 1 - 72 above and incorporates  
11 the same by reference as though fully set forth at length herein in their entirety.

12 74. At all times herein mentioned, the Americans With Disabilities Act (ADA), 42 U.S.C.  
13 §12101-12213, was in full force and effect and was binding upon Defendants. This law required  
14 Defendant employer to refrain from discriminating against a qualified employee on the basis of a  
15 disability. The Act also requires employers to make reasonable accommodations to enable disabled  
16 individuals to perform a position's essential functions.

17 75. Plaintiff was qualified to perform the essential functions of her position, with  
18 accommodation.

19 76. As alleged herein, Defendants, their agents, representatives and employees discriminated  
20 against Plaintiff on the basis of her disability in violation of the ADA, 42 U.S.C. §12101-12213.

21 77. As alleged herein, Defendants failed and refused to make reasonable accommodations to  
22 enable Plaintiff to perform the essential functions of her job, in further violation of the ADA, 42 U.S.C.  
23 §12101-12213.

24 78. Such conduct has denied and will continue to deny the Plaintiff equal protection and  
25 civil rights guaranteed by Title VII all to her damage in an amount within the jurisdiction of the court,  
26 according to proof at time of trial.

27 79. Plaintiff timely complied with all EEOC administrative prerequisites to bringing this suit  
28 and has timely filed this suit upon receipt of the EEOC right to sue letters alleged herein.

1 80. As a result of Defendants' wrongful conduct alleged herein, Plaintiff has sustained and  
2 continues to sustain substantial losses in earnings and other employment benefits and opportunities, all  
3 to her damage in an amount within the jurisdiction of the court, according to proof at time of trial.

4 81. As a further result of Defendants' wrongful conduct, Plaintiff has suffered and continues  
5 to suffer humiliation, emotional distress, damage to reputation, and mental and physical pain and  
6 anguish, that has required and will require the treatment of medical professionals, all to her damage in a  
7 sum to be established, according to proof at time of trial.

8 82. Plaintiff has also been required to retain attorneys to defend her legal rights and to  
9 recover damages for Plaintiff's injuries and she is therefore entitled to an award of attorneys' fees and  
10 costs to prosecute this action in accord with law and pursuant to 42 U.S.C. §§12117(a), 12133 and other  
11 applicable State and Federal statutes.

12 83. As a result of Defendants' deliberate, outrageous, malicious and despicable conduct as  
13 alleged herein, Plaintiff is entitled to an award of punitive and exemplary damages in an amount  
14 sufficient to punish and to deter such wrongdoing, in a sum to be established, according to proof at time  
15 of trial.

16 WHEREFORE, Plaintiff prays for judgment as hereinafter set forth.

17 **FIFTH CAUSE OF ACTION**

18 **Retaliation in Violation of the ADA – 42 U.S.C. §§12101-12213.**

19 84. Plaintiff refers to those allegations set forth in Paragraphs 1 - 83 above and incorporates  
20 the same by reference as though fully set forth at length herein in their entirety.

21 85. The Americans With Disabilities Act, 42 U.S.C. §§12101-12213, makes it unlawful for  
22 an employer to discriminate against any employee or applicant for employment because such individual  
23 or applicant has opposed any practice made unlawful by the ADA, or because such individual or  
24 applicant has made a charge, testified, assisted, or participated in any manner in an investigation,  
25 proceeding, or litigation under the ADA.

26 86. Plaintiff engaged in conduct protected under the ADA. Specifically, Plaintiff opposed  
27 disability discrimination made unlawful by the ADA to Defendant, made a charge of disability  
28

1 discrimination to the EEOC, and participated in the EEOC investigation under the ADA, among other  
2 protected conduct.

3 87. Defendants discriminated against Plaintiff for engaging in protected conduct and  
4 subjected Plaintiff to adverse employment actions in retaliation for the complaints she made about  
5 unlawful disability discrimination by Defendant.

6 88. Plaintiff timely complied with all EEOC administrative prerequisites to bringing this suit  
7 and has timely filed this suit upon receipt of the EEOC right to sue letters alleged herein.

8 89. As a result of Defendants' unlawful conduct, Plaintiff has sustained and continues to  
9 sustain substantial losses in earnings and other employment benefits and opportunities, all to her  
10 damage in an amount according to proof.

11 90. As a result of Defendants' unlawful conduct, Plaintiff has suffered damages as set forth  
12 herein.

13 91. As a further result of Defendants' wrongful conduct, Plaintiff has suffered and continues  
14 to suffer humiliation, emotional distress, damage to reputation, and mental and physical pain and  
15 anguish, that has required and will require the treatment of medical professionals, all to her damage in a  
16 sum to be established, according to proof at time of trial.

17 92. Plaintiff has also been required to retain attorneys to defend her legal rights and to  
18 recover damages for Plaintiff's injuries and she is therefore entitled to an award of attorneys' fees and  
19 costs to prosecute this action in accord with law and pursuant to 42 U.S.C. §§12117(a), 12133 and other  
20 applicable State and Federal statutes.

21 93. As a result of Defendants' deliberate, outrageous, malicious and despicable conduct as  
22 alleged herein, Plaintiff is entitled to an award of punitive and exemplary damages in an amount  
23 sufficient to punish and to deter such wrongdoing, in a sum to be established, according to proof at time  
24 of trial.

25 WHEREFORE, Plaintiff prays for judgment as hereinafter set forth.

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1 **SIXTH CAUSE OF ACTION**

2 **Violation of Age Discrimination in Employment Act of 1967 – 29 U.S.C. §621 *et seq.***

3 94. Plaintiff refers to those allegations set forth in Paragraphs 1 - 93 above and incorporates  
4 the same by reference as though fully set forth at length herein in their entirety.

5 95. At all times herein alleged, the Age Discrimination in Employment Act of 1967, 29  
6 U.S.C. §621 *et seq.* was in full force and effect and binding upon Defendant. The Act makes it an  
7 unlawful employment practice to fail or refuse to hire an individual or to otherwise discriminate against  
8 any individual in her compensation, terms, conditions or privileges of employment because of that  
9 individual's age. The law also prohibits an employer to limit, segregate, or classify employees in any  
10 way which would deprive or tend to deprive any individual of employment opportunities or otherwise  
11 adversely affect her status as an employee because of such individual's age.

12 96. Defendant engaged in the aforementioned unlawful actions, including but not limited to  
13 the refusal to hire Plaintiff for the position for which she applied and for which she was most qualified,  
14 and the harassment of Plaintiff based on her age.

15 97. Plaintiff timely complied with all EEOC administrative prerequisites to bringing this suit  
16 and has timely filed this suit upon receipt of the EEOC right to sue letters alleged herein.

17 98. As a result of Defendants' unlawful conduct, Plaintiff has sustained and continues to  
18 sustain substantial losses in earnings and other employment benefits and opportunities, all to her  
19 damage in an amount according to proof.

20 99. As a result of Defendants' unlawful conduct, Plaintiff has suffered damages as set forth  
21 herein.

22 100. As a further result of Defendants' wrongful conduct, Plaintiff has suffered and continues  
23 to suffer humiliation, emotional distress, damage to reputation, and mental and physical pain and  
24 anguish, that has required and will require the treatment of medical professionals, all to her damage in a  
25 sum to be established, according to proof at time of trial.

26 101. Plaintiff has also been required to retain attorneys to defend her legal rights and to  
27 recover damages for Plaintiff's injuries and she is therefore entitled to an award of attorneys' fees and  
28 costs to prosecute this action in accord with law and pursuant to 29 U.S.C. §§216(b), 626(b) and other

1 applicable State and Federal statutes.

2 102. As a result of Defendants' deliberate, outrageous, malicious and despicable conduct as  
3 alleged herein, Plaintiff is entitled to an award of punitive and exemplary damages in an amount  
4 sufficient to punish and to deter such wrongdoing, in a sum to be established, according to proof at time  
5 of trial.

6 WHEREFORE, Plaintiff prays for judgment as hereinafter set forth.

7 **SEVENTH CAUSE OF ACTION**

8 **Retaliation in Violation of the ADEA – 29 U.S.C. §621 et seq.**

9 103. Plaintiff refers to those allegations set forth in Paragraphs 1 - 102 above and  
10 incorporates the same by reference as though fully set forth at length herein in their entirety.

11 104. The Age Discrimination in Employment Act of 1967, 29 U.S.C. §621 *et seq.*, makes it  
12 unlawful for an employer to discriminate against any employee or applicant for employment because  
13 such individual or applicant has opposed any practice made unlawful by the ADEA, or because such  
14 individual or applicant has made a charge, testified, assisted, or participated in any manner in an  
15 investigation, proceeding, or litigation under the ADEA.

16 105. Plaintiff engaged in conduct protected under the ADEA. Specifically, Plaintiff opposed  
17 age discrimination made unlawful by the ADEA to Defendant, made a charge of age discrimination to  
18 the EEOC, and participated in the EEOC investigation under the ADEA, among other protected  
19 conduct.

20 106. Defendants discriminated against Plaintiff for engaging in protected conduct and  
21 subjected Plaintiff to adverse employment actions in retaliation for the complaints she made about  
22 unlawful age discrimination by Defendants.

23 107. Plaintiff timely complied with all EEOC administrative prerequisites to bringing this suit  
24 and has timely filed this suit upon receipt of the EEOC right to sue letters alleged herein.

25 108. As a result of Defendants' unlawful conduct, Plaintiff has sustained and continues to  
26 sustain substantial losses in earnings and other employment benefits and opportunities, all to her  
27 damage in an amount according to proof.

28 ///



1 109. As a result of Defendants' unlawful conduct, Plaintiff has suffered damages as set forth  
2 herein.

3 110. As a further result of Defendants' wrongful conduct, Plaintiff has suffered and continues  
4 to suffer humiliation, emotional distress, damage to reputation, and mental and physical pain and  
5 anguish, that has required and will require the treatment of medical professionals, all to her damage in a  
6 sum to be established, according to proof at time of trial.

7 111. Plaintiff has also been required to retain attorneys to defend her legal rights and to  
8 recover damages for Plaintiff's injuries and she is therefore entitled to an award of attorneys' fees and  
9 costs to prosecute this action in accord with law and pursuant to 29 U.S.C. §§216(b), 626(b) and other  
10 applicable State and Federal statutes.

11 112. As a result of Defendants' deliberate, outrageous, malicious and despicable conduct as  
12 alleged herein, Plaintiff is entitled to an award of punitive and exemplary damages in an amount  
13 sufficient to punish and to deter such wrongdoing, in a sum to be established, according to proof at time  
14 of trial.

15 WHEREFORE, Plaintiff prays for judgment as hereinafter set forth.

16 **EIGHTH CAUSE OF ACTION**

17 **Racial Discrimination in Violation of 42 U.S.C. §1981**

18 113. Plaintiff refers to those allegations set forth in Paragraphs 1 - 112 above and  
19 incorporates the same by reference as though fully set forth at length herein in their entirety.

20 114. At all times herein mentioned, 42 U.S.C. §1981, was in full force and effect and was  
21 binding upon Defendant. This law required Defendant employer to deny an employee the full and equal  
22 benefit of all laws on account of race.

23 115. The conduct of Defendant, its agents, representatives and employees as alleged herein,  
24 denied Plaintiff the full and equal benefit of all laws on account of her race, in violation of 42 U.S.C.  
25 §1981.

26 116. As a result of Defendants' wrongful conduct alleged herein, Plaintiff has sustained and  
27 continues to sustain substantial losses in earnings and other employment benefits and opportunities, all  
28 to her damage in an amount within the jurisdiction of the court, according to proof at time of trial.

1 117. As a further result of Defendants' wrongful conduct, Plaintiff has suffered and continues  
2 to suffer humiliation, emotional distress, damage to reputation, and mental and physical pain and  
3 anguish, that has required and will require the treatment of medical professionals, all to her damage in  
4 a sum to be established, according to proof at time of trial.

5 118. Plaintiff has also been required to retain attorneys to defend her legal rights and to  
6 recover damages for Plaintiff's injuries and she is therefore entitled to an award of attorneys' fees and  
7 costs to prosecute this action in accord with law and pursuant to 42 U.S.C. §1988 and other applicable  
8 State and Federal statutes.

9 119. As a result of Defendants' deliberate, outrageous, malicious and despicable conduct as  
10 alleged herein, Plaintiff is entitled to an award of punitive and exemplary damages in an amount  
11 sufficient to punish and to deter such wrongdoing, in a sum to be established, according to proof at time  
12 of trial.

13 WHEREFORE, Plaintiff prays for judgment as hereinafter set forth.

14 **NINTH CAUSE OF ACTION**

15 **Discrimination and Harassment in Violation of the**

16 **Fair Employment and Housing Act – Cal. Govt. Code §12940, et seq.**

17 120. Plaintiff refers to those allegations set forth in Paragraphs 1 - 119 above and  
18 incorporates the same by reference as though fully set forth at length herein in their entirety.

19 121. At all time mentioned in this complaint, California Government Code §12940 was in full  
20 force and effect and was binding on Defendants. This law requires Defendants to refrain from harassing  
21 any employee on the basis of sex, age, race, national origin, mental and physical disability, or medical  
22 condition, and to refrain from exposing Plaintiff or any employee to a hostile work environment based  
23 on discrimination.

24 122. During the course of Plaintiff's employment, Defendants created and allowed to exist a  
25 hostile work environment, and discriminated against and harassed Plaintiff in a continuous and  
26 persistent manner on the basis of her sex, her race, her national origin and her diagnosed work-related  
27 physical disability and/or medical condition, as alleged above.

28 ///

1 123. Such harassment of Plaintiff was in violation of Government Code §12940, et seq.  
2 Defendants engaged in the aforementioned unlawful actions, including but not limited to retaliation and  
3 harassment of Plaintiff on the basis of her sex, race, national origin and disability, and in retaliation for  
4 complaining about discrimination and harassment.

5 124. As alleged herein, within the time frame provided by law, Plaintiff filed complaints of  
6 discrimination, harassment and retaliation with the EEOC, who cross-filed her complaints with the  
7 California Department of Fair Employment and Housing. DFEH issued its Notice of Right-to-Sue  
8 notice pursuant to Govt. Code §12965 on May 13, 2010. A true and correct copy of the Notice of  
9 Right-to-Sue is attached hereto as Exhibit "B" and incorporated herein by this reference as if set forth at  
10 length in its entirety. Plaintiff satisfied the administrative requirements with the DFEH and this suit is  
11 timely filed.

12 125. As a result of Defendants' conduct Plaintiff suffered damages as set forth in this  
13 complaint.

14 126. As a proximate result of Defendants' discrimination, harassment and retaliation against  
15 Plaintiff, she has suffered and continues to suffer humiliation, emotional distress, loss of reputation, and  
16 mental and physical pain and anguish, that has required and will require the treatment of medical  
17 professionals, all to her damage in a sum to be established according to proof.

18 127. Plaintiff has also been required to retain attorneys to defend her legal rights and to  
19 recover damages for Plaintiff's injuries and she is therefore entitled to an award of attorneys' fees and  
20 costs to prosecute this action in accord with law and pursuant to Cal. Govt. Code §12940 and other  
21 applicable State and Federal statutes.

22 128. As a result of Defendants' deliberate, outrageous, malicious and despicable conduct as  
23 alleged herein, Plaintiff is entitled to an award of punitive and exemplary damages in an amount  
24 sufficient to punish and to deter such wrongdoing.

25 WHEREFORE, Plaintiff prays for damages and judgment as set forth herein.

26 ///

27 ///

28 ///

1 **TENTH CAUSE OF ACTION**

2 **Cal. Govt. Code §12940(k)**

3 **Failure to Take Reasonable Steps to Prevent Discrimination and Harassment**

4 129. Plaintiff refers to those allegations set forth in Paragraphs 1 - 128 above and  
5 incorporates the same by reference as though fully set forth at length herein in their entirety.

6 130. At all times mentioned in this complaint, Government Code §12940(k) was in full force  
7 and effect and was binding on Defendants. This law requires Defendants to take all reasonable steps  
8 necessary to prevent discrimination and harassment from occurring, including discrimination and  
9 harassment based on sex, age, race, national origin, and physical disability or medical condition.

10 131. Defendants, and each of them, violated this law by failing to take all reasonable steps  
11 necessary to prevent the discrimination and harassment against Plaintiff from occurring, despite  
12 repeated requests by Plaintiff.

13 132. Plaintiff timely complied with all EEOC administrative prerequisites to bringing this suit  
14 and has timely filed this suit upon receipt of the EEOC right to sue letters alleged herein.

15 133. As a result of Defendants' conduct Plaintiff suffered damages as set forth in this  
16 complaint.

17 134. As a proximate result of Defendants' discrimination, harassment and retaliation against  
18 Plaintiff, she has suffered and continues to suffer humiliation, emotional distress, loss of reputation, and  
19 mental and physical pain and anguish, that has required and will require the treatment of medical  
20 professionals, all to her damage in a sum to be established according to proof.

21 135. Plaintiff has also been required to retain attorneys to defend her legal rights and to  
22 recover damages for Plaintiff's injuries and she is therefore entitled to an award of attorneys' fees and  
23 costs to prosecute this action in accord with law and pursuant to Cal. Govt. Code §12940 and other  
24 applicable State and Federal statutes.

25 136. As a result of Defendants' deliberate, outrageous, malicious and despicable conduct as  
26 alleged herein, Plaintiff is entitled to an award of punitive and exemplary damages in an amount  
27 sufficient to punish and to deter such wrongdoing.

28 WHEREFORE, Plaintiff prays for damages and judgment as set forth herein.

1 **ELEVENTH CAUSE OF ACTION**

2 **Failure to Provide Reasonable Accommodation to Disabled Employee –**

3 **Cal. Govt. Code §12940(m)**

4 137. Plaintiff refers to those allegations set forth in Paragraphs 1 - 136 above and  
5 incorporates the same by reference as though fully set forth at length herein in their entirety.

6 138. At all times herein mentioned, Cal. Government Code §12940, *et seq.* was in full force  
7 and effect and binding upon Defendants. These statutes make it an unlawful employment practice for  
8 any employer to discriminate against any employee on the basis of disability or medical condition or to  
9 fail to reasonably accommodate a disabled employee to allow them to return to work and in their  
10 employment.  
11

12 139. Defendants, and each of them, were on written notice from Plaintiff's doctor that she  
13 suffered from work-related disability or medical condition.  
14

15 140. Plaintiff was able to perform the essential job duties with reasonable accommodation for  
16 her disability or medication condition.

17 141. Defendants failed to provide reasonable accommodation to Plaintiff, a disabled  
18 employee or an employee with a medical condition, by reducing her workload and ameliorating the  
19 hostile work environment.  
20

21 142. Plaintiff timely complied with all DFEH administrative prerequisites to bringing this suit  
22 and has timely filed this suit upon receipt of the DFEH right to sue letters alleged herein.

23 143. As a result of Defendants' conduct Plaintiff suffered damages as set forth in this  
24 complaint.  
25

26 144. As a proximate result of Defendants' discrimination, harassment and retaliation against  
27 Plaintiff, she has suffered and continues to suffer humiliation, emotional distress, loss of reputation, and  
28

1 mental and physical pain and anguish, that has required and will require the treatment of medical  
2 professionals, all to her damage in a sum to be established according to proof.

3  
4 145. Plaintiff has also been required to retain attorneys to defend her legal rights and to  
5 recover damages for Plaintiff's injuries and she is therefore entitled to an award of attorneys' fees and  
6 costs to prosecute this action in accord with law and pursuant to Cal. Govt. Code §12940 *et seq.* and  
7 other applicable State and Federal statutes.

8  
9 146. As a result of Defendants' deliberate, outrageous, malicious and despicable conduct as  
10 alleged herein, Plaintiff is entitled to an award of punitive and exemplary damages in an amount  
11 sufficient to punish and to deter such wrongdoing.

12 WHEREFORE, Plaintiff prays for damages and judgment as set forth herein.

13  
14 **TWELFTH CAUSE OF ACTION**

15 **Failure to Engage In the Interactive Process with Disabled Employee**

16 **Cal. Govt. Code §12940(n)**

17 147. Plaintiff refers to those allegations set forth in Paragraphs 1 - 146 above and  
18 incorporates the same by reference as though fully set forth at length herein in their entirety.

19 148. At all times herein mentioned, Cal. Government Code §12940, *et seq.* was in full force  
20 and effect and binding upon Defendant. These statutes make it an unlawful employment practice for  
21 any employer to discriminate against any employee on the basis of disability or medical condition or to  
22 fail to reasonably accommodate a disabled employee to allow them to return to work and in their  
23 employment.  
24

25 149. Defendant was on written notice from Plaintiff's doctor that she suffered from work-  
26 related illness.  
27

28 ///

1 150. Plaintiff requested that Defendant make reasonable accommodation for her disability or  
2 medical condition so that she would be able to perform the essential job requirements.

3 151. Plaintiff was, and continues to be, willing to participate in an interactive process to  
4 determine whether reasonable accommodation could be made so that she would be able to perform the  
5 essential job requirements.  
6

7 152. Defendant failed to participate in a timely, good-faith interactive process with Plaintiff  
8 to determine whether reasonable accommodation could be made.

9 153. Plaintiff timely complied with all DFEH administrative prerequisites to bringing this suit  
10 and has timely filed this suit upon receipt of the DFEH right to sue letters alleged herein.  
11

12 154. As a result of Defendant's conduct Plaintiff suffered damages as set forth in this  
13 complaint.

14 155. As a proximate result of Defendant's discrimination, harassment and retaliation against  
15 Plaintiff, she has suffered and continues to suffer humiliation, emotional distress, loss of reputation, and  
16 mental and physical pain and anguish, that has required and will require the treatment of medical  
17 professionals, all to her damage in a sum to be established according to proof.  
18

19 156. Plaintiff has also been required to retain attorneys to defend her legal rights and to  
20 recover damages for Plaintiff's injuries and she is therefore entitled to an award of attorneys' fees and  
21 costs to prosecute this action in accord with law and pursuant to Cal. Govt. Code §12940 *et seq.* and  
22 other applicable State and Federal statutes.  
23

24 157. As a result of Defendant's deliberate, outrageous, malicious and despicable conduct as  
25 alleged herein, Plaintiff is entitled to an award of punitive and exemplary damages in an amount  
26 sufficient to punish and to deter such wrongdoing.  
27

28 WHEREFORE, Plaintiff prays for damages and judgment as set forth herein.

1 **THIRTEENTH CAUSE OF ACTION**

2 **Age Discrimination in Employment– Cal. Govt. Code §12941 *et seq.***

3 158. Plaintiff refers to those allegations set forth in Paragraphs 1 - 157 above and  
4 incorporates the same by reference as though fully set forth at length herein in their entirety.

5 159. At all times herein alleged, the Cal. Govt. Code §12941 was in full force and effect and  
6 binding upon Defendant. The Act makes it an unlawful employment practice to fail or refuse to hire an  
7 individual or to otherwise discriminate against any individual in her compensation, terms, conditions or  
8 privileges of employment because of that individual's age. The law also prohibits an employer to limit,  
9 segregate, or classify employees in any way which would deprive or tend to deprive any individual of  
10 employment opportunities or otherwise adversely affect her status as an employee because of such  
11 individual's age.

12 160. Defendant engaged in the aforementioned unlawful actions, including but not limited to  
13 the refusal to hire Plaintiff for the position for which she applied and for which she was most qualified,  
14 and the harassment of Plaintiff based on her age.

15 161. Plaintiff timely complied with all DFEH administrative prerequisites to bringing this suit  
16 and has timely filed this suit upon receipt of the DFEH right to sue letter alleged herein.

17 162. As a result of Defendant's conduct Plaintiff suffered damages as set forth in this  
18 complaint.

19 163. As a proximate result of Defendant's discrimination, harassment and retaliation against  
20 Plaintiff, she has suffered and continues to suffer humiliation, emotional distress, loss of reputation, and  
21 mental and physical pain and anguish, that has required and will require the treatment of medical  
22 professionals, all to her damage in a sum to be established according to proof.

23 164. Plaintiff has also been required to retain attorneys to defend her legal rights and to  
24 recover damages for Plaintiff's injuries and she is therefore entitled to an award of attorneys' fees and  
25 costs to prosecute this action in accord with law and pursuant to Cal. Govt. Code §12940 *et seq.* and  
26 other applicable State and Federal statutes.

27 ///

28 ///



1 165. As a result of Defendant's deliberate, outrageous, malicious and despicable conduct as  
2 alleged herein, Plaintiff is entitled to an award of punitive and exemplary damages in an amount  
3 sufficient to punish and to deter such wrongdoing.

4 WHEREFORE, Plaintiff prays for damages and judgment as set forth herein.

5 **FOURTEENTH CAUSE OF ACTION**

6 **Retaliation in Violation of the FEHA – Cal. Govt. Code §12940 *et seq.***

7 166. Plaintiff refers to those allegations set forth in Paragraphs 1-165 above and  
8 incorporates the same by reference as though fully set forth at length herein in their entirety.

9 167. California's Fair Employment and Housing Act, Cal. Govt. Code §12940 *et seq.*, makes  
10 it an unlawful for an employer to discriminate against any employees or applicants for employment  
11 because such individual or applicant has opposed any practice made unlawful by the FEHA, or because  
12 such individual or applicant has made a charge, testified, assisted, or participated in any manner in an  
13 investigation, proceeding, or litigation under the FEHA.

14 168. Plaintiff engaged in conduct protected under the FEHA. Specifically, Plaintiff opposed  
15 discrimination and harassment made unlawful by the FEHA to Defendant, made a charge of  
16 discrimination to the DFEH, and participated in the EEOC investigation, among other protected  
17 conduct.

18 169. Defendant discriminated against Plaintiff for engaging in protected conduct and  
19 subjected Plaintiff to adverse employment actions, including but not limited to harassment, retaliation,  
20 AND further discrimination in retaliation for the complaints she made about unlawful discrimination by  
21 Defendants.

22 170. Plaintiff timely complied with all DFEH administrative prerequisites to bringing this suit  
23 and has timely filed this suit upon receipt of the DFEH right to sue letter alleged herein.

24 171. As a result of Defendant's conduct Plaintiff suffered damages as set forth in this  
25 complaint.

26 172. As a further result of Defendant's discrimination, harassment and retaliation against  
27 Plaintiff, she has suffered and continues to suffer humiliation, emotional distress, loss of reputation, and  
28 mental and physical pain and anguish, that has required and will require the treatment of medical

1 professionals, all to her damage in a sum to be established according to proof.

2 173. Plaintiff has also been required to retain attorneys to defend her legal rights and to  
3 recover damages for Plaintiff's injuries and she is therefore entitled to an award of attorneys' fees and  
4 costs to prosecute this action in accord with law and pursuant to Cal. Govt. Code §12940 *et seq.* and  
5 other applicable State and Federal statutes.

6 174. As a result of Defendant's deliberate, outrageous, malicious and despicable conduct as  
7 alleged herein, Plaintiff is entitled to an award of punitive and exemplary damages in an amount  
8 sufficient to punish and to deter such wrongdoing.

9  
10 WHEREFORE, Plaintiff prays for damages and judgment as set forth herein.

11  
12 **FIFTEENTH CAUSE OF ACTION**  
13 **Retaliation in Violation of Public Policy**

14 175. Plaintiff refers to those allegations set forth in Paragraphs 1 - 174 and incorporate the  
15 same by reference as though fully set forth at length herein in their entirety.

16  
17 176. At the time of the allegations as set forth in this complaint, it was and is the public  
18 policy of this State to protect workers from discrimination and retaliation against an employee because  
19 that employee has reported a work related injury or their intent to seek redress for a work related injury,  
20 as codified in California Labor Code §§98.6, 132(a) and other statutes.

21  
22 177. At the time of the allegations as set forth in this complaint, it was and is the public  
23 policy of this State that no person shall discharge or in any manner discriminate against any employee  
24 because the employee has made any oral or written complaint with reference to employee safety or  
25 health to his or her employer or his or her representative. This public policy is codified in California  
26 Labor Code §6310 and other statutes.

27  
28 ///

1 178. In doing the acts and omissions complained of herein, Defendant unlawfully  
2 discriminated and retaliated against Plaintiff because Plaintiff reported a work related injury.

3 179. As a result of Defendant's conduct Plaintiff suffered damages as set forth in this  
4 complaint.  
5

6 180. As a further result of Defendant's conduct, Plaintiff has suffered and continues to suffer  
7 humiliation, emotional distress, loss of reputation, and mental and physical pain and anguish, that has  
8 required and will require the treatment of medical professionals, all to her damage in a sum to be  
9 established according to proof.  
10

11 181. Plaintiff has also been required to retain attorneys to defend her legal rights and to  
12 recover damages for Plaintiff's injuries and she is therefore entitled to an award of attorneys' fees and  
13 costs to prosecute this action in accord with applicable State and Federal statutes.

14 182. As a result of Defendant's deliberate, outrageous, malicious and despicable conduct as  
15 alleged herein, Plaintiff is entitled to an award of punitive and exemplary damages in an amount  
16 sufficient to punish and to deter such wrongdoing.  
17

18 WHEREFORE, Plaintiff prays for damages and judgment as set forth herein.

19 **PRAYER**

20 WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

- 21
- 22 1. For compensatory damages and other economic damages according to proof;
  - 23 2. For general damages according to proof;
  - 24 3. For mental and emotional distress damages according to proof;
  - 25 4. For special damages according to proof;
  - 26 5. For treble damages on FEHA claims as allowed by law;
  - 27 6. For punitive damages;

28 ///

1           7.       For declaratory and/or injunctive relief to award Plaintiff the employment position, pay  
2 and benefits of which she has been deprived as a result of Defendant's unlawful conduct, and to make  
3 appropriate injunctive orders regarding the correction of discriminatory and retaliatory practices and  
4 procedures by Defendant;

5           8.       For reasonable attorney's fees and costs of suit as permitted by statute - including ADEA  
6 and FEHA claims - according to proof;

7           9.       For prejudgment interest at the legal rate according to proof;

8           10.      For such other and further relief as the court may deem just and proper.  
9

10 DATED: August 17, 2012

JOHN F. PRENTICE & ASSOCIATES, P.C.

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12 

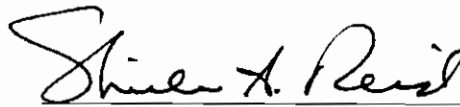
13 John F. Prentice, Esq.  
14 Sheila A. Reid, Esq.  
15 Attorneys for Plaintiff  
16 JULIETA G. LUDOVICO

17 **DEMAND FOR JURY TRIAL**

18 Plaintiff demands a jury trial.

19 DATED: August 17, 2012

JOHN F. PRENTICE & ASSOCIATES, P.C.

20  
21 

22 John F. Prentice, Esq.  
23 Sheila A. Reid, Esq.  
24 Attorneys for Plaintiff  
25 JULIETA G. LUDOVICO  
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27  
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