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9 Attorney for Plaintiff
10 **LENA WILLIAMS**

11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA/WEST DISTRICT**

13 LENA WILLIAMS,
14 Plaintiff,

15 vs.

16 KAISER PERMANENTE MEDICAL
17 CENTER A.K.A. SOUTHERN
18 CALIFORNIA PERMANENTE
19 MEDICAL GROUP, A.K.A. KAISER
20 FOUNDATION HOSPITALS, and
21 DOES 1 through 10, Inclusive,
22 Defendants.

Case No. _____

**PLAINTIFF LENA WILLIAMS’
VERIFIED COMPLAINT FOR
DAMAGES AND EQUITABLE
RELIEF**

DEMAND FOR JURY TRIAL

23 **I. NATURE OF CASE –BACKGROUND FACTS**

24 This complaint arises from the erroneous dismissal of Plaintiff’s employment
25 based on her race, age, and, retaliation because she engaged in a protected activity
26 of complaining about the unlawful discrimination, both internally and externally,
27 and filing a lawsuit, and based on the employer’s refusal to reinstate.

28 Lena Williams (“Williams or Plaintiff”), an African-American who is over
the age 50 years, was hired in 1999 as a Registered Nurse (“RN”) and resigned from

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1 her position as a nurse at Kaiser in 2006 because she had breast cancer. Before
2 resigning, she was considered a good nurse who performed her duties well. After
3 Williams' breast-cancer surgery, in December 2007, she sought to work at Kaiser
4 again and was interviewed and hired after her treatments for breast cancer. Her
5 evaluations had always been good. Even the charge nurse Grace Rupac testified
6 during a deposition that Williams performed her duties well. When she returned,
7 however, she noticed most all of the black employees in the Step-Down Unit
8 ("SDU") where she was assigned had been fired or transferred to another Kaiser
9 Hospital facility. Williams was the only black RN in the SDU when she returned to
10 her employment with Kaiser. The one black secretary who was present when
11 Williams returned, "Annette," was subsequently suspended and then fired. Primarily
12 comprising of 95 per cent of the RNs in the SDU, Filipino nurses replaced the black
13 nurses, but there were also whites and Hispanics. Plaintiff remained and was the
14 only black RN. Yvonne Roddy who hired Williams back after her cancer surgery
15 was black and was subsequently forced to leave. In 2010, Williams was subjected to
16 a campaign of surveillance, heightened scrutiny, threats of firing, isolation, false
17 complaints of negligence, and secret documents placed in her personnel file.

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24 Williams even discovered a charge nurse Antonio "Tony" Ruvalcaba
25 ("Ruvalcaba"), who routinely hollered and shouted at her in front of other patients
26 and employees, saying she was going to be fired because of her negligence and
27 would be replaced by a Filipino nurse. Williams was also afraid for her personal
28

1 safety not only because of the manner in which Ruvalcaba treated her but also
2 because he carried a knife and a knife sharpener daily at work. The other nurses
3 were giving false, secret written complaints to the administration about Williams
4 and telling patients and the patients' families to also complain about her because
5 Williams was purportedly negligent, unprofessional, and an irresponsible nurse.
6

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8 Adhering to the policy of Kaiser, Williams went to the Human Resources
9 Department in 2010 to file complaints because she feared she would lose her job
10 because of the threats of firing her and because of the threats presented by
11 Ruvalcaba in bringing a weapon to the workplace. Additionally, she believed her
12 professional reputation of over 20 years was being ruined by those who no longer
13 wanted Williams to work in the SDU at Kaiser. After two separate meetings with
14 Arlene Zepeda in Human Resources, nothing was done. Kaiser did not engage in
15 any investigation of Williams being harassed in the workplace because she was the
16 only black in the SDU and had been threatened with getting her fired.
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20 On February 27, 2011, as a result of the lack of any investigation regarding
21 her complaints, Williams wrote a letter to Scholastica Ogmaka ("Ogmaka"),
22 complaining about a charge nurse discussing personnel, professional matters
23 regarding Williams. This complaint only caused more retaliation in the workplace
24 against Williams, including the threats from the other RNs Williams was going to be
25 fired.
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28 Williams was, once again, being falsely blamed regarding patient care. As

1 Williams stated in the letter, “Lack of a through (sic) investigation of the facts and
2 unfair judgment of the charge and the house supervisor could lead to a HR
3 harassment investigation and fosters a hostile work environment.” Although
4 nothing was done about any investigation she requested, Williams’ managers and
5 co-workers continued to threaten her with termination.
6

7
8 **II. JURISDICTION AND VENUE**

9 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331,
10 1337, 1343, and 1391. This action is authorized and instituted pursuant to 20 U.S.C.
11 1706 requiring the appropriate United States District Court to exercise jurisdiction.
12 42 U.S.C. § 1981, Civil Rights Act of 1991, as amended, states that employment
13 discrimination and retaliation cases may be filed in the United States District Court.
14 This Court has pendent jurisdiction over plaintiff’s state claims, both administrative
15 and common law, because they arise out of the same nucleus of common facts on
16 which plaintiff’s federal discrimination claims are based. Pursuant to 28 U.S.C.
17 § 1367(s), federal courts have the discretion to adjudicate state-law claims that are
18 transactionally related to the federal claims.
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22 2. Plaintiff has suffered and continues to suffer actual injuries as a result of the
23 intentional, malicious, and unlawful conduct on the part of the above-named
24 defendants. The injuries can be traced to the challenged action and conduct in this
25 matter. Lena Williams has a personal stake in the outcome of this action and hereby
26 joins her request for recovery pursuant to 42 U.S.C. § 1981, the California Fair
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1 Employment and Housing Act (“FEHA”) and has received her Department of Fair
2 Employment and Housing (“DFEH”) right-to-sue notice, and the common laws of
3 the State of California. Attached as Exhibit “A” is a true copy of the complaint filed
4 with the DFEH and attached as Exhibit “B” is a true copy of the right-to-sue notice
5 from the DFEH dated September 08, 2015. Also attached as Exhibit “C” is
6 Plaintiff’s verification.
7

8 Additionally,

9
10 a. Plaintiff resides within the jurisdiction of the United States District Court
11 in and for the Central District of California.

12
13 b. Kaiser is doing business within the jurisdiction of the United States
14 District Court/Central District.
15

16 **III. OVERVIEW OF THE RELEVANT FACTS**

17 Breaks were taken at various times in the SDU. On July 30, 2011, when
18 Williams needed the assistance from the other RNs, they refused because they were
19 all in the breakroom on lunch or just heating their food. There were four nurses
20 assigned at this time with each nurse having two patients. At the same time,
21 Williams’ two patients with both had acute needs. One of Williams’ patients was
22 post surgery with strict orders from the surgeon that he had to remain in bed. The
23 patient was on a narcotic intervention for post-surgery pain, Dilaudid, was unstable
24 on his feet, trying to get out of the bed, and defecating on the bed and floor.
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28 Williams’ other patient needed an insulin injection and was also a high-risk patient.

1 This patient's hypoglycemia was the cause of this patient's worsening, unresponsive
2 condition. Williams went to the breakroom and pled assistance, but the other RNs
3 refused. On August 12, 2011, Williams was suspended for incompetence and gross
4 negligence. On November 30, 2014, Kaiser terminated Williams. On December 22,
5 2014, Kaiser filed a complaint with the Board of Registered Nursing ("BRN")
6 claiming Williams was incompetent and grossly negligence. On October 01, 2015,
7 the BRN withdrew the accusation, over the objection of Kaiser, for BRN Case No.
8 2015-505. Williams requested reinstatement pursuant to the negotiated Union
9 contract and the policy of Kaiser which was expressly stated as returning her to the
10 position she held if the allegations were false. However, Kaiser went against its
11 own policy and denied Williams' request.

12 Ogmaka, the actual manager of the SDU, had rated Williams as an
13 "expert" in Williams' critical thinking which is a mandatory requirement for
14 registered nurses. However, Kaiser and its agents finally got the opportunity to get
15 rid of Williams by first placing her on a three-and-one-half years suspension before
16 firing her. As a result of her termination, Williams has suffered the ultimate adverse
17 employment action.

18 Not only did Kaiser fail to follow Kaiser's policy with regard to
19 Williams complaints, i.e. "If the investigation results conclude that you have not
20 violated policy, procedures, or other standards and rules established by the
21 Employer, you will be returned to work.", Kaiser also breached the negotiated
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1 Union contract and violated state and federal laws designed to protect Williams’
2 civil rights.
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5 **STATEMENT OF FEDERAL AND STATE CLAIM**

6 **FIRST CLAIM FOR RELIEF**

7
8 (Violation of Public Policy Against Wrongful Termination

9 In Violation of the Civil Rights Act of 1991, as Amended;

10 the California Constitution, Article I, § 8, and the California

11 Government Code § 12940(a) for Race/Ethnic Origin Discrimination)

12
13 1. The allegations and attachments set forth above in Sections I, II, and III,
14 inclusive, are incorporated into this claim for relief by reference as if set forth in
15 full.
16

17 2. Plaintiff is an American of African descent and was the only black
18 RN working in the SDU.

19
20 3. Plaintiff was retaliated against because she participated in
21 requesting and complaining about the discriminatory treatment against her and had
22 filed a lawsuit based on race discrimination against Kaiser before her termination.
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24 WHEREFORE, plaintiff demands judgment against defendant Kaiser.
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STATEMENT OF A FEDERAL CLAIM

SECOND CLAIM FOR RELIEF

(Violation of the Civil Rights Act of 1866

[As Amended, 42 U.S.C. § 1981])

4. The allegations and attachments set forth above in Sections I, II, III, and paragraphs 1 through 3 , inclusive, are incorporated into this claim for relief by reference as if set forth in full.

5. Section 1981 provides that all persons within the jurisdiction of the United States must be afforded the same rights and the full and equal benefit of all laws and proceedings for the security of persons and property enjoyed by white citizens regardless of race. Section 1981 covers discrimination not only in the formation of a contract but also during the duration and life of the contract.

6. Plaintiff was terminated and denied reinstatement in violation of the laws of the United States because she is an African American. No other nonblack employee was treated in this manner as Plaintiff.

WHEREFORE, plaintiff requests relief as set forth below.

STATEMENT OF STATE CLAIM

THIRD CLAIM FOR RELIEF

(Violation of the California Government Code, §12900, et seq.

for Age Discrimination in Employment)

7. The allegations and attachments set forth above in Sections I, II, III, and

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1 paragraphs 1 through 6, inclusive, are incorporated into this claim for relief by
2 reference as if set forth in full.

3
4 8. Plaintiff is over the age of 50 years and has been discriminated against
5 because of her age. She performed her job duties well and was complimented on
6 her critical-thinking skills and called an expert by her supervisors. Despite these
7 facts regarding Plaintiff's performance, she was terminated and denied reinstatement
8 even though the State of California concluded, i.e. the BRN, Plaintiff did nothing
9 wrong.
10

11
12 WHEREFORE, plaintiff demands judgment against defendant Kaiser.

13 **STATEMENT OF STATE CLAIM**

14 **FOURTH CLAIM FOR RELIEF**

15 (Violation of the California Government Code, §12900, et seq.)

16 Failure To Prevent Discrimination in Employment)

17
18 9. The allegations and attachments set forth above in Sections I, II, III, and
19 paragraphs 1 through 8, inclusive, are incorporated into this claim for relief by
20 reference as if set forth in full.
21

22 10. Plaintiff has established that discrimination occurred and that Kaiser failed
23 to prevent the discrimination from occurring.
24

25 11. Kaiser did not take all reasonable steps to prevent the discrimination from
26 occurring.
27

28 WHEREFORE, plaintiff demands judgment against defendant Kaiser.

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STATEMENT OF STATE CLAIM

FIFTH CLAIM FOR RELIEF

(Intentional Infliction of Emotional Distress)

12. The allegations and attachments set forth above in Sections I, II, and III and paragraphs 1 through 11, inclusive, are incorporated into this claim for relief by reference as if set forth in full.

13. Plaintiff was harassed, retaliated against, threatened with termination, terminated, and denied reinstatement when she did nothing wrong. She was treated this way because of her complaints and protesting the discrimination against her based on race and age discrimination. The retaliation and harassment leveled against her were in violation of the California Fair Employment and Housing Act.

14. Defendant acted with (1) the intent to inflict the injury upon Plaintiff and (2) the realization that the injury of losing her job was substantially certain to result from Defendants' conduct, most especially because of Plaintiff's race. Plaintiff's emotional distress was and is now severe, substantial and enduring and was actually caused by the Defendant's pervasive and professionally unlawful conduct.

15. As a direct and proximate result of Defendant's action against Plaintiff, as alleged above, Plaintiff has suffered special damages, including but not limited to loss of wages, bonuses, deferred compensation, and other employment benefits, in

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1 an amount to be proven at the time of trial, in excess of the minimum jurisdictional
2 requirements of this Court.

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4 16. Unlike other similarly situated RNs, Defendant used Plaintiff's
5 race/ethnic origin in order to discriminate against her, placed her on a **3 ½ years**
6 suspension, told other employees Plaintiff was incapable, incompetent, and grossly
7 negligent, terminated her, tried to get the BRN to take her license so that Plaintiff
8 could no longer be an RN, and refused to reinstate Plaintiff in violation of Kaiser's
9 own policies and procedures. Defendant even took advantage of the fact Plaintiff
10 has cancer which has been exacerbated.

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13 17. As a further direct and proximate result of Defendants' unlawful
14 discrimination against Plaintiff, as aforesaid, Plaintiff has sustained general damages
15 for severe physical, mental, and emotional injuries, distress, harm and damages in an
16 amount to be proven at the time of trial, in excess of the minimum jurisdictional
17 requirements of this Court.

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20 WHEREFOE, Plaintiff demands judgment which is more fully stated below.

21 **STATEMENT OF STATE CLAIM**

22 **SIXTH CLAIM FOR RELIEF**

23
24 (Negligent Infliction of Emotional Distress)

25 18. The allegations and attachments set forth above in Sections I, II, and III
26 paragraphs 1 through 17, inclusive, are incorporated into this claim for relief by
27 reference as if set forth in full.
28

1 19. Because of the special relationship between an employer and employee
2 and the policy of the State of California to prevent prohibited racial and national-
3 original discrimination, age discrimination, retaliation and harassment in the
4 workplace, Defendant owed a duty to Plaintiff to provide a workplace free from
5 racial, national-origin, age, and retaliation discrimination against Plaintiff.
6

7
8 20. Kaiser breached its duty of care which was the proximate cause of the
9 injuries suffered by Plaintiff because she is an African American female over the
10 age of 50 years.
11

12 WHEREFORE, Plaintiff seeks these remedies and further relief as stated
13 below.
14

15 **STATEMENT OF STATE CLAIM**

16 **SEVENTH CLAIM FOR RELIEF**

17 (Breach of Contract)
18

19 21. The allegations and attachments set forth above in Sections I, II, and III
20 and paragraphs 1 through 20, inclusive, are incorporated into this claim for relief by
21 reference as if set forth in full.
22

23 22. Plaintiff and Defendant agreed to the obligations as stated expressly
24 within the Union contract and Kaiser policies and orally. Plaintiff would only be
25 terminated for good cause and not because of her protected classification and rights.
26

27 23. Plaintiff had a duty to perform as a RN, and she performed her duties and
28 was complimented on her performance.

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1 24. Defendant breached its duty when it terminated Plaintiff for other than
2 good cause and did so with malice and intentional bad faith.

3
4 WHEREFORE, Plaintiff seeks compensatory damages an amount which will
5 compensate plaintiff for all detriment proximately caused by the breach or which, in
6 the ordinary course of things, would be likely to result from the breach.
7

8
9 **DEMAND FOR JURY TRIAL**

10 Plaintiff hereby demands a trial by jury in this matter.
11

12
13
14 **PRAYER FOR RELIEF**

- 15 1. **Issue a permanent injunction** instructing Kaiser to reinstate Plaintiff.
- 16 2. **Issue a declaration of rights** declaring that Defendant’s retaliatory
17 conduct as alleged in this complaint violates
18
- 19 3. An award of monetary damages sufficient to fully compensate Plaintiff for
20 all losses she has suffered as a direct and proximate result of Kaiser’s unequal,
21 discriminatory, and retaliatory treatment of her.
22
- 23 4. An award of monetary damages sufficient to fully compensate Russell-
24 Thomas for emotional trauma suffered by her, including damages for mental
25 distress, emotional pain, loss of enjoyment of life, and other nonpecuniary losses.
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- 27 5. An award of monetary damages as mandated by civil rights laws, both
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federal and state.

6. An award of monetary damages as mandated by the Fair Employment and Housing Act with a lodestar application.

7. An award of costs, including attorneys’ fees pursuant to California Code of Civil Procedure, § 1021.5; 42 U.S.C., § 1988 and any other applicable statutes for attorneys’ fees.

8. An award of costs, including attorneys’ fees, to cover all of Lena Williams actual costs.

9. An award of punitive damages.

10. An award of damages pursuant to other relevant provisions of law.

11. An award of such other and further relief as the Court considers proper and just.

Dated: July 13, 2016

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By: /s/ Gloria Dredd Haney
Gloria Dredd Haney
Attorney for Plaintiff
LENA WILLIAMS

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Verification

I, LENA WILLIAMS, DECLARE AS FOLLOWS:

I am the Plaintiff in the above-entitled action and make this verification for the Complaint in this matter. I have read the foregoing Complaint and know of its contents. The same is true of my own knowledge, except as to those matters which are therein stated on information and belief and as to those matters I believe to be true from my own observation.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed the 13th day of July 2016 in Covina, California 91724.

See Exhibit "C" attached herein.
Declarant

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Courthouse News Service

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