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6 Attorneys for Plaintiff BRENDA MARTIN

FILED
Superior Court of California
County of Los Angeles

APR 11 2017

Sherri R. Carter, Executive Officer/Clerk
By *[Signature]* Deputy
Nancy Alvarez

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES - CENTRAL DISTRICT**

BC 6 5 7 6 6 7

11 BRENDA MARTIN, an individual;
12 Plaintiff,

CASE NO.:
COMPLAINT FOR DAMAGES

13 v.

14 KAISER PERMANENTE, an entity of
unknown provenance; SOUTHERN
15 CALIFORNIA PERMANENTE MEDICAL
GROUP, INC., a corporation doing business as
16 KAISER PERMANENTE; KAISER
FOUNDATION HOSPITALS, a corporation
17 doing business as KAISER PERMANENTE;
KAISER FOUNDATION HEALTH PLAN,
18 INC., a corporation doing business as
KAISER PERMANENTE; THE
19 PERMANENTE MEDICAL GROUP, INC.,
a corporation doing business as KAISER
20 PERMANENTE; and DOES 1 through 70,
21 inclusive,
22 Defendants.

1. Employment Discrimination (Gov. Code §12940(a));
2. Failure to Engage in a Timely, Good Faith Interactive Process (Gov. Code §12940(n));
3. Failure to Provide Reasonable Accommodation (Gov. Code §12940(m));
4. Retaliation (Gov. Code §§12940(h), 12945.2);
5. Failure to Take All Reasonable Steps Necessary to Prevent Discrimination from Occurring (Gov. Code § 12940(k));
6. Wrongful Termination in Violation of Public Policy; and
7. Intentional Infliction of Emotional Distress

Amount demanded exceeds \$25,000.00
[UNLIMITED CIVIL CASE]

DEMAND FOR JURY TRIAL

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RECEIVED: 04/11/17 10:32 AM
DATE PAID: 04/17/17 310
PAYMENT: \$435.00
CHECK: \$0.00
CASH: \$0.00
CHANGE: \$0.00
CARD: \$435.00

CIT/CASE: BC657667
LEA/DEF#:

Plaintiff's Complaint for Damages.wpd - Page 1

1 Plaintiff, BRENDA MARTIN, alleges as follows:

2 **GENERAL ALLEGATIONS**

3 1. At all times mentioned in this Complaint, Plaintiff BRENDA MARTIN (hereinafter
4 referred to as "PLAINTIFF") was, and is, an individual residing in California.

5 2. PLAINTIFF is informed and believes, and based thereon alleges, that at all times
6 mentioned in this Complaint, Defendant KAISER PERMANENTE was, and is, an entity of unknown
7 provenance with its principal place of business and corporate headquarters located in Los Angeles
8 County, California.

9 3. PLAINTIFF is informed and believes, and based thereon alleges, that at all times
10 mentioned in this Complaint, Defendant SOUTHERN CALIFORNIA PERMANENTE MEDICAL
11 GROUP, INC. was, and is, a corporation, doing business as KAISER PERMANENTE, with its principal
12 place of business and corporate headquarters located in Los Angeles County, California.

13 4. PLAINTIFF is informed and believes, and based thereon alleges, that at all times
14 mentioned in this Complaint, Defendant KAISER FOUNDATION HOSPITALS was, and is, a
15 corporation, doing business as KAISER PERMANENTE, with its principal place of business and
16 corporate headquarters located in Los Angeles County, California.

17 5. PLAINTIFF is informed and believes, and based thereon alleges, that at all times
18 mentioned in this Complaint, Defendant KAISER FOUNDATION HEALTH PLAN, INC. was, and is,
19 a corporation, doing business as KAISER PERMANENTE, with its principal place of business and
20 corporate headquarters located in Los Angeles County, California.

21 6. PLAINTIFF is informed and believes, and based thereon alleges, that at all times
22 mentioned in this Complaint, Defendant THE PERMANENTE MEDICAL GROUP, INC. was, and is,
23 a corporation, doing business as KAISER PERMANENTE, with its principal place of business and
24 corporate headquarters located in Los Angeles County, California.

25 7. PLAINTIFF is informed and believes that Defendants KAISER PERMANENTE,
26 SOUTHERN CALIFORNIA PERMANENTE MEDICAL GROUP, INC. doing business as KAISER
27 PERMANENTE, KAISER FOUNDATION HOSPITALS doing business as KAISER PERMANENTE,
28 KAISER FOUNDATION HEALTH PLAN, INC. doing business as KAISER PERMANENTE, and THE

Plaintiff's Complaint for Damages.wpd - Page 2

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1 PERMANENTE MEDICAL GROUP, INC. doing business as KAISER PERMANENTE (hereinafter
2 collectively referred to as "DEFENDANT EMPLOYERS") acted in the capacity of "dual employers"
3 with respect to PLAINTIFF's employment.

4 8. PLAINTIFF is ignorant of the true names and capacities of Defendants sued herein as
5 DOES 1 through 70, inclusive, and therefore sues these Defendants by such fictitious names.
6 PLAINTIFF will amend this Complaint to allege their true names and capacities when ascertained.
7 PLAINTIFF is informed and believes, and thereon alleges, that each of these fictitiously named
8 Defendants is responsible in some manner for the occurrences herein alleged, and that PLAINTIFF's
9 injuries as herein alleged were proximately caused by the aforementioned Defendants.

10 9. PLAINTIFF is informed and believes and on that basis alleges that, at all relevant times,
11 each of the Defendants, whether named or fictitious, was the agent, employee or alter ego of each of the
12 other Defendants, and in doing the things alleged to have been done in the Complaint, acted within the
13 scope of such agency or employment, or ratified the acts of the other.

14 10. The unlawful employment practices complained of herein occurred in Los Angeles
15 County, California.

16 11. This action is brought pursuant to the Fair Employment and Housing Act (FEHA) —
17 Government Code sections 12900-12996 — and the corresponding regulations promulgated by the
18 California Fair Employment and Housing Council.

19 **FACTUAL ALLEGATIONS**

20 12. PLAINTIFF was hired by DEFENDANT EMPLOYERS as a Compliance Auditor on or
21 about June 2, 2014. On or about September 2, 2014, PLAINTIFF successfully completed her 90 day
22 probationary period.

23 13. On or about September 10, 2014, PLAINTIFF began experiencing back pain. The
24 following day, on or about September 11, 2014, PLAINTIFF was taken to Urgent Care by two co-
25 workers as a result of her back pain.

26 14. On or around September 18, 2014, PLAINTIFF was placed on a protected medical leave
27 of absence by her physician due to physical disabilities.

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Plaintiff's Complaint for Damages.wpd - Page 3

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1 15. Due to her physical disabilities, PLAINTIFF required reasonable accommodation in order
2 to continue to perform her job duties.

3 16. On or about November 20, 2014, PLAINTIFF was placed on modified duty by her
4 physician.

5 17. PLAINTIFF provided the description of the modified duties to DEFENDANT
6 EMPLOYERS.

7 18. Unfortunately, DEFENDANT EMPLOYERS failed to provide reasonable
8 accommodations to allow PLAINTIFF to return to work.

9 19. On or about December 15, 2014, PLAINTIFF once again provided documentation
10 regarding modified duties and, once again, DEFENDANT EMPLOYERS ignored them.

11 20. On or about January 9, 2015, PLAINTIFF received a letter from DEFENDANT
12 EMPLOYERS informing her that she was not eligible for either a medical leave of absence or
13 participation in their Transitional Work Program, an internal program designed to allow employees with
14 temporary work restrictions, like PLAINTIFF, to transition back into the workplace. The letter closed
15 with DEFENDANT EMPLOYERS informing PLAINTIFF that if she did not return to work by January
16 26, 2015, DEFENDANT EMPLOYERS would terminate her employment.

17 21. On or about January 26, 2015, PLAINTIFF returned to work. Later that same day,
18 PLAINTIFF received a document entitled "90 Day Probationary Performance Evaluation" from
19 DEFENDANT EMPLOYERS. The document stated that PLAINTIFF's production was inadequate and
20 that her "attendance has been an issue." DEFENDANT EMPLOYERS also informed PLAINTIFF that
21 she was being reinstated to an additional 90 day probation period.

22 22. On or about March 2, 2015, PLAINTIFF received a "Competency Evaluation" from
23 DEFENDANT EMPLOYERS which was essentially a below average performance review. The
24 "Competency Evaluation" stated that PLAINTIFF's "extended absence contributed to extension of her
25 90 day evaluation period."

26 23. On or about April 17, 2015, PLAINTIFF attended a medical appointment for her back
27 condition where her physician provided her a letter stating that she would benefit from an ergonomic
28 chair evaluation for her work station.

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1 24. Several days later, on or about April 21, 2015, PLAINTIFF provided DEFENDANT
2 EMPLOYERS with the letter requesting an ergonomic chair evaluation.

3 25. Two days after PLAINTIFF requested an ergonomic chair evaluation, on or about April
4 23, 2015, DEFENDANT EMPLOYERS informed PLAINTIFF that her employment was going to be
5 terminated.

6 26. DEFENDANT EMPLOYERS terminated PLAINTIFF's employment the very next day,
7 on or about April 24, 2015.

8 27. PLAINTIFF was fifty-two (52) years of age at the time DEFENDANT EMPLOYERS
9 terminated her employment.

10 28. On or about April 22, 2016, PLAINTIFF exhausted her administrative remedies by timely
11 filing a Complaint of Discrimination with the California Department of Fair Employment & Housing
12 ("DFEH") regarding the claims alleged herein against DEFENDANT EMPLOYERS. The DFEH issued
13 an immediate right-to-sue on April 22, 2016.

14 **FIRST CAUSE OF ACTION**

15 **(Unlawful Discrimination, Pursuant to Government Code § 12940(a),**
16 **Against DEFENDANT EMPLOYERS and Does 1 through 10)**

17 29. PLAINTIFF re-alleges and incorporates paragraphs 1 through 28, inclusive, of this
18 Complaint, as though fully set forth herein.

19 30. Pursuant to Government Code section 12940, subdivision (a), it is an unlawful
20 employment practice for an employer to refuse to hire or employ a person, or to discriminate against a
21 person in the terms, conditions, or privileges of employment on the basis of, among other things, the
22 person's disability and/or perceived disability, and age.

23 31. At all times mentioned in this Complaint, DEFENDANT EMPLOYERS regularly
24 employed fifty or more persons, bringing DEFENDANT EMPLOYERS within the provisions of FEHA
25 (including the California Family Rights Act - "CFRA"), which prohibits employers or their agents from,
26 among other things, discriminating against employees on the basis of the employee's disability and/or
27 perceived disability, or age.

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1 32. At all relevant times mentioned in this Complaint, up to and including the date that
 2 DEFENDANT EMPLOYERS terminated PLAINTIFF's employment and beyond, PLAINTIFF suffered
 3 from physical disabilities which limited at least one major life activity—working. Alternatively,
 4 DEFENDANT EMPLOYERS regarded PLAINTIFF as disabled. DEFENDANT EMPLOYERS were
 5 at all relevant times aware of PLAINTIFF's disability via communication with PLAINTIFF as well as
 6 through PLAINTIFF's medical records.

7 33. At all times mentioned in this Complaint, PLAINTIFF was qualified for, and could
 8 perform the essential functions of, her position or another open position with DEFENDANT
 9 EMPLOYERS, with or without a reasonable accommodation.

10 34. DEFENDANT EMPLOYERS engaged in unlawful employment practices in violation
 11 of FEHA by terminating PLAINTIFF from her position on the basis of PLAINTIFF's disability and/or
 12 perceived disability, age, and for engaging in protected activities.

13 35. PLAINTIFF believes and alleges that PLAINTIFF's disability and/or perceived disability,
 14 age, and her engaging in protected activities, were substantial and determining factors in DEFENDANT
 15 EMPLOYERS' decision to terminate PLAINTIFF's employment and that the given reason was a pretext
 16 for discrimination and retaliation.

17 36. As a direct, foreseeable, and proximate result of DEFENDANT EMPLOYERS'
 18 discriminatory acts, PLAINTIFF has suffered and continues to suffer aggravation of her injuries,
 19 substantial losses in earnings and job benefits, humiliation, embarrassment, mental and emotional
 20 distress, and discomfort, all to PLAINTIFF's damage in an amount in excess of the minimum
 21 jurisdiction of this Court, the precise amount of which will be proven at trial.

22 37. As a further proximate result of DEFENDANT EMPLOYERS' conduct described in this
 23 Complaint, PLAINTIFF has incurred and will continue to incur medical expenses in an amount
 24 according to proof at the time of trial.

25 38. In doing the acts herein alleged, DEFENDANT EMPLOYERS, through their managing
 26 agents, acted with oppression, fraud, malice, and in the conscious disregard of the rights of PLAINTIFF;
 27 therefore, PLAINTIFF is also entitled to punitive damages in an amount according to proof at the time
 28 of trial.

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1 39. PLAINTIFF, who has incurred and continues to incur attorneys' fees and legal expenses,
 2 is also entitled to recover said costs and fees in an amount according to proof at the time of trial,
 3 pursuant to Government Code section 12965, subdivision (b).

4 **SECOND CAUSE OF ACTION**

5 **(Failure to Engage in a Timely, Good Faith Interactive Process to Determine Effective**
 6 **Reasonable Accommodations, Pursuant to Government Code § 12940(n),**
 7 **Against DEFENDANT EMPLOYERS and Does 11 through 20)**

8 40. PLAINTIFF re-alleges and incorporates paragraphs 1 through 39, inclusive, of this
 9 Complaint, as though fully set forth herein.

10 41. Pursuant to Government Code section 12940, subdivision (n), it is unlawful for an
 11 employer to fail to engage in a timely, good faith interactive process to determine effective reasonable
 12 accommodations for an employee or applicant with a disability. Section 12940, subdivision (n), also
 13 requires an employer who regards an employee as disabled to engage with that employee in a timely,
 14 good faith interactive process to determine effective accommodations for that perceived disability.

15 42. At all times mentioned in this Complaint, PLAINTIFF was disabled within the meaning
 16 of FEHA. Alternatively, DEFENDANT EMPLOYERS perceived PLAINTIFF as being disabled.

17 43. DEFENDANT EMPLOYERS were aware of PLAINTIFF's disabilities because
 18 PLAINTIFF made it known to DEFENDANT EMPLOYERS by consistently, repeatedly and frequently
 19 informing DEFENDANT EMPLOYERS of the disabilities, both verbally, as well as in writing.
 20 DEFENDANT EMPLOYERS were also aware of PLAINTIFF's disabilities through PLAINTIFF's
 21 medical records.

22 44. PLAINTIFF in good faith requested that DEFENDANT EMPLOYERS engage in an
 23 interactive process to determine an effective reasonable accommodation for her disabilities.

24 45. DEFENDANT EMPLOYERS violated Government Code section 12940, subdivision (n),
 25 by failing to engage in a good faith interactive process with PLAINTIFF. Instead, DEFENDANT
 26 EMPLOYERS terminated PLAINTIFF's employment.

27 46. As a direct, foreseeable, and proximate result of DEFENDANT EMPLOYERS' failure
 28 to engage in the interactive process, PLAINTIFF has suffered and continues to suffer aggravation of her

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1 injuries, substantial losses in earnings and job benefits, humiliation, embarrassment, mental and
2 emotional distress, and discomfort, all to PLAINTIFF's damage in an amount in excess of the minimum
3 jurisdiction of this Court, the precise amount of which will be proven at trial.

4 47. As a further proximate result of DEFENDANT EMPLOYERS' conduct described in this
5 Complaint, PLAINTIFF has incurred and will continue to incur medical expenses in an amount
6 according to proof at the time of trial.

7 48. In doing the acts herein alleged, DEFENDANT EMPLOYERS, through their managing
8 agents, acted with oppression, fraud, malice, and in the conscious disregard of the rights of PLAINTIFF;
9 therefore, PLAINTIFF is also entitled to punitive damages in an amount according to proof at the time
10 of trial.

11 49. PLAINTIFF, who has incurred and continues to incur attorneys' fees and legal expenses,
12 is also entitled to recover said costs and fees in an amount according to proof at the time of trial,
13 pursuant to Government Code section 12965, subdivision (b).

14 **THIRD CAUSE OF ACTION**

15 **(Failure to Provide Reasonable Accommodation, Pursuant to Government Code § 12940(m),**
16 **Against DEFENDANT EMPLOYERS and Does 21 through 30)**

17 50. PLAINTIFF re-alleges and incorporates paragraphs 1 through 49, inclusive, of this
18 Complaint, as though fully set forth herein.

19 51. Pursuant to Government Code section 12940, subdivision (m), it is unlawful for an
20 employer to fail to make reasonable accommodation for an applicant or employee with a disability. The
21 employer also has an affirmative duty to, among other things, inform employees and applicants with a
22 disability of other job opportunities and ascertain whether the employee or applicant is interested in, or
23 qualified for said positions. Additionally, an employer who regards an employee or applicant as disabled
24 also has a duty to provide reasonable accommodation for that employee.

25 52. At all times mentioned in this Complaint, PLAINTIFF was disabled and/or perceived by
26 DEFENDANT EMPLOYERS as disabled and, as such, DEFENDANT EMPLOYERS, who were aware
27 of PLAINTIFF's disabilities and/or who regarded PLAINTIFF as disabled, had a duty to provide
28 PLAINTIFF with reasonable accommodations.

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1 53. DEFENDANT EMPLOYERS violated Government Code section 12940, subdivision
 2 (m), by refusing to provide a reasonable accommodation for PLAINTIFF's disability. DEFENDANT
 3 EMPLOYERS terminated PLAINTIFF's employment instead.

4 54. As a proximate result of DEFENDANT EMPLOYERS' violation of Government Code
 5 section 12940, subdivision (m), PLAINTIFF has suffered and continues to suffer aggravation of her
 6 injuries, substantial losses in earnings and job benefits, humiliation, embarrassment, mental and
 7 emotional distress, and discomfort, all to PLAINTIFF's damage in an amount in excess of the minimum
 8 jurisdiction of this Court, the precise amount of which will be proven at trial.

9 55. As a further proximate result of DEFENDANT EMPLOYERS' conduct described in this
 10 Complaint, PLAINTIFF has incurred and will continue to incur medical expenses in an amount
 11 according to proof at the time of trial.

12 56. In doing the acts herein alleged, DEFENDANT EMPLOYERS, through their managing
 13 agents, acted with oppression, fraud, malice, and in the conscious disregard of the rights of PLAINTIFF;
 14 therefore, PLAINTIFF is also entitled to punitive damages in an amount according to proof at the time
 15 of trial.

16 57. PLAINTIFF, who has incurred and continues to incur attorneys' fees and legal expenses,
 17 is also entitled to recover said costs and fees in an amount according to proof at the time of trial,
 18 pursuant to Government Code section 12965, subdivision (b).

19 **FOURTH CAUSE OF ACTION**

20 **(Retaliation, Pursuant to Government Code §§ 12940(h) & 12945.2,**

21 **Against DEFENDANT EMPLOYERS and Does 31 Through 40)**

22 58. PLAINTIFF re-alleges and incorporates paragraphs 1 through 57, inclusive, of this
 23 Complaint, as though fully set forth herein.

24 59. Government Code section 12940, subdivision (h), provides that it is unlawful for an
 25 employer to discriminate against any person because the person has engaged in protected activities.

26 60. Government Code section 12945.2 and the corresponding regulations, also known as
 27 "CFRA," prohibit employers or their agents from discriminating and/or retaliating against employees
 28 who exercise or intend to exercise the right to family care and medical leave.

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1 61. PLAINTIFF requested a reasonable accommodation for her disability and opposed
2 DEFENDANT EMPLOYERS' failure to provide her with an accommodation, which are protected
3 activities pursuant to FEHA.

4 62. PLAINTIFF, who worked the requisite 1,250 hours in the preceding year and was eligible
5 for time off under CFRA, also requested time off for a disability and/or serious medical condition.

6 63. In response to PLAINTIFF's protected activities, DEFENDANT EMPLOYERS
7 terminated PLAINTIFF's employment on or about April 24, 2015.

8 64. As a proximate result of DEFENDANT EMPLOYERS' actions, PLAINTIFF has suffered
9 and continues to suffer aggravation of her injuries, substantial losses in earnings and job benefits,
10 humiliation, embarrassment, mental and emotional distress, and discomfort, all to PLAINTIFF's damage
11 in an amount in excess of the minimum jurisdiction of this Court, the precise amount of which will be
12 proven at trial.

13 65. As a further proximate result of DEFENDANT EMPLOYERS' conduct described in this
14 Complaint, PLAINTIFF has incurred and will continue to incur medical expenses in an amount
15 according to proof at the time of trial.

16 66. In doing the acts herein alleged, DEFENDANT EMPLOYERS, through their managing
17 agents, acted with oppression, fraud, malice, and in the conscious disregard of the rights of PLAINTIFF;
18 therefore, PLAINTIFF is also entitled to punitive damages in an amount according to proof at the time
19 of trial.

20 67. PLAINTIFF, who has incurred and continues to incur attorneys' fees and legal expenses,
21 is also entitled to recover said costs and fees in an amount according to proof at the time of trial,
22 pursuant to Government Code section 12965, subdivision (b).

23 **FIFTH CAUSE OF ACTION**

24 **(Failure to Take All Reasonable Steps Necessary to Prevent Discrimination and Retaliation**
25 **from Occurring, Pursuant to Government Code § 12940(k),**
26 **Against DEFENDANT EMPLOYERS and Does 41 Through 50)**

27 68. PLAINTIFF re-alleges and incorporates paragraphs 1 through 67, inclusive, of this
28 Complaint, as though fully set forth herein.

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1 69. During the course and scope of PLAINTIFF's employment, DEFENDANT
2 EMPLOYERS failed to take reasonable steps to prevent the above-referenced acts of discrimination and
3 retaliation towards PLAINTIFF, in violation of Government Code section 12940, subdivision (k).

4 70. DEFENDANT EMPLOYERS' failure to undertake a prompt and adequate investigation
5 and their complete failure to take reasonable steps to prevent the above-alleged acts of
6 discrimination/retaliation constitutes an unlawful employment practice.

7 71. As a proximate result of DEFENDANT EMPLOYERS' violation of Government Code
8 section 12940, subdivision (k), PLAINTIFF has suffered and continues to suffer aggravation of her
9 injuries, substantial losses in earnings and job benefits, humiliation, embarrassment, mental and
10 emotional distress, and discomfort, all to PLAINTIFF's damage in an amount in excess of the minimum
11 jurisdiction of this Court, the precise amount of which will be proven at trial.

12 72. As a further proximate result of DEFENDANT EMPLOYERS' conduct described in this
13 Complaint, PLAINTIFF has incurred and will continue to incur medical expenses in an amount
14 according to proof at the time of trial.

15 73. In doing the acts herein alleged, DEFENDANT EMPLOYERS, through their managing
16 agents, acted with oppression, fraud, malice, and in the conscious disregard of the rights of PLAINTIFF;
17 therefore, PLAINTIFF is also entitled to punitive damages in an amount according to proof at the time
18 of trial.

19 74. PLAINTIFF, who has incurred and continues to incur attorneys' fees and legal expenses,
20 is also entitled to recover said costs and fees in an amount according to proof at the time of trial,
21 pursuant to Government Code section 12965, subdivision (b).

22 **SIXTH CAUSE OF ACTION**

23 **(Wrongful Termination in Violation of Public Policy**

24 **Against DEFENDANT EMPLOYERS and Does 51 Through 60)**

25 75. PLAINTIFF re-alleges and incorporates paragraphs 1 through 74, inclusive, of this
26 Complaint, as though fully set forth herein.

27 76. The above-described conduct of DEFENDANT EMPLOYERS constitutes discrimination
28 and wrongful termination of PLAINTIFF in violation of public policy embodied in FEHA, codified at

1 California Government Code sections 12900-12996.

2 77. As a proximate result of DEFENDANT EMPLOYERS' actions, PLAINTIFF has suffered
3 and continues to suffer aggravation of her injuries, substantial losses in earnings and job benefits,
4 humiliation, embarrassment, mental and emotional distress, and discomfort, all to PLAINTIFF's damage
5 in an amount in excess of the minimum jurisdiction of this Court, the precise amount of which will be
6 proven at trial.

7 78. As a further proximate result of DEFENDANT EMPLOYERS' conduct described in this
8 Complaint, PLAINTIFF has incurred and will continue to incur medical expenses in amount according
9 to proof at the time of trial.

10 79. In doing the acts herein alleged, DEFENDANT EMPLOYERS, through its managing
11 agents, acted with oppression, fraud, malice, and in the conscious disregard of the rights of PLAINTIFF;
12 therefore, PLAINTIFF is also entitled to punitive damages in an amount according to proof at the time
13 of trial.

14 80. As a further result of the wrongful conduct of DEFENDANT EMPLOYERS, PLAINTIFF
15 is also entitled to attorneys' fees and costs pursuant to California Code of Civil Procedure section
16 1021.5.

17 **SEVENTH CAUSE OF ACTION**

18 (Intentional Infliction of Emotional Distress

19 Against DEFENDANT EMPLOYERS and Does 61 Through 70)

20 81. PLAINTIFF re-alleges and incorporates paragraphs 1 through 80, inclusive, of this
21 Complaint, as though fully set forth herein.

22 82. The conduct of DEFENDANT EMPLOYERS, as set forth above, was so extreme and
23 outrageous that it exceeded the boundaries of a decent society and lies outside the compensation bargain.
24 DEFENDANT EMPLOYERS' conduct was intended to cause PLAINTIFF severe emotional distress,
25 or was done in conscious disregard of the probability of causing severe emotional distress.
26 DEFENDANT EMPLOYERS' conduct was also in direct violation of California law and public policy.

27 83. As a proximate result of the wrongful conduct of DEFENDANT EMPLOYERS,
28 PLAINTIFF has sustained substantial losses in earnings and other employment benefits in an amount

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1 according to proof at the time of trial.

2 84. As a further proximate result of the wrongful conduct of DEFENDANT EMPLOYERS,
3 PLAINTIFF has suffered and continues to suffer humiliation, embarrassment, severe emotional distress,
4 and mental anguish, all to PLAINTIFF's damage in an amount according to proof at the time of trial.

5 85. In doing the acts herein alleged, DEFENDANT EMPLOYERS, through their managing
6 agents, acted with oppression, fraud, malice, and in the conscious disregard of the rights of PLAINTIFF,
7 and PLAINTIFF is therefore entitled to punitive damages in an amount according to proof at the time
8 of trial.

9 **PRAYER FOR RELIEF**

10 WHEREFORE, PLAINTIFF respectfully prays for judgment against DEFENDANT
11 EMPLOYERS as follows:

- 12 a. For compensatory damages including, but not limited to, past and future lost wages and
- 13 benefits, and emotional distress damages, in excess of the minimum jurisdiction of this
- 14 Court and according to proof;
- 15 b. For declaratory relief and injunctive relief, including reinstatement;
- 16 c. For reasonable attorneys' fees pursuant to California law, including, but not limited to,
- 17 California Government Code section 12965, subdivision (b), and Code of Civil
- 18 Procedure section 1021.5;
- 19 d. For prejudgment interest on all amounts claimed at the maximum legal rate;
- 20 e. For costs of suit herein incurred;
- 21 f. For exemplary and punitive damages according to proof; and
- 22 g. For any other and further relief that the court considers proper.

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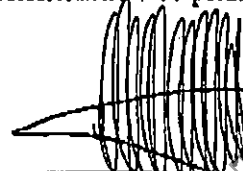
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REQUEST FOR JURY TRIAL

PLAINTIFF hereby demands a jury in the trial of this matter.

DATED: April 4, 2017

THE MIRROKNIAN LAW FIRM
A Professional Law Corporation



REZA MIRROKNIAN
HIDER AL-MASHAT
Attorneys for Plaintiff BRENDA MARTIN

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Courthouse News Service

SHORT TITLE: MARTIN v. THE PERMANENTE MEDICAL GROUP, INC., et al.	CASE NUMBER
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Non-Personal Injury/Property Damage/Wrongful Death Tort
 Employment
 Contract
 Real Property
 Unlawful Detainer

A Civil Case Cover Sheet Category No.	B Type of Action (Check one)	C Code
Business Tort (07)	<input type="checkbox"/> A6028 Other Commercial/Business Tort (not fraud/breach of contract)	1., 3.
Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.
Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice	1., 2., 3.
	<input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3.
Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2,3.
Wrongful Termination (36)	<input checked="" type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
	<input type="checkbox"/> A6024 Other Employment Complaint Case	1., 2., 3.
Other Employment (15)	<input type="checkbox"/> A6109 Labor Commissioner Appeals	10.
Breach of Contract/Warranty (08) (not Insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction)	2., 5.
	<input type="checkbox"/> A6006 Contract/Warranty Breach - Seller Plaintiff (no fraud/negligence)	2., 6.
	<input type="checkbox"/> A6018 Negligent Breach of Contract/Warranty (no fraud)	1., 2., 5.
	<input type="checkbox"/> A6026 Other Breach of Contract/Warranty (not fraud or negligence)	1., 2., 6.
Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff	2., 5., 6.
	<input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 6.
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 6., 8.
Other Contract (37)	<input type="checkbox"/> A6008 Contractual Fraud	1., 2., 3., 6.
	<input type="checkbox"/> A6031 Tortious Interference	1., 2., 3., 5.
	<input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 6.
Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2.
Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
Other Real Property (26)	<input type="checkbox"/> A6016 Mortgage Foreclosure	2., 6.
	<input type="checkbox"/> A6032 Quiet Title	2., 6.
	<input type="checkbox"/> A6080 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6.
Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer-Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2., 6.
Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.

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	A	B	C
Judicial Review	Asset Forfeiture (05)	<input type="checkbox"/> A8108 Asset Forfeiture Case	2, 6.
	Petition re Arbitration (11)	<input type="checkbox"/> A8115 Petition to Compel/Confirm/Vacate Arbitration	2, 5.
	Writ of Mandata (02)	<input type="checkbox"/> A8151 Writ - Administrative Mandamus <input type="checkbox"/> A8152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A8153 Writ - Other Limited Court Case Review	2, 8. 2. 2.
	Other Judicial Review (38)	<input type="checkbox"/> A8150 Other Writ/Judicial Review	2, 8.
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A8003 Antitrust/Trade Regulation	1, 2, 8.
	Construction Defect (10)	<input type="checkbox"/> A8007 Construction Defect	1, 2, 3.
	Claims Involving Mass Tort (40)	<input type="checkbox"/> A8006 Claims Involving Mass Tort	1, 2, 8.
	Securities Litigation (28)	<input type="checkbox"/> A8035 Securities Litigation Case	1, 2, 8.
	Toxic Tort Environmental (30)	<input type="checkbox"/> A8038 Toxic Tort/Environmental	1, 2, 3, 8.
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A8014 Insurance Coverage/Subrogation (complex case only)	1, 2, 5, 8.
Enforcement of Judgment	Enforcement of Judgment (20)	<input type="checkbox"/> A8141 Sister State Judgment	2, 8.
		<input type="checkbox"/> A8160 Abstract of Judgment	2, 8.
		<input type="checkbox"/> A8107 Confession of Judgment (non-domestic relations)	2, 9.
		<input type="checkbox"/> A8140 Administrative Agency Award (not unpaid taxes)	2, 8.
		<input type="checkbox"/> A8114 Petition/Certificate for Entry of Judgment on Unpaid Tax	2, 8.
		<input type="checkbox"/> A8112 Other Enforcement of Judgment Case	2, 8, 9.
RICO (27)	<input type="checkbox"/> A8033 Racketeering (RICO) Case	1, 2, 8.	
Miscellaneous Civil Complaints	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A8030 Declaratory Relief Only	1, 2, 8.
		<input type="checkbox"/> A8040 Injunctive Relief Only (not domestic/harassment)	2, 8.
		<input type="checkbox"/> A8011 Other Commercial Complaint Case (non-tort/non-complex)	1, 2, 8.
		<input type="checkbox"/> A8000 Other Civil Complaint (non-tort/non-complex)	1, 2, 8.
Partnership Corporation Governance (21)	<input type="checkbox"/> A8113 Partnership and Corporate Governance Case	2, 8.	
Miscellaneous Civil Petitions	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A8121 Civil Harassment	2, 3, 8.
		<input type="checkbox"/> A8123 Workplace Harassment	2, 3, 9.
		<input type="checkbox"/> A8124 Elder/Dependent Adult Abuse Case	2, 3, 8.
		<input type="checkbox"/> A8180 Election Contest	2.
		<input type="checkbox"/> A8110 Petition for Change of Name	2, 7.
		<input type="checkbox"/> A8170 Petition for Relief from Late Claim Law	2, 3, 4, 8.
		<input type="checkbox"/> A8100 Other Civil Petition	2, 8.

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Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case. <input type="checkbox"/> 1. <input checked="" type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.	ADDRESS: 75 N. Fair Oaks Avenue	
	CITY: Pasadena	STATE: CA

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Stanley Mosk courthouse in the Central District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., § 392 et seq., and Local Rule 2.0, subds. (b), (c) and (d)].

Dated: April 4, 2017

(SIGNATURE OF ATTORNEY JAMES PARIS)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 03/11).
5. Payment in full of the filing fee, unless fees have been waived.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

04/11/2017

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): REZA MIRROKNIAN, ESQ. (State Bar Number 93191) THE MIRROKNIAN LAW FIRM, PC 15260 VENTURA BOULEVARD, SUITE 1740 SHERMAN OAKS, CALIFORNIA 91430 TELEPHONE NO: (818) 784-6080 FAX NO: (818) 784-6088 ATTORNEY FOR (Name): PLAINTIFF BRENDA MARTIN		FOR COURT USE ONLY FILED Superior Court of California County of Los Angeles APR 11 2017 Sherri R. Carter, Executive Officer/Clerk By: <i>[Signature]</i> Deputy Nancy Alvarez
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 N. HILL STREET MAILING ADDRESS: 111 N. HILL STREET CITY AND ZIP CODE: LOS ANGELES, 90012 BRANCH NAME: STANLEY MOSK COURTHOUSE		CASE NUMBER: BC 657 067 JUDGE: DEPT:
CASE NAME: BRENDA MARTIN v. KAISER PERMANENTE, et al.		
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (48) Other PIP/DWV (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (48) <input type="checkbox"/> Other PIP/DWV (23) Non-PIP/DWV (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (18) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PIP/DWV tort (35) Employment <input checked="" type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (08) <input type="checkbox"/> Other collections (08) <input type="checkbox"/> Insurance coverage (16) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (20) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (36) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandamus (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Arbitral/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. monetary b. nonmonetary, declaratory or injunctive relief c. punitive
4. Number of causes of action (specify): seven (7).
5. This case is is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-010.)

Date: April 4, 2017
 REZA MIRROKNIAN, ESQ.
 (TYPE OR PRINT NAME) (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

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BC 657667

**CIVIL CASE COVER SHEET ADDENDUM AND
STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? YES CLASS ACTION? YES LIMITED CASE? YES TIME ESTIMATED FOR TRIAL 7-10 HOURS DAYS

Item II. Indicate the correct district and courthouse location (4 steps -- If you checked "Limited Case", skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet form, find the main Civil Case Cover Sheet heading for your case in the left margin below, and, to the right in Column A, the Civil Case Cover Sheet case type you selected.

Step 2: Check one Superior Court type of action in Column B below which best describes the nature of this case.

Step 3: In Column C, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (see Column C below)

- | | |
|--|--|
| 1. Class actions must be filed in the Stanley Mosk Courthouse, central district. | 6. Location of property or permanently garaged vehicle. |
| 2. May be filed in central (other county, or no bodily injury/property damage). | 7. Location where petitioner resides. |
| 3. Location where cause of action arose. | 8. Location wherein defendant/respondent functions wholly. |
| 4. Location where bodily injury, death or damage occurred. | 9. Location where one or more of the parties reside. |
| 5. Location where performance required or defendant resides. | 10. Location of Labor Commissioner Office |

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	B	C	
Auto Tort	Auto (22) <input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.	
	Uninsured Motorist (46) <input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death - Uninsured Motorist	1., 2., 4.	
Other Personal Injury/Property Damage/Wrongful Death Tort	Asbestos (04) <input type="checkbox"/> A6070 Asbestos Property Damage	2.	
	<input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2.	
	Product Liability (24) <input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.	
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons	1., 4.
		<input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 4.
	Other Personal Injury/Property Damage/Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1., 4.
<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)		1., 4.	
<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress		1., 3.	
<input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death		1., 4.	