

ORIGINAL

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Attorneys for Plaintiff, OTILLIA SAMORA

**FILED**  
Superior Court of California  
County of Los Angeles

MAY 25 2017

Sherril R. Carter, Executive Officer/Clerk  
By Shalmya Golden Deputy

*Carly 9/22/17*

*38 June*

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

BC 66 2 6 6 9

OTILLIA SAMORA, On Behalf of Himself  
and All Others Similarly Situated and On  
Behalf of the General Public as Private  
Attorneys General,

Plaintiff;

vs.

KAISER PERMANENTE  
INTERNATIONAL, a California  
corporation; and DOES 1 through 250,  
inclusive,

Defendants

CASE NO.

**COMPLAINT FOR DAMAGES**

(1) DISCRIMINATION ON THE BASIS  
OF DISABILITY;

(2) VIOLATION OF FAMILY MEDICAL LEAVE  
ACT (FMLA)/CALIFORNIA FAMILY RIGHTS ACT  
(CFRA); AND

(3) INTERFERENCE WITH FMLA/CFRA LEAVE

**[DEMAND FOR JURY TRIAL]**

COMES NOW the Plaintiff, OTILLIA SAMORA, (who hereinafter shall be referred to  
as the "Plaintiff" or as "SAMORA"), who hereby respectfully alleges, avers, and  
complains, as follows:

05/25/2017  
//  
//  
//  
//

RECEIPT # - CGM45999180  
DATE PAID: 05/25/17 02:29 PM '17  
PAYMENT: \$435.00 310  
RECEIVED:  
CHECK: \$435.00  
CASH: \$0.00  
CHANGE: \$0.00  
CARD: \$0.00

CIT/CASE: BC662669  
LEA/DEF#:

COMPLAINT

**INTRODUCTION**

1  
2  
3 1. This is an action brought by the Plaintiff, OTILLIA SAMORA, pursuant to California  
4 statutory, decisional, and regulatory laws. Plaintiff was an employee of Defendants  
5 KAISER PERMANENTE INTERNATIONAL, hereinafter referred to as "KAISER," at  
6 all times herein mentioned.

7  
8 2. Plaintiff alleges that California statutory, decisional, and regulatory laws prohibit the  
9 conduct by Defendants herein alleged, and therefore Plaintiff has an entitlement to  
10 monetary relief on the basis that Defendants violated such statutes, decisional law, and  
11 regulations.

12  
13 **JURISDICTION AND VENUE**

14  
15 3. Jurisdiction is proper in this court by virtue of the California statutes, decisional law, and  
16 regulations, and the local rules under the Los Angeles County Superior Court Rules.

17  
18 4. Venue in this Court is proper in that Plaintiff worked for a KAISER restaurant located in  
19 the City of Downey, County of Los Angeles, State of California.

20  
21 **PARTIES**

22  
23 5. At all times herein mentioned, Plaintiff SAMORA is and has been a resident of Los  
24 Angeles County, State of California.

25  
26 6. Defendant KAISER is and at all times herein mentioned has been a California corporation  
27 with the capacity to sue and to be sued, and doing business, with a principal place of  
28 business located at 9449 E. Imperial Hwy, Downey, California 90242.

1 7. Plaintiff is informed and believes and thereon alleges that each of the Defendants herein  
 2 were at all times the agent, employee, or representative of each remaining Defendant and  
 3 were at all times herein acting within and outside the scope and purpose of said agency  
 4 and employment. Plaintiff further alleges that as to each Defendant, whether named, or  
 5 referred to as a fictitious name, said Defendants supervised, ratified, controlled,  
 6 acquiesced in, adopted, directed, substantially participated in, and/or approved the acts,  
 7 errors, or omissions, of each remaining Defendant.

8  
 9 8. The true names and capacities of the Defendants named herein as DOES 1 through 250,  
 10 inclusive, whether individual, corporate, partnership, association, or otherwise, are  
 11 unknown to Plaintiff who therefore sues these Defendants by such fictitious names.  
 12 Plaintiff will request leave of court to amend this Complaint to allege their true names  
 13 and capacities at such time as they are ascertained.

14 **FACTUAL ALLEGATIONS**

15  
 16 9. Plaintiff became employed by KAISER as a Medical Assistant beginning in or about June  
 17 1999. Plaintiff was suspended by Defendants, and each of them, on or about July 31,  
 18 2016 through January 1, 2017, after taking intermittent FMLA/CFRA leave and  
 19 complaining about differential treatment and retaliation because of her disability and/or  
 20 having taken protected leave.

21  
 22 10. Plaintiff suffered from a seizure disorder, of which Defendants were aware. Plaintiff has  
 23 focal seizures that cause temporary numbness and tingling and partial paralysis of her  
 24 limbs. Plaintiff was approved for intermittent FMLA/CFRA leave for her medical  
 25 condition. The paralysis is temporary but can come on suddenly and can prevent her  
 26 from coming to work at the beginning of the day.

27 //

28 //

05/25/2017

1 11. On July 30, 2016, Plaintiff called in and left a message that she was using FMLA time  
2 that morning for her medical condition flare up and that she was going to be in around 11  
3 a.m. Plaintiff then spoke with a manager while she was on her way to work and informed  
4 Defendant that she had traffic and she would be further delayed.

5  
6 12. Upon her arrival at work at approximately noon on July 30<sup>th</sup>, Plaintiff was confronted by  
7 Administrative Director JOYCE CHO, who told Plaintiff that she was late and that she  
8 had to go home. CHO thereafter relented and let Plaintiff stay for the rest of her shift, but  
9 she did not permit Plaintiff to "make up" the hours at the end of her shift.

10  
11 13. Plaintiff is informed and believes that CHO preventing Plaintiff from making up the  
12 hours at the end of her shift was retaliation since there was under staffing and always a  
13 need for more coverage.

14  
15 14. Further, Plaintiff alleges that it was Defendants' practice to permit employees to miss  
16 work at the start of their shift for appointments or children's obligations to make up the  
17 time at the end of their shift so that there is no reduction in pay for that employee.

18  
19 15. In response, Plaintiff questioned CHO why she was being discriminated against for taking  
20 FMLA leave. CHO became agitated and asked Plaintiff to meet with her in her office.  
21 They argued about Plaintiff's leave and Defendants' alleged policy about make up time.  
22 Then, Plaintiff began to feel ill and told CHO she was going to have a seizure. Plaintiff  
23 repeatedly asked CHO for help, in response CHO told Plaintiff to "clock out and go"  
24 several times. Plaintiff could hardly move and asked for assistance. Finally, a LVN came  
25 by and helped Plaintiff, who had a seizure in the hallway. Plaintiff was taken to the ER.  
26

27 16. Plaintiff returned to work the following day, on July 31<sup>st</sup>, and Director CHO placed  
28 Plaintiff on a suspension regarding her "behavior" the day before. Plaintiff asked CHO

05/25/2017

1 why she refused to help her when she was having a seizure, to which CHO then accused  
2 Plaintiff of trying to divert attention from her own conduct.

3  
4 17. Plaintiff was put on a 6 month suspension and Plaintiff returned to work on a "final  
5 warning status" on January 1, 2017, after having lost overtime wages for six months  
6 during the suspension. Plaintiff was required to take classes on dealing with others.  
7 Plaintiff disputes the warning and feels it was retaliatory and discriminatory based on  
8 Plaintiff's disability and her taking a FMLA/CFRA leave intermittently.

9  
10 18. Prior to filing this Complaint, Plaintiff fulfilled any legal requirement or exhausted any  
11 administrative remedy imposed on her by having filed the substance of claims alleged  
12 herein with the California Department of Fair Employment and Housing (hereinafter  
13 "DFEH"), and has received Right to Sue Letters from the DFEH. Plaintiff has therefore  
14 substantially complied with all requirements for the filing of this Complaint and has  
15 exhausted her administrative remedies prior to filing, commencing, and serving the  
16 within action.

17  
18 **FIRST CAUSE OF ACTION**

19 **(Disability Discrimination)**

20 **(SAMORA Against Defendant KAISER and DOES 1 through 250)**

21  
22 19. The allegations of paragraphs 1 through 18 are re-alleged and incorporated herein by  
23 reference as though fully set forth herein.

24  
25 20. Defendant KAISER is a business entity regularly employing at least the minimum  
26 number of employees upon which certain legal duties and obligations arise under various  
27 laws and statutes, including the Fair Employment and Housing Act. At all times herein  
28 mentioned in this complaint, Government Code §12940, Government Code §12926.1

were in full force and effect and were binding on the Defendants and the Defendants were subject to their terms.

21. Plaintiff is, and at all times herein mentioned was, an "employee" who suffers from a "disability" as defined by Government Code §§12926, et seq. and §12940 et seq. and California Code of Regulations, Title 2, which limits one or more major life activities. Plaintiff suffered from focal seizure disorder.

22. Plaintiff timely filed a complaint of discrimination with the Department of Fair Employment and Housing alleging *inter alia* violations of Government Code §12940, including, but not limited to §12940(a), (m), and (n), and all other applicable provisions, fully exhausting Plaintiff's administrative remedies, and has been issued a Right to Sue Letter, conferring jurisdiction on this court over these claims.

23. Plaintiff suffered from a seizure disorder, of which Defendants were aware. Plaintiff has focal seizures that cause temporary numbness and tingling and partial paralysis of her limbs. Plaintiff was approved for intermittent FMLA/CFRA leave for her medical condition. The paralysis is temporary but can come on suddenly and can prevent her from coming to work at the beginning of the day.

24. On July 30, 2016, Plaintiff called in and left a message that she was using FMLA time that morning for her medical condition flare up and that she was going to be in around 11 a.m. Plaintiff then spoke with a manager while she was on her way to work and informed Defendant that she had traffic and she would be further delayed.

25. Upon her arrival at work at approximately noon on July 30<sup>th</sup>, Plaintiff was confronted by Administrative Director JOYCE CHO, who told Plaintiff that she was late and that she had to go home. CHO thereafter relented and let Plaintiff stay for the rest of her shift, but

1 she did not permit Plaintiff to "make up" the hours at the end of her shift.

2  
3 26. Plaintiff is informed and believes that CHO preventing Plaintiff from making up the  
4 hours at the end of her shift was retaliation since there was under staffing and always a  
5 need for more coverage.

6  
7 27. Further, Plaintiff alleges that it was Defendants' practice to permit employees to miss  
8 work at the start of their shift for appointments or children's obligations to make up the  
9 time at the end of their shift so that there is no reduction in pay for that employee.

10  
11 28. In response, Plaintiff questioned CHO why she was being discriminated against for taking  
12 FMLA leave. CHO became agitated and asked Plaintiff to meet with her in her office.  
13 They argued about Plaintiff's leave and Defendants' alleged policy about make up time.  
14 Then, Plaintiff began to feel ill and told CHO she was going to have a seizure. Plaintiff  
15 repeatedly asked CHO for help, in response CHO told Plaintiff to "clock out and go"  
16 several times. Plaintiff could hardly move and asked for assistance. Finally, a LVN came  
17 by and helped Plaintiff, who had a seizure in the hallway. Plaintiff was taken to the ER.

18  
19 29. Plaintiff returned to work the following day, on July 31<sup>st</sup>, and Director CHO placed  
20 Plaintiff on a suspension regarding her "behavior" the day before. Plaintiff asked CHO  
21 why she refused to help her when she was having a seizure, to which CHO then accused  
22 Plaintiff of trying to divert attention from her own conduct.

23  
24 30. Plaintiff was put on a 6 month suspension and Plaintiff returned to work on a "final  
25 warning status" on January 1, 2017, after having lost overtime wages for six months  
26 during the suspension. Plaintiff was required to take classes on dealing with others.  
27 Plaintiff disputes the warning and feels it was retaliatory and discriminatory based on  
28 Plaintiff's disability and her taking a FMLA/CFRA leave intermittently.

1 31. Plaintiff is informed and believes and thereon alleges that with reasonable  
2 accommodations, she could have fully performed all duties and functions of her job  
3 and/or of an alternate job in an adequate, satisfactory and/or outstanding manner.  
4

5 32. As a direct and legal result of Defendants' discrimination and retaliatory actions against  
6 Plaintiff for her complaints and/or protected activity herein referenced, Plaintiff has  
7 suffered and continues to suffer general, consequential, and special damages, including  
8 but not limited to substantial losses in earnings, other employment benefits, *physical*  
9 *injuries, physical sickness*, as well as emotional distress, plus medical expenses, future  
10 medical expenses, and attorneys' fees, all to her damage in an amount according to proof.  
11

12 33. Said discrimination and/or refusal to accommodate/engage in interactive process was  
13 wrongful and justifies the imposition of punitive damages since the suspension was  
14 against public policy. Defendants intentionally discriminated against Plaintiff on account  
15 of her disabilities and/or her requests for accommodation for her disability, acted  
16 maliciously, fraudulently and oppressively, with the wrongful intention of injuring  
17 Plaintiff. Defendants acted with an evil purpose, in an intentional and deliberate manner,  
18 in violation of Plaintiff's civil rights, and/or with a conscious disregard of Plaintiff's  
19 rights. Based upon the foregoing, Plaintiff is entitled to recover punitive damages in an  
20 amount according to proof from Defendants and each of them.  
21

22 **SECOND CAUSE OF ACTION**

23 **(Violation of Family Medical Leave Act ("FMLA")/**

24 **California Family Rights Act ("CFRA"))**

25 **(SAMORA Against Defendant KAISER and DOES 1 through 250)**

26  
27 34. The allegations of paragraphs 1 through 33 are re-alleged and incorporated herein by  
28 reference as though fully set forth herein.

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35. Plaintiff timely filed a complaint of discrimination with the Department of Fair Employment and Housing alleging *inter alia* violations of Government Code § 12945.2, and all other applicable provisions, fully exhausting Plaintiff's administrative remedies, and has been issued Right to Sue Letters, conferring jurisdiction on this court over these claims.

36. Defendant KAISER is a business entity regularly employing at least the minimum number of employees upon which legal duties and obligations arise under various laws and statutes, including the Fair Employment and Housing Act ("FEHA") and the California Family Rights Act ("CFRA") and the Family Medical Leave Act ("FMLA").

37. Plaintiff suffered from a seizure disorder, of which Defendants were aware. Plaintiff has focal seizures that cause temporary numbness and tingling and partial paralysis of her limbs. Plaintiff was approved for intermittent FMLA/CFRA leave for her medical condition. The paralysis is temporary but can come on suddenly and can prevent her from coming to work at the beginning of the day.

38. On July 30, 2016, Plaintiff called in and left a message that she was using FMLA time that morning for her medical condition flare up and that she was going to be in around 11 a.m. Plaintiff then spoke with a manager while she was on her way to work and informed Defendant that she had traffic and she would be further delayed.

39. Upon her arrival at work at approximately noon on July 30<sup>th</sup>, Plaintiff was confronted by Administrative Director JOYCE CHO, who told Plaintiff that she was late and that she had to go home. CHO thereafter relented and let Plaintiff stay for the rest of her shift, but she did not permit Plaintiff to "make up" the hours at the end of her shift.

1 40. Plaintiff is informed and believes that CHO preventing Plaintiff from making up the  
2 hours at the end of her shift was retaliation since there was under staffing and always a  
3 need for more coverage.  
4

5 41. Further, Plaintiff alleges that it was Defendants' practice to permit employees to miss  
6 work at the start of their shift for appointments or children's obligations to make up the  
7 time at the end of their shift so that there is no reduction in pay for that employee.  
8

9 42. In response, Plaintiff questioned CHO why she was being discriminated against for taking  
10 FMLA leave. CHO became agitated and asked Plaintiff to meet with her in her office.  
11 They argued about Plaintiff's leave and Defendants' alleged policy about make up time.  
12 Then, Plaintiff began to feel ill and told CHO she was going to have a seizure. Plaintiff  
13 repeatedly asked CHO for help, in response CHO told Plaintiff to "clock out and go"  
14 several times. Plaintiff could hardly move and asked for assistance. Finally, a LVN came  
15 by and helped Plaintiff, who had a seizure in the hallway. Plaintiff was taken to the ER.  
16

17 43. Plaintiff returned to work the following day, on July 31<sup>st</sup>, and Director CHO placed  
18 Plaintiff on a suspension regarding her "behavior" the day before.  
19

20 44. Plaintiff was put on a 6 month suspension and Plaintiff returned to work on a "final  
21 warning status" on January 1, 2017, after having lost overtime wages for six months  
22 during the suspension.  
23

24 45. At all time herein mentioned in this Complaint, Government Code §12945.2, was in full  
25 force and effect and was binding on the Defendants and the Defendants were subject to its  
26 terms, and Plaintiff qualified for leave under the statute. Plaintiff had not exceeded her  
27 CFRA/FMLA leave of 12 weeks. Nevertheless, Defendants refused to provide the "make  
28 up" hours at the end of the shift because she took a protected leave and then suspending

1 her for having engaged in the protected leave, for reasons in a manner contrary to public  
2 policy, on a pre-textual basis, as a result of and retaliation for Plaintiff exercising her right  
3 to take medical leave, in direct violation of Government Code §12945.2.  
4

5 46. Plaintiff engaged in protected activity, in that she exercised her right under family care  
6 qualifying leave, pursuant to Government Code §12945.2. Plaintiff suffered from a  
7 serious medical condition and informed Defendants, and each of them, of her need for  
8 intermittent medical leave as ordered by her physician. Plaintiff had worked for  
9 Defendants for more than twelve months and 1250 hours preceding her medical leave.  
10 Plaintiff had not exhausted her 12 weeks of CFRA or FMLA leave at the time of her last  
11 leave taken.  
12

13 47. Regardless, Plaintiff was denied benefits and/or hours because she took a protected  
14 CFRA/FMLA leave intermittently. Plaintiff was thereafter suspended immediately  
15 following her having taken the protected leave.  
16

17 48. Defendants conduct above described is in violation of various statutes and state law  
18 decisions, including Government code §12945.2.  
19

20 49. As a direct and legal result of Defendants' retaliatory actions against Plaintiff as herein  
21 referenced, Plaintiff has suffered and continues to suffer general, consequential and  
22 special damages including but not limited to substantial losses in earnings, other  
23 employment benefits, *physical injuries, physical sickness*, as well as emotional distress,  
24 plus medical expenses, and attorneys' fees, all to her damage in an amount according to  
25 proof.  
26

27 50. Said retaliation was wrongful and justifies the imposition of punitive damages since the  
28 adverse employment action and the differential and retaliatory treatment was against

1 public policy. Defendants committed the acts herein maliciously, fraudulently and  
 2 oppressively, with an evil intent and sinister plans with the wrongful intention of injuring  
 3 Plaintiff, and/or in conscious disregard of Plaintiff's rights by suspending her and  
 4 subjecting her to adverse employment action because she took a protected medical leave,  
 5 knowing that she qualified for protected leave under CFRA and FMLA, that she had not  
 6 exhausted her entitlement to leave at the time of her termination. Based upon the  
 7 foregoing, Plaintiff is entitled to recover punitive damages from Defendants, and each of  
 8 them, in an amount according to proof.

9  
 10 **THIRD CAUSE OF ACTION**

11 **(Interference with CFRA/FMLA Leave)**

12 **(SAMORA Against Defendant KAISER and DOES 1 through 250)**

13  
 14 51. The allegations of paragraphs 1 through 50 are re-alleged and incorporated herein by  
 15 reference as though fully set forth herein.

16  
 17 52. At all times herein mentioned in this complaint, California FEHA (Gov. Code 12940 et  
 18 seq), California Family Rights Act (Gov Code §12945.2) and Family Medical Leave Act  
 19 (29 U.S.C. § 2601 et seq.), were in full force and effect and binding on the Defendants  
 20 and the Defendants were subject to their terms. Defendants retaliated against Plaintiff for  
 21 reasons and in a manner contrary to public policy, on a pre-textual basis, because of her  
 22 having taken a protected CFRA/FMLA leave, and/or complaining about disability  
 23 discrimination and/or retaliation.

24  
 25 53. Employers cannot use the taking of CFRA leave as a negative factor in employment  
 26 actions, such as hiring, promotions or disciplinary actions; nor can CFRA leave be  
 27 counted against an employee under an employer's attendance policies. 2 C.C.R. §  
 28 11094(a).

1 54. Plaintiff engaged in protected activity, in that she took an intermittent leave of absence  
2 protected under California Family Rights Act (Gov Code §12945.2) and Family Medical  
3 Leave Act (29 U.S.C. § 2601 et seq.) during the morning of July 30, 2916.  
4

5 55. Upon her arrival at work at approximately noon on July 30<sup>th</sup>, Plaintiff was confronted by  
6 Administrative Director JOYCE CHO, who told Plaintiff that she was late and that she  
7 had to go home. CHO thereafter relented and let Plaintiff stay for the rest of her shift, but  
8 she did not permit Plaintiff to "make up" the hours at the end of her shift.

9 56. Plaintiff is informed and believes that CHO preventing Plaintiff from making up the  
10 hours at the end of her shift was retaliation since there was under staffing and always a  
11 need for more coverage.  
12

13 57. Further, Plaintiff alleges that it was Defendants' practice to permit employees to miss  
14 work at the start of their shift for appointments or children's obligations to make up the  
15 time at the end of their shift so that there is no reduction in pay for that employee.  
16

17 58. In response, Plaintiff questioned CHO why she was being discriminated against for taking  
18 FMLA leave. CHO became agitated and asked Plaintiff to meet with her in her office.  
19 They argued about Plaintiff's leave and Defendants' alleged policy about make up time.  
20 Then, Plaintiff began to feel ill and told CHO she was going to have a seizure. Plaintiff  
21 repeatedly asked CHO for help, in response CHO told Plaintiff to "clock out and go"  
22 several times. Plaintiff could hardly move and asked for assistance. Finally, a LVN came  
23 by and helped Plaintiff, who had a seizure in the hallway. Plaintiff was taken to the ER.

24  
25 59. Plaintiff returned to work the following day, on July 31<sup>st</sup>, and Director CHO placed  
26 Plaintiff on a suspension regarding her "behavior" the day before.

27 //

28 //

1 60. Plaintiff was put on a 6 month suspension and Plaintiff returned to work on a "final  
2 warning status" on January 1, 2017, after having lost overtime wages for six months  
3 during the suspension.  
4

5 61. Plaintiff is informed and believes that her having taken protected intermittent leave was a  
6 negative factor in the employment actions following her return to work at noon on July  
7 31, 2016, including trying to send Plaintiff home upon her return to work, refusing to  
8 permit her to do make up hours that others are permitted to do following her return, and  
9 suspending Plaintiff for six months, having lost 6 months of overtime wages.

10 62. Defendants' conduct above described is in violation of various statutes and state law  
11 decisions, including California FEHA (Gov. Code 12940 et seq) and California Family  
12 Rights Act (Gov Code §12945.2) and Family Medical Leave Act (29 U.S.C. § 2601 et  
13 seq.).  
14

15 63. As a direct and legal result of Defendants' retaliatory actions against Plaintiff for her  
16 protected activity herein referenced and more fully described above, Plaintiff has suffered  
17 and continues to suffer general, consequential, and special damages, including but not  
18 limited to substantial losses in earnings, other employment benefits, *physical injuries*,  
19 *physical sickness*, as well as emotional distress, plus medical expenses, and future  
20 medical expenses, all to her damage in an amount according to proof.  
21

22 64. Said interference was wrongful and justifies the imposition of punitive damages since the  
23 adverse employment action and the differential and retaliatory treatment was against  
24 public policy. Defendants committed the acts herein maliciously, fraudulently and  
25 oppressively, with an evil intent and sinister plans with the wrongful intention of injuring  
26 Plaintiff, and/or in conscious disregard of Plaintiff's rights by suspending her and  
27 subjecting her to adverse employment action because she took a protected medical leave,  
28 knowing that she qualified for protected leave under CFRA and FMLA, that she had not

1 exhausted her entitlement to leave at the time of her termination. Based upon the  
2 foregoing, Plaintiff is entitled to recover punitive damages from Defendants, and each of  
3 them, in an amount according to proof.  
4

5  
6 **PRAYER**

- 7 1. For damages according to proof, including loss of earnings, deferred compensation,
- 8 overtime and other employment benefits;
- 9
- 10 2. For general damages, according to proof;
- 11
- 12 3. For other special damages according to proof, including but not limited to reasonable
- 13 medical expenses;
- 14
- 15 4. For punitive damages according to proof;
- 16
- 17 5. For prejudgment interest on lost wages and benefits;
- 18
- 19 6. For costs incurred by Plaintiff, including reasonable attorneys' fees and costs of suit, in
- 20 obtaining the benefits due Plaintiffs and for violations of Plaintiff's civil rights; and
- 21
- 22 7. For such other and further relief as the court deems just and proper.
- 23

24 Dated: May 23, 2017

THE LAW OFFICES OF CARLIN & BUCHSBAUM  
A Limited Liability Partnership

25  
26 By   
Ronald L. Zambrano, Attorneys for Plaintiff,  
27 OTILLIA SAMORA  
28

//

**DEMAND FOR JURY TRIAL**

Plaintiff hereby respectfully demands a jury trial.

Dated: May 23, 2017

THE LAW OFFICES OF CARLIN & BUCHSBAUM  
A Limited Liability Partnership



By  
Ronald L. Zambrano, Attorneys for Plaintiff,  
OTILIA SAMORA

Courthouse News Service

05/25/2017



CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

Ronald L. Zambrano, CSBN: 255613  
Law Offices of Carlin & Buchsbaum, LLP  
555 East Ocean Blvd., Suite 818  
Long Beach, California 90802

FOR COURT USE ONLY

**FILED**  
Superior Court of California  
County of Los Angeles

MAY 25 2017

Sherri R. Carter, Executive Officer/Clerk

By [Signature] Deputy  
Shalmya Bolden

TELEPHONE NO.: (562)432-8933 FAX NO.: (562)435-1656

ATTORNEY FOR (Name): Otillia Samora, Plaintiff

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles

STREET ADDRESS: 111 North Hill Street

MAILING ADDRESS: 111 North Hill Street

CITY AND ZIP CODE: Los Angeles, California 90012

BRANCH NAME: Central District

CASE NAME: SAMORA v. KAISER PERMANENTE  
INTERNATIONAL, et al.

CASE NUMBER: PC 662669

**CIVIL CASE COVER SHEET**

Unlimited (Amount demanded exceeds \$25,000)  Limited (Amount demanded is \$25,000 or less)

**Complex Case Designation**

Counter  Joinder  
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

JUDGE:

DEPT:

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**

Auto (22)  
 Uninsured motorist (46)

**Other P/IPD/WD (Personal Injury/Property Damage/Wrongful Death) Tort**

Asbestos (04)  
 Product liability (24)  
 Medical malpractice (45)  
 Other P/IPD/WD (23)

**Non-P/IPD/WD (Other) Tort**

Business tort/unfair business practice (07)  
 Civil rights (08)  
 Defamation (13)  
 Fraud (16)  
 Intellectual property (19)  
 Professional negligence (25)  
 Other non-P/IPD/WD tort (35)

**Employment**

Wrongful termination (36)  
 Other employment (15)

**Contract**

Breach of contract/warranty (06)  
 Rule 3.740 collections (09)  
 Other collections (09)  
 Insurance coverage (18)  
 Other contract (37)

**Real Property**

Eminent domain/inverse condemnation (14)  
 Wrongful eviction (33)  
 Other real property (28)

**Unlawful Detainer**

Commercial (31)  
 Residential (32)  
 Drugs (36)

**Judicial Review**

Asset forfeiture (05)  
 Petition re: arbitration award (11)  
 Writ of mandate (02)  
 Other judicial review (39)

**Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)**

Antitrust/Trade regulation (03)  
 Construction defect (10)  
 Mass tort (40)  
 Securities litigation (28)  
 Environmental/Toxic tort (30)  
 Insurance coverage claims arising from the above listed provisionally complex case types (41)

**Enforcement of Judgment**

Enforcement of judgment (20)

**Miscellaneous Civil Complaint**

RICO (27)  
 Other complaint (not specified above) (42)

**Miscellaneous Civil Petition**

Partnership and corporate governance (21)  
 Other petition (not specified above) (43)

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.  Large number of separately represented parties
- b.  Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
- c.  Substantial amount of documentary evidence
- d.  Large number of witnesses
- e.  Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
- f.  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): Three (3)

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-015.)

Date: May 24, 2017

Ronald L. Zambrano, CSBN: 255613

(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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SHORT TITLE: SAMORA v. KAISER PERMANENTE INTERNATIONAL, et al.

CASE NUMBER

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 2.3 in all new civil case filings in the Los Angeles Superior Court.

Step 1: After completing the Civil Case Cover Sheet (Judicial Council form CM-010), find the exact case type in Column A that corresponds to the case type indicated in the Civil Case Cover Sheet.

Step 2: In Column B, check the box for the type of action that best describes the nature of the case.

Step 3: In Column C, circle the number which explains the reason for the court filing location you have chosen.

Applicable Reasons for Choosing Court Filing Location (Column C)

- 1. Class actions must be filed in the Stanley Mosk Courthouse, Central District.
2. Permissive filing in central district.
3. Location where cause of action arose.
4. Mandatory personal injury filing in North District.
5. Location where performance required or defendant resides.
6. Location of property or permanently garaged vehicle.
7. Location where petitioner resides.
8. Location where defendant/respondent functions wholly.
9. Location where one or more of the parties reside.
10. Location of Labor Commissioner Office.
11. Mandatory filing location (Hub Cases - unlawful detainer, limited non-collection, limited collection, or personal injury).

Auto Tort
Other Personal Injury/Property Damage/Wrongful Death Tort

Table with 3 columns: A (Civil Case Cover Sheet Category No.), B (Type of Action), and C (Applicable Reasons). Rows include Auto (22), Uninsured Motorist (46), Asbestos (04), Product Liability (24), Medical Malpractice (45), and Other Personal Injury/Property Damage/Wrongful Death (23).

SHORT TITLE: <b>SAMORA v. KAISER PERMANENTE INTERNATIONAL, et al.</b>	CASE NUMBER
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	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
<b>Non-Personal Injury/ Property Damage/ Wrongful Death Tort</b>	Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1, 2, 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 <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1, 2, 3 1, 2, 3
	Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	1, 2, 3
<b>Employment</b>	Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1, 2, 3
	Other Employment (15)	<input checked="" type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1, 2, 3 10
<b>Contract</b>	Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach - Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2, 5 2, 5 1, 2, 5 1, 2, 5
	Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case <input type="checkbox"/> A6034 Collections Case-Purchased Debt (Charged Off Consumer Debt Purchased on or after January 1, 2014)	5, 6, 11 5, 11 5, 6, 11
	Insurance Coverage (18)	<input checked="" type="checkbox"/> A6015 Insurance Coverage (not complex)	1, 2, 5, 8
	Other Contract (37)	<input checked="" type="checkbox"/> A6009 Contractual Fraud	1, 2, 3, 5
		<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, 8, 9
<b>Real Property</b>	Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation    Number of parcels _____	2, 6
	Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2, 6
	Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure	2, 6
		<input type="checkbox"/> A6032 Quiet Title	2, 6
<input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)		2, 6	
<b>Unlawful Detainer</b>	Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	6, 11
	Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	6, 11
	Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2, 6, 11
	Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2, 6, 11

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	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Judicial Review	Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2, 3, 6
	Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2, 5
	Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus	2, 8
		<input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter	2
<input type="checkbox"/> A6153 Writ - Other Limited Court Case Review		2	
Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2, 8	
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1, 2, 8
	Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1, 2, 3
	Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1, 2, 8
	Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1, 2, 8
	Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1, 2, 3, 8
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1, 2, 5, 8
Enforcement of Judgment	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment	2, 5, 11
		<input type="checkbox"/> A6160 Abstract of Judgment	2, 6
		<input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations)	2, 9
		<input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes)	2, 8
		<input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax	2, 8
		<input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2, 8, 9
Miscellaneous Civil Complaints	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1, 2, 8
	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only	1, 2, 8
		<input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment)	2, 8
		<input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex)	1, 2, 8
<input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)		1, 2, 8	
Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2, 8	
Miscellaneous Civil Petitions	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment	2, 3, 9
		<input type="checkbox"/> A6123 Workplace Harassment	2, 3, 9
		<input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case	2, 3, 9
		<input type="checkbox"/> A6190 Election Contest	2
		<input type="checkbox"/> A6110 Petition for Change of Name/Change of Gender	2, 7
		<input type="checkbox"/> A6170 Petition for Relief from Late Claim Law	2, 3, 8
		<input type="checkbox"/> A6100 Other Civil Petition	2, 9

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**Step 4: Statement of Reason and Address:** Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected. Enter the address which is the basis for the filing location, including zip code. (No address required for class action cases).

REASON: <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. <input type="checkbox"/> 11.		ADDRESS: 9449 E. Imperial Hwy
CITY: Downey	STATE: CA	ZIP CODE: 90242

**Step 5: Certification of Assignment:** I certify that this case is properly filed in the Central District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., §392 et seq., and Local Rule 2.3(a)(1)(E)].

Dated: May 24, 2017

*(Handwritten Signature)*  
 (SIGNATURE OF ATTORNEY/FILING PARTY)  
 Ronald L. Zambrano, CSBN: 255613

**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. 02/16).
5. Payment in full of the filing fee, unless there is court order for waiver, partial or scheduled payments.
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.

05/25/2017