



10/25/2017

CIT/CASE#: BC681100  
LEA/DEF#:

34

RECEIPT #: CCH465980094  
DATE PAID: 10/25/17 02:48 PM  
PAYMENT: \$435.00 310

RECEIVED:  
CHECK: \$435.00  
CASH: \$0.00  
CHANGE: \$0.00  
CARD: \$0.00

Courthouse News Service

**FIRST CAUSE OF ACTION FOR VIOLATION OF**  
**CALIFORNIA GOVERNMENT CODE § 12940(m)**  
**[FAILURE TO ACCOMMODATE DISABILITY]**  
**AGAINST ALL DEFENDANTS**

1  
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4  
5 1. Plaintiff is a female and at all times relevant was a resident of Los Angeles  
6 County, State of California.

7 2. At all times relevant hereto, Defendants SOUTHERN CALIFORNIA  
8 PERMANENTE MEDICAL GROUP (SCPMG), and KAISER FOUNDATION HEALTH  
9 PLAN, SOUTHERN CALIFORNIA, (also referred to herein as "DEFENDANTS") are and  
10 were, at all times mentioned herein, a private corporation. Defendants are a Health Medical  
11 Organization that operates several hospitals in California and throughout the United States.  
12 Plaintiff was employed at one of Defendant's hospital branches located at 1515 North Vermont  
13 Ave, Los Angeles, California.

14 3. The true names or capacities, whether individual, corporate, associate or  
15 otherwise, of Defendants DOES 1 through 50, inclusive, are unknown to Plaintiff and therefore  
16 Plaintiff sues these Defendants by such fictitious names. Plaintiff will amend this complaint to  
17 allege their true names and capacities when ascertained. Plaintiff is informed and believes, and  
18 based thereon alleges, that each of these fictitiously named Defendants were responsible in some  
19 manner for the occurrences herein alleged, and that Plaintiff's damages as herein alleged were  
20 proximately caused by their conduct.

21 4. Plaintiff is informed and believes, and thereon alleges that, at all times mentioned,  
22 each of the Defendants, including the fictitiously named Defendants, was the agent and  
23 employee of each of the remaining Defendants, and in doing the things hereinafter alleged, was  
24 acting within the scope and course of such agency.

25 5. From on or about February 8, 1998, Defendants employed Plaintiff as a  
26 Registered Nurse and her last position with Defendants was Senior Registered Nurse Level IV  
27 assigned to the Dermatology/Allergy Department. According to Defendant's job description,  
28 employees in this position function as a lead of the healthcare team; coordinate departmental

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1 operations to ensure quality patient care in a safe, healing environment that is patient and family  
 2 centered; demonstrate responsibility and accountability for their own professional practice;  
 3 possess clinical skills to be expert resources; support other employees and serve as staff role  
 4 models for the practice of professional nursing; recommend to management efficient resource  
 5 allocation to ensure appropriate patient assignments, staffing, and scheduling; and demonstrate  
 6 performance consistent with the strategic plan of the organization and the mission and values of  
 7 Kaiser Permanente nursing. The essential functions require Level IV Senior Registered Nurses  
 8 to demonstrate proficiency in the following skills, competencies, and behaviors: leadership,  
 9 nursing process, clinical outcomes, documentation, workplace safety, patient care experience and  
 10 customer service, team commitment, fiscal responsibility, message management, and  
 11 professional development. Plaintiff spent her first four years in a hospital setting and the  
 12 remaining 22 years in a clinic facility where she conducted intake testing, administered  
 13 intravenous medications and other injections, managed medications, cared for patients,  
 14 performed administrative activities, and served as a charge nurse.

15 6. On September 21, 2009, while at work and on-duty, Plaintiff slipped in a  
 16 treatment room at Defendant's facility resulting in pain to her lower back, hands, and knees, as  
 17 well as a laceration to the left fifth finger. Plaintiff immediately reported the injury to her  
 18 supervisor and was sent home for the day. Plaintiff saw multiple medical professionals to treat  
 19 injuries related to this fall while she continued working.

20 7. In 2010, Plaintiff saw Dr. Gordon, a Kaiser physician, for pain in both hands that  
 21 traveled to her neck. Dr. Gordon performed electro-diagnostic studies and diagnosed her with  
 22 carpal tunnel syndrome. Dr. Gordon also administered two or three injections to Plaintiff's right  
 23 knee to alleviate pain. In follow up treatments, Plaintiff received physical therapy.

24 8. On, or about September 1, 2012, Plaintiff had surgery for the work-related injury  
 25 of September 21, 2009. In November 2012, Plaintiff had a left carpal tunnel release procedure  
 26 and underwent physical therapy post-operatively. Plaintiff continued to experience pain and  
 27 swelling. Subsequent CT scans revealed complex regional pain syndrome in the left hand and  
 28 upper extremity.

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1 9. In April 2014, Plaintiff returned to work with modified duties at a separate  
2 facility. In June 2014, a manager sent Plaintiff home. In September 2014, Plaintiff returned to  
3 full duty work without limitations.

4 10. On April 29, 2015, Plaintiff saw Dr. Fuller for radiating complaints in both upper  
5 extremities and muscle spasms in the left arm. Dr. Fuller placed Plaintiff on restricted duty with  
6 limited typing and diminished grasping, pinching, and fine manipulative types of activities.

7 11. On May 4, 2015, Plaintiff provided Defendant with a copy of her Industrial Work  
8 Status Report. On May 5, 2015, Plaintiff called in sick due to prescribed medication.  
9 Defendants' agent called Plaintiff at approximately 12 p.m., on that date informing her that her  
10 work restrictions could not be accommodated and she could not fulfill her duties as a charge  
11 nurse. Plaintiff requested accommodation for her disabilities but Defendant denied her. As of  
12 this date, Defendant had not engaged in a meaningful interactive process. Plaintiff has not  
13 returned to work since May 5, 2015.

14 12. On May 7, 2015, Defendant posted a job listing for the Allergy/Dermatology  
15 Department. The proximity of the job posting to the date that Defendant discharged Plaintiff  
16 demonstrates Defendant had no intention of accommodating Plaintiff's disabilities. Based on the  
17 Defendant's failure to engage in the interactive process, the posting of a replacement for  
18 Plaintiff's position just two days after effectively discharging her, and the lack of sufficient  
19 information regarding the extent of Plaintiff's injuries and work restrictions, Defendant had  
20 reached a predetermined decision to avoid accommodating Plaintiff. On May 8, 2015, Dr.  
21 Schmidt placed Plaintiff on Temporarily Totally Disabled status.

22 13. On November 10, 2015, Plaintiff saw Dr. Jeffrey Berman, M.D., for an Agreed  
23 Medical Evaluation. After an exhaustive review of Plaintiff's medical history, conditions, and  
24 symptoms, Dr. Berman made the following impression of Plaintiff's condition: Chronic recurrent  
25 musculoligamentous strain in the lumbrosacral spine; contusion and post-traumatic  
26 patellofemoral syndrome in the right knee; no clinical evidence of lumbar radiculopathy; overuse  
27 syndrome/repetitive trauma in the upper extremities; carpal tunnel syndrome; status of post left  
28 carpal tunnel release is improved; history of left upper extremity complex regional pain

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1 syndrome improved with treatment; and cervical dystonia with spasmodic torticollis (non-  
2 industrial).

3 14. Dr. Berman determined that Plaintiff's complex regional pain syndrome improved  
4 and he did not observe any evidence of full-blown complex regional pain syndrome. Plaintiff  
5 did exhibit left upper extremity, lumbar, and right knee residuals and a chronic cervical  
6 condition.

7 15. Dr. Berman classified Plaintiff as permanent and stationary. Based on Plaintiff's  
8 lumbar spine, Dr. Berman precluded Plaintiff from very heavy work activities. In regards to the  
9 left upper extremity, Dr. Berman precluded Plaintiff from prolonged and repetitive grasping and  
10 twisting activities, as well as prolonged and repetitive keyboarding activities. With respect to the  
11 right knee, Dr. Berman precluded Plaintiff from repetitive or prolonged squatting, kneeling, and  
12 climbing activities.

13 16. Dr. Berman determined that Plaintiff could return to her prior position with  
14 modifications.

15 17. On April 12, 2016, Plaintiff met with Blanch Batarra, Defendant's Return to  
16 Work Coordinator; Harita Reddy, a manager with the Defendant; and Frank Armato,  
17 Defendant's Human Resources Coordinator, ostensibly to determine if Plaintiff could return to  
18 work with modifications or to find alternative work assignments for Plaintiff. (The parties had  
19 also met on March 31, 2016 but Plaintiff advised she wanted her union representative with her.  
20 Unable to find a union representative, the parties rescheduled for April 12, 2016.) Ms. Batarra  
21 paraphrased Dr. Berman's report, noting Plaintiff's permanent and stationary status with work  
22 restrictions for the right knee (avoid repetitive/ prolonged squatting, kneeling, climbing); for the  
23 lumbar spine (no heavy work activities); for the left upper extremity (precluded from prolonged  
24 and repetitive grasping and twisting activities as well as prolonged and repetitive keyboarding  
25 activities).

26 18. Ms. Batarra noted a new job description for charge nurse was implemented on  
27 April 12, 2016, tasking such employees with the usual and customary job duties of leadership,  
28 staffing, staff troubleshooting, problem solving, special procedures, message management via

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1 computer, medication administration, ordering medications, use of spirometry, professional  
2 development, work place safety, scheduling, and ordering of equipment and supplies through a  
3 computer, assisting physicians, informing patients of appointments and status, customer service,  
4 commitment to the team, fiscal responsibilities, patient care including taking of vital signs,  
5 preceptor training, and staff professional development. Ms. Batarra admitted the position does  
6 not require prolonged repetitive squatting, kneeling, or climbing, nor does it require heavy work  
7 activity. Ms. Batarra claimed it does require simple grasping and occasional power grasping  
8 which is repetitive and prolonged, as well as frequent and repetitive keyboarding activity.

9 19. On the advice of the Defendant's managerial agents, Ms. Batarra determined that  
10 use of assistance from other employees when prolonged and repetitive grasping and twisting of  
11 the upper extremities was required, as well as use of Dragon Speak voice activated software to  
12 alleviate prolonged and repetitive keyboarding activities, were not feasible. Management  
13 additionally told Ms. Batarra that voice-activated software raised patient confidentiality concerns  
14 and would produce noise distractions for other employees. Management further determined that  
15 essential functions of Plaintiff's position require physical demands from which the Plaintiff is  
16 precluded and it could not guarantee another employee would be available to assist the employee  
17 with such activities. Based on management's position, Ms. Batarra concluded the Defendant is  
18 unable to provide permanent modified work for Plaintiff within her restrictions.

19 20. Ms. Batarra stated she contacted the Job Accommodation Network and they could  
20 not recommend any workable modifications for Plaintiff.

21 21. Ms. Batarra conducted an alternative work search for Case Manager, Utilization  
22 Management, RN in Los Angeles, Panorama City, Woodland Hills, and West Los Angeles.  
23 Plaintiff agreed to apply if such a position became available in these locations. The report  
24 documenting the meeting indicated that "currently, no alternative positions are offered".

25 22. The purported interactive process was not meant to reasonably accommodate  
26 Plaintiff. Dismissing the use of Dragon Speak as being so loud as to disrupt other employees  
27 defies the reality of a clinical setting where conditions are frequently loud and chaotic. Doctors  
28 frequently use Dragon Speak systems to dictate reports and no legitimate reason exists to

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1 preclude Plaintiff from using one as well. Defendant could have allowed Plaintiff to remain in  
 2 her position of Charge Nurse and limit her typing by allowing use of the Dragon Speak system.  
 3 Moreover, the positions identified as feasible alternatives have more demanding essential job  
 4 functions than Plaintiff's actual position as a charge nurse. The attempt to assign Plaintiff to  
 5 alternative positions with more demanding essential job functions demonstrates that the process  
 6 was disingenuous. Additionally, Defendant's parent company, Kaiser Permanente, employs over  
 7 51,000 nurses, further undermining its claim that no alternative position existed for which  
 8 Plaintiff is qualified.

9 23. Plaintiff's medical condition constituted a medical disability in that her medical  
 10 condition affected her ability to work and Plaintiff was able to perform the essential duties of her  
 11 position with an accommodation.

12 24. By taking the actions described herein, and described in the body of this  
 13 complaint, Defendants violated Government Code §12940(m), in that they failed to  
 14 accommodate Plaintiff's disabilities.

15 25. As a result of the aforesaid unlawful acts of Defendants, and each of them,  
 16 Plaintiff has lost and will continue to lose income and benefits, in an amount to be proven at time  
 17 of trial. Plaintiff claims such amount as damages together with prejudgment interest pursuant to  
 18 *California Civil Code* § 3287 and/or any other provision of law providing for prejudgment  
 19 interest.

20 26. As a result of the aforesaid unlawful acts of Defendants, and each of them,  
 21 Plaintiff has suffered physical and mental damages. Defendants' wrongful acts and/or omissions  
 22 as described herein have caused Plaintiff to suffer from depression, anxiety, loss of sleep,  
 23 indigestion, stress, and personal humiliation, and her physical injuries have worsened. Plaintiff  
 24 claims special damages for medical expenses incurred as a result of her injuries and general  
 25 damages for pain and suffering in amounts to be proven at the time of trial.

26 27. Plaintiff has and will incur attorney's fees in pursuit of this action and claims  
 27 recovery of attorney fees pursuant to *California Government Code* §12965(b).

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1 28. Defendants and each of them has acted with malice, and/or with such deliberate  
2 indifference and/or callous and reckless disregard of the rights of the Plaintiff as to constitute  
3 malice, in carrying out the complained of acts. As such, Plaintiff will be claiming punitive and  
4 exemplary damages from Defendants.

5 29. On or about September 24, 2015, Plaintiff sent for filing, administrative  
6 complaints with the California Department of Fair Employment and Housing. The Charge was  
7 presented to the EEOC. (A copy of the Claim filed by Plaintiff is attached hereto as Exhibit  
8 "A"). Plaintiff received a Right To Sue Letter from the Department of Fair Employment and  
9 Housing ("DFEH"), which stated that she has one year from the date of the notice to file a civil  
10 action, but that the one year period will be tolled during the pendency of the EEOC's  
11 investigation of the complaint. (A copy of the DFEH Right to Sue Letter is attached as Exhibit  
12 "B"). On September 11, 2017, Plaintiff received a notice from the EEOC indicating that the  
13 EEOC is terminating its processing of this charge and that she has 90 days from receipt of the  
14 notice to file a civil action. (A copy of the September 11, 2017, EEOC Notice is attached hereto  
15 as Exhibit "C").

16 **SECOND CAUSE OF ACTION FOR VIOLATION**  
17 **OF CALIFORNIA GOVERNMENT CODE § 12940(n)**  
18 **FAILURE TO ENGAGE IN AN INTERACTIVE PROCESS**  
19 **AGAINST ALL DEFENDANTS**

20 30. Plaintiff incorporates the allegations in paragraphs 1 through 29, inclusive, as  
21 though fully set forth herein.

22 31. From May 5, 2015 to April 12, 2016, Defendants completely failed whatsoever to  
23 engage in a genuine interactive process with Plaintiff.

24 32. As provided herein, the April 12, 2016, purported interactive process meeting was  
25 a complete sham.

26 33. To this date, Plaintiff continues to be out of work, despite her abilities to perform  
27 the essential duties of her position with an accommodation.

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1 34. The aforementioned unlawful employment practices on the part of the defendant,  
2 and each of them constitutes a violation of California Government Code §12940 (n), for failure  
3 to engage in an interactive process.

4 35. The aforementioned unlawful employment practices on the part of defendant, and  
5 each of them, were a substantial factor in causing damages and injuries to Plaintiff as set forth  
6 below.

7 36. As a result of the aforesaid unlawful acts of Defendants, and each of them,  
8 Plaintiff has lost and will continue to lose income, in an amount to be proven at time of trial.  
9 Plaintiff claims such amount as damages together with prejudgment interest pursuant to  
10 *California Civil Code* § 3287 and/or any other provision of law providing for prejudgment  
11 interest.

12 37. As a result of the aforesaid unlawful acts of Defendants, and each of them,  
13 Plaintiff has suffered physical, and mental damages. Defendants' wrongful acts and/or  
14 omissions as described herein have caused Plaintiff to suffer from depression, anxiety, loss of  
15 sleep, indigestion, stress, and personal humiliation, and her physical injuries have exacerbated as  
16 a result of the stress and anxiety. Plaintiff claims special damages for medical expenses incurred  
17 as a result of her injuries and general damages for pain and suffering in amounts to be proven at  
18 the time of trial.

19 38. Plaintiff has and will incur attorney's fees in pursuit of this action and claims  
20 recovery of attorney fees pursuant to *California Government Code* §12965(b).

21 39. Defendants and each of them has acted with malice, and/or with such deliberate  
22 indifference and/or callous and reckless disregard of the rights of the Plaintiff as to constitute  
23 malice, in carrying out the complained of acts. As such, Plaintiff will be claiming punitive and  
24 exemplary damages from Defendants.

25 40. On or about September 24, 2015, Plaintiff sent for filing, administrative  
26 complaints with the California Department of Fair Employment and Housing. The Charge was  
27 presented to the EEOC. (A copy of the Claim filed by Plaintiff is attached hereto as Exhibit  
28 "A"). Plaintiff received a Right To Sue Letter from the Department of Fair Employment and

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1 Housing ("DFEH"), which stated that she has one year from the date of the notice to file a civil  
2 action, but that the one year period will be tolled during the pendency of the EEOC's  
3 investigation of the complaint. (A copy of the DFEH Right to Sue Letter is attached as Exhibit  
4 "B"). On September 11, 2017, Plaintiff received a notice from the EEOC indicating that the  
5 EEOC is terminating its processing of this charge and that she has 90 days from receipt of the  
6 notice to file a civil action. (A copy of the September 11, 2017, EEOC Notice is attached hereto  
7 as Exhibit "C").

8 **THIRD CAUSE OF ACTION**

9 **FOR VIOLATION OF CALIFORNIA GOVERNMENT CODE § 12940(a)**

10 **[DISCRIMINATION ON THE BASIS OF DISABILITY] AGAINST ALL DEFENDANTS**

11  
12 41. Plaintiff incorporates the allegations in paragraphs 1 through 40, inclusive, as  
13 though fully set forth herein.

14 42. Because of Plaintiff's medical disability, Plaintiff is a member of a protected class  
15 and pursuant to *California Government Code* § 12940, Defendants are prohibited from  
16 discriminating against the Plaintiff on the basis of her disabilities.

17 43. As a result of Plaintiff's physical disability, Plaintiff suffered from adverse  
18 employment action, when Defendant discharged her from employment on May 5, 2015. Plaintiff  
19 has not returned to work since this date.

20 44. The adverse employment actions described herein were substantially motivated  
21 by Plaintiff's disabilities.

22 45. Plaintiff was able to perform the essential duties of her job with the requested  
23 accommodations.

24 46. As a result of the aforesaid unlawful acts of defendants, and each of them,  
25 Plaintiff has lost and will continue to lose income and benefits, in an amount to be proven at time  
26 of trial. Plaintiff claims such amount as damages together with prejudgment interest pursuant to  
27 *California Civil Code* § 3287 and/ or any other provision of law providing for prejudgment  
28 interest.

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1           47. As a result of the aforesaid unlawful acts of Defendants, and each of them,  
 2 Plaintiff has suffered physical and mental damages. Defendants' wrongful acts and/or omissions  
 3 as described herein have caused Plaintiff to suffer from depression, anxiety, loss of sleep,  
 4 indigestion, stress, and personal humiliation, and her physical injuries have worsened. Plaintiff  
 5 claims special damages for medical expenses incurred as a result of her injuries and general  
 6 damages for pain and suffering in amounts to be proven at the time of trial.

7           48. Plaintiff has and will incur attorney fees in pursuit of this action and claims  
 8 recovery of attorney fees pursuant to *California Government Code* § 12965(b).

9           49. Defendants and each of them has acted with malice, and/ or with such deliberate  
 10 indifference and/ or callous and reckless disregard of the rights of the Plaintiff as to constitute  
 11 malice, in carrying out the complained of acts. As such, Plaintiff will be claiming punitive and  
 12 exemplary damages from Defendants.

13           50. On or about September 24, 2015, Plaintiff sent for filing, administrative  
 14 complaints with the California Department of Fair Employment and Housing. The Charge was  
 15 presented to the EEOC. (A copy of the Claim filed by Plaintiff is attached hereto as Exhibit  
 16 "A"). Plaintiff received a Right To Sue Letter from the Department of Fair Employment and  
 17 Housing ("DFEH"), which stated that she has one year from the date of the notice to file a civil  
 18 action, but that the one year period will be tolled during the pendency of the EEOC's  
 19 investigation of the complaint. (A copy of the DFEH Right to Sue Letter is attached as Exhibit  
 20 "B"). On September 11, 2017, Plaintiff received a notice from the EEOC indicating that the  
 21 EEOC is terminating its processing of this charge and that she has 90 days from receipt of the  
 22 notice to file a civil action. (A copy of the September 11, 2017, EEOC Notice is attached hereto  
 23 as Exhibit "C").

24           **WHEREFORE**, Plaintiff seeks judgment against all Defendants, and each of them, on  
 25 all Causes of Action for:


26           1. Actual, consequential and incidental losses, including but not limited to loss of  
 27 income, benefits and medical expenses, according to proof, together with prejudgment interest;

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2017

- 1           2.     General damages for physical injuries, emotional distress and mental suffering in
- 2 a sum according to proof;
- 3           3.     Attorney's fees pursuant to *California Government Code* §12965(b);
- 4           4.     Prejudgment interest pursuant to *California Civil Code* §3287;
- 5           5.     Punitive and exemplary damages
- 6           6.     Costs of suit herein; and
- 7           7.     Such other and further relief as the Court may deem proper.

8  
9 Dated: October 24, 2017

LAW OFFICES OF JOSEPH Y. AVRAHAMY

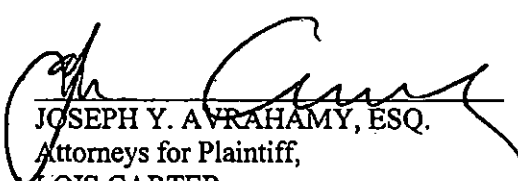
10 By:   
 11 JOSEPH Y. AVRAHAMY, ESQ.  
 12 Attorneys for Plaintiff,  
 13 LOIS CARTER

14 **DEMAND FOR JURY**

15 Plaintiff Lois Carter, hereby demands a Jury Trial in this matter.

16  
17 Dated: October 24, 2017

LAW OFFICES OF JOSEPH Y. AVRAHAMY

18 By:   
 19 JOSEPH Y. AVRAHAMY, ESQ.  
 20 Attorneys for Plaintiff,  
 21 LOIS CARTER

10/25/2017

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# EXHIBIT "A"

18/25/2017

EEOC Form 5 (11/09)

### CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

FEPA  
 EEOC

**480-2015-02873**

**California Department Of Fair Employment & Housing**

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

**Lois Carter**

Home Phone (Incl. Area Code)

**(323) 533-6254**

Date of Birth

**10/20/1960**

Street Address

City, State and ZIP Code

**5701 Valley Ridge Avenue, Los Angeles, CA 90043**

Named Is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

**KFHP SC - SUNSET MEDICAL OFFICES**

No. Employees, Members

**500+**

Phone No. (Include Area Code)

**(323) 783-6900**

Street Address

City, State and ZIP Code

**1515 N.Vermont Ave, Los Angeles, CA 90027**

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

RACE    COLOR    SEX    RELIGION    NATIONAL ORIGIN  
 RETALIATION    AGE    DISABILITY    GENETIC INFORMATION  
 OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

**05-05-2015**

**05-05-2015**

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

- I. On or about February 8, 1998, I was employed by Kaiser Permanente Southern California; my latest position was Senior Registered Nurse – Level IV. On or about September 1, 2012, I had a surgery for a work-related disability and went out on leave until on or about September 1, 2014, and returned to work full-duty without limitations. On or about April 30, 2015, my health provider designated permanent restrictions (limitations), as annotated in the Industrial Work Status Report, dated April 30, 2015. On or about May 4, 2015, I provided my supervisor, Harita Reddy, Department Administrator, with a copy of my Industrial Work Status Report. On or about May 5, 2015, Ms. Reddy called me on the phone and informed me not to return to work, and was discharged.
- II. The reason I was given for my discharge by Ms. Reddy was that I could not be a charge nurse – referring to my limitations; however, I was not afforded the opportunity to engage in the interactive process before my discharge, despite having verbally asked Ms. Reddy if I could be accommodated, the day that I handed her a copy of my Industrial Work Status Report which outlined my designated limitations and/or restrictions.
- III. I believe that I have been discriminated against due to my disability, in violation of the Americans with Disabilities Act of 1990 (ADA), as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

**Sep 24, 2015**

*[Signature]*  
Charging Party Signature

NOTARY – When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.  
SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)

RECEIVED  
SEP 24 2015  
EEOC

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# EXHIBIT "B"

10/25/2017





STATE OF CALIFORNIA, Department of Fair Employment and Housing Agency

GOVERNOR EDMUND G. BROWN, JR.

**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

DIRECTOR PHYLLIS W. CHENG

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758  
800-884-1684 | Videophone 916-226-5285 | TTY 800-700-2320  
www.dfeh.ca.gov | email: contact.center@dfeh.ca.gov

Mr. Anthony Brill, Esq  
Legal Counsel  
Kaiser Permanente  
393 East Walnut Street, 2<sup>nd</sup> Floor  
Pasadena, CA 91188

EEOC Number 480-2015-02873C  
Case Name Lois Carter  
Filing Date September 24, 2015

**NOTICE TO COMPLAINANT AND RESPONDENT**

This is to advise you that the above-referenced complaint is being dual filed with the California Department of Fair Employment and Housing (DFEH) by the U.S. Equal Employment Opportunity Commission (EEOC). The complaint will be filed in accordance with California Government Code section 12960. This notice constitutes service pursuant to Government Code section 12962.

The EEOC is responsible for the processing of this complaint and the DFEH will not be conducting an investigation into this matter. Please contact EEOC directly for any discussion of the complaint or the investigation.

**NOTICE TO COMPLAINANT OF RIGHT TO SUE**

This letter is also your Right to Sue notice. This Right to Sue Notice allows you to file a private lawsuit in State court. According to Government Code section 12965, subdivision (b), you may bring a civil action under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The lawsuit may be filed in a State of California Superior Court. Government Code section 12965, subdivision (b), provides that such a civil action must be brought within one year from the date of this notice. Pursuant to Government Code section 12965, subdivision (d)(1), this one-year period will be tolled during the pendency of the EEOC's investigation of your complaint. You should consult an attorney to determine with accuracy the date by which a civil action must be filed. This right to file a civil action may be waived in the event a settlement agreement is signed.

Be advised, the DFEH does not retain case records beyond three years after a complaint is filed.

10/25/2017

DFEH-200-02 (07/13)

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# EXHIBIT "C"

10/25/2017

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
**NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)**

To: Lois Carter  
5701 Valley Ridge Avenue  
Los Angeles, CA 90043

From: Los Angeles District Office  
255 E. Temple St. 4th Floor  
Los Angeles, CA 90012

On behalf of person(s) aggrieved whose identity is  
CONFIDENTIAL (29 CFR §1601.7(e))

EEOC Charge No.	EEOC Representative	Telephone No.
480-2015-02873	LaTayna X. Valentine, Investigator	(213) 894-1047

(See also the additional information enclosed with this form.)

**NOTICE TO THE PERSON AGGRIEVED:**

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA must be filed in a federal or state court **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

- More than 180 days have passed since the filing of this charge.
- Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.
- The EEOC is terminating its processing of this charge.
- The EEOC will continue to process this charge.

**Age Discrimination in Employment Act (ADEA):** You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:

- The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal or state court **WITHIN 90 DAYS** of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.
- The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

**Equal Pay Act (EPA):** You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

*Barbara J. Dubler for*  
\_\_\_\_\_  
Rosa M. Viramontes,  
District Director

9/11/2017

(Date Mailed)

Enclosure(s)

cc: Emi Gusukuma, Attorney  
MILLER LAW GROUP  
c/o - KFHP SC - SUNSET MEDICAL OFFICES  
111 Sutter Street, Ste. 700  
San Francisco, CA 94104

10/25/2017  
Enclosure with EEOC  
Form 161-B (11/16)

**..FORMATION RELATED TO FILING SUIT  
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.  
If you also plan to sue claiming violations of State law, please be aware that time limits and other  
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),  
the Genetic Information Nondiscrimination Act (GINA), or the Age  
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge within 90 days of the date you receive this Notice. Therefore, you should keep a record of this date. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed within 90 days of the date this Notice was mailed to you (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Courts often require that a copy of your charge must be attached to the complaint you file in court. If so, you should remove your birth date from the charge. Some courts will not accept your complaint where the charge includes a date of birth. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

**PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):**

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred more than 2 years (3 years) before you file suit may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit before 7/1/10 - not 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

**ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:**

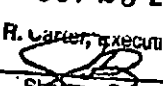
If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

**ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:**

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, please make your review request within 6 months of this Notice. (Before filing suit, any request should be made within the next 90 days.)

12572917

**IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.**

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, Bar number, and address): Joseph Y. Avrahamy, Esq. (SBN: 150885) LAW OFFICES OF JOSEPH Y. AVRAHAMY 16530 Ventura Blvd., Suite 208 Encino, California 91436 TELEPHONE NO.: (818)990-1757 FAX NO.: ATTORNEY FOR (Name): Plaintiff, Lois Carter		FOR COURT USE ONLY  <b>FILED</b> Superior Court of California County of Los Angeles  <b>OCT 25 2017</b>  Sherri R. Carter, Executive Officer/Clerk By:  Deputy Stephanie Golden
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: Same as above CITY AND ZIP CODE: Los Angeles, California 90012-3014 BRANCH NAME: Central District		CASE NUMBER: <b>BC 681100</b>  JUDGE:  DEPT:
CASE NAME: Carter vs. Kaiser Foundation Healthplan, et al.		
<b>CIVIL CASE COVER SHEET</b> <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000)	<input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	<b>Complex Case Designation</b> <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:

<b>Auto Tort</b> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) <b>Other P/IPD/W/D (Personal Injury/Property Damage/Wrongful Death) Tort</b> <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other P/IPD/W/D (23) <b>Non-P/IPD/W/D (Other) Tort</b> <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 (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-P/IPD/W/D tort (35) <b>Employment</b> <input type="checkbox"/> Wrongful termination (36) <input checked="" type="checkbox"/> Other employment (15)	<b>Contract</b> <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) <b>Real Property</b> <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) <b>Unlawful Detainer</b> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <b>Judicial Review</b> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<b>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</b> <input type="checkbox"/> Antitrust/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)  <b>Enforcement of Judgment</b> <input type="checkbox"/> Enforcement of judgment (20) <b>Miscellaneous Civil Complaint</b> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) <b>Miscellaneous Civil Petition</b> <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): 3- Violation of CA Gov'n't Codes 12940(m) (n); and (a)

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: October 24, 2017  
 JOSEPH Y. AVRAHAMY, 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.

Page 1 of 2

SHORT TITLE: Carter vs. Kaiser Foundation Healthplan, et al.

CASE NUMBER BC 681100

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 in 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: Carter vs. Kaiser Foundation Healthplan, et al.

CASE NUMBER

Non-Personal Injury/Property Damage/Wrongful Death Tort

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
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

Employment

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

Contract

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 type="checkbox"/> A6015 Insurance Coverage (not complex)	1, 2, 5, 8
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input checked="" type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1, 2, 3, 5 1, 2, 3, 5 1, 2, 3, 8, 9

Real Property

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 <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2, 6 2, 6 2, 6

Unlawful Detainer

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

SHORT TITLE: Carter vs. Kaiser Foundation Healthplan, et al. CASE NUMBER

Table with 3 columns: A Civil Case Cover Sheet Category No., B Type of Action (Check only one), and C Applicable Reasons - See Step 3 Above. Rows include categories like Judicial Review, Provisionally Complex Litigation, Enforcement of Judgment, Miscellaneous Civil Complaints, and Miscellaneous Civil Petitions.



SHORT TITLE: Carter vs. Kaiser Foundation Healthplan, et al.	CASE NUMBER
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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).

<b>REASON:</b> <input type="checkbox"/> 1. <input checked="" type="checkbox"/> 2. <input checked="" 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: 1515 North Vermont Avenue
CITY: Los Angeles	STATE: CA	ZIP CODE: 90027	

**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: 10/24/17

  
 (SIGNATURE OF ATTORNEY/FILING PARTY)  
 JOSEPH Y. AVRAHAMY, ESQ.

**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.