

Assigned for all purposes to: Norwalk Courthouse, Judicial Officer: Margaret Bernal

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CELESTE KING

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

CELESTE KING,

Plaintiff;

vs.

SOCAL PERMANENTE MEDICAL  
GROUP, a business entity, form unknown;  
and DOES 1 through 250, inclusive,

Defendants

CASE NO.

**COMPLAINT FOR DAMAGES**

1. RETALIATION IN VIOLATION OF FEHA; AND
2. VIOLATION OF LABOR CODE § 1102.5

**[DEMAND FOR JURY TRIAL]**

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

**INTRODUCTION**

1. This is an action brought by the Plaintiff, CELESTE KING, pursuant to California statutory, decisional, and regulatory laws. Plaintiff was an employee of SOCAL PERMANENT MEDICAL GROUP (referred to as "Defendant" or "SCPMG"), at all times herein mentioned.

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

5  
6 **JURISDICTION AND VENUE**  
7

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

10  
11 4. Venue in this Court is proper in that SCPMG has a principal business address located in  
12 the City of Downey, County of Los Angeles, State of California.

13  
14 **PARTIES**  
15

16 5. At all times herein mentioned, Plaintiff KING is and has been a resident of Orange  
17 County, State of California.

18  
19 6. Defendant SCPMG is and at all times herein mentioned has been a California corporation  
20 with the capacity to sue and to be sued, and doing business, with a principal place of  
21 business located at 9333 Imperial Hwy, Downey, CA 90242.

22  
23 7. Plaintiff is informed and believes and thereon alleges that each of the Defendants herein  
24 were at all times the agent, employee, or representative of each remaining Defendant and  
25 were at all times herein acting within and outside the scope and purpose of said agency  
26 and employment. Plaintiff further alleges that as to each Defendant, whether named, or  
27 referred to as a fictitious name, said Defendants supervised, ratified, controlled,  
28

1 acquiesced in, adopted, directed, substantially participated in, and/or approved the acts,  
2 errors, or omissions, of each remaining Defendant.

- 3  
4 8. The true names and capacities of the Defendants named herein as DOES 1 through 250,  
5 inclusive, whether individual, corporate, partnership, association, or otherwise, are  
6 unknown to Plaintiff who therefore sues these Defendants by such fictitious names.  
7 Plaintiff will request leave of court to amend this Complaint to allege their true names  
8 and capacities at such time as they are ascertained.

9  
10 **FACTUAL ALLEGATIONS**  
11

- 12 9. Plaintiff Celeste King became employed by Defendant SCPMG, in or about August 1996  
13 as a medical assistant.
- 14  
15 10. In or about December 2016 or January 2017, Plaintiff participated in an investigation  
16 where a co-worker, Otilia Samora, was accused of insubordination to her superior, Joyce  
17 Cho. Plaintiff was requested to submit a statement as to what she witnessed regarding the  
18 interaction between Ms. Samora and Ms. Cho. Plaintiff's statement was that Ms. Samora  
19 was complaining that Ms. Cho was denying Ms. Samora hours because of Ms. Samora  
20 exercising her approved FMLA. Plaintiff also stated that it was Ms. Cho, and not Ms.  
21 Samora, that was speaking in a disrespectful manner and talking in a raised voiced.  
22 Plaintiff submitted this statement to her supervisor, Noemi Adalin.
- 23  
24 11. Plaintiff also told Ms. Adalin that she believed that Ms. Samora was wrongfully denied  
25 hours because of Ms. Samora's exercising FMLA as Plaintiff was aware that coverage  
26 was desperately needed in their department and that there was plenty of available time for  
27 Ms. Samora to work. Moreover, Plaintiff overheard Joyce Cho make negative or  
28

1 derogatory comments about Ms. Samora when the latter would call in to say she was  
2 exercising leave under the FMLA.

3  
4 12. Ms. Adalin took the liberty of rewriting Plaintiff's statement, altering the story so that, in  
5 effect, Ms. Samora was the villain and Ms. Cho the victim. Plaintiff told Ms. Adalin this  
6 was not the statement she submitted and went on to re-write the statement as initially  
7 intended.

8  
9 13. Immediately following the submission of the above referenced statement to Ms. Adalin in  
10 or about January 2017, and continuing through the present, Plaintiff has been denied  
11 overtime hours, despite no changes in amount of work. Also, Plaintiff was reassigned to  
12 work with a notorious medical provider who was known to wear down and make life  
13 impossible to any assigned medical assistant. Plaintiff is informed and believes that both  
14 the decision to deny overtime and the reassignment were done at the orders of the Ms.  
15 Cho.

16  
17 14. Plaintiff is informed and believes her statements to Ms. Adalin about the wrongful denial  
18 of overtime and that Ms. Samora was complaining about the denial of overtime, was the  
19 motivating factor in subsequently denying Plaintiff herself overtime hours and  
20 reassigning her to a notoriously difficult medical provider.

21  
22 15. Prior to filing this Complaint, Plaintiff fulfilled any legal requirement or exhausted any  
23 administrative remedy imposed on him by having filed the substance of claims alleged  
24 herein with the California Department of Fair Employment and Housing (hereinafter  
25 "DFEH"), and has received Right to Sue Letters from the DFEH dated October 3, 2018.  
26 Plaintiff has therefore substantially complied with all requirements for the filing of this  
27  
28

1 Complaint and has exhausted her administrative remedies prior to filing, commencing,  
2 and serving the within action.

3  
4 **FIRST CAUSE OF ACTION**

5 **(Retaliation in Violation of FEHA)**

6 **(Plaintiff Against All Defendants)**

7  
8 16. The allegations of paragraphs 1 through 14 are re-alleged and incorporated herein by  
9 reference as though fully set forth herein.

10  
11 17. At all times herein mentioned in this complaint, California Government Code Section  
12 12940 et seq. was in full force and effect and binding on the Defendants and the  
13 Defendants were subject to its terms. Defendants are and have denied Plaintiff overtime  
14 and have reassigned her to a notoriously difficult medical provider, for reasons and in a  
15 manner contrary to public policy, on a pre-textual basis, because of her complaints about  
16 retaliation for a co-worker's exercise of a medical leave, as herein above alleged.

17  
18 18. In or about December 2016 or January 2017, Plaintiff participated in an investigation  
19 where a co-worker, Otilia Samora, was accused of insubordination to her superior, Joyce  
20 Cho. Plaintiff was requested to submit a statement as to what she witnessed regarding the  
21 interaction between Ms. Samora and Ms. Cho. Plaintiff's statement was that Ms. Samora  
22 was complaining that Ms. Cho was denying Ms. Samora hours because of Ms. Samora  
23 exercising her approved FMLA. Plaintiff also stated that it was Ms. Cho, and not Ms.  
24 Samora, that was speaking in a disrespectful manner and talking in a raised voiced.  
25 Plaintiff submitted this statement to her supervisor, Noemi Adalin.  
26  
27  
28

1 19. Plaintiff also told Ms. Adalin that she believed that Ms. Samora was wrongfully denied  
2 hours because of Ms. Samora's exercising FMLA as Plaintiff was aware that coverage  
3 was desperately needed in their department and that there was plenty of available time for  
4 Ms. Samora to work. Moreover, Plaintiff overheard Joyce Cho make negative or  
5 derogatory comments about Ms. Samora when the latter would call in to say she was  
6 exercising leave under the FMLA.

7  
8 20. Ms. Adalin took the liberty of rewriting Plaintiff's statement, altering the story so that, in  
9 effect, Ms. Samora was the villain and Ms. Cho the victim. Plaintiff told Ms. Adalin this  
10 was not the statement she submitted and went on to re-write the statement as initially  
11 intended.

12  
13 21. Immediately following the submission of the above referenced statement to Ms. Adalin in  
14 or about January 2017, and continuing through the present, Plaintiff has been denied  
15 overtime hours, despite no changes in amount of work. Also, Plaintiff was reassigned to  
16 work with a notorious medical provider who was known to wear down and make life  
17 impossible to any assigned medical assistant. Plaintiff is informed and believes that both  
18 the decision to deny overtime and the reassignment were done at the orders of the Ms.  
19 Cho.

20  
21 22. Defendants' conduct above described is in violation of various statutes and state law  
22 decisions, including California Government Code Section 12940 et seq., due to Plaintiff's  
23 protected classification and her protected activity about complaining about wrongful  
24 denial of overtime because of co-workers' exercise of a medical leave.

25  
26 23. As a direct and legal result of Defendants' retaliatory actions against Plaintiff for her  
27 protected activity herein referenced, Plaintiff has suffered and continues to suffer general,  
28

1 consequential, and special damages, including but not limited to substantial losses in  
2 earnings, other employment benefits, *physical injuries, physical sickness*, as well as  
3 emotional distress, plus medical expenses, future medical expenses, and attorneys' fees,  
4 all to her damage in an amount according to proof.

- 5  
6 24. Said retaliation was wrongful and justifies the imposition of punitive damages since it  
7 was against public policy. Defendants intentionally discriminated and retaliated against  
8 Plaintiff on account of her protected activity, and in doing so, Defendants acted  
9 maliciously, fraudulently and oppressively, with the wrongful intention of injuring  
10 Plaintiff. Based upon the foregoing, Plaintiff is entitled to recover punitive damages from  
11 Defendants and each of them, in an amount according to proof.

12  
13 **SECOND CAUSE OF ACTION**

14 **(Violation of Labor Code Section 1102.5)**

15 **(Plaintiff Against All Defendants)**

- 16  
17 25. The allegations of paragraphs 1 through 24 are re-alleged and incorporated herein by  
18 reference as though fully set forth herein.

- 19  
20 26. At all times herein mentioned in this complaint, California Labor Code Section 1102.5 et  
21 seq. was in full force and effect and binding on the Defendants and the Defendants were  
22 subject to its terms. Defendants are and have wrongfully denied Plaintiff overtime and  
23 retaliated against Plaintiff for reasons and in a manner contrary to public policy, on a pre-  
24 textual basis, because of her complaints as set forth herein.

- 25  
26 27. Pursuant to California Labor Code Section 1102.5 (b) An employer may not retaliate  
27 against an employee for disclosing information "to a person with authority over the  
28

1 employee, or to another employee who has authority to investigate, discover, or correct  
2 the violation or noncompliance,” where the employee has reasonable cause to believe that  
3 the information discloses a violation of state or federal statute, or a violation or  
4 noncompliance with a state or federal rule or regulation.  
5

6 28. In or about December 2016 or January 2017, Plaintiff participated in an investigation  
7 where a co-worker, Otilia Samora, was accused of insubordination to her superior, Joyce  
8 Cho. Plaintiff was requested to submit a statement as to what she witnessed regarding the  
9 interaction between Ms. Samora and Ms. Cho. Plaintiff’s statement was that Ms. Samora  
10 was complaining that Ms. Cho was denying Ms. Samora hours because of Ms. Samora  
11 exercising her approved FMLA. Plaintiff also stated that it was Ms. Cho, and not Ms.  
12 Samora, that was speaking in a disrespectful manner and talking in a raised voiced.  
13 Plaintiff submitted this statement to her supervisor, Noemi Adalin.  
14

15 29. Plaintiff also told Ms. Adalin that she believed that Ms. Samora was wrongfully denied  
16 hours because of Ms. Samora’s exercising FMLA as Plaintiff was aware that coverage  
17 was desperately needed in their department and that there was plenty of available time for  
18 Ms. Samora to work. Moreover, Plaintiff overheard Joyce Cho make negative or  
19 derogatory comments about Ms. Samora when the latter would call in to say she was  
20 exercising leave under the FMLA.  
21

22 30. Ms. Adalin took the liberty of rewriting Plaintiff’s statement, altering the story so that, in  
23 effect, Ms. Samora was the villain and Ms. Cho the victim. Plaintiff told Ms. Adalin this  
24 was not the statement she submitted and went on to re-write the statement as initially  
25 intended.  
26

27 //

28 //



1 31. Immediately following the submission of the above referenced statement to Ms. Adalin in  
2 or about January 2017, and continuing through the present, Plaintiff has been denied  
3 overtime hours, despite no changes in amount of work. Also, Plaintiff was reassigned to  
4 work with a notorious medical provider who was known to wear down and make life  
5 impossible to any assigned medical assistant. Plaintiff is informed and believes that both  
6 the decision to deny overtime and the reassignment were done at the orders of the Ms.  
7 Cho..

8  
9 32. Said retaliation was and is in violation of public policy because the actual reason for  
10 denying Plaintiff overtime and reassigning her to a notoriously difficult medical provider  
11 was because of Plaintiff complaints, set forth above.

12  
13 33. Defendants' conduct above described is in violation of various statutes and state law  
14 decisions, including California Labor Code Section 1102.5 et seq.

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

22  
23 **PRAYER**

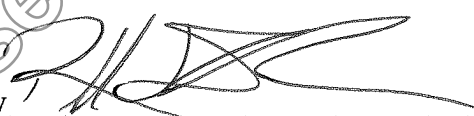
24 1. For damages according to proof, including loss of earnings, deferred compensation,  
25 overtime and other employment benefits;

26  
27 2. For general damages, according to proof;  
28

- 1 3. For other special damages according to proof;  
2  
3 4. For punitive damages according to proof;  
4  
5 5. For costs incurred by Plaintiff, including reasonable attorneys' fees (Gov. Code § 12965  
6 (b); Lab. Code § 1021.5; ) and costs of suit (Cal. Civ. Pro. § 1032 et seq.), in obtaining  
7 the benefits due Plaintiffs and for violations of Plaintiff's civil rights as set forth above;  
8 and  
9  
10 6. For such other and further relief as the court deems just and proper.  
11  
12  
13

14 Dated: January 30, 2019

THE LAW OFFICES OF CARLIN & BUCHSBAUM  
A Limited Liability Partnership


16  
17 By   
18 Ronald L. Zambrano, Attorneys for Plaintiff,  
CELESTE KING

19  
20 **DEMAND FOR JURY TRIAL**  
21

22 Plaintiff hereby respectfully demands a jury trial.  
23

24 Dated: January 30, 2019

THE LAW OFFICES OF CARLIN & BUCHSBAUM  
A Limited Liability Partnership

25  
26 By   
27 Ronald L. Zambrano, Attorneys for Plaintiff,  
28 CELESTE KING