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6 Attorneys for Plaintiff, ASUNCION M. REDUBLO

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

ASUNCION M. REDUBLO

Plaintiffs,

vs.

KAISER FOUNDATION HOSPITALS, a  
corporation; and Does 1 through 10, Inclusive

Defendants.

) CASE No.:

) COMPLAINT

- ) (1) AGE DISCRIMINATION (FEHA)
- ) (2) RETALIATION IN VIOLATION OF CFRA
- ) (3) DISABILITY DISCRIMINATION
- ) (4) RETALIATION IN VIOLATION OF FEHA
- ) (5) VIOLATION OF LABOR CODE §§ 233, 234, 246.5 ET SEQ.
- ) (6) VIOLATION OF LABOR CODE §§ 1102.5-1105;
- ) (7) FAILURE TO PREVENT AND/OR REMEDY DISCRIMINATION AND/OR RETALIATION
- ) (8) DEFAMATION PER SE / PER QUOD
- ) (9) INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

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1 Plaintiff complains and alleges as follows:

- 2 1. Plaintiff, ASUNCION M. REDUBLO, at all times relevant hereto was a resident of the State of  
3 California, County of Los Angeles. She was employed with Defendants in the County of Los  
4 Angeles for more than 30 years.
- 5 2. Plaintiff is informed and believes and thereon alleges that Defendant, KAISER FOUNDATIONS  
6 HOSPITALS (KAISER) is a corporation organized and existing under the laws of California  
7 with its principal place of business located at 393 East Walnut Street, Pasadena, CA 91188.
- 8 3. The true names and capacities of the Defendants named herein as Does 1 through 10, inclusive,  
9 whether individual, corporate, associate or otherwise, are unknown to Plaintiff who therefore  
10 sues such Defendants by fictitious names pursuant to California Code Civil Procedure section  
11 474. Plaintiff is informed and believes that all of the Doe Defendants are California residents.  
12 Plaintiff will amend this Complaint to show such true names and capacities when they have been  
13 determined.
- 14 4. Plaintiff is informed and believes, and thereby alleges that each of the Defendants herein was at  
15 all times relevant hereto the agent, employee or representative of the remaining Defendants and  
16 was acting at least in part, within the course and scope of such relationship in doing the things  
17 herein alleged.
- 18 5. Plaintiff is informed and believes, and thereby alleges that each of the Defendants was acting in  
19 a single or joint employer, agency, employer, and/or alter ego capacity such that they are liable  
20 for the acts of their agents and/or employees.

21 BACKGROUND FACTS COMMON TO ALL CAUSES OF ACTION

- 22 6. From January 1998 through 2006, Ms. Redublo worked as an Intensive Care Unit Nurse at  
23 Kaiser Sunset.
- 24 7. In 2006, Ms. Redublo was promoted to Clinical Nurse Coordinator for ICU, on the night shift.
- 25 8. Throughout the years, Ms. Redublo received good performance reviews.
- 26 9. In 2011, as the Assistant Department Administrator (ADA), Ms. Redublo received a Successful  
27 Review by her Manager, Emily-Joy Flynn.
- 28 10. In 2012, Ms. Redublo received a Successful Review by Emily-Joy Flynn.

- 1 11. In July 2014, Ms. Redublo suffered a stroke, and was on medical leave for six months. She  
2 returned to work on modified duty for three months.
- 3 12. In 2015, Ms. Redublo received a Successful Review by Emily-Joy Flynn.
- 4 13. In 2016, Ms. Redublo received an Excellent Performance review by manager, Ramona Pell.
- 5 14. In 2016, there was a reorganization, and Ms. Redublo applied and received the ADA position  
6 in the Neuro ICU, on the night shift.
- 7 15. In December 2016, Ms. Redublo developed severe migraines which resulted in her taking  
8 medical leave for three months and returning to work on modified duty for three months.
- 9 16. In the Winter 2017, Kaiser combined the management of the ICU/Neuro ICU under the same  
10 Department Administrator, Michele Corder.
- 11 17. At this point in her career, Ms. Redublo had never been subject to any sort of formal written  
12 progressive discipline such as an Action Plan or Performance Improvement Plan.
- 13 18. On February 8, 2018, Ms. Redublo asked Ms. Corder for a day off for a migraine. Ms. Corder  
14 responded by asking her “Why won’t you retire.” Ms. Redublo responded that she was the sole  
15 provider for her family. She had two children in school, and her family needed her for financial  
16 support. Ms. Corder retorted that the children, “were grown up, they will survive.”
- 17 19. In February 2018, Ms. Redublo expressed her interest to Ms. Corder in working the ADA day  
18 shift. Despite having more seniority and experience, the much younger employee, Justin Small,  
19 late-30's, was chosen. Contrary to protocol, he was selected for the position without a panel  
20 interview consisting of staff, ADA’s, DA’s and physicians. Further, Mr. Small had tardiness  
21 issues, which would have been discovered in the panel interview, and likely precluded him from  
22 the position.
- 23 20. On April 30, 2018, Ms. Corder presented Ms. Redublo with an Action Plan notifying her of 19  
24 areas in which her performance was substandard. This Plan was presented without notice of any  
25 prior alleged performance problems. This was the first Action Plan she had received in her 30  
26 years of employment with Kaiser.
- 27 21. On June 6<sup>th</sup> and 19<sup>th</sup>, 2018, Ms. Corder had follow-up meetings with Ms. Redublo on the Action  
28 Plans.

- 1 22. On or about July 19, 2018, there was yet another follow-up meeting on Action Plan.
- 2 23. From approximately July 19, 2018 through October 19, 2018, Ms. Redublo took a medical leave  
3 due the disabling stress, anxiety, and depression caused by the discrimination of Ms. Corder.
- 4 24. While out on medical leave, Ms. Redublo spoke with Uri Gorski, the evening ADA. She asked  
5 him what Ms. Corder's plan for me was, and he responded, "she's working on my early  
6 retirement."
- 7 25. On or about October 23, 2018, Ms. Redublo returned to work from her medical leave.  
8 Immediately upon her return, Ms. Corder presented her with an Action Plan dated July 20, 2018.
- 9 26. On November 2, 2018, Ms. Corder presented yet another Action Plan that again identified 19  
10 areas in which Ms. Redublo was demonstrating poor performance. Ms. Redublo was given 60  
11 days to complete the Action Plan.
- 12 27. On December 10, 2018, Ms. Corder formally presented a further write-up to Ms. Redublo,  
13 counseling her in 8 areas of performance. She suggested that if personal issues were causing her  
14 poor performance, she should contact the Employee Assistance Program.
- 15 28. On January 10, 2019, Ms. Corder met to further counsel Ms. Redublo on her performance. Ms.  
16 Redublo reported that she felt Ms. Corder was trying to intimidate her.
- 17 29. On February 13, 2019, Ms. Corder issued a Performance Improvement Plan. The start date was  
18 February 13, 2019 with a completion date of March 15, 2019. The document criticized her in  
19 5 areas of her performance, noting that she had not demonstrated improvement. Further, it was  
20 noted that Ms. Redublo had been provided the opportunity to attend a communications seminar,  
21 emotional intelligence class, and ADA training.
- 22 30. On February 14, 2019, Ms. Redublo filed a written complaint of age and disability discrimination  
23 with Kaiser.
- 24 31. The following day Michelle Corder, and her supervisor, Bradley Howard, Director of Critical  
25 Care, met with Ms. Redublo in Human Resources. During the meeting, Ms. Redublo was  
26 admonished regarding her performance. Mr. Howard commented, "How many years have you  
27 been working here? 10 years? 15 years? 30 years? These are basic leadership skills. If you're  
28 new, it's understandable. But you are not."

- 1 32. On February 21, 2019, Ms. Redublo met with Ms. Corder regarding her rebuttal to the  
2 Performance Improvement Plan.
- 3 33. On February 23, 2019, Ms. Redublo met with Bradley Howard, and asked for his help in  
4 transferring.
- 5 34. On March 5, 2019, Ms. Redublo met with Kaiser's internal EEO Investigator, Philip Romano.
- 6 35. On March 21, 2019, Ms. Corder called Ms. Redublo into her office, and falsely accused her of  
7 harassing another employee.
- 8 36. On April 11, 2019, Kaiser sent Ms. Redublo a letter indicating that there was not merit to her  
9 claims of discrimination.
- 10 37. On April 26, 2019, Ms. Corder fired Ms. Redublo. She was purportedly terminated for failure  
11 to: 1) complete leadership and administrative duties; 2) complete of assignments and meeting  
12 deadlines; 3) actively manage department meal and rest break periods; 4) adhere to regional and  
13 departmental policies and procedures, as well as California State mandated staffing ratios; 5)  
14 actively monitor staff performance and compliance with the collective bargaining agreement and  
15 employee Weingarten rights.
- 16 38. After terminating Ms. Redublo, Ms. Corder sent an email claiming that Ms. Redublo retired.  
17 This is a typical Kaiser fact, for if they claim the employee retired, they can avoid paying for the  
18 unemployment benefits the employee needs to survive by claiming they quit.
- 19 39. On May 2, 2019, Ms. Redublo responded that she had been very depressed, and needed to  
20 respond to the false assertion that she quit. Ms. Redublo observed that she was informed that  
21 she was fired then escorted off the property like a criminal in front of her peers while in tears.  
22 Ms. Redublo noted that although Ms. Corder had been trying to get her to retire since February  
23 2018, she was, in fact, fired.

24 FIRST CAUSE OF ACTION

25 AGE DISCRIMINATION (FEHA)

26 (Govt. Code, §§ 12926(o), 12940(a)(n))

27 (Against KAISER and DOES 1-10)

- 28 40. Plaintiff repeats and realleges by reference each and every allegation contained in the preceding

- 1 paragraphs and incorporates the same herein as though fully set forth.
- 2 41. At all times herein relevant, there was an employer/employee, agency, or other qualified  
3 relationship between Plaintiff and the Defendant.
- 4 42. It is illegal to discriminate against an individual based upon her age pursuant to California  
5 Government Code section 12940(a).
- 6 43. Plaintiff is age-protected worker.
- 7 44. Defendant discriminated against, and subjected Plaintiff to adverse employment actions. A  
8 substantial motivating factor in the Defendant's actions were Plaintiff's age.
- 9 45. Defendant has a pattern and practice of discriminating against age-protected workers.
- 10 46. Moreover, Defendant's facially neutral policy of nondiscrimination in employment decisions has  
11 an unfavorable impact on those employees who are in a similar position to Plaintiff.
- 12 47. As a proximate result of Defendant's discrimination against Plaintiff, Plaintiff has suffered and  
13 continues to suffer substantial losses in earnings, and other employment and retirement benefits  
14 and has suffered and continues to suffer embarrassment, humiliation and mental anguish all to  
15 her damage in an amount according to proof.
- 16 48. As a result of Defendant's discriminatory acts as alleged herein, Plaintiff is entitled to reasonable  
17 attorneys' fees and costs of said suit as provided by California Government Code section 12965,  
18 subsection (b).
- 19 49. Plaintiff filed timely charges of discrimination with the California Department of Fair  
20 Employment and Housing ("DFEH") and EEOC and received a Notice of Case Closure  
21 informing her of her right to sue. Therefore, Plaintiff has exhausted all of her administrative  
22 remedies. (See Exhibit A hereto.)

23 SECOND CAUSE OF ACTION

24 RETALIATION IN VIOLATION OF CFRA (Govt. Code, § 12945.2 et seq.)

25 (Against KAISER and DOES 1-10)

- 26 50. Plaintiff repeats and realleges by reference each and every allegation contained in the preceding  
27 paragraphs and incorporates the same herein as though fully set forth.
- 28 51. Plaintiff was at all times material hereto an employee covered by California Government Code

1 §12945.2 et seq. prohibiting retaliation for both requesting and/or taking medical leave under  
2 the California Family Rights Act.

3 52. Defendant was at all times material hereto an employer within the meaning of the California  
4 Government Code and, as such, barred from retaliating against an employee for requesting  
5 medical leave under the California Family Rights Act.

6 53. In the year prior to her discharge, Plaintiff worked in excess of 1,250 hours at Defendant.

7 54. Plaintiff is therefore an eligible employee under the California Family Rights Act (CFRA) (Govt.  
8 Code, § 12945.2.)

9 55. At all relevant times, Defendant employed over fifty employees. Defendant was thus an  
10 employer covered by CFRA. (Govt. Code, § 12945.2, subd. (c)(1).)

11 56. As a result of a serious health condition, Plaintiff notified Defendant of her medical condition  
12 necessitating a leave and her desire to take time off to treat that medical condition.

13 57. After notifying the employer of the serious medical condition and need for leave, Plaintiff was  
14 retaliated against and terminated. Her assertion of her CFRA rights was a substantial motivating  
15 factor in her termination.

16 58. Defendant has a pattern and practice of retaliating against persons who request medical leave.

17 59. Moreover, Defendant's facially neutral policy of non-retaliation in employment decisions has  
18 an unfavorable impact on those employees who are in a similar position to Plaintiff.

19 60. As a proximate result of Defendant's retaliation against Plaintiff, Plaintiff has suffered and  
20 continues to suffer substantial losses in earnings, and other employment and retirement benefits  
21 and has suffered and continues to suffer embarrassment, humiliation and mental anguish all to  
22 her damage in an amount according to proof.

23 61. Defendant did the acts herein alleged maliciously, fraudulently and oppressively, amounting to  
24 despicable conduct, and in conscious disregard of Plaintiff's rights. The acts alleged herein were  
25 known to, authorized and ratified by Defendants. Plaintiff is thus entitled to recover punitive  
26 damages from Defendants, and each of them, in an amount according to proof.

27 62. As a result of Defendant's retaliatory acts as alleged herein, Plaintiff is entitled to reasonable  
28 attorneys' fees and costs of said suit as provided by California Government Code section 12965,

1 subsection (b).

2 63. Plaintiff filed timely charges of retaliation with the California Department of Fair Employment  
3 and Housing (“DFEH”) and received a Notice of Case Closure informing her of her right to sue.  
4 Therefore, Plaintiff has exhausted all of her administrative remedies. (See Exhibit A hereto.)

5 THIRD CAUSE OF ACTION

6 DISABILITY DISCRIMINATION IN VIOLATION OF FEHA - WRONGFUL TERMINATION

7 (Govt. Code, §§ 12926(o), 12940(a)(n))

8 (Against KAISER and DOES 1-10)

9 64. Plaintiff repeats and realleges by reference each and every allegation contained in the preceding  
10 paragraphs and incorporates the same herein as though fully set forth.

11 65. At all times herein relevant, there was an employer/employee, agency, or other qualified  
12 relationship between Plaintiff and the Defendant.

13 66. It is illegal to discriminate against an individual based upon her physical or mental disabilities  
14 and/or her medical conditions pursuant to California Government Code section 12940(a).

15 67. Plaintiff is/was an individual with qualifying disabilities and medical conditions.

16 68. Defendant retaliated against, discriminated against, and subjected Plaintiff to adverse  
17 employment actions. A substantial motivating factor in the Defendant’s actions were Plaintiff’s  
18 disabilities and/or medical condition.

19 69. Defendant has a pattern and practice of discriminating against those with qualifying disabilities  
20 and medical conditions.

21 70. Moreover, Defendant’s facially neutral policy of nondiscrimination in employment decisions has  
22 an unfavorable impact on those employees who are in a similar position to Plaintiff.

23 71. As a proximate result of Defendant’s discrimination against Plaintiff, Plaintiff has suffered and  
24 continues to suffer substantial losses in earnings, and other employment and retirement benefits  
25 and has suffered and continues to suffer embarrassment, humiliation and mental anguish all to  
26 her damage in an amount according to proof.

27 72. As a result of Defendant’s discriminatory acts as alleged herein, Plaintiff is entitled to reasonable  
28 attorneys’ fees and costs of said suit as provided by California Government Code section 12965,



1 subsection (b).

2 73. Plaintiff filed timely charges of discrimination with the California Department of Fair  
3 Employment and Housing (“DFEH”) and EEOC and received a Notice of Case Closure  
4 informing her of her right to sue. Therefore, Plaintiff has exhausted all of her administrative  
5 remedies. (See Exhibit A hereto.)

6 FOURTH CAUSE OF ACTION

7 RETALIATION IN VIOLATION OF FEHA

8 (Against KAISER and DOES 1-10)

9 74. Plaintiff repeats and realleges by reference each and every allegation contained in the preceding  
10 paragraphs and incorporates the same herein as though fully set forth.

11 75. At all times herein relevant there was an employer/employee relationship between the Plaintiff  
12 and the Defendant.

13 76. It is against the law to retaliate against an employee for making protected complaints of  
14 discrimination.

15 77. Plaintiff’s complaints of discrimination, and requests for accommodation were a substantial  
16 motivating factor in her termination.

17 78. As a proximate result of Defendants’ retaliation against Plaintiff, Plaintiff has suffered and  
18 continues to suffer substantial losses in earnings, and other employment and retirement benefits  
19 and has suffered and continues to suffer embarrassment, humiliation and mental anguish all to  
20 her damage in an amount according to proof.

21 79. As a result of Defendants’ retaliatory acts as alleged herein, Plaintiff is entitled to reasonable  
22 attorneys’ fees and costs of said suit as provided by California Government Code section 12965,  
23 section (b).

24 80. Plaintiff filed timely charges of retaliation with the California Department of Fair Employment  
25 and Housing (“DFEH”) and received a Notice of Case Closure informing her of her right to sue.  
26 Therefore, Plaintiff has exhausted all of her administrative remedies. (See Exhibit A hereto.)

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1 FIFTH CAUSE OF ACTION

2 VIOLATION OF LABOR CODE §§ 233, 234, 246.5 et seq.

3 (Against KAISER and DOES 1-10)

4 81. Plaintiffs repeat and reallege by reference each and every allegation contained in the preceding  
5 paragraphs and incorporates the same herein as though fully set forth.

6 82. Plaintiff was an employee of Defendant at all relevant times.

7 83. Defendant was an employer at all relevant times.

8 84. California Labor Code § 233(c) states: “An employer shall not deny an employee the right to use  
9 sick leave or discharge, threaten to discharge, demote, suspend, or in any manner discriminate  
10 against an employee for using, or attempting to exercise the right to use, sick leave to attend to  
11 an illness or the preventive care of a family member, or for any other reason specified in  
12 subdivision (a) of Section 246.5.”

13 85. Defendant retaliated against Plaintiff and/or subjected her to adverse employment actions  
14 including termination.

15 86. Plaintiff’s requesting and/or exercising her right to take sick leave to attend to her illness and/or  
16 existing health condition(s) were a substantial motivating reason for Defendants’ retaliation,  
17 adverse employment actions including termination.

18 87. As a proximate result of Defendant’s retaliation against Plaintiff, Plaintiff has suffered and  
19 continues to suffer substantial losses in earnings, and other employment and retirement benefits  
20 and have suffered and continues to suffer embarrassment, humiliation and mental anguish all to  
21 her damage in an amount according to proof.

22 88. Plaintiff is informed and believes and based thereon alleges that the outrageous conduct of  
23 Defendant described above was done with malice, fraud and oppression and with conscious  
24 disregard for their rights and with the intent, design and purpose of injuring her. By reason  
25 thereof, Plaintiff is entitled to punitive or exemplary damages from Defendant in a sum  
26 according to proof at trial.

27 89. As a proximate result of Defendant’s retaliation against Plaintiff, Plaintiff is entitled to  
28 reasonable attorneys’ fees and costs under Labor Code section 233(e).

1 SIXTH CAUSE OF ACTION

2 VIOLATION OF LABOR CODE §§ 1102.5-1105

3 (Against KAISER and DOES 1-10)

4 90. Plaintiff repeats and realleges by reference each and every allegation contained in the preceding  
5 paragraphs and incorporates the same herein as though fully set forth.

6 91. Plaintiff was an employee of Defendant at all relevant times.

7 92. Defendant was an employer at all relevant times.

8 93. Defendant retaliated against Plaintiff and/or subjected her to adverse employment actions,  
9 including termination.

10 94. Plaintiffs' concerns about discrimination, requests for CFRA leave, and for sick time were  
11 contributing factors in Defendant's retaliation, and adverse employment actions, including  
12 termination.

13 95. As a proximate result of Defendant's retaliation against Plaintiff, Plaintiff has suffered and  
14 continues to suffer substantial losses in earnings, and other employment and retirement benefits  
15 and has suffered and continues to suffer embarrassment, humiliation and mental anguish all to  
16 her damage in an amount according to proof.

17 96. Plaintiff is informed and believes and based thereon alleges that the outrageous conduct of  
18 Defendant described above was done with malice, fraud and oppression and with conscious  
19 disregard for her rights and with the intent, design and purpose of injuring her. Such actions were  
20 taken by, approved of, and/or ratified by managing agents, officers or directors of Defendant.  
21 By reason thereof, Plaintiffs are entitled to punitive or exemplary damages from Defendant in  
22 a sum according to proof at trial.

23 97. As a proximate result of Defendant's retaliation against Plaintiff, Plaintiff is entitled to  
24 reasonable attorneys' fees and costs.

25 98. As a result of the aforementioned conduct, Plaintiff is entitled to civil penalties pursuant to Labor  
26 Code section 1102.5(f).

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SEVENTH CAUSE OF ACTION

FAILURE TO REMEDY AND/OR PREVENT DISCRIMINATION AND/OR

RETALIATION IN VIOLATION OF FEHA

(Against KAISER and DOES 1-10)

99. Plaintiff repeats and realleges by reference each and every allegation contained in the preceding paragraphs and incorporates the same herein as though fully set forth.

100. At all times herein relevant, there was an employer/employee, agency, or other qualified relationship between Plaintiff and the Defendant.

101. It is illegal to discriminate and retaliate against an individual pursuant to California Government Code section 12940 et seq.

102. Defendant discriminated and retaliated against Plaintiff. Defendant knew of this discrimination and retaliation and/or reasonably should have known of it, and failed to act to prevent and/or remedy it in violation of Govt. Code, § 12940, subd. (j)(1). Further, Defendant failed to take all reasonable measures to prevent discrimination, harassment, and retaliation from occurring in violation of Government Code, § 12940, subd. (k.)

103. Plaintiff filed a timely charge of discrimination, harassment, and retaliation with the California Department of Fair Employment and Housing (“DFEH”) and received a Notice of Case Closure informing her of her right to sue. Therefore, Plaintiff has exhausted all of her administrative remedies. (See Exhibit A hereto.)

104. As a proximate result of Defendant’s discrimination and retaliation against Plaintiff, Plaintiff has suffered and continues to suffer substantial losses in earnings, and other employment and retirement benefits and has suffered and continues to suffer embarrassment, humiliation and mental anguish all to her damage in an amount according to proof.

105. As a result of Defendant’s acts as alleged herein, Plaintiff is entitled to reasonable attorneys' fees and costs of said suit as provided by California Government Code section 12965, section (b).

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EIGHTH CAUSE OF ACTION  
DEFAMATION PER SE/PER QUOD  
(Against KAISER and DOES 1-10)

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4 106. Plaintiff repeats and incorporates all paragraphs contained in this complaint as if the same were  
5 fully set forth herein and with the same full force and effect.
- 6 107. On April 26, 2019, Ms. Corder published that Ms. Redublo failed to: 1) complete leadership and  
7 administrative duties; 2) complete of assignments and meeting deadlines; 3) actively manage  
8 department meal and rest break periods; 4) adhere to regional and departmental policies and  
9 procedures, as well as California State mandated staffing ratios; 5) actively monitor staff  
10 performance and compliance with the collective bargaining agreement and employee Weingarten  
11 rights.
- 12 108. These statements were published to third persons.
- 13 109. The recipients of this information understood that it referred to Plaintiff.
- 14 110. Plaintiff foreseeably republished this defamation.
- 15 111. Defendant knew the statements were false at the time they made them and/or Defendant failed  
16 to use reasonable care to determine the truth or falsity of the aforementioned statements.
- 17 112. The statements constitute defamation per se/per quod.
- 18 113. As a proximate result of Defendant's conduct Plaintiff has been damaged and continues to suffer  
19 substantial losses incurred in earnings, bonuses, deferred compensation and other employment  
20 benefits.
- 21 114. As a further proximate result of Defendant's actions, Plaintiff has suffered and continues to  
22 suffer emotional distress, mental anguish, embarrassment, humiliation and anxiety all to her  
23 damage in an amount in excess of the minimum jurisdictional limits of this court. Plaintiff will  
24 seek leave of court to amend her complaint to allege the correct amount at the time of trial or  
25 according to proof at trial.
- 26 115. Defendant, and each of them, did the acts herein alleged maliciously, fraudulently and  
27 oppressively, amounting to despicable conduct, and in conscious disregard of Plaintiff's rights.  
28 The acts alleged herein were known to, authorized and ratified by Defendant. Plaintiff is thus

1 entitled to recover punitive damages against Defendant in an amount according to proof.

2 NINTH CAUSE OF ACTION

3 INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

4 (Against KAISER and DOES 1-10)

5 116. Plaintiff repeats and incorporates all paragraphs contained in this complaint as if the same were  
6 fully set forth herein and with the same full force and effect.

7 117. The aforementioned acts were outrageous, extreme, and uncivilized.

8 118. The acts described above have been intentional and malicious, and done for the purpose of  
9 causing Plaintiff to suffer humiliation, anguish and severe emotional distress, which Plaintiff has  
10 suffered. All of the same Defendants' actions were authorized or ratified by said defendants with  
11 knowledge that Plaintiff's emotional distress would increase and done with wanton and reckless  
12 disregard for the consequences to Plaintiff and were uncivilized.

13 119. As a proximate result of Defendants' actions, Plaintiff has suffered and continues to suffer  
14 substantial losses incurred in earnings, bonuses, deferred compensation and other employment  
15 benefits.

16 120. As a further proximate result of Defendant's actions, Plaintiff has suffered and continues to  
17 suffer emotional distress, mental anguish, embarrassment, humiliation and anxiety all to her  
18 damage in an amount in excess of the minimum jurisdictional limits of this court.

19 PRAYER FOR RELIEF

20 WHEREFORE, Plaintiff requests relief as follows:

- 21 1. For compensatory economic damages according to proof including losses  
22 incurred in seeking substitute employment and loss of earnings, and other  
23 employment benefits;
- 24 2. For compensatory non-economic damages for losses resulting from humiliation,  
25 mental anguish, and emotional distress according to proof;
- 26 3. For interest on the amount of losses incurred in earnings, deferred compensation  
27 and other employee benefits at the prevailing legal rate;
- 28 4. For statutory and civil penalties;

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- 5. For punitive damages according to proof;
- 6. For costs incurred by Plaintiff, including reasonable attorneys' fees;
- 7. For reinstatement;
- 8. For such other and further relief as the Court may deem proper.

Dated: May 13, 2019

THE RAGER LAW FIRM

By: \_\_\_\_\_  
Jeffrey A. Rager  
James Y. Yoon  
Attorney for Plaintiff,  
ASUNCION M. REDUBLO

Courthouse News Service

Courthouse News Service

# Exhibit A





## DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

KEVIN KISH, DIRECTOR

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758  
(800) 884-1684 (Voice) | (800) 700-2320 (TTY) | California's Relay Service at 711  
<http://www.dfeh.ca.gov> | Email: [contact.center@dfeh.ca.gov](mailto:contact.center@dfeh.ca.gov)

May 13, 2019

Jeffrey Rager  
970 West 190th Street Ste. 340  
Torrance, California 90502

RE: **Notice to Complainant's Attorney**  
DFEH Matter Number: 201905-06126514  
Right to Sue: Redublo / Kaiser Foundation Hospitals

Dear Jeffrey Rager:

Attached is a copy of your complaint of discrimination filed with the Department of Fair Employment and Housing (DFEH) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also attached is a copy of your Notice of Case Closure and Right to Sue.

**Pursuant to Government Code section 12962, DFEH will not serve these documents on the employer.** You must serve the complaint separately, to all named respondents. Please refer to the attached Notice of Case Closure and Right to Sue for information regarding filing a private lawsuit in the State of California. A courtesy "Notice of Filing of Discrimination Complaint" is attached for your convenience.

Be advised that the DFEH does not review or edit the complaint form to ensure that it meets procedural or statutory requirements.

Sincerely,

Department of Fair Employment and Housing



## DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

KEVIN KISH, DIRECTOR

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758  
(800) 884-1684 (Voice) | (800) 700-2320 (TTY) | California's Relay Service at 711  
<http://www.dfeh.ca.gov> | Email: [contact.center@dfeh.ca.gov](mailto:contact.center@dfeh.ca.gov)

May 13, 2019

RE: **Notice of Filing of Discrimination Complaint**  
DFEH Matter Number: 201905-06126514  
Right to Sue: Redublo / Kaiser Foundation Hospitals

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Department of Fair Employment and Housing (DFEH) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. This case is not being investigated by DFEH and is being closed immediately. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

No response to DFEH is requested or required.

Sincerely,

Department of Fair Employment and Housing

Courthouse News Service



## DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758  
(800) 884-1684 (Voice) | (800) 700-2320 (TTY) | California's Relay Service at 711  
<http://www.dfeh.ca.gov> | Email: [contact.center@dfeh.ca.gov](mailto:contact.center@dfeh.ca.gov)

May 13, 2019

Asuncion Redublo  
2620 Shrubwood Circle  
Simi Valley, California 93065

RE: **Notice of Case Closure and Right to Sue**  
DFEH Matter Number: 201905-06126514  
Right to Sue: Redublo / Kaiser Foundation Hospitals

Dear Asuncion Redublo,

This letter informs you that the above-referenced complaint was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective May 13, 2019 because an immediate Right to Sue notice was requested. DFEH will take no further action on the complaint.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought 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 civil action must be filed within one year from the date of this letter.

To obtain a federal Right to Sue notice, you must contact the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this DFEH Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Department of Fair Employment and Housing

1                                   **COMPLAINT OF EMPLOYMENT DISCRIMINATION**  
2                                   **BEFORE THE STATE OF CALIFORNIA**  
3                                   **DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING**  
4                                   **Under the California Fair Employment and Housing Act**  
                                      **(Gov. Code, § 12900 et seq.)**

5 **In the Matter of the Complaint of**

6 Asuncion Redublo

DFEH No. 201905-06126514

7                                   Complainant,

8 vs.

9 Kaiser Foundation Hospitals  
393 East Walnut Street  
Pasadena, California 91188

10                                 Respondents

11  
12 1. Respondent **Kaiser Foundation Hospitals** is an **employer** subject to suit under  
13 the California Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et  
seq.).

14 2. Complainant **Asuncion Redublo**, resides in the City of **Simi Valley** State of  
15 **California**.

16 3. Complainant alleges that on or about **April 26, 2019**, respondent took the  
17 following adverse actions:

18 **Complainant was discriminated against** because of complainant's family care or  
19 medical leave (cfra) (employers of 50 or more people), disability (physical or mental),  
20 medical condition (cancer or genetic characteristic), age (40 and over) and as a  
21 result of the discrimination was terminated, denied hire or promotion, reprimanded,  
suspended, denied a work environment free of discrimination and/or retaliation,  
denied or forced to transfer.

22 **Complainant experienced retaliation** because complainant reported or resisted  
23 any form of discrimination or harassment, requested or used a disability-related  
24 accommodation, requested or used leave under the california family rights act or  
25 fmla (employers of 50 or more people) and as a result was terminated, denied hire  
26 or promotion, reprimanded, suspended, denied a work environment free of  
discrimination and/or retaliation, denied any employment benefit or privilege, denied  
or forced to transfer.

1  
2 **Additional Complaint Details:** From January 1998 through 2006, Ms. Redublo  
3 worked as an Intensive Care Unit Nurse at Kaiser Sunset. In 2006, Ms. Redublo was  
4 promoted to Clinical Nurse Coordinator for ICU, on the night shift. Throughout the  
5 years, Ms. Redublo received good performance reviews. In December 2016, Ms.  
6 Redublo developed severe migraines which resulted in her taking medical leave for  
7 three months and returning to work on modified duty for three months. In the Winter  
8 2017, Kaiser combined the management of the ICU/Neuro ICU under the same  
9 Department Administrator, Michele Corder. At this point in her career, Ms. Redublo  
10 had never been subject to any sort of formal written progressive discipline such as  
11 an Action Plan or Performance Improvement Plan. On February 8, 2018, Ms.  
12 Redublo asked Ms. Corder for a day off for a migraine. Ms. Corder responded by  
13 asking her "Why won't you retire." Ms. Redublo responded that she was the sole  
14 provider for her family. She had two children in school, and her family needed her  
15 for financial support. Ms. Corder retorted that the children, "were grown up, they will  
16 survive." In February 2018, Ms. Redublo expressed her interest to Ms. Corder in  
17 working the ADA day shift. Despite having more seniority and experience, the much  
18 younger employee, Justin Small, late-30's, was chosen. Contrary to protocol, he  
19 was selected for the position without a panel interview consisting of staff, ADA's,  
20 DA's and physicians. Further, Mr. Small had tardiness issues, which would have  
21 been discovered in the panel interview, and likely precluded him from the position.  
22 On April 30, 2018, Ms. Corder presented Ms. Redublo with an Action Plan notifying  
23 her of 19 areas in which her performance was substandard. This Plan was  
24 presented without notice of any prior alleged performance problems. This was the  
25 first Action Plan she had received in her 30 years of employment with Kaiser. On  
26 June 6th and 19th, 2018, Ms. Corder had follow-up meetings with Ms. Redublo on  
27 the Action Plans. On or about July 19, 2018, there was yet another follow-up  
28 meeting on Action Plan. From approximately July 19, 2018 through October 19,  
2018, Ms. Redublo took a medical leave due the disabling stress, anxiety, and  
depression caused by the discrimination of Ms. Corder. While out on medical leave,  
Ms. Redublo spoke with Uri Gorski, the evening ADA. She asked him what Ms.  
Corder's plan for me was, and he responded, "she's working on my early  
retirement." On or about October 23, 2018, Ms. Redublo returned to work from her  
medical leave. Immediately upon her return, Ms. Corder presented her with an  
Action Plan dated July 20, 2018. On November 2, 2018, Ms. Corder presented yet  
another Action Plan that again identified 19 areas in which Ms. Redublo was  
demonstrating poor performance. Ms. Redublo was given 60 days to complete the  
Action Plan. On December 10, 2018, Ms. Corder formally presented a further write-  
up to Ms. Redublo, counseling her in 8 areas of performance. She suggested that if  
personal issues were causing her poor performance, she should contact the  
Employee Assistance Program. On January 10, 2019, Ms. Corder met to further  
counsel Ms. Redublo on her performance. Ms. Redublo reported that she felt Ms.

1 Corder was trying to intimidate her. On February 13, 2019, Ms. Corder issued a  
2 Performance Improvement Plan. The start date was February 13, 2019 with a  
3 completion date of March 15, 2019. The document criticized her in 5 areas of her  
4 performance, noting that she had not demonstrated improvement. Further, it was  
5 noted that Ms. Redublo had been provided the opportunity to attend a  
6 communications seminar, emotional intelligence class, and ADA training. On  
7 February 14, 2019, Ms. Redublo filed a written complaint of age and disability  
8 discrimination with Kaiser. The following day Michelle Corder, and her supervisor,  
9 Bradley Howard, Director of Critical Care, met with Ms. Redublo in Human  
10 Resources. During the meeting, Ms. Redublo was admonished regarding her  
11 performance. Mr. Howard commented, "How many years have you been working  
12 here? 10 years? 15 years? 30 years? These are basic leadership skills. If you're  
13 new, it's understandable. But you are not." On February 21, 2019, Ms. Redublo met  
14 with Ms. Corder regarding her rebuttal to the Performance Improvement Plan. On  
15 February 23, 2019, Ms. Redublo met with Bradley Howard, and asked for his help in  
16 transferring. On March 5, 2019, Ms. Redublo met with Kaiser's internal EEO  
17 Investigator, Philip Romano. On March 21, 2019, Ms. Corder called Ms. Redublo  
18 into her office, and falsely accused her of harassing another employee. On April 11,  
19 2019, Kaiser sent Ms. Redublo a letter indicating that there was not merit to her  
20 claims of discrimination. On April 26, 2019, Ms. Corder fired Ms. Redublo.

1 VERIFICATION

2 I, **Jeffrey A. Rager**, am the **Attorney** in the above-entitled complaint. I have read the  
3 foregoing complaint and know the contents thereof. The matters alleged are based  
4 on information and belief, which I believe to be true.

5 On May 13, 2019, I declare under penalty of perjury under the laws of the State of  
6 California that the foregoing is true and correct.

7 **Torrance, CA**

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