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Attorneys for Plaintiff  
TAMMY SULLIVAN

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SAN DIEGO**

TAMMY SULLIVAN, an individual,  
Plaintiff,

vs.

KAISER FOUNDATION HEALTH  
PLAN, INC., a California corporation,  
and DOES 1 through 50, inclusive;  
Defendants.

Case No. 37-2019-00061504-CU-WT-CTL

**COMPLAINT FOR:**

1. DISCRIMINATION IN VIOLATION OF GOVERNMENT CODE § 12940 ET SEQ. (FEHA);
2. FAILURE TO ACCOMMODATE IN VIOLATION OF GOVERNMENT CODE § 12940 ET SEQ. (FEHA);
3. FAILURE TO ENGAGE IN THE INTERACTIVE PROCESS IN VIOLATION OF GOVERNMENT CODE § 12940 ET SEQ. (FEHA);
4. RETALIATION IN VIOLATION OF CALIFORNIA GOVERNMENT CODE §12940 ET SEQ. (FEHA);
5. FAILURE TO PREVENT IN VIOLATION OF GOVERNMENT CODE § 12940 ET SEQ. (FEHA);
6. WRONGFUL TERMINATION IN VIOLATION OF GOVERNMENT CODE §12940 ET SEQ. [FEHA]; AND
7. WRONGFUL TERMINATION IN VIOLATION OF PUBLIC POLICY

**DEMAND FOR JURY TRIAL**

Plaintiff, TAMMY SULLIVAN, hereby brings her complaint against the above-named Defendants and states and alleges as follows:

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**PARTIES**

1  
2 1. At all relevant times mentioned, Plaintiff TAMMY SULLIVAN was a resident of  
3 the State of California.

4 2. At all relevant times mentioned, Defendant KAISER FOUNDATION HEALTH  
5 PLAN, INC. (“Kaiser”), was and is a California Corporation, licensed to do business under the  
6 laws of the State of California, registered with the California Secretary of State. At the time the  
7 causes of action arose, Defendant was Plaintiff’s employer.

8 3. The true names and capacities, whether individual, corporate, associate or  
9 otherwise of DOES 1 through 50 are unknown to Plaintiff who therefore sues these defendants  
10 under such fictitious names. Plaintiff is informed, believes, and therefore alleges that each of the  
11 defendants named as a Doe defendant is legally responsible in some manner for the events  
12 referred to in this Complaint, is either negligently, willfully, wantonly, recklessly, tortiously,  
13 strictly liable, statutorily liable, or otherwise, for the injuries and damages described below to  
14 Plaintiff. Plaintiff will seek leave of this Court to show the true names and capacities of these Doe  
15 defendants when they has been ascertained.

16 4. Plaintiff is informed, believes, and therefore alleges that each defendant acted in  
17 all respects pertinent to this action as the agent of the other defendants, carried out a joint scheme,  
18 business plan or policy in all pertinent respects, and the acts of each defendant are legally  
19 attributable to the other defendants.

20 5. Unless otherwise specified, any reference to a Defendant or Defendants shall refer  
21 to all Defendants, and each of them.

22 **JURISDICTION AND VENUE**

23 6. The Court has jurisdiction in this matter pursuant to Code of Civil Procedure  
24 section 410.10 because the incident and/or damages occurred within the City of Mission Valley,  
25 County of San Diego, State of California.

26 7. Venue is proper in this Court pursuant to the provisions of Code of Civil Procedure  
27 sections 395 through 395.5, in that the incident occurred and Defendants’ obligations and liability  
28 arose in the City of Mission Valley, County of San Diego, State of California.

## ALLEGATIONS

1  
2 8. Plaintiff repeats, re-alleges, and incorporates by reference all the allegations  
3 contained in all preceding paragraphs as though fully set forth here.

4 9. Plaintiff was born in or around 1960.

5 10. Plaintiff began working for Defendants in or around April 2005. Plaintiff was hired  
6 as an “Account Admin Rep.”

7 11. In or around December 2018, Plaintiff started experiencing eye strain and  
8 headaches, including migraines. Plaintiff is informed, believes, and therefore alleges that her eye  
9 strain and headaches affected her neurological system. Furthermore, these symptoms limited her  
10 major life activity of working. Therefore, her eye strain and headaches were a qualifying disability  
11 under the California Fair Employment and Housing Act (“FEHA”).

12 12. In or around December 2018, Plaintiff informed Defendants of her physical  
13 disability. Plaintiff gave a doctor’s note, which included work restrictions, to Ms. Kristin Nguyen.  
14 Plaintiff is informed, believes, and therefore alleges that Ms. Nguyen was an “executive  
15 manager.” Plaintiff is informed, believes, and therefore alleges that Ms. Nguyen was a manger  
16 and/or supervisor for Defendants. Ms. Nguyen told Plaintiff that she gave the doctors note with  
17 restrictions to Ms. Barbara Leon. Plaintiff is informed, believes, and therefore alleges that Ms.  
18 Leon was a human resources representative for Defendants.

19 13. Plaintiff requested reasonable accommodations from Defendant, at a minimum, by  
20 providing the doctor’s note with work restrictions. The work restrictions included low lighting, a  
21 humidifier, and avoiding glare from the computer. Plaintiff is informed, believes, and therefore  
22 alleges that Defendants were aware of her physical disability and that the reflection from the sun  
23 on her computer screen and/or the bright lights above her desk exacerbated her physical disability.  
24 Plaintiff is informed, believes, and therefore alleges that despite knowing these conditions would  
25 exacerbate her symptoms and cause her severe physical and emotional pain, Defendants refused  
26 to accommodate Plaintiff.

27 14. Plaintiff could, at all relevant times, complete all essential job functions with or  
28 without a reasonable accommodation.

1 15. Defendants never gave Plaintiff any accommodations and never engaged in the  
2 interactive process to identify other possible accommodations.

3 16. At all times relevant, Plaintiff performed her job duties in an exemplary fashion.  
4 Plaintiff never received a written warning from Defendants. Every month, Defendant and Plaintiff  
5 had a one-on-one where Defendant's supervisors/managers evaluated Plaintiff. Plaintiff always  
6 received great evaluations.

7 17. In or around January 2019, Defendants suspended Plaintiff with pay.

8 18. Plaintiff was wrongfully terminated on or about March 12, 2019.

9 19. Plaintiff is informed and believes, and based thereon alleges, that her employment  
10 was terminated in retaliation for reporting her disability and/or medical condition and for  
11 requesting a reasonable accommodation.

12 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

13 20. On or about July 22, 2019, Plaintiff filed charges with the State of California,  
14 Department of Fair Employment and Housing ("DFEH"). The DFEH closed Plaintiff's case in  
15 order to allow Plaintiff to pursue her civil remedies under the Fair Employment Housing Act  
16 ("FEHA") and issued Plaintiff a right to sue letter the same day.

17 **FIRST CAUSE OF ACTION**

18 **DISCRIMINATION**

19 **IN VIOLATION OF GOVERNMENT CODE § 12940 ET SEQ.**

20 **[FAIR EMPLOYMENT AND HOUSING ACT (FEHA)]**

21 **(Against All Defendants)**

22 21. Plaintiff hereby repeats and incorporates all preceding paragraphs as though fully  
23 set forth here.

24 22. At all times herein mentioned, Government Code section 12940 et seq., the Fair  
25 Employment and Housing Act ("FEHA"), was in full force and effect and was binding on  
26 Defendant, as Defendant regularly employed five (5) or more persons.

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1           23. California Government Code section 12940 et seq., the Fair Employment and  
2 Housing Act (“FEHA”), was in full force and effect and was binding on Defendant, as Defendant  
3 regularly employed at least five people.

4           24. The FEHA requires Defendant to refrain from discriminating against any  
5 employee on the basis of disability and age. Cal. Gov’t Code § 12940. The FEHA includes  
6 protection from discrimination for actual or perceived impairment that is disabling, potentially  
7 disabling, or perceived to be disabling.

8           25. The FEHA requires Defendant to refrain from discriminating against any  
9 employee on the basis of, among other things, an individual’s disability, whether physical or  
10 mental. The FEHA also prohibits discrimination by an employer against an employee on the basis  
11 of age.

12           26. Plaintiff had a qualifying disability under the FEHA. Plaintiff’s physical disability  
13 affected Plaintiff’s neurological system and limited Plaintiff’s ability to participate in a major life  
14 activity, namely, work. Plaintiff’s physical disability also limited other major life activities,  
15 including but not limited to physical, mental, and social activities.

16           27. Defendant engaged in unlawful employment practices in violation of the FEHA  
17 by discriminating against Plaintiff on the basis of Plaintiff’s disability, perceived disability, and/or  
18 age. Defendants engaged in unlawful employment practices in violation of the FEHA by  
19 suspending, refusing to promote, and ultimately terminating Plaintiff on the basis of Plaintiff’s  
20 actual and/or perceived disability, age, and need for an accommodation.

21           28. Plaintiff is informed, believes, and therefore alleges that Plaintiff’s disability, age,  
22 need for, and/or request for an accommodation was a substantial motivating factor in Defendants’  
23 decision to terminate Plaintiff’s employment, and other discrimination against Plaintiff, in  
24 violation of the FEHA.

25           29. As a direct and/or proximate result of Defendant’s acts, Plaintiff has suffered  
26 actual, consequential, and incidental financial losses, including without limitation, loss of salary  
27 and benefits, and the intangible loss of employment related opportunities in her field and damage  
28 to her professional reputation, all in an amount subject to proof at the time of trial. Plaintiff claims

1 such amounts as damages pursuant to Civil Code sections 3287 and/or 3288, and/or any other  
2 provision of law providing for prejudgment interest.

3 30. As a direct and/or proximate result of Defendant’s wrongful acts, Plaintiff has  
4 suffered and continues to suffer emotional distress, humiliation, mental anguish, and  
5 embarrassment, as well as the manifestation of physical symptoms. Plaintiff is informed, believes,  
6 and therefore alleges that Plaintiff will continue to experience physical and emotional suffering  
7 for a period in the future not presently ascertainable, in an amount subject to proof at the time of  
8 trial.

9 31. Defendant had in place policies and procedures that specifically required  
10 Defendant’s managers, officers, and agents to prevent discrimination against and upon  
11 Defendant’s employees. Plaintiff relied on the fact that Defendant would follow these known  
12 policies, yet Defendant consciously chose not to follow said policies. Therefore, Defendant’s  
13 conduct was fraudulent, malicious, oppressive, and was done in wanton disregard for the rights  
14 of Plaintiff and the rights and duties owed by each Defendant to Plaintiff. Each Defendant aided,  
15 abetted, participated in, authorized, ratified, and/or conspired to engage in the wrongful conduct  
16 alleged above. Plaintiff should therefore be awarded exemplary and punitive damages against  
17 each Defendant in an amount to be established that is appropriate to punish each Defendant and  
18 deter others from engaging in such conduct.

19 32. As a direct and/or proximate result of the wrongful acts of Defendants, Plaintiff  
20 has been forced to hire attorneys to prosecute Plaintiff’s claims and has incurred, and is expected  
21 to continue to incur, attorneys’ fees and costs in connection therewith. Plaintiff is entitled to  
22 recover attorneys’ fees and costs under California Government Code section 12965, subdivision  
23 (b).

24 **SECOND CAUSE OF ACTION**

25 **FAILURE TO ACCOMMODATE IN VIOLATION OF THE FEHA**

26 **(Against ALL Defendants)**

27 33. Plaintiff hereby repeats and incorporates all preceding paragraphs as though fully  
28 set forth here.

1           34. Defendant is a business entity regularly employing at least the minimum number  
2 of employees upon which certain legal duties and obligations arise under various laws and  
3 statutes, including the FEHA.

4           35. Plaintiff's disabilities and age limited Plaintiff's ability to engage in the major life  
5 activity of working.

6           36. Although Defendant, and each of them, knew of Plaintiff's disabilities, Defendant,  
7 and each of them, refused to accommodate Plaintiff and instead terminated Plaintiff because of  
8 Plaintiff's request for reasonable accommodation. Defendant's actions were in direct  
9 contravention of the FEHA.

10          37. Plaintiff alleges that with reasonable accommodations Plaintiff could have fully  
11 performed all duties and essential functions of the job in an adequate, satisfactory, and/or  
12 outstanding manner.

13          38. As a direct and/or proximate result of Defendant's acts, Plaintiff has suffered  
14 actual, consequential, and incidental financial losses, including without limitation, loss of salary  
15 and benefits, and the intangible loss of employment related opportunities in Plaintiff's field and  
16 damage to Plaintiff's professional reputation, all in an amount subject to proof at the time of trial.  
17 Plaintiff claims such amounts as damages pursuant to California Civil Code section 3287 and/or  
18 3288, and/or any other provision of law providing for prejudgment interest.

19          39. As a direct and/or proximate result of Defendant's wrongful acts, Plaintiff has  
20 suffered and continues to suffer emotional distress, humiliation, mental anguish, and  
21 embarrassment, as well as the manifestation of physical symptoms. Plaintiff is informed, believes,  
22 and therefore alleges that Plaintiff will continue to experience physical and emotional suffering  
23 for a period in the future not presently ascertainable, all in an amount subject to proof at the time  
24 of trial.

25          40. Defendant had in place policies and procedures that specifically required  
26 Defendant's managers, officers, and agents to reasonably accommodate the disabilities of its  
27 employees. Plaintiff relied on the fact that Defendant would follow these known policies, yet  
28 Defendant consciously chose not to follow said policies. Therefore, Defendant's conduct was

1 fraudulent, malicious, oppressive, and was done in wanton disregard for the rights of Plaintiff and  
2 the rights and duties each Defendant owed to Plaintiff. Each Defendant aided, abetted,  
3 participated in, authorized, ratified, and/or conspired to engage in the wrongful conduct alleged.  
4 Plaintiff should therefore be awarded exemplary and punitive damages against each Defendant in  
5 an amount to be established that is appropriate to punish each Defendant and deter others from  
6 engaging in such conduct.

7 41. As a direct and/or proximate result of Defendant’s wrongful acts, Plaintiff has been  
8 forced to hire attorneys to prosecute Plaintiff’s claims and has incurred, and is expected to  
9 continue to incur, attorneys’ fees and costs in connection therewith. Plaintiff is entitled to recover  
10 attorneys’ fees and costs under California Government Code section 12965(b).

11 **THIRD CAUSE OF ACTION**

12 **FAILURE TO ENGAGE IN THE INTERACTIVE PROCESS IN VIOLATION OF THE**  
13 **FEHA**

14 **(Against ALL Defendants)**

15 42. Plaintiff repeats, re-alleges, and incorporates by reference all the allegations  
16 contained in all preceding paragraphs as though fully set forth here.

17 43. The FEHA makes it unlawful for an employer to fail to engage in a timely, good  
18 faith, interactive process with the employee to determine effective reasonable accommodations, if  
19 any.

20 44. Defendants failed to engage in a timely, good faith, interactive process with  
21 Plaintiff to determine effective reasonable accommodations for Plaintiff’s known disability.

22 45. As a direct and/or proximate result of Defendants’ acts, Plaintiff has suffered actual,  
23 consequential, and incidental financial losses, including without limitation loss of salary and  
24 benefits, and the intangible loss of employment related opportunities in Plaintiff’s field and  
25 damage to Plaintiff’s professional reputation, all in an amount subject to proof at the time of trial.  
26 Plaintiff claims such amounts as damages pursuant to California Civil Code section 3287 and/or  
27 3288, and/or any other provision of law providing for prejudgment interest.

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1           46. As a direct and/or proximate result of Defendants’ wrongful acts, Plaintiff has  
2 suffered and continues to suffer emotional distress, humiliation, mental anguish, and  
3 embarrassment, as well as the manifestation of physical symptoms. Plaintiff is informed, believes,  
4 and therefore alleges that Plaintiff will continue to experience physical and emotional suffering  
5 for a period in the future not presently ascertainable, all in an amount subject to proof at the time  
6 of trial.

7           47. Defendant had in place policies and procedures that specifically required  
8 Defendant’s managers, officers, and agents to engage in an interactive process with its employees.  
9 Plaintiff relied on the fact that Defendant would follow these known policies, yet Defendant  
10 consciously chose not to follow said policies. Therefore, Defendant’s conduct was fraudulent,  
11 malicious, oppressive, and was done in wanton disregard for the rights of Plaintiff and the rights  
12 and duties each Defendant owed Plaintiff. Each Defendant aided, abetted, participated in,  
13 authorized, ratified, and/or conspired to engage in the wrongful conduct alleged above. Plaintiff  
14 should therefore be awarded exemplary and punitive damages against each Defendant in an  
15 amount to be established that is appropriate to punish each Defendant and deter others from  
16 engaging in such conduct.

17           48. As a proximate result of Defendant’s wrongful acts, Plaintiff has been forced to  
18 hire attorneys to prosecute Plaintiff’s claims and has incurred, and is expected to continue to incur,  
19 attorneys’ fees and costs. Plaintiff is entitled to recover attorneys’ fees and costs under California  
20 Government Code section 12965(b).

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**FOURTH CAUSE OF ACTION**  
**RETALIATION**  
**IN VIOLATION OF GOVERNMENT CODE § 12940 ET SEQ.**  
**[FAIR EMPLOYMENT AND HOUSING ACT (FEHA)]**  
**(Against All Defendants)**

49. Plaintiff hereby repeats and incorporates all preceding paragraphs as though fully set forth here.

50. At all relevant times mentioned, Government Code sections 12940 et seq. were in full force and effect and were binding on Defendant, as Defendant regularly employed five (5) or more persons. Government Code section 12940(h) makes it unlawful for any person to retaliate against an employee who has opposed a discriminatory practice.

51. At all relevant times mentioned, Government Code section 12940(l) makes it unlawful for any person to retaliate against an employee who has requested accommodation, regardless of whether the request was granted.

52. Plaintiff opposed Defendant’s discrimination of Plaintiff.

53. Plaintiff engaged in a protected activity by requesting accommodation for Plaintiff’s disability.

54. Plaintiff suffered an adverse employment action, including but not limited to failure to promote Plaintiff, suspension, and termination. A substantial motivating factor in Defendant’s negative/adverse employment actions imposed on Plaintiff was Plaintiffs opposition to discrimination and/or request for accommodation. Therefore, Defendants’ conduct constituted unlawful retaliation on account of Plaintiff’s age, disability, request for accommodation, and opposition to discrimination in violation of Government Code section 12940(h) and 12940(l).

55. As a direct and/or proximate result of Defendant’s acts, Plaintiff has suffered actual, consequential, and incidental financial losses, including without limitation, loss of salary and benefits, and the intangible loss of employment related opportunities in Plaintiff’s field and damage to Plaintiff’s professional reputation, all in an amount subject to proof at the time of trial.

1 Plaintiff claims such amounts as damages pursuant to Civil Code section 3287 and/or 3288, and/or  
2 any other provision of law providing for prejudgment interest.

3 56. As a direct and/or proximate result of Defendant’s wrongful acts, Plaintiff has  
4 suffered and continues to suffer emotional distress, humiliation, mental anguish and  
5 embarrassment, as well as the manifestation of physical symptoms. Plaintiff is informed, believes,  
6 and therefore alleges that Plaintiff will continue to experience physical and emotional suffering  
7 for a period in the future not presently ascertainable, all in an amount subject to proof at the time  
8 of trial.

9 57. As a direct and/or proximate result of Defendant’s wrongful acts, Plaintiff has been  
10 forced to hire attorneys to prosecute Plaintiff’s claims and has incurred, and is expected to  
11 continue to incur, attorneys’ fees and costs in connection therewith. Plaintiff is entitled to recover  
12 attorneys’ fees and costs under Government Code section 12965(b).

13 58. Defendant had in place policies and procedures that specifically required  
14 Defendant’s managers, officers, and agents to prevent discrimination against and upon  
15 Defendant’s employees. Plaintiff relied on the fact that Defendant would follow these known  
16 policies, yet Defendant consciously chose not to follow said policies. Therefore, Defendant’s  
17 conduct was fraudulent, malicious, oppressive, and was done in wanton disregard for the rights  
18 of Plaintiff and the rights and duties owed by each Defendant to Plaintiff. Each Defendant aided,  
19 abetted, participated in, authorized, ratified, and/or conspired to engage in the wrongful conduct  
20 alleged above. Plaintiff should, therefore, be awarded exemplary and punitive damages against  
21 each Defendant in an amount to be established that is appropriate to punish each Defendant and  
22 deter others from engaging in such conduct.

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**FIFTH CAUSE OF ACTION**

**FAILURE TO PREVENT DISCRIMINATION AND RETALIATION**

**IN VIOLATION OF GOVERNMENT CODE § 12940 ET SEQ.**

**[FAIR EMPLOYMENT AND HOUSING ACT (FEHA)]**

**(Against All Defendants)**

59. Plaintiff hereby repeats and incorporates all preceding paragraphs as though fully set forth here.

60. At all times mentioned herein, Government Code section 12940 et seq. including but not limited to sections 12940(j) and 12940(k), was in full force and effect and was binding upon Defendants, and each of them. These sections impose a duty on an employer to take immediate and appropriate corrective action to end discrimination and retaliation and take all reasonable steps necessary to prevent discrimination and retaliation from occurring, among other things.

61. Defendant failed to take immediate and appropriate corrective action to end the discrimination and retaliation. Defendant also failed to take all reasonable steps necessary to prevent the harassment and discrimination from occurring.

62. In failing and/or refusing to take immediate and appropriate corrective action to end the discrimination and retaliation, and in failing and/or refusing to take and or all reasonable steps necessary to prevent discrimination and retaliation from occurring, Defendants violated Government Code section 12940(j) and 12940(k), causing Plaintiff to suffer damages.

63. As a direct and/or proximate result of Defendant's acts, Plaintiff has suffered actual, consequential, and incidental financial losses, including without limitation, loss of salary and benefits, and the intangible loss of employment related opportunities in Plaintiff's field and damage to Plaintiff's professional reputation, all in an amount subject to proof at the time of trial. Plaintiff claims such amounts as damages pursuant to Civil Code section 3287 and/or section 3288, and/or any other provision of law providing for prejudgment interest.

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1           64. As a direct and/or proximate result of Defendant’s wrongful acts, Plaintiff has  
2 suffered and continues to suffer emotional distress, humiliation, mental anguish, and  
3 embarrassment, as well as the manifestation of physical symptoms. Plaintiff is informed, believes,  
4 and therefore alleges that Plaintiff will continue to experience physical and emotional suffering  
5 for a period in the future not presently ascertainable, all in an amount subject to proof at the time  
6 of trial.

7           65. As a direct and/or proximate result of Defendant’s wrongful acts, Plaintiff has been  
8 forced to hire attorneys to prosecute Plaintiff’s claims and has incurred, and is expected to  
9 continue to incur, attorneys’ fees and costs in connection therewith. Plaintiff is entitled to recover  
10 attorneys’ fees and costs under Government Code section 12965(b).

11           66. Defendant had in place policies and procedures that specifically required  
12 Defendant’s managers, officers, and agents to prevent discrimination against and upon employees  
13 of Defendant. Plaintiff relied on the fact that Defendant would follow these known policies, yet  
14 Defendant consciously chose not to follow said policies. Therefore, Defendant’s conduct was  
15 fraudulent, malicious, oppressive, and was done in wanton disregard for the rights of Plaintiff and  
16 the rights and duties each Defendant owed to Plaintiff. Each Defendant aided, abetted,  
17 participated in, authorized, ratified, and/or conspired to engage in the wrongful conduct alleged  
18 above. Plaintiff should, therefore, be awarded exemplary and punitive damages against each  
19 Defendant in an amount to be established that is appropriate to punish each Defendant and deter  
20 others from engaging in such conduct.

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**SIXTH CAUSE OF ACTION**  
**WRONGFUL TERMINATION**  
**IN VIOLATION OF GOVERNMENT CODE § 12940 ET SEQ.**  
**[FAIR EMPLOYMENT AND HOUSING ACT (FEHA)]**  
**(Against All Defendants)**

67. Plaintiff hereby repeats and incorporates all preceding paragraphs as though fully set forth here.

68. At all times herein mentioned, the FEHA was in full force and effect and were binding on Defendants, as Defendants regularly employed five or more persons. The FEHA provides that it is unlawful for an employer, because of a disability, age, and/or in retaliation for engaging in a protected activity, to discharge a person from employment.

69. Plaintiff was terminated on account of Plaintiff's age, disability, and/or in retaliation for engaging in a protected activity.

70. As a direct and/or proximate result of Defendant's acts, Plaintiff has suffered actual, consequential, and incidental financial losses, including without limitation, loss of salary and benefits, and the intangible loss of employment related opportunities in Plaintiff's field and damage to Plaintiff's professional reputation, all in an amount subject to proof at the time of trial. Plaintiff claims such amounts as damages pursuant to California Civil Code section 3287 and/or 3288, and/or any other provision of law providing for prejudgment interest.

71. As a direct and/or proximate result of Defendant's acts, Plaintiff has suffered and continues to suffer emotional distress, humiliation, mental anguish, and embarrassment, as well as the manifestation of physical symptoms. Plaintiff is informed, believes, and therefore alleges that Plaintiff will continue to experience said physical and emotional suffering for a period in the future not presently ascertainable, all in an amount subject to proof at the time of trial.

72. Defendant had in place policies and procedures that specifically required Defendant's managers, officers, and agents to prevent discrimination against and upon employees of Defendant. Plaintiff relied on the fact that Defendant would follow these known policies, yet Defendant consciously chose not to follow said policies. Therefore, Defendant's conduct was

1 fraudulent, malicious, oppressive, and was done in wanton disregard for the rights of Plaintiff and  
2 the rights and duties each Defendant owed to Plaintiff. Each Defendant aided, abetted,  
3 participated in, authorized, ratified, and/or conspired to engage in the wrongful conduct alleged  
4 above. Plaintiff should, therefore, be awarded exemplary and punitive damages against each  
5 Defendant in an amount to be established that is appropriate to punish each Defendant and deter  
6 others from engaging in such conduct.

7 73. As a proximate result of Defendant's wrongful acts, Plaintiff has been forced to  
8 hire attorneys to prosecute Plaintiff's claims and has incurred, and is expected to continue to incur,  
9 attorneys' fees and costs in connection therewith. Plaintiff is entitled to recover attorneys' fees  
10 and costs under California Government Code section 12965(b).

11 **SEVENTH CAUSE OF ACTION**  
12 **WRONGFUL TERMINATION**  
13 **IN VIOLATION OF PUBLIC POLICY**  
14 **(Against All Defendants)**

15 74. Plaintiff hereby repeats and incorporates all preceding paragraphs as though fully  
16 set forth here.

17 75. At all times mentioned, the public policy of the State of California, as codified,  
18 expressed and mandated in California Government Code section 12940 et seq., is to prohibit  
19 employers from discriminating, harassing, and retaliating against any individual on the basis of  
20 age, disability, and/or engagement in a protected activity. This public policy of the State of  
21 California is designed to protect all employees and to promote the welfare and wellbeing of the  
22 community at large.

23 76. Accordingly, Defendants' actions were wrongful and in contravention of the  
24 express public policy of the State of California, specifically, the policy set forth in California and  
25 the laws and regulations promulgated thereunder.

26 77. As a direct and/or proximate result of Defendant's acts, Plaintiff has suffered  
27 actual, consequential, and incidental financial losses, including without limitation, loss of salary  
28 and benefits, and the intangible loss of employment related opportunities in Plaintiff's field and

1 damage to Plaintiff’s professional reputation, all in an amount subject to proof at the time of trial.  
2 Plaintiff claims such amounts as damages pursuant to California Civil Code sections 3287 and/or  
3 3288, and/or any other provision of law providing for prejudgment interest.

4 78. As a direct and/or proximate result of Defendant’s wrongful acts, Plaintiff has  
5 suffered and continues to suffer emotional distress, humiliation, mental anguish, and  
6 embarrassment, as well as the manifestation of physical symptoms. Plaintiff is informed, believes,  
7 and therefore alleges that Plaintiff will continue to experience physical and emotional suffering  
8 for a period in the future not presently ascertainable, all in an amount subject to proof at the time  
9 of trial.

10 79. Defendant had in place policies and procedures that specifically required  
11 Defendant’s managers, officers, and agents to prevent the termination of its employees based on  
12 the protected classes identified in the FEHA. Plaintiff relied on the fact that Defendant would  
13 follow these known policies, yet Defendant consciously chose not to follow said policies.  
14 Therefore, Defendant’s conduct was fraudulent, malicious, oppressive, and was done in wanton  
15 disregard for the rights of Plaintiff and the rights and duties each Defendant owed to Plaintiff.  
16 Each Defendant aided, abetted, participated in, authorized, ratified, and/or conspired to engage in  
17 the wrongful conduct alleged above. Plaintiff should therefore be awarded exemplary and  
18 punitive damages against each Defendant in an amount to be established that is appropriate to  
19 punish each Defendant and deter others from engaging in such conduct.

20 **WHEREFORE, Plaintiff prays for judgment as follows:**

- 21 For general damages, according to proof;
- 22 2. For special damages, according to proof;
- 23 3. For medical expenses and related items of expense, according to proof
- 24 4. For loss of earnings, according to proof;
- 25 5. For attorneys’ fees, according to proof;
- 26 6. For prejudgment interest, according to proof;
- 27 7. For punitive and exemplary damages, according to proof;
- 28 8. For costs of suit incurred herein; and



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9. For such other relief and the Court may deem just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury.

DATED: November 19, 2019

JML LAW, A Professional Law Corporation

By: Adam Sherman

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