

Assigned for all purposes to: Stanley Mosk Courthouse, Judicial Officer: Lia Martin

1 Nazo Koulloukian, Esq. [SBN 263809]
Christine Harmandayan, Esq. [SBN 320999]
2 **KOUL LAW FIRM**
3435 Wilshire Blvd., Suite 1710
3 Los Angeles, CA 90010
Telephone: (213) 761-5484
4 Fax: (818) 561-3938

5 Charles T. Mathews, Esq. [SBN 55889]
6 **MATHEWS LAW GROUP**
45 E. Huntington Dr., Suite 45C
7 Arcadia, CA 91006
Telephone: (626) 683-8291
8 Fax: (626) 683-8295

9 Attorneys for Plaintiff,
10 PARMJIT DHANDI,

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

13
14 PARMJIT DHANDI, *an individual*,

Case No.: 20STCV11313

15 Plaintiff,

16 vs.

**PLAINTIFF PARMJIT DHANDI'S
COMPLAINT FOR DAMAGES AND
OTHER RELIEF**

17 KAISER FOUNDATION HEALTH PLAN,
18 INC., *a California Corporation*; KAISER
FOUNDATION HOSPITALS, *a California*
19 *Corporation*; SOUTHERN CALIFORNIA
20 PERMANENTE GROUP, INC., INC., *a*
21 *California Corporation*; NAZLY BEHINA, *an*
individual, and DOES 1 through 100, inclusive,

22 Defendants.
23
24

25 COMES NOW Plaintiff PARMJIT DHANDI, through her counsel of record, Koul Law
26 Firm, and files this Complaint seeking damages and other relief for violations of California law
27 and as grounds for her action, Plaintiff alleges as follows:

28 ///

///

1 7. Defendant KAISER is and, at all times herein mentioned, has been an entity with
2 the capacity to sue and to be sued, and doing business, with a principal place of business of
3 13651 Willard St, Panorama City, CA 91402, with five or more employees.

4 8. Plaintiff is unaware of the names and capacities of defendants sued herein as
5 DOES 1 through 100, inclusive, and therefore sues these defendants by such fictitious names.
6 When their true names and capacities are ascertained, Plaintiff will amend this Complaint by
7 inserting their true names and capacities. Plaintiff is informed and believes, and thereon
8 alleges, that each of the fictitiously named defendants is responsible in some manner for the
9 occurrences alleged and that these defendants proximately caused Plaintiff's damages.

10 9. Plaintiff is informed and believes, and thereon alleges, that at all times herein
11 mentioned, each of the defendants was the alter ego, joint venturer, co-employer, joint
12 employer, agent, and/or employee of each of the remaining defendants, and in doing the things
13 hereinafter alleged, were acting within the course and scope of such agency and employment.
14 Defendant KAISER is vicariously liable and strictly liable for the acts and/or omissions of any
15 owner, supervisor or manager, which were committed within the course and scope of his or her
16 employment.

17 10. Plaintiff is informed and believes and thereon alleges that each defendant and its
18 agents, employees, and/or representatives as may be identified hereinafter and in the discovery
19 phase of this case, knowingly and purposefully conspired to, and agreed between themselves, to
20 the acts herein alleged. Each defendant also conspired, aided, encouraged, ratified, and adopted
21 the acts of each other.

22 11. Plaintiff is informed and believes and thereon alleges that a defendant may have
23 committed other wrongful acts or omissions of which Plaintiff is presently unaware. Plaintiff
24 will seek leave of court to amend this Complaint when Plaintiff discovers these other acts
25 and/or omissions.

26 12. Defendant KAISER and its agents herein willfully committed, ordered, directed,
27 supervised, allowed, planned, ratified, concealed, organized or otherwise participated in the
28 unlawful acts complained of herein.

1 three separate occasions, Plaintiff travelled to Downey on her own. As a form of gratitude for
2 driving her to the training sessions, Plaintiff compensated Ms. Barton \$0.26 per mile.

3 20. On at least one occasion during the training seminars, Plaintiff and Ms. Barton
4 had lunch with BEHINA at which time they explained their carpooling arrangement.

5 21. Despite Plaintiff's attempts at connecting with her colleagues, BEHINA and her
6 staff made Plaintiff the target of harassment and discrimination on the basis of her race and age.
7 Moreover, Plaintiff was subjected a hostile work environment.

8 22. For example, after interviewing Plaintiff for the position in or around March
9 2018, BEHINA stated to Plaintiff that she did not want to hire her, but was forced to because
10 Plaintiff was the best candidate.

11 23. In addition, BEHINA prohibited Plaintiff from taking any days off during her
12 first three months at the Spine Center, making Plaintiff feel like a new, probationary employee.
13 BEHINA did not respect the fact that Plaintiff was a veteran with KAISER and had
14 accumulated vacation time and benefits.

15 24. On a separate occasion, on or around March 3, 2018, during Plaintiff's first
16 encounter with Rabia Khan, Ms. Khan stated to Plaintiff, "You remind me of my mom. I can't
17 stand my mom." Plaintiff was left confused by the comment, but continued to work in a
18 professional manner.

19 25. Throughout the preceding months of her employment, Ms. Khan's comments to
20 Plaintiff became more discriminatory and insulting. For example, Ms. Khan, would constantly
21 tell Plaintiff in the presence of other staff members that because Plaintiff did not obtain her
22 primary education in the United States, she "didn't deserve the pay" she was receiving.

23 26. In or around April 2018, BEHINA stated that Plaintiff should learn from her
24 "millennial" colleagues—referring to Ms. Kahn and Ms. Barton. This came after BEHINA
25 made numerous comments about how Plaintiff did not fit in with the culture of the department
26 and that Plaintiff's typing skills were not as strong compared to her younger colleagues.

27 27. Throughout the time period between April 2018 and October 2018, Plaintiff was
28 constantly referred to as a "foreigner" by her colleagues and would always be assigned the

1 “brown” patients, reasoning that since Plaintiff herself was “brown,” she would get along better
2 with those patients.

3 28. Furthermore, Plaintiff was constantly told by Rabia Khan and BEHINA to try
4 and be more “white,” meaning Caucasian. This would come as a surprise to Plaintiff
5 considering the fact that the Ms. Khan herself was not Caucasian. However, Ms. Khan would
6 refer to herself as a “coconut” explaining that while she is “brown on the outside,” she is “white
7 on the inside.”

8 29. By October 2018, the hostile work environment created by Plaintiff’s
9 counterparts led to her to suffer from depression. No longer being able to withstand the
10 unlawful treatment, in or around November 2018, Plaintiff expressed to BEHINA the impact
11 her work environment was having on her health. Nevertheless, nothing was done to remedy the
12 matter.

13 30. In or around December 2018, BEHINA urged Plaintiff on more than one
14 occasion to submit her mileage reimbursement forms for the drives she and Ms. Barton took to
15 Downey earlier in the year.

16 31. As such, on or around December 6, 2018, Plaintiff submitted her reimbursement
17 forms and was reimbursed four hundred dollars.

18 32. By February 2019, Plaintiff’s depression had worsened, forcing her to seek
19 medical attention. On or around February 4, 2019, Plaintiff’s medical provider placed her on
20 modified duty allowing Plaintiff to work three (3) days per week instead of five (5) for the next
21 3 months. After 3 months, Plaintiff would begin to work four (4) days per week.

22 33. After being placed on modified duty, Plaintiff immediately contacted BEHINA
23 and informed her of her restrictions. However, because Plaintiff was not examined by a
24 KAISER doctor, BEHINA deemed the restrictions invalid.

25 34. At that time, Plaintiff informed BEHINA of her intentions of taking intermittent
26 leave pursuant to the Family and Medical Leave Act (“FMLA.”) BEHINA responded to
27 Plaintiff by stating, “Ok, that’s fine, but I suggest that you look for another job. You should
28 think about your future.”

1 35. Afraid of losing her job, Plaintiff met with Dr. Shawn Iftikar, the Physician in
2 charge of the Spine Center, to discuss the threatening comment BEHINA had made. However,
3 Dr. Iftikar explained that he had previously been instructed by BEHINA to “stay out of it.”

4 36. Almost immediately after Plaintiff informed BEHINA of her intentions of taking
5 FMLA and meeting with Dr. Iftikar, BEHINA began to retaliate against Plaintiff.

6 37. For example, prior to February 2019, Plaintiff would meet with Dr. Iftikar each
7 week to discuss their cases. However, after being placed on modified duty, BEHINA prohibited
8 Plaintiff from meeting with Dr. Iftikar each week, and instead only allowed them to meet every
9 other week.

10 38. However, anytime Plaintiff was scheduled to meet with Dr. Iftikar, BEHINA
11 would purposely schedule Plaintiff an appointment, forcing her to miss the meeting.

12 39. In addition, Plaintiff began to feel isolated after her co-workers began avoiding
13 her and no longer informed her about the morning huddles that would take place.

14 40. By March 2019, Plaintiff’s mental state had not improved, requiring her to begin
15 therapy. After several sessions, Plaintiff was diagnosed with depression and anxiety as a result
16 of the bullying she experienced at work.

17 41. Within the same month, Plaintiff contacted Pamela Spinner, a Union
18 representative, informing her of the restrictions Plaintiff was placed on as well as her diagnosis.
19 Plaintiff further informed Ms. Spinner of the bullying taking at the Spine Center.

20 42. On or around April 9, 2019, Plaintiff filed a complaint against BEHINA with
21 KAISER’S Compliance Department alleging that BEHINA continuously violated patients’
22 privacy by allowing Plaintiff’s colleagues to listen in on Plaintiff’s telephonic appointments.

23 43. On that same day, Plaintiff also filed a complaint against Ms. Khan for
24 approving and denying referrals, regardless of the fact that she had no authority to do so.

25 44. In addition, Plaintiff complained of how Ms. Khan would screen psychiatric
26 patients’ profiles and prevent those who would require chronic pain management from receiving
27 treatment at the Spine Center.

1 45. Almost immediately after Plaintiff filed her complaints with the Compliance
2 Department, Ms. Khan was no longer scheduled to work at the Spine Center.

3 46. On or around May 17, 2019, BEHINA notified Plaintiff of a fact-finding meeting
4 that was going to take place and suggested that Plaintiff bring a Union Representative to the
5 meeting.

6 47. During the May 17, 2019 meeting, Plaintiff for the first time was informed that
7 she should not have been approved for the mileage reimbursement she had previously received
8 because she was carpooling with Ms. Barton.

9 48. Plaintiff tried to explain that her reimbursement had been approved and,
10 moreover, that BEHINA had knowledge of the carpooling but nevertheless insisted that Plaintiff
11 claim reimbursement. Plaintiff further explained that she had personally compensated Ms.
12 Barton for her mileage.

13 49. Following the fact-finding meeting, on or around May 18, 2019, Plaintiff
14 contacted KAISER'S Employee Assistance Program and notified them that she had been
15 treating with a psychiatrist because of BEHINA'S and her colleagues discriminatory and
16 harassing conduct. Plaintiff further informed KAISER of

17 50. On July 1, 2019, Plaintiff had a second meeting to discuss the reimbursement
18 matter. At that meeting, Plaintiff was issued a "level 5" warning and was terminated for
19 "committing fraud."

20 **FIRST CAUSE OF ACTION**

21 **DISCRIMINATION ON THE BASIS OF RACE AND/OR COLOR**

22 **Violation of FEHA, Gov. Code, § 12940, et seq.**

23 **(Against Defendants KAISER FOUNDATION HEALTH PLAN, INC.,**

24 **KAISER FOUNDATION HOSPITALS, SOUTHERN CALIFORNIA**

25 **PERMANENTE GROUP, INC., and DOES 1-100)**

26 51. Plaintiff incorporates by reference and re-alleges paragraphs 1-50 above, as
27 though fully set forth herein.

1 52. Government Code section 12940(a) provides that it is an unlawful employment
2 practice “[f]or an employer, because of the race, religious creed, color, national origin, ancestry,
3 physical disability, mental disability, medical condition, marital status, sex, or sexual orientation
4 of any person, to refuse to hire or employ the person or to refuse to select the person for a
5 training program leading to employment, or to bar or to discharge the person from employment
6 or from a training program leading to employment, or to discriminate against the person in
7 compensation or in terms, conditions, or privileges of employment.”

8 53. Defendant is a business entity regularly employing at least the minimum number
9 of employees upon which certain legal duties and obligations arise under various laws and
10 statutes, including the FEHA. At all times herein mentioned, Government Code §12940, et seq.
11 was in full force and effect and was binding on Defendant and Defendant was subject to their
12 terms. These sections require Defendant as an employer, to refrain from discriminating against
13 any employee on the basis of her race and/or color.

14 54. Plaintiff, at all times relevant hereto, was an employee of Defendant.

15 55. Plaintiff’s protected status under the FEHA is Plaintiff’s race and/or color.
16 Plaintiff, at all times herein mentioned, was an Indian “employee” as defined by Government
17 Code §12926 et seq. and §12940 et seq.

18 56. As of commencement of her employment, and at all times herein mentioned,
19 Plaintiff was in all respects qualified for her position. Plaintiff had, at all times, performed her
20 job duties competently and diligently throughout her employment with Defendant.

21 57. Defendant made decisions adverse to Plaintiff in regards to terms, conditions,
22 and privileges of employment, including but not limited to, failing to provide her with a raise,
23 and failing to promote Plaintiff and eventually wrongfully terminating Plaintiff’s employment
24 on or around July 1, 2019.

25 58. Plaintiff’s race and/or color was a motivating factor in Defendant’s
26 aforementioned decisions that were adverse to Plaintiff in regards to terms, conditions and
27 privileges of employment.

1 59. As a direct, legal, and proximate cause of Plaintiff's race and/or color, Defendant
2 discriminated and harassed, and took adverse employment actions against Plaintiff.

3 60. Similarly situated non-protected employees were treated more favorably than
4 Plaintiff.

5 61. Such employment practices are unlawful and discriminatory and in violation of
6 Government Code Section 12940 et seq., and have resulted in damages and injury to Plaintiff,
7 as alleged herein.

8 62. As a direct, legal, and proximate result of Defendant's discrimination against
9 Plaintiff on the basis of her race and/or color, Plaintiff has been harmed in that Plaintiff has
10 suffered a loss of past or future earnings, the intangible loss of such employment-related
11 opportunities as experience in the position from which Plaintiff was wrongfully terminated, and
12 the enhanced employee benefits and job security provided by Defendant. As a result of such
13 discrimination and consequent harm, Plaintiff has suffered damages in an amount according to
14 proof.

15 63. As a further proximate result of Defendant's unlawful and intentional
16 discriminatory actions against Plaintiff as alleged above, Plaintiff has been harmed in that
17 Plaintiff has suffered emotional pain, humiliation, mental anguish, loss of enjoyment of life, and
18 emotional distress. As a result of such discrimination and consequent harm, Plaintiff has
19 suffered such damages in an amount according to proof.

20 64. Defendant committed the discriminatory acts against Plaintiff herein alleged
21 maliciously, fraudulently and oppressively, with the wrongful intention of injuring Plaintiff.
22 Defendant acted with the improper and evil motive amounting to malice and in conscious
23 disregard of Plaintiff's right to be free from such illegal behavior, such as to constitute
24 oppression, fraud, or malice pursuant to California Civil Code section 3294 entitling Plaintiff to
25 punitive damages in an amount appropriate to punish and set an example of Defendant.

26 65. Plaintiff has incurred and continues to incur legal expenses and attorney's fees.
27 Plaintiff is presently unaware of the precise amount of these expenses and fees and prays leave
28 of court to amend this Complaint when the amounts are more fully known.

1 70. As of commencement of her employment, and at all times herein mentioned,
2 Plaintiff was in all respects qualified for her position. Plaintiff had, at all times, performed her
3 job duties competently and diligently throughout her employment with Defendant.

4 71. Plaintiff believes and thereon alleges that her age was a substantial factor in
5 Defendant's adverse employment action taken against her.

6 72. Plaintiff believes and thereon alleges that similarly situated non-protected
7 employees were treated more favorably.

8 73. Such employment practices are unlawful and discriminatory and in violation of
9 Government Code Section 12940 et seq., and have resulted in damages and injury to Plaintiff,
10 as alleged herein.

11 74. As a direct and legal result of Defendant's discrimination and retaliatory actions
12 against Plaintiff for engaging in the protected activity herein referenced, Plaintiff has been
13 harmed in that Plaintiff has suffered a loss of past or future earnings, the intangible loss of such
14 employment-related opportunities as experience in the position from which Plaintiff was
15 terminated, possible promotion within Defendant's entity, and the enhanced employee benefits
16 and job security provided by Defendant. As a result of such discrimination and consequent
17 harm, Plaintiff has suffered damages in an amount according to proof.

18 75. As a further proximate result of Defendant's unlawful and intentional
19 discriminatory action against Plaintiff as alleged above, Plaintiff has been harmed in that
20 Plaintiff has suffered emotional pain, humiliation, mental anguish, loss of enjoyment of life, and
21 emotional distress. As a result of such discrimination and consequent harm, Plaintiff has
22 suffered such damages in an amount according to proof.

23 76. Defendant committed the acts herein alleged maliciously, fraudulently and
24 oppressively, with the wrongful intention of injuring Plaintiff and acted with the improper and
25 evil motive amounting to malice and in conscious disregard of Plaintiff's rights.

26 77. Plaintiff has incurred and continues to incur legal expenses and attorney fees.
27 Plaintiff is presently unaware of the precise amount of these expenses and fees and prays leave
28 of court to amend this complaint when the amounts are more fully known.

1 82. As of commencement of her employment, and at all times herein mentioned,
2 Plaintiff was in all respects qualified for her position. Plaintiff had, at all times, performed her
3 job duties competently and diligently throughout her employment with Defendant.

4 83. Plaintiff believes and thereon alleges that her medical condition was a substantial
5 factor in Defendant's adverse employment action taken against her when Defendant refused to
6 accommodate to her disability and thereafter terminated her employment.

7 84. Plaintiff believes and thereon alleges that similarly situated non-protected
8 employees were treated more favorably.

9 85. Such employment practices are unlawful and discriminatory and in violation of
10 Government Code Section 12940 et seq., and have resulted in damages and injury to Plaintiff,
11 as alleged herein.

12 86. Defendant's discrimination against Plaintiff constituted disparate treatment in
13 violation of Government Code Section 12940 in that Defendant intentionally discriminated
14 against Plaintiff because of Plaintiff's medical condition.

15 87. As a direct and legal result of Defendant's discrimination and retaliatory actions
16 against Plaintiff for engaging in the protected activity herein referenced, Plaintiff has been
17 harmed and suffered damages in an amount according to proof.

18 88. As a further proximate result of Defendants' unlawful and intentional
19 discriminatory action against Plaintiff as alleged above, Plaintiff has been harmed in that
20 Plaintiff has suffered emotional pain, humiliation, mental anguish, loss of enjoyment of life, and
21 emotional distress in an amount according to proof.

22 89. Defendant committed the acts herein alleged maliciously, fraudulently and
23 oppressively, with the wrongful intention of injuring Plaintiff and acted with the improper and
24 evil motive amounting to malice and in conscious disregard of Plaintiff's rights.

25 ///
26 ///
27 ///
28 ///

1 **FOURTH CAUSE OF ACTION**

2 **FMLA DISCRIMINATION**

3 **(FEHA, Cal.Gov.Code § 12940 et. seq.)**

4 **(Against Defendants KAISER FOUNDATION HEALTH PLAN, INC.,**
5 **KAISER FOUNDATION HOSPITALS, SOUTHERN CALIFORNIA**
6 **PERMANENTE GROUP, INC., and DOES 1-100)**

7 90. Plaintiff incorporates by reference and re-alleges paragraphs 1-89 above, as
8 though fully set forth herein.

9 91. California Government Code §12940 provides that “It shall be an unlawful
10 employment practice, unless based upon a bona fide occupational qualification, or, except
11 where based upon applicable security regulations established by the United States or the State of
12 California (a) For an employer, because of the race, religious creed, color, national origin,
13 ancestry, physical disability, mental disability, medical condition, marital status, sex, age, or
14 sexual orientation of any person, to refuse to hire or employ the person or to refuse to select the
15 person for a training program leading to employment, or to bar or to discharge the person from
16 employment or from a training program leading to employment, or to discriminate against the
17 person in compensation or in terms, conditions, or privileges of employment.

18 92. Defendant is a business entity regularly employing at least the minimum number
19 of employees upon which certain legal duties and obligations arise under various laws and
20 statutes, including the Fair Employment and Housing Act. At all times herein mentioned in this
21 complaint, Government Code §12940 and Government Code §12926.1 were in full force and
22 effect and were binding on the Defendant and the Defendant was subject to its terms. These
23 sections require Defendant, as an employer, to refrain from discriminating against any employee
24 on the basis of taking FMLA leave.

25 93. Plaintiff was at all times herein mentioned an “employee” with a qualified
26 medical disability and approved to take protected intermittent FMLA leave.

27 94. As of commencement of her employment, and at all times herein mentioned,
28 Plaintiff was in all respects qualified for her position. Plaintiff had, at all times, performed her

1 job duties competently and diligently throughout her employment with Defendant, and was
2 qualified and authorized to take intermittent FMLA leave.

3 95. Plaintiff believes and thereon alleges that her FMLA leave and need for
4 accommodations were substantial factors in Defendant's adverse employment action taken
5 against her when Defendant KAISER threatened Plaintiff's job security after she notified
6 KAISER of her intention of taking intermittent FMLA and in fact terminated her after she did
7 taking intermittent FMLA.

8 96. Plaintiff believes and thereon alleges that similarly situated non-protected
9 employees were treated more favorably.

10 97. Such employment practices are unlawful and discriminatory and in violation of
11 Government Code Section 12940 et seq., and have resulted in damages and injury to Plaintiff,
12 as alleged herein.

13 98. Defendant's discrimination against Plaintiff constituted disparate treatment in
14 violation of Government Code Section 12940 in that Defendant intentionally discriminated
15 against Plaintiff because of Plaintiff's qualified and authorized FMLA leave.

16 99. As a direct and legal result of Defendant's discrimination and retaliatory actions
17 against Plaintiff for engaging in the protected activity herein referenced, Plaintiff has been
18 harmed and suffered damages in an amount according to proof.

19 100. As a further proximate result of Defendant's unlawful and intentional
20 discriminatory action against Plaintiff as alleged above, Plaintiff has been harmed in that
21 Plaintiff has suffered emotional pain, humiliation, mental anguish, loss of enjoyment of life, and
22 emotional distress in an amount according to proof.

23 101. Defendant committed the acts herein alleged maliciously, fraudulently and
24 oppressively, with the wrongful intention of injuring Plaintiff and acted with the improper and
25 evil motive amounting to malice and in conscious disregard of Plaintiff's rights.

26 ///

27 ///

28 ///

///

1 **FIFTH CAUSE OF ACTION**

2 **HARASSMENT**

3 **(Violation of FEHA, Gov. Code, § 12940(j), and Public Policy)**

4 **(Against all Defendants)**

5 102. Plaintiff incorporates by reference and re-alleges paragraphs 1-101 above, as
6 though fully set forth herein.

7 103. As a separate and distinct cause of action, Plaintiff complains and re-alleges all
8 the allegations contained in this Complaint, and incorporates them by reference into this cause
9 of action as though fully set forth herein, excepting those allegations which are inconsistent
10 with this cause of action.

11 104. California Fair Employment and Housing Act (“FEHA”) and the California
12 Constitution, Article 1, §8 prohibit against harassment based on age, gender, disability, race,
13 national origin or ancestry in employment. [Gov. Code, §§12940(a) - (j)]. (Gov. Code, § 12940,
14 et seq.)

15 105. At all applicable times mentioned in this Complaint, Defendants regularly
16 employed persons, bringing Defendant within the provisions of the FEHA which proscribe
17 harassment. Defendant, and each of them, and DOES 1 through 100 are separately and
18 individually liable under FEHA for harassment.

19 106. Plaintiff was regularly harassed by Defendant’s employees, including but not
20 limited to BEHINA as prohibited under FEHA based on her engagement in protected activities.
21 This constant, daily harassment was so despicable, severe and pervasive as to materially alter
22 Plaintiff’s work environment.

23 107. Plaintiff suffered psychologically, emotionally, and physically from being the
24 victim of the harassment committed by KAISER and KAISER’S employees, and also due to
25 KAISER’S failure to prevent such harassment from occurring. Defendant’s employees are
26 liable for creating a “hostile work environment” by subjecting Plaintiff to constant, severe, and
27 pervasive harassment and intentional torts. KAISER is liable to Plaintiff for the conduct of their
28 employees, managers, supervisors, and owners towards Plaintiff.

1 108. As a direct and legal result of Defendants' willful, knowing, and intentional
2 violation(s) of FEHA, Plaintiff has sustained and continues to sustain substantial losses in
3 earnings and other employment benefits. Furthermore, Plaintiff has also been harmed in that
4 Defendants' unlawful actions as described herein have prevented and will prevent Plaintiff from
5 obtaining pay increases and promotions. As a result of such unlawful conduct and consequent
6 harm, Plaintiff has suffered damages in an amount according to proof.

7 109. As a further proximate result of Defendants' willful, knowing, and intentional
8 violation(s) of FEHA, Plaintiff has suffered and continues to suffer humiliation, emotional
9 distress, and mental and physical pain and anguish, all to her damage in a sum according to
10 proof.

11 110. Defendants committed the aforementioned acts against Plaintiff herein alleged
12 maliciously, fraudulently and oppressively, with the wrongful intention of injuring Plaintiff.
13 Defendants acted with the improper and evil motive amounting to malice and in conscious
14 disregard of Plaintiff's right to be free from such illegal behavior, such as to constitute
15 oppression, fraud, or malice pursuant to California Civil Code section 3294 entitling Plaintiff to
16 punitive damages in an amount appropriate to punish and set an example of each Defendant
17 named herein.

18 111. Plaintiff has incurred and continues to incur legal expenses and attorney fees.
19 Plaintiff is presently unaware of the precise amount of these expenses and fees and prays leave
20 of court to amend this complaint when the amounts are more fully known.

21 ///
22 ///
23 ///
24 ///
25 ///
26 ///
27 ///
28 ///

1 **SIXTH CAUSE OF ACTION**

2 **FAILURE TO TAKE ALL STEPS NECESSARY TO STOP DISCRIMINATION AND**
3 **HARASSMENT FROM OCCURRING**

4 **(Violation of FEHA, Gov. Code, § 12940(k))**

5 **(Against Defendants KAISER FOUNDATION HEALTH PLAN, INC.,**
6 **KAISER FOUNDATION HOSPITALS, SOUTHERN CALIFORNIA**
7 **PERMANENTE GROUP, INC., and DOES 1-100)**

8 112. As a separate and distinct cause of action, Plaintiff complains and re-alleges all
9 the allegations contained in this Complaint, and incorporates them by reference into this cause
10 of action as though fully set forth herein, excepting those allegations which are inconsistent
11 with this cause of action.

12 113. Defendant failed to take all reasonable steps necessary to prevent the
13 discrimination of Plaintiff from occurring in violation of Government Code §12940(k). This
14 includes discriminating against, Plaintiff because of her engagement in protected activities
15 referenced herein.

16 114. As a proximate result of Defendant's willful, knowing, and intentional
17 violation(s) of FEHA, Plaintiff has sustained and continues to sustain substantial losses in
18 earnings and other employment benefits.

19 115. As a proximate result of Defendant's willful, knowing, and intentional
20 violation(s) of FEHA, Plaintiff has suffered and continues to suffer humiliation, emotional
21 distress, and mental and physical pain and anguish, all to her damage in a sum according to
22 proof.

23 116. Plaintiff has incurred and continues to incur legal expenses and attorney fees.
24 Plaintiff is presently unaware of the precise amount of these expenses and fees and prays leave
25 of court to amend this complaint when the amounts are more fully known.

26 ///

27 ///

28 ///

1 Plaintiff, who will either seek leave to amend this Complaint upon ascertaining such
2 information or will prove the same at the time of trial.

3 123. As more fully set forth above, Defendant's failure to accommodate Plaintiff's
4 known serious health conditions was committed intentionally, maliciously, wantonly,
5 oppressively, and fraudulently with a conscious disregard of Plaintiff's rights and with the intent
6 to vex, injure, punish, and annoy Plaintiff so as to cause the injuries sustained by Plaintiff. Such
7 acts amounted to oppression, fraud, and malice, as described in California Civil Code § 3294.
8 Plaintiff is therefore entitled to punitive or exemplary damages in an amount sufficient to punish
9 and make an example out of Defendant.

10 124. Plaintiff has incurred and continues to incur legal expenses and attorney fees.
11 Plaintiff is presently unaware of the precise amount of these expenses and fees and prays leave
12 of court to amend this complaint when the amounts are more fully known.

13 WHEREFORE, Plaintiff requests relief as hereafter provided.

14 **EIGHTH CAUSE OF ACTION**

15 **FAILURE OF EMPLOYER TO ENGAGE IN GOOD FAITH**
16 **INTERACTIVE PROCESS TO DETERMINE EFFECTIVE**
17 **REASONABLE ACCOMMODATIONS**

18 **(Against Defendants KAISER FOUNDATION HEALTH PLAN, INC.,**
19 **KAISER FOUNDATION HOSPITALS, SOUTHERN CALIFORNIA**
20 **PERMANENTE GROUP, INC., and DOES 1-100)**

21 125. Plaintiff incorporates by this reference as though fully set forth herein,
22 paragraphs 1 – 124 above.

23 126. Government Code §12940 (n) requires an employer such as Defendant to engage
24 in timely, good faith, interactive process with the employee to determine effective reasonable
25 accommodations, if any, in response to a request for reasonable accommodations by an
26 employee with a known physical or mental disability or known mental condition.

27 127. Defendant and their employees and agents failed provide Plaintiff a job position
28 that participated in an interactive process to reach a reasonable workplace accommodation for

1 her medical disability. Instead, Defendant told Plaintiff that she should “think about her future”
2 and suggested she “find another job”.

3 128. As a direct and legal result thereof, Plaintiff has been severely harmed by
4 Defendant as though fully set forth hereinabove.

5 WHEREFORE, Plaintiff requests relief as hereafter provided.

6 **NINTH CAUSE OF ACTION**

7 **RETALIATION**

8 **(Violation of FEHA, Gov. Code, § 12940(h), and Public Policy)**

9 **(Against Defendants KAISER FOUNDATION HEALTH PLAN, INC.,**

10 **KAISER FOUNDATION HOSPITALS, SOUTHERN CALIFORNIA**

11 **PERMANENTE GROUP, INC., and DOES 1-100)**

12 129. Plaintiff incorporates by reference and re-alleges paragraphs 1-128 above, as
13 though fully set forth herein.

14 130. Plaintiff engaged in a protected activity when she requested reasonable
15 accommodations and when she was authorized for protected FMLA leave. After requesting
16 leave and accommodations, Defendant BEHINA reduced the number of meetings Plaintiff had
17 with the physician to discuss patient matters. BEHINA also began scheduling appointments for
18 Plaintiff at the same time as her meetings with the physician, causing Plaintiff to miss the
19 meetings. In addition, Defendant retaliated against Plaintiff because Plaintiff reported the fact
20 that patient’s privacy was being compromised by colleagues listening in on telephonic
21 conversations with patients. After filing the complaints with the Compliance department,
22 Plaintiff’s colleagues began to avoid her and no longer informed her about the morning huddles
23 that would take place. Lastly, Defendant, BEHINA, retaliated against Plaintiff for filing
24 complaints against her by calling a fact finder meeting to which she told Plaintiff she was never
25 approved for mileage reimbursement, when previously she has stated she was approved.

26 131. Said retaliation was in violation of public policy.
27
28

1 132. As a direct and legal result of Defendant's discrimination and retaliatory actions
2 against Plaintiff for her protected activities herein referenced, Plaintiff has suffered and
3 continues to suffer general and special damages, in an amount according to proof.

4 **TENTH CAUSE OF ACTION**

5 **WHISTLE BLOWER RETALIATION**

6 **IN VIOLATION OF CALIFORNIA LABOR CODE § 1102.5**

7 **(Against Defendants KAISER FOUNDATION HEALTH PLAN, INC.,**

8 **KAISER FOUNDATION HOSPITALS, SOUTHERN CALIFORNIA**

9 **PERMANENTE GROUP, INC., and DOES 1-100)**

10 133. As a separate and distinct cause of action, Plaintiff complains and re-alleges
11 paragraphs 1 through 132, and incorporates them by reference into this cause of action as
12 though fully set forth herein, excepting those allegations which are inconsistent with this cause
13 of action.

14 134. "An employer, or any person acting on behalf of the employer, shall not retaliate
15 against an employee for disclosing information, or because the employer believes that the
16 employee disclosed or may disclose information, to a government or law enforcement agency,
17 to a person with authority over the employee or another employee who has the authority to
18 investigate, discover, or correct the violation or noncompliance, or for providing information to,
19 or testifying before, any public body conducting an investigation, hearing, or inquiry, if the
20 employee has reasonable cause to believe that the information discloses a violation of state or
21 federal statute, or a violation of or noncompliance with a local, state, or federal rule or
22 regulation, regardless of whether disclosing the information is part of the employee's job
23 duties." (Lab. Code, § 1102.5(b))

24 135. In addition to other penalties, an employer that is a corporation or limited
25 liability company is liable for a civil penalty not exceeding ten thousand dollars (\$10,000) for
26 each violation of this section." (Lab. Code, § 1102.5(f))

27 136. Defendant retaliated against Plaintiff because Plaintiff reported the privacy of
28 patients being violated by filing a complaint with KAISER's Compliance Department.

1 Additionally, Plaintiff filed a complaint with KAISER'S Compliance Department about Ms.
2 Kahn's unlawful screening and rejecting clients who needed chronic treatment, when she was
3 not qualified to do so.

4 137. By virtue of the foregoing, Defendant retaliated against Plaintiff for disclosing
5 what Plaintiff reasonably believed were violations of federal and state laws to her supervisor by
6 terminating Plaintiff's employment in violation of Labor Code section 1102.5.

7 138. As a result of the actions of Defendant, Plaintiff has been injured and has
8 suffered damages as follows: she has lost compensation and other employment-related benefits
9 to which she has been entitled and will lose such compensation and benefits in the future; she
10 has suffered from emotional distress, embarrassment and humiliation, and has suffered damage
11 to her professional reputation and standing.

12 **ELEVENTH CAUSE OF ACTION**

13 **RETALIATION IN VIOLATION OF WHISTLEBLOWER STATUTES**

14 **IN VIOLATION OF LABOR CODE §§6310 & 6311**

15 **(Against Defendants KAISER FOUNDATION HEALTH PLAN, INC.,**

16 **KAISER FOUNDATION HOSPITALS, SOUTHERN CALIFORNIA**

17 **PERMANENTE GROUP, INC., and DOES 1-100)**

18 139. As a separate and distinct cause of action, Plaintiff complains and re-alleges all
19 the allegations contained in this Complaint, and incorporates them by reference into this cause
20 of action as though fully set forth herein, excepting those allegations which are inconsistent
21 with this cause of action.

22 140. The aforementioned conduct by Defendant constitutes a violation of Labor Code
23 §§ 6310 and 6311. Such conduct was a substantial factor in causing damage and injury to
24 Plaintiff.

25 141. Plaintiff engaged in a protected activity when she complained as well as filed a
26 complaint with KAISER'S Compliance Department about the violation of patient's privacy and
27 the fact that Ms. Kahn was making medical decisions she was not qualified to make. As a direct
28

1 result of engaging in this protected activity, Defendant retaliated against Plaintiff by terminating
2 her employment on or around July 1, 2019.

3 142. Plaintiff's bona fide complaints was the causal link to the retaliation experienced
4 by Plaintiff.

5 143. As a direct and legal result of Defendant's retaliatory actions against Plaintiff for
6 engaging in the protected activities herein referenced, Plaintiff has suffered and continues to
7 suffer general and special damages, in an amount according to proof.

8 144. As a further proximate result of Defendant's willful, knowing, and intentional
9 violations herein mentioned, Plaintiff has suffered and continues to suffer humiliation,
10 emotional distress, and mental and physical pain and anguish, all to her damage in a sum
11 according to proof.

12 **TWELFTH CAUSE OF ACTION**

13 **WRONGFUL TERMINATION**

14 **in Violation of Public Policy**

15 **(Against Defendants KAISER FOUNDATION HEALTH PLAN, INC.,**
16 **KAISER FOUNDATION HOSPITALS, SOUTHERN CALIFORNIA**
17 **PERMANENTE GROUP, INC., and DOES 1-100)**

18 145. Plaintiff incorporates by reference and re-alleges paragraphs 1-144 above, as
19 though fully set forth herein.

20 146. Article 1, Section 8 of the California Constitution provides "A person may not be
21 disqualified from entering or pursuing a business, profession, vocation, or employment because
22 of sex, race, creed, color, disability, or national or ethnic origin."

23 147. The principles governing a cause of action for wrongful termination in
24 contravention of public policy are well-established: An employee is entitled to maintain an
25 action in tort "where an employer's discharge of [the] employee contravenes the dictates of
26 fundamental public policy. (*Rojo v. Kliger* (1990) 52 Cal.3d 65, 89).

1 148. Race, disability and FMLA discrimination are all forms of discrimination under
2 Article I, section 8 of the California Constitution is contrary to public policy and actionable as a
3 separate tort under California law. (*Badih v. Myers*(1995) 36 Cal.App.4th 1289, 1296).

4 149. Plaintiff believes and is informed and thereon alleges that she was discriminated
5 in her employment based on her age, race, using accommodations for her disability, and taking
6 FMLA leave were in part a factors in Defendant's decision to terminate Plaintiff's employment.

7 150. The foregoing adverse employment decision was a direct and proximate result of
8 the Plaintiff' engagement in protected activities.

9 151. Defendant's conduct above described is in violation of various statutes and the
10 decisional law of this state and country, including but not limited to and California Constitution
11 Article I, Section 8.

12 152. As a direct and legal result of Defendant's discrimination and retaliatory actions
13 against Plaintiff, as herein referenced, Plaintiff has suffered and continues to suffer general,
14 consequential and special damages including but not limited to substantial losses in earnings,
15 other employment benefits, as well as emotional distress, and attorneys' fees, all in an amount
16 according to proof.

17 153. Said termination was wrongful and justifies the imposition of punitive damages
18 since the termination was against public policy. Defendant intentionally discriminated against
19 Plaintiff on account of her qualifying and being authorized for FMLA, and in doing so,
20 Defendant acted maliciously, fraudulently and oppressively, with the wrongful intention of
21 injuring Plaintiff. Based upon the foregoing, Plaintiff is entitled to recover punitive damages
22 from Defendant and each of them, in an amount according to proof.

23 **THIRTEENTH CAUSE OF ACTION**

24 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

25 **(Against All Defendants)**


26 154. Plaintiff incorporates by reference the factual allegations set forth in paragraphs
27 1 through 153 herein.

2. For award of compensatory, consequential, and special damages in amount according to proof at trial;
3. For statutory penalties;
4. For interest on all sums awarded;
5. For a permanent injunction enjoining the Defendant from violating the relevant provisions of the Labor Code and Industrial Welfare Commission Orders as well as various federal law as may be applicable; and
6. For back pay, with prejudgment interest, to the date of judgment herein;
7. For interest on all sums awarded;
8. For reimbursement of the costs, including attorney fees, as afforded under applicable law, including pursuant to Government Code sections 12965, 8547.10 and other applicable laws, including but not limited to Code Civ. Proc., §§ 998, 1021.1 and 1021.5, and for a contingency fee enhancement beyond the lodestar in accordance with *Ketchum v. Moses*, 24 Cal. 4th 1122, 104 Cal. Rptr. 2d 377, 17 P.3d 735 (2001), and related authorities; and
9. For such further relief as is appropriate in the interest of justice.
10. For an accounting, under administration of Plaintiff and subject to Court review;
11. A declaration of the rights and interests of the parties;
12. For restitution and disgorgement of ill-gotten profits.
13. For such further relief as is appropriate in the interest of justice.

DATED: March 20, 2020

Respectfully submitted,

KOUL LAW FIRM


By: Nazo Koulloukian, Esq.
Christine Harmandayan, Esq.
KOUL LAW FIRM
Attorneys for Plaintiff,
PARMJIT DHANDI

///

///

JURY TRIAL DEMANDED

Plaintiff demands trial by jury of all issues so triable.

Respectfully submitted,

KOUL LAW FIRM



DATED: March 20, 2020

By: Nazo Koulloukian, Esq.
Christine Harmandayan, Esq.
KOUL LAW FIRM
Attorney for Plaintiff.
PARMJIT DHANDI

Courthouse News Service

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Courthouse News Service

EXHIBIT A



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

March 11, 2020

NAZO L KOULLOUKIAN
3435 Wilshire Blvd, Ste. 1710, Suite 1710
Los Angeles, California 90010

RE: **Notice to Complainant's Attorney**
DFEH Matter Number: 202003-09574111
Right to Sue: DHANDI / Kaiser Foundation Health Plan, Inc. et al.

Dear NAZO L KOULLOUKIAN:

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

March 11, 2020

RE: **Notice of Filing of Discrimination Complaint**
DFEH Matter Number: 202003-09574111
Right to Sue: DHANDI / Kaiser Foundation Health Plan, Inc. et al.

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

March 11, 2020

PARMJIT DHANDI
3435 Wilshire Blvd.
Los Angeles, California 90010

RE: **Notice of Case Closure and Right to Sue**
DFEH Matter Number: 202003-09574111
Right to Sue: DHANDI / Kaiser Foundation Health Plan, Inc. et al.

Dear PARMJIT DHANDI,

This letter informs you that the above-referenced complaint was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective March 11, 2020 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 PARMJIT DHANDI

DFEH No. 202003-09574111

7 Complainant,

8 vs.

9 Kaiser Foundation Health Plan, Inc.
10 One Kaiser Plaza
11 Oakland, California 94612

12 Kaiser Foundation Hospitals
13 One Kaiser Plaza
14 Oakland, California 94612

15 SOUTHERN CALIFORNIA PERMANENTE
16 MEDICAL GROUP, INC.
17 393 E WALNUT
18 PASADENA, California 91188

19 NAZLY BEHINA
20 ONE KAISER PLAZA
21 OAKLAND, California 94612

22 Respondents

23 1. Respondent **Kaiser Foundation Health Plan, Inc.** is an **employer** subject to suit
24 under the California Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900
25 et seq.).

26 2. Complainant **PARMJIT DHANDI**, resides in the City of **Los Angeles** State of
27 **California**.

28 3. Complainant alleges that on or about **July 1, 2019**, respondent took the following
adverse actions:

1 **Complainant was harassed** because of complainant's race, national origin
2 (includes language restrictions), color, family care or medical leave (cfra) (employers
3 of 50 or more people), disability (physical or mental), medical condition (cancer or
4 genetic characteristic), age (40 and over), other.

4 **Complainant was discriminated against** because of complainant's race, national
5 origin (includes language restrictions), color, family care or medical leave (cfra)
6 (employers of 50 or more people), disability (physical or mental), medical condition
7 (cancer or genetic characteristic), age (40 and over), other and as a result of the
8 discrimination was terminated, asked impermissible non-job-related questions,
9 denied any employment benefit or privilege, denied reasonable accommodation for a
10 disability, denied family care or medical leave (cfra) (employers of 50 or more
11 people), other, denied work opportunities or assignments.

9 **Complainant experienced retaliation** because complainant reported or resisted
10 any form of discrimination or harassment, requested or used a disability-related
11 accommodation, requested or used leave under the california family rights act or
12 fmla (employers of 50 or more people) and as a result was terminated, asked
13 impermissible non-job-related questions, denied any employment benefit or
14 privilege, denied reasonable accommodation for a disability, denied family care or
15 medical leave (cfra) (employers of 50 or more people), other.

14 **Additional Complaint Details:** Plaintiff was harassed, discriminated, and retaliated
15 against and thereafter terminated from her employment.

1 VERIFICATION

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

5 On March 11, 2020, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

7 **Los Angeles, CA**

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Courthouse News Service