

SARNOFF + SARNOFF
David J. Sarnoff (SBN 239363)
Raven W. Sarnoff (SBN 240133)
601 California St., Suite 1300
San Francisco, CA 94108
Telephone: (415) 788-0888; Facsimile: (415) 788-0688
Email: dsarnoff@sarnofflaw.com
rsarnoff@sarnofflaw.com

Attorneys for Plaintiff
ANNA VEKSLINA

FILED

MAY 09 2013

KIM TURNER, Court Executive Officer
MARIN COUNTY SUPERIOR COURT
By: J. Chen, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF MARIN

ANNA VEKSLINA,

Plaintiff,

vs.

THE PERMANENTE MEDICAL
GROUP, INC., a California corporation,
KAISER FOUNDATION HEALTH
PLAN, INC., a California corporation,
KAISER FOUNDATION HOSPITALS, a
California corporation, and DOES 1-100,
inclusive,

Defendants.

Case No. h✓

1302021

COMPLAINT FOR DAMAGES

1. **DISCRIMINATION BASED ON
DISABILITY IN VIOLATION OF
FEHA, CAL. GOV. CODE § 12900, et
seq.**
2. **DISCRIMINATION BASED ON AGE
IN VIOLATION OF FEHA, CAL.
GOV. CODE § 12900, et seq.**
3. **HARASSMENT BASED ON AGE
AND/OR DISABILITY IN
VIOLATION OF FEHA, CAL. GOV.
CODE § 12900, et seq.**
4. **RETALIATION IN VIOLATION OF
FEHA, CAL. GOV. CODE § 12900, et
seq.**
5. **FAILURE TO PREVENT
DISCRIMINATION AND/OR
RETALIATION BASED ON
DISABILITY AND/OR AGE IN
VIOLATION OF FEHA, CAL. GOV.
CODE § 12900, et seq.**
6. **FAILURE TO ACCOMMODATE
DISABILITY IN VIOLATION OF
FEHA, CAL. GOV. CODE § 12900, et
seq.**

SUMMONS ISSUED

MAY 09 2013

7. **FAILURE TO ENGAGE IN THE INTERACTIVE PROCESS IN VIOLATION OF FEHA, CAL. GOV. CODE § 12900, et seq.**
8. **VIOLATION OF/INTERFERENCE WITH CFRA, CAL. GOV. CODE §§ 12900, et seq. and 12945.2**
9. **RETALIATION IN VIOLATION OF CFRA, CAL. GOV. CODE § 12900, et seq. and 12945.2**
10. **WRONGFUL TERMINATION IN VIOLATION OF PUBLIC POLICY**

DEMAND FOR JURY TRIAL

Plaintiff ANNA VEKLINA ("Plaintiff") alleges as follows on knowledge as to herself and her own acts, and on information and belief as to all other matters:

GENERAL ALLEGATIONS

1. Plaintiff ANNA VEKSLINA (hereinafter individually referred to as "Plaintiff") is, and at all times herein mentioned was, an adult individual residing in Marin County, in the State of California, employed by Defendants THE PERMANENTE MEDICAL GROUP, INC., KAISER FOUNDATION HEALTH PLAN, INC., KAISER FOUNDATION HOSPITALS, and each of them (hereinafter collectively referred to as "TPMG, KFHP, KFH" or "KAISER PERMANENTE").

2. Plaintiff is informed, believes, and thereon alleges that Defendant THE PERMANENTE MEDICAL GROUP, INC. (hereinafter individually referred to as "TPMG"), is, and at all relevant times herein mentioned has been, a corporation, doing business as "Kaiser Permanente," incorporated under the laws of the state of California, conducting business in California, with its principle place of business in the County of Alameda, in the State of California.

3. Plaintiff is informed, believes, and thereon alleges that Defendant KAISER

1 FOUNDATION HEALTH PLAN, INC. (hereinafter individually referred to as "KFHP"), is, and
2 at all relevant times herein mentioned has been, a corporation, doing business as "Kaiser
3 Permanente," incorporated under the laws of the state of California, conducting business in
4 California, with its principle place of business in the County of Alameda, in the State of
5 California.

6 4. Plaintiff is informed, believes, and thereon alleges that Defendant KAISER
7 FOUNDATION HOSPITALS (hereinafter individually referred to as "KFH"), is, and at all
8 relevant times herein mentioned has been, a corporation, doing business as "Kaiser Permanente,"
9 incorporated under the laws of the state of California, conducting business in California, with its
10 principle place of business in the County of Alameda, in the State of California.

11 5. Plaintiff is ignorant of the true names and capacities of defendants sued herein
12 under the fictitious names DOES 1 through 100, inclusive, and therefore sues these defendants by
13 such fictitious names. Plaintiff will seek leave of court to amend this complaint to allege their
14 true names and capacities when ascertained. Plaintiff is informed and believes and thereon
15 alleges that each of the fictitiously named defendants is responsible as hereinafter shown for the
16 occurrences and injuries to Plaintiff as herein alleged.

17 6. Plaintiff is informed, believes, and thereon alleges that, at all times herein
18 mentioned, Defendants, and each of them, were the agents of each and all of the other defendants,
19 and in doing the things hereinafter alleged, were acting in the course and scope of such agency
20 and with the permission and consent of their co-defendants.

21 7. Plaintiff is informed, believes, and thereon alleges that Defendants TPMG, KFHP,
22 KFH, and each of them, employed Plaintiff individually and as joint employers and/or as an
23 integrated enterprise. Each Defendant exercised substantial control over Plaintiff's
24 compensation, hours, and terms of employment, and knew or should have known of the
25 discriminatory conduct alleged herein and failed to take corrective measures within its control.
26 Defendants TPMG, KFHP, KFH, and each of them, further operated as an integrated enterprise
27 with interrelation of operations, centralized control of labor relations, common management,
28 and/or common ownership or financial control.

1 8. Venue is proper under California Government Code Section 12965(b) and
2 California Code of Civil Procedure Section 395 in that Plaintiff's injuries were incurred within
3 this jurisdiction, and the acts giving rise to this action occurred, in whole or in substantial part, in
4 the City of San Rafael, in Marin County, in the State of California.

5 9. Plaintiff exhausted her administrative remedies by filing complaints against
6 Defendants herein with the California Department of Fair Employment and Housing ("DFEH")
7 within one year from the date of Defendants' last adverse employment action, and thereafter
8 receiving "Right-to-Sue" letters from the DFEH.

9 **SUMMARY OF FACTS GIVING RISE TO ALL CAUSES OF ACTION**

10 **BACKGROUND**

11 10. Plaintiff began working for KAISER PERMANENTE in 2004 as an Assistant
12 Manager in the business office of its South San Francisco Facility. Then, in April 2005, Plaintiff
13 submitted a request to transfer to the San Rafael facility. After she interviewed, Plaintiff was
14 hired as Service Unit Manager by Andrea Ostling, who at that time was in charge of overseeing
15 four (4) departments: (1) Schedule Creation and Maintenance, (2) the Radiology Department File
16 Room, (3) Outpatient/Inpatient File Room, and (4) the Department of Medical Secretaries.

17 11. Unbeknownst to Plaintiff when she applied for, interviewed for, and accepted the
18 transfer, Plaintiff was actually hired to replace Ms. Ostling in managing those the same 4
19 departments within the facility. Then, approximately 6 months after Plaintiff transferred, Andrea
20 Ostling retired, leaving Plaintiff in charge of those departments.

21 12. Around this same time, in or around 2006, KAISER PERMANENTE converted to
22 HealthConnect, its new software system. Plaintiff helped manage the transition from the old
23 system to HealthConnect. In doing so, she received praise from her superiors for her efforts and
24 results. She was never given any negative feedback regarding her performance at this time or
25 throughout the transition.

26 13. Also in 2006, Plaintiff hired two employees for the Schedule Creation and
27 Maintenance Unit. Both of them, Louvenia Jackson and Janice Jones, transferred from other
28 departments within KAISER PERMANENTE. Moreover, both employees were over age 40.

1 14. In or around 2007, Pat Kendall, Medical Group Administrator ("MGA") appointed
2 Lori Kennelly ("Kennelly") to replace Andrea Ostling as the Assistant MGA. Kennelly
3 immediately became Plaintiff's manager.

4 15. At the beginning of Ms. Kennelly's employment, she praised Plaintiff for her
5 performance and gave her excellent reviews. Ms. Kennelly praised Plaintiff for her work in
6 implementing new systems, training staff, and relocating the Schedule Creation and Maintenance
7 unit to a new location. Ms. Kennelly also praised Plaintiff for making her unit a desirable place
8 to work within the San Rafael facility.

9 16. In or around 2008, Ms. Kennelly instructed Plaintiff to keep performance records
10 for two older employees that Plaintiff supervised, including Louvenia Jackson, who Plaintiff had
11 hired, and Margaret Peirsol. Ms. Kennelly went so far as to instruct Plaintiff to keep daily
12 records of these employees' mistakes that would eventually be used as the basis for their
13 termination.

14 17. Plaintiff believed that Ms. Kennelly wanted these two employees terminated
15 because they were older, and that Ms. Kennelly wanted to replace them with younger employees.
16 Plaintiff told Ms. Kennelly that she would not engage in such discrimination and instead would
17 attempt to coach the employees and improve their performance.

18 18. Shortly after Plaintiff's refusal to engage in the unlawful discrimination, Plaintiff
19 began hearing from other managers in different departments that Ms. Kennelly was seeking
20 negative information about not only the two older employees but also Plaintiff, as well.

21 19. Plaintiff complained to Tami Miller in KAISER PERMANENTE'S Human
22 Resources Department about both Ms. Kennelly's desire to terminate older employees and her
23 retaliation against Plaintiff for refusing to do so.

24 20. At this point, in or around 2009, Plaintiff began receiving negative performance
25 reviews from Ms. Kennelly despite the excellent prior reviews. It became clear to Plaintiff that
26 Ms. Kennelly was attempting to terminate older employees and was attempting to use negative
27 performance reviews to do so.

28 21. In or around 2010, Ms. Kennelly began scheduling monthly meetings for Plaintiff

1 to report about her department's successes and concerns.

2 22. Eventually, Ms. Kennelly failed and refused to acknowledge any successes and
3 instead used the meeting to provide Plaintiff only with negative information about her department
4 and her own performance, even though Plaintiff's department met all the facility and regional
5 goals.

6 23. Through all this, Plaintiff continued to coach and train the other older employees.
7 Ms. Kennelly was visibly angry at Plaintiff because of her decision to coach the employees
8 instead of finding a way to terminate them.

9 24. In November 2010, for the first time in her career, Plaintiff received a Performance
10 Improvement Plan ("PIP"). Plaintiff believed at the time that the basis for the PIP was either
11 false or made-up, and that the PIP was a continuation of the discrimination and/or retaliation.

12 25. After Ms. Kennelly gave Plaintiff her PIP, she began calling Plaintiff multiple
13 times every week for the sole purpose of telling Plaintiff of further complaints against the two
14 older employees and to tell Plaintiff she needed to find a way to get them out of her department.
15 These phone calls became more frequent over time.

16 26. On or about January 5, 2011, Plaintiff slipped and fell in a puddle of water in the
17 bathroom of a KAISER PERMANENTE satellite facility at 7200 Redwood Boulevard. This
18 incident occurred shortly before Plaintiff was to attend a meeting in her office with the Radiology
19 Department. During the incident, Plaintiff injured her knees and back.

20 27. Plaintiff was taken to the emergency room by ambulance. Ms. Kennelly went to
21 the emergency room to file the necessary paperwork. In doing so, Ms. Kennelly gave Plaintiff
22 angry glances, which made Plaintiff extremely uncomfortable and anxious that this injury would
23 simply be another reason for Ms. Kennelly to give Plaintiff a negative performance review or
24 counseling.

25 28. Plaintiff remained off work for 2-3 weeks, at which point she was released to work
26 reduced hours. Initially, she was released to work only 3 hours per day for two weeks, then 4
27 hours per day for two weeks, then 6 hours per day for two weeks, and lastly to full time work.

28 29. During this time, Plaintiff continued to seek treatment for her injuries and

1 continued providing her department with information regarding her injuries and necessary
2 accommodations.

3 30. In addition, the phone calls from Ms. Kennelly that began toward the end of 2010
4 increased in frequency to at least every day and sometimes even multiple times each day. Ms.
5 Kennelly's purpose in these phone calls was to instruct Plaintiff to find a way to document the
6 older employees' performance issues and terminate their employment. Plaintiff continued to
7 refuse, as she believed her coaching these employees was working and their performance had
8 improved.

9 31. Further, during these phone calls that occurred during Plaintiff's reduced schedule
10 after her injury, Ms. Kennelly continually questioned when Plaintiff would return to a full time
11 schedule at work. This occurred almost every day while Plaintiff was on a reduced schedule.

12 32. Toward the end of April, during one of her visits to her physician, Plaintiff
13 experienced an elevated heart rate. Her physician referred her to the emergency room, where she
14 spent several hours before being released home with a strong recommendation to avoid stress or
15 anxiety producing situations.

16 33. Despite this new development and against Plaintiff's request to continue treatment,
17 on or about May 4, 2011, Plaintiff's worker's compensation claim was closed and she was
18 released to work by her physician.

19 34. Within two (2) weeks of being released back to work, KAISER PERMANENTE
20 terminated Plaintiff's employment as a result of, and because Plaintiff complained about,
21 discrimination and retaliation based on age and/or disability/serious health condition and because
22 she requested and took medical leave for her disabilities/serious health conditions.

23 35. Plaintiff subsequently was informed that she was replaced with an individual who
24 was under the age of forty (40) who had little or no experience regarding Plaintiff's position.

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FIRST CAUSE OF ACTION
FOR DISCRIMINATION BASED ON DISABILITY IN VIOLATION OF FEHA,
CAL. GOV. CODE § 12900, et seq.

(As Against Defendants TPMG, KFHP, KFH, and DOES 1 - 100, inclusive)

36. Plaintiff incorporates by this reference each and all of the allegations contained in paragraphs 1 through 35 of this complaint as fully as though set forth at length herein.

37. California Government Code Section 12900, et seq., commonly referred to as FEHA, makes it an unlawful employment practice to discharge an employee from employment or otherwise discriminate against the person in compensation or in the terms, conditions or privileges of employment because of the employee's disability and/or perceived disability. (Cal. Gov. Code §§ 12940(a) & 12926.1(b).)

38. Defendants TPMG, KFHP, KFH, and each of them, are "employers" within the meaning of California Government Code Section 12926(d), and are subject to FEHA in that they regularly employ five (5) or more persons.

39. At all relevant times herein, Plaintiff was an employee of Defendants TPMG, KFHP, KFH, and each of them.

40. At all relevant times herein, Plaintiff was an individual with one or more physical and/or mental disabilities as those terms are defined by FEHA, California Government Code Section 12926(j) & (l).

41. At all relevant times herein, Defendants, and each of them, knew Plaintiff suffered from one or more physical and/or mental disabilities as defined by FEHA, and/or perceived Plaintiff as having such disability or disabilities, and/or knew or perceived Plaintiff as having a history of said disability or disabilities.

42. At all relevant times herein, Plaintiff was able to perform the essential job duties and functions of her position with or without reasonable accommodation for her condition(s), and did so competently and capably.

43. In violation of FEHA, Defendants, and each of them, terminated and/or otherwise discriminated against Plaintiff, in whole or in part, because of her actual and/or perceived

1 disability or disabilities.

2 44. As a direct and proximate result of the acts of Defendants, and each of them, as
3 alleged above, Plaintiff has suffered and will continue to suffer economic damages, including lost
4 wages and benefits, and other compensatory damages in an amount to be ascertained at the time
5 of trial.

6 45. As a further direct and proximate result of the acts of Defendants, and each of
7 them, as alleged above, Plaintiff has suffered mental, physical, and emotional distress, including
8 but not limited to humiliation, anxiety, nervousness, depression, sleeplessness, and has been
9 generally damaged in an amount to be ascertained at the time of trial.

10 46. As a further direct and proximate result of the acts of Defendants, and each of
11 them, as alleged above, Plaintiff will continue to expend sums in the future for the treatment of
12 the emotional, physical, and mental injuries sustained by Plaintiff as a result of said Defendants',
13 and each of them, acts in an amount to be ascertained at the time of trial.

14 47. The above-described acts of Defendants, and each of them, were willful,
15 intentional and malicious and done with the intent to vex, injure and annoy Plaintiff and warrant
16 the imposition of exemplary and punitive damages in an amount sufficient to punish said
17 Defendants, and each of them, and to deter others from engaging in similar conduct. Defendants,
18 and each of them, authorized and ratified the wrongful acts of their agents and employees, knew
19 in advance that their agents and employees were likely to commit such acts and employed them
20 with conscious disregard of the rights or safety of others, and/or their officers, director, and/or
21 managing agents were themselves guilty of oppression, fraud, and malice. Those who terminated
22 and/or otherwise discriminated against Plaintiff were officers, director, and/or managing agents
23 who were vested with discretionary authority to make decisions affecting company policy
24 regarding significant aspects of the company's business. These officers, directors, and/or
25 managing agents acted with malice in terminating and/or otherwise discriminating against
26 Plaintiff in that they terminated her employment and/or otherwise discriminated against her
27 because of her disability or disabilities despite knowing it was illegal to do so under California
28 and federal law, in conscious disregard of Plaintiff's rights. Those officers, directors, and/or

1 managing agents who terminated and/or otherwise discriminated against Plaintiff further acted
2 with malice by fabricating false reasons for Plaintiff's termination and/or other discrimination in
3 order to cover up their true, discriminatory reason for terminating and/or otherwise discriminating
4 against Plaintiff.

5 48. As a further direct and proximate result of the above-described acts of Defendants,
6 and each of them, Plaintiff has incurred attorney's fees and costs and, pursuant to the provisions
7 of California Government Code Section 12965(b), Plaintiff is entitled to the reasonable value of
8 such attorney's fees.

9 **SECOND CAUSE OF ACTION**

10 **FOR DISCRIMINATION BASED ON AGE IN VIOLATION OF FEHA,**

11 **CAL. GOV. CODE § 12900, et seq.**

12 **(As Against Defendants TPMG, KFHP, KFH, and DOES 1 - 100, inclusive)**

13 49. Plaintiff incorporates by this reference each and all of the allegations contained in
14 paragraphs 1 through 48 of this complaint as fully as though set forth at length herein.

15 50. FEHA makes it an unlawful employment practice to discharge an employee from
16 employment or otherwise discriminate against the person in compensation or in the terms,
17 conditions or privileges of employment because of the employee's age. (Cal. Gov. Code
18 § 12940(a).)

19 51. Defendants TPMG, KFHP, KFH, and each of them, are "employers" within the
20 meaning of California Government Code Section 12926(d), and are subject to FEHA in that they
21 regularly employ five (5) or more persons.

22 52. At all relevant times herein, Plaintiff was an employee of Defendants TPMG,
23 KFHP, KFH, and each of them.

24 53. At all relevant times herein, Plaintiff is and was an individual over the age of 40.

25 54. In violation of FEHA, Defendants, and each of them, terminated and/or otherwise
26 discriminated against Plaintiff, in whole or in part, because of her age.

27 55. As a direct and proximate result of the acts of Defendants, and each of them, as
28 alleged above, Plaintiff has suffered and will continue to suffer economic damages, including lost

1 wages and benefits, and other compensatory damages in an amount to be ascertained at the time
2 of trial.

3 56. As a further direct and proximate result of the acts of Defendants, and each of
4 them, as alleged above, Plaintiff has suffered mental, physical, and emotional distress, including
5 but not limited to humiliation, anxiety, nervousness, depression, sleeplessness, and has been
6 generally damaged in an amount to be ascertained at the time of trial.

7 57. As a further direct and proximate result of the acts of Defendants, and each of
8 them, as alleged above, Plaintiff will continue to expend sums in the future for the treatment of
9 the emotional, physical, and mental injuries sustained by Plaintiff as a result of said Defendants',
10 and each of them, acts in an amount to be ascertained at the time of trial.

11 58. The above-described acts of Defendants, and each of them, were willful,
12 intentional and malicious and done with the intent to vex, injure and annoy Plaintiff and warrant
13 the imposition of exemplary and punitive damages in an amount sufficient to punish said
14 Defendants, and each of them, and to deter others from engaging in similar conduct. Defendants,
15 and each of them, authorized and ratified the wrongful acts of their agents and employees, knew
16 in advance that their agents and employees were likely to commit such acts and employed them
17 with conscious disregard of the rights or safety of others, and/or their officers, directors, and/or
18 managing agents were themselves guilty of oppression, fraud, and malice. Those who terminated
19 and/or otherwise discriminated against Plaintiff were officers, director, and/or managing agents
20 who were vested with discretionary authority to make decisions affecting company policy
21 regarding significant aspects of the company's business. These officers, directors, and/or
22 managing agents acted with malice in terminating and/or otherwise discriminating against
23 Plaintiff in that they terminated her employment and/or otherwise discriminated against her
24 because of her age despite knowing it was illegal to do so under California and federal law, in
25 conscious disregard of Plaintiff's rights. Those officers, directors, and/or managing agents who
26 terminated and/or otherwise discriminated against Plaintiff further acted with malice by
27 fabricating false reasons for Plaintiff's termination and/or other discrimination in order to cover
28 up their true, discriminatory reason for terminating and/or otherwise discriminating against

1 Plaintiff.

2 59. As a further direct and proximate result of the above-described acts of Defendants,
3 and each of them, Plaintiff has incurred attorney's fees and costs and, pursuant to the provisions
4 of California Government Code Section 12965(b), Plaintiff is entitled to the reasonable value of
5 such attorney's fees.

6 **THIRD CAUSE OF ACTION**
7 **FOR HARASSMENT BASED ON AGE AND/OR DISABILITY**
8 **IN VIOLATION OF FEHA, CAL. GOV. CODE § 12900, et seq.**

9 (As Against Defendants TPMG, KFHP, KFH, and DOES 1 - 100, inclusive)

10 60. Plaintiff incorporates by this reference each and all of the allegations contained in
11 paragraphs 1 through 59 of this complaint as fully as though set forth at length herein.

12 61. California Government Code Section 12940(j)(1) makes it an unlawful
13 employment practice for an employer "because of . . . physical disability [or] mental disability . . .
14 to harass an employee . . ."

15 62. Defendants, and each of them, are "employers" within the meaning of California
16 Government Code Section 12940(j)(4)(A), and are subject to FEHA as employers of one (1) or
17 more persons.

18 63. Plaintiff was subjected to unwanted harassment by employees, supervisors,
19 directors and/or managers of Defendants, and each of them, because of her age and/or disability
20 or disabilities, and/or because of her refusal to engage in unlawful discrimination.

21 64. The harassing conduct was so severe and/or pervasive as to alter the conditions of
22 Plaintiff's employment and create a hostile and abusive work environment that affected tangible
23 aspects of her compensation, terms, conditions, and/or privileges of employment.

24 65. The harassing conduct was so widespread and/or persistent that a reasonable
25 person in Plaintiff's circumstances would have considered the work environment to be hostile
26 and/or abusive, and Plaintiff in fact considered the work environment created by Defendants, and
27 each of them, to be hostile and/or abusive.

28 66. Defendants, and each of them, including supervisors and/or agents of Defendant,

1 and each of them, knew or should have known of the harassing conduct and failed to take
2 immediate and appropriate corrective action.

3 67. Defendants, and each of them, are vicariously and strictly liable under FEHA for
4 age and/or disability-based harassment of Plaintiff by supervisors with immediate or successively
5 higher authority over Plaintiff within the meaning of California Government Code Section
6 12926(s), including but not limited Lori Kennelly.

7 68. As a direct and proximate result of the acts of Defendants, and each of them, as
8 alleged above, Plaintiff has suffered and will continue to suffer economic damages, including lost
9 wages and benefits, and other compensatory damages in an amount to be ascertained at the time
10 of trial.

11 69. As a further direct and proximate result of the acts of Defendants, and each of
12 them, as alleged above, Plaintiff has suffered mental, physical, and emotional distress, including
13 but not limited to humiliation, anxiety, nervousness, depression, sleeplessness, and has been
14 generally damaged in an amount to be ascertained at the time of trial.

15 70. As a further direct and proximate result of the acts of Defendants, and each of
16 them, as alleged above, Plaintiff will continue to expend sums in the future for the treatment of
17 the emotional, physical, and mental injuries sustained by Plaintiff as a result of said Defendants',
18 and each of them, acts in an amount to be ascertained at the time of trial.

19 71. The above-described acts of Defendants, and each of them, were willful,
20 intentional and malicious and done with the intent to vex, injure and annoy Plaintiff and warrant
21 the imposition of exemplary and punitive damages in an amount sufficient to punish said
22 Defendants, and each of them, and to deter others from engaging in similar conduct. Defendants,
23 and each of them, authorized and ratified the wrongful acts of their agents and employees, knew
24 in advance that their agents and employees were likely to commit such acts and employed them
25 with conscious disregard of the rights or safety of others, and/or their officers, directors, and/or
26 managing agents were themselves guilty of oppression, fraud, and malice. Those who terminated
27 and/or otherwise discriminated against and/or harassed Plaintiff were officers, directors, and/or
28 managing agents who were vested with discretionary authority to make decisions affecting

1 company policy regarding significant aspects of the company's business. These officers,
2 directors, and/or managing agents acted with malice in harassing, terminating and/or otherwise
3 discriminating against Plaintiff in that they did so because of her age and/or disability or
4 disabilities, and/or because she refused to engage in unlawful discrimination, despite knowing it
5 was illegal to do so under California and federal law, in conscious disregard of Plaintiff's rights.
6 Those officers, directors, and/or managing agents who harassed, terminated and/or otherwise
7 discriminated against Plaintiff further acted with malice by fabricating false reasons for harassing,
8 terminating and/or otherwise discriminating against Plaintiff in order to cover up their true,
9 discriminatory reason(s) for doing so.

10 72. As a further direct and proximate result of the above-described acts of Defendants,
11 and each of them, Plaintiff has incurred attorney's fees and costs and, pursuant to the provisions
12 of California Government Code Section 12965(b), Plaintiff is entitled to the reasonable value of
13 such attorney's fees

14 **FOURTH CAUSE OF ACTION**
15 **RETALIATION IN VIOLATION OF FEHA,**
16 **CAL. GOV. CODE § 12900, et seq.**

17 (As Against Defendants TPMG, KFHP, KFH, and DOES 1 - 100, inclusive)

18 73. Plaintiff incorporates by this reference each and all of the allegations contained in
19 paragraphs 1 through 72 of this complaint as fully as though set forth at length herein.

20 74. California Government Code Section 12940(h) provides that it is an unlawful
21 employment practice "[f]or any employer . . . or person to discharge, expel, or otherwise
22 discriminate against any person because the person has opposed any practices forbidden under
23 this part or because the person has filed a complaint, testified, or assisted in any proceeding under
24 [FEHA]."

25 75. Plaintiff exercised her rights under FEHA and engaged in legally protected activity
26 by complaining to Defendants, and each of them, about discrimination and harassment based on
27 disability and/or age and/or by refusing to engage in unlawful discrimination, harassment, and/or
28 retaliation prohibited by FEHA.

1 76. Defendants, and each of them, terminated and/or otherwise discriminated against
2 Plaintiff, in whole or in part, in retaliation for Plaintiff's exercise of rights guaranteed under the
3 FEHA and or refusal to engage in unlawful discrimination, harassment, and/or retaliation, as
4 described above.

5 77. As a direct and proximate result of the acts of Defendants, and each of them, as
6 alleged above, Plaintiff has suffered and will continue to suffer economic damages, including lost
7 wages and benefits, and other compensatory damages in an amount to be ascertained at the time
8 of trial.

9 78. As a further direct and proximate result of the acts of Defendants, and each of
10 them, as alleged above, Plaintiff has suffered mental, physical, and emotional distress, including
11 but not limited to humiliation, anxiety, nervousness, depression, sleeplessness, and has been
12 generally damaged in an amount to be ascertained at the time of trial.

13 79. As a further direct and proximate result of the acts of Defendants, and each of
14 them, as alleged above, Plaintiff will continue to expend sums in the future for the treatment of
15 the emotional, physical, and mental injuries sustained by Plaintiff as a result of said Defendants',
16 and each of them, acts in an amount to be ascertained at the time of trial.

17 80. The above-described acts of Defendants, and each of them, were willful,
18 intentional and malicious and done with the intent to vex, injure and annoy Plaintiff and warrant
19 the imposition of exemplary and punitive damages in an amount sufficient to punish said
20 Defendants, and each of them, and to deter others from engaging in similar conduct. Defendants,
21 and each of them, authorized and ratified the wrongful acts of their agents and employees, knew
22 in advance that their agents and employees were likely to commit such acts and employed them
23 with conscious disregard of the rights or safety of others, and/or their officers, directors, and/or
24 managing agents were themselves guilty of oppression, fraud, and malice. Those who retaliated
25 against Plaintiff were officers, directors, and/or managing agents who were vested with
26 discretionary authority to make decisions affecting company policy regarding significant aspects
27 of the company's business. These officers, directors, and/or managing agents acted with malice
28 in retaliating against Plaintiff in that they did so because of her disability or disabilities and/or age

1 despite knowing it was illegal to do so under California and federal law, in conscious disregard of
2 Plaintiff's rights. Those officers, directors, and/or managing agents who retaliated against
3 Plaintiff further acted with malice by fabricating false reasons for retaliating against Plaintiff in
4 order to cover up their true, discriminatory reason(s) for doing so.

5 81. As a further direct and proximate result of the above-described acts of Defendants,
6 and each of them, Plaintiff has incurred attorney's fees and costs and, pursuant to the provisions
7 of California Government Code Section 12965(b), Plaintiff is entitled to the reasonable value of
8 such attorney's fees.

9 **FIFTH CAUSE OF ACTION**

10 **FOR FAILURE TO PREVENT DISCRIMINATION AND/OR RETALIATION BASED**

11 **ON AGE AND/OR DISABILITY IN VIOLATION OF FEHA,**

12 **CAL. GOV. CODE § 12900, et seq.**

13 **(As Against Defendants TPMG, KFHP, KFH, and DOES 1 - 100, inclusive)**

14 82. Plaintiff incorporates by this reference each and all of the allegations contained in
15 paragraphs 1 through 81 of this complaint as fully as though set forth at length herein.

16 83. California Government Code Section 12940(k) makes it an unlawful employment
17 practice for an employer to "fail to take all reasonable steps necessary to prevent discrimination
18 and harassment from occurring." Defendants, and each of them, violated this provision including,
19 but not limited to, by ignoring complaints by Plaintiff of discrimination and/or retaliation based
20 on age and/or disability; allowing said discrimination and/or retaliation to continue; failing to
21 discipline and stop said discrimination and/or retaliation; failing to enforce anti-discrimination
22 policies and/or anti-retaliation policies; and/or failing to appropriately investigate Plaintiff's
23 complaints of discrimination and/or retaliation.

24 84. As a result of the failure by Defendants, and each of them, to take all reasonable
25 steps to prevent discrimination and retaliation from occurring in the workplace, Plaintiff was
26 continuously subjected to discrimination and retaliation based on her age and/or disabilities,
27 whether actual or perceived.

28 85. As a direct and proximate result of the acts of Defendants, and each of them, as

1 alleged above, Plaintiff has suffered and will continue to suffer economic damages, including lost
2 wages and benefits, and other compensatory damages in an amount to be ascertained at the time
3 of trial.

4 86. As a further direct and proximate result of the acts of Defendants, and each of
5 them, as alleged above, Plaintiff has suffered mental, physical, and emotional distress, including
6 but not limited to humiliation, anxiety, nervousness, depression, sleeplessness, and has been
7 generally damaged in an amount to be ascertained at the time of trial.

8 87. As a further direct and proximate result of the acts of Defendants, and each of
9 them, as alleged above, Plaintiff will continue to expend sums in the future for the treatment of
10 the emotional, physical, and mental injuries sustained by Plaintiff as a result of said Defendants',
11 and each of them, acts in an amount to be ascertained at the time of trial.

12 88. The above-described acts of Defendants, and each of them, were willful,
13 intentional and malicious and done with the intent to vex, injure and annoy Plaintiff and warrant
14 the imposition of exemplary and punitive damages in an amount sufficient to punish said
15 Defendants, and each of them, and to deter others from engaging in similar conduct. Defendants,
16 and each of them, authorized and ratified the wrongful acts of their agents and employees, knew
17 in advance that their agents and employees were likely to commit such acts and employed them
18 with conscious disregard of the rights or safety of others, and/or their officers, directors, and/or
19 managing agents were themselves guilty of oppression, fraud, and malice. Those who failed to
20 prevent discrimination and/or retaliation against Plaintiff were officers, directors, and/or
21 managing agents who were vested with discretionary authority to make decisions affecting
22 company policy regarding significant aspects of the company's business. These officers,
23 directors, and/or managing agents acted with malice in failing to prevent discrimination and
24 retaliation against Plaintiff in that they did so because of her age and/or disability or disabilities
25 despite knowing it was illegal to do so under California and federal law, in conscious disregard of
26 Plaintiff's rights. Those officers, directors, and/or managing agents who failed to prevent
27 discrimination and retaliation against Plaintiff further acted with malice by fabricating false
28 reasons for failing to prevent discrimination and retaliation against Plaintiff in order to cover up

1 their true, discriminatory reason(s) for doing so.

2 89. As a further direct and proximate result of the above-described acts of Defendants,
3 and each of them, Plaintiff has incurred attorney's fees and costs and, pursuant to the provisions
4 of California Government Code Section 12965(b), Plaintiff is entitled to the reasonable value of
5 such attorney's fees.

6 **SIXTH CAUSE OF ACTION**

7 **FOR FAILURE TO ACCOMMODATE DISABILITY IN VIOLATION OF FEHA,**

8 **CAL. GOV. CODE § 12900, et seq.**

9 (As Against Defendants TPMG, KFHP, KFH, and DOES 1 - 100, inclusive)

10 90. Plaintiff incorporates by this reference each and all of the allegations contained in
11 paragraphs 1 through 89 of this complaint as fully as though set forth at length herein.

12 91. FEHA requires an employer to make reasonable accommodations for the disability
13 of employees to enable them to perform a position's essential functions, unless doing so would
14 produce undue hardship to the employer's operations. (Cal. Gov. Code § 12940(m).)

15 92. Plaintiff notified Defendants, and each of them, of her need for reasonable
16 accommodation of her disability or disabilities. However, Defendants, and each of them, failed to
17 provide Plaintiff with one or more reasonable accommodation(s) for her disability or disabilities,
18 as required by law, and instead terminated and/or otherwise discriminated against Plaintiff.

19 93. As a direct and proximate result of the acts of Defendants, and each of them, as
20 alleged above, Plaintiff has suffered and will continue to suffer economic damages, including lost
21 wages and benefits, and other compensatory damages in an amount to be ascertained at the time
22 of trial.

23 94. As a further direct and proximate result of the acts of Defendants, and each of
24 them, as alleged above, Plaintiff has suffered mental, physical, and emotional distress, including
25 but not limited to humiliation, anxiety, nervousness, depression, sleeplessness, and has been
26 generally damaged in an amount to be ascertained at the time of trial.

27 95. As a further direct and proximate result of the acts of Defendants, and each of
28 them, as alleged above, Plaintiff will continue to expend sums in the future for the treatment of

1 the emotional, physical, and mental injuries sustained by Plaintiff as a result of said Defendants',
2 and each of them, acts in an amount to be ascertained at the time of trial.

3 96. The above-described acts of Defendants, and each of them, were willful,
4 intentional and malicious and done with the intent to vex, injure and annoy Plaintiff and warrant
5 the imposition of exemplary and punitive damages in an amount sufficient to punish said
6 Defendants, and each of them, and to deter others from engaging in similar conduct. Defendants,
7 and each of them, authorized and ratified the wrongful acts of their agents and employees, knew
8 in advance that their agents and employees were likely to commit such acts and employed them
9 with conscious disregard of the rights or safety of others, and/or their officers, directors, and/or
10 managing agents were themselves guilty of oppression, fraud, and malice. Those who failed to
11 prevent discrimination and retaliation against Plaintiff were officers, directors, and/or managing
12 agents who were vested with discretionary authority to make decisions affecting company policy
13 regarding significant aspects of the company's business. These officers, directors, and/or
14 managing agents acted with malice in failing to prevent discrimination and retaliation against
15 Plaintiff in that they did so because of her age and/or disability or disabilities despite knowing it
16 was illegal to do so under California and federal law, in conscious disregard of Plaintiff's rights.
17 Those officers, directors, and/or managing agents who failed to prevent discrimination and
18 retaliation against Plaintiff further acted with malice by fabricating false reasons for failing to
19 prevent harassment, discrimination, and retaliation against Plaintiff in order to cover up their true,
20 discriminatory reason(s) for doing so.

21 97. As a further direct and proximate result of the above-described acts of Defendants,
22 and each of them, Plaintiff has incurred attorney's fees and costs and, pursuant to the provisions
23 of California Government Code Section 12965(b), Plaintiff is entitled to the reasonable value of
24 such attorney's fees.

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SEVENTH CAUSE OF ACTION
FOR FAILURE TO ENGAGE IN THE INTERACTIVE PROCESS IN VIOLATION OF
FEHA, CAL. GOV. CODE § 12900, et seq.

(As Against Defendants TPMG, KFHP, KFH, and DOES 1 - 100, inclusive)

98. Plaintiff incorporates by this reference each and all of the allegations contained in paragraphs 1 through 97 of this complaint as fully as though set forth at length herein.

99. FEHA makes it an unlawful employment practice to fail to engage in a timely, good faith, interactive process with an employee to determine effective reasonable accommodations, if any, in response to a request for reasonable accommodation by an employee with a known physical or mental disability or medical condition. (Cal. Gov. Code § 12940(n).)

100. Plaintiff notified Defendants, and each of them, of her need for one or more reasonable accommodation(s) for their disability or disabilities. However, Defendants, and each of them, failed to provide Plaintiff with one or more reasonable accommodation(s) for her disabilities, as required by law, and instead terminated and/or otherwise discriminated against Plaintiff.

101. In violation of California Government Code Section 12940(n), Defendants, and each of them, failed to engage in a timely, good faith, interactive process with Plaintiff to determine one or more effective reasonable accommodation(s).

102. As a direct and proximate result of the acts of Defendants, and each of them, as alleged above, Plaintiff has suffered and will continue to suffer economic damages, including lost wages and benefits, and other compensatory damages in an amount to be ascertained at the time of trial.

103. As a further direct and proximate result of the acts of Defendants, and each of them, as alleged above, Plaintiff has suffered mental, physical, and emotional distress, including but not limited to humiliation, anxiety, nervousness, depression, sleeplessness, and have been generally damaged in an amount to be ascertained at the time of trial.

104. As a further direct and proximate result of the acts of Defendants, and each of them, as alleged above, Plaintiff will continue to expend sums in the future for the treatment of

1 the emotional, physical, and mental injuries sustained by Plaintiff as a result of said Defendants',
2 and each of them, acts in an amount to be ascertained at the time of trial.

3 105. The above-described acts of Defendants, and each of them, were willful,
4 intentional and malicious and done with the intent to vex, injure and annoy Plaintiff and warrant
5 the imposition of exemplary and punitive damages in an amount sufficient to punish said
6 Defendants, and each of them, and to deter others from engaging in similar conduct. Defendants,
7 and each of them, authorized and ratified the wrongful acts of their agents and employees, knew
8 in advance that their agents and employees were likely to commit such acts and employed them
9 with conscious disregard of the rights or safety of others, and/or their officers, directors, and/or
10 managing agents were themselves guilty of oppression, fraud, and malice. Those who failed to
11 engage in the interactive process with Plaintiff were officers, directors, and/or managing agents
12 who were vested with discretionary authority to make decisions affecting company policy
13 regarding significant aspects of the company's business. These officers, directors, and/or
14 managing agents acted with malice in failing to engage in the interactive process with Plaintiff in
15 that they did so because of her age and/or disability or disabilities despite knowing it was illegal
16 to do so under California and federal law, in conscious disregard of Plaintiff's rights. Those
17 officers, directors, and/or managing agents who failed to engage in the interactive process with
18 Plaintiff further acted with malice by fabricating false reasons for failing to engage in the
19 interactive process with Plaintiff in order to cover up their true, discriminatory reason(s) for doing
20 so.

21 106. As a further direct and proximate result of the above-described acts of Defendants,
22 and each of them, Plaintiff has incurred attorney's fees and costs and, pursuant to the provisions
23 of California Government Code Section 12965(b), Plaintiff is entitled to the reasonable value of
24 such attorney's fees.

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EIGHTH CAUSE OF ACTION
FOR VIOLATION OF/INTERFERENCE WITH CFRA,
CAL. GOV. CODE §§ 12900, et seq. and 12945.2

(As Against Defendants TPMG, KFHP, KFH, and DOES 1 - 100, inclusive)

107. Plaintiff incorporates by this reference each and all of the allegations contained in paragraphs 1 through 106 of this complaint as fully as though set forth at length herein.

108. It is an unlawful employment practice under California Government Code Section 12945.2 commonly known as the California Family Rights Act ("CFRA"), to refuse to grant a request by a qualifying employee for family care and medical leave. Cal. Gov. Code § 12945.2(a).

109. Defendants, and each of them, are employers subject to CFRA in that Defendants, and each of them, employ 50 or more employees for each working day during each of 20 or more calendar workweeks in the current or preceding calendar year.

110. Plaintiff was eligible for leave under CFRA as she was employed by Defendants, and each of them, for more than twelve months, she worked at least 1,250 hours during the previous twelve months, and she was employed at a worksite where 50 or more employees were employed by Defendants, and each of them, within 75 miles of that worksite.

111. At all relevant times herein, Plaintiff suffered from one or more serious health condition(s) as defined by California Government Code Section 12945.2.

112. Plaintiff requested and took leave for her own serious health condition(s).

113. Plaintiff provided reasonable notice to Defendants, and each of them, of her need for medical leave(s), including expected timing and length.

114. Defendants, and each of them, terminated and/or otherwise discriminated against Plaintiff in order to prevent her from taking additional CFRA leave, which Defendants, and each of them, anticipated would be necessary once they learned of her condition(s) and need for leave in violation of California Government Code Section 12945.2.

115. As a direct and proximate result of the acts of Defendants, and each of them, as alleged above, Plaintiff has suffered and will continue to suffer economic damages, including lost

1 wages and benefits, and other compensatory damages in an amount to be ascertained at the time
2 of trial.

3 116. As a further direct and proximate result of the acts of Defendants, and each of
4 them, as alleged above, Plaintiff has suffered mental, physical, and emotional distress, including
5 but not limited to humiliation, anxiety, nervousness, depression, sleeplessness, and have been
6 generally damaged in an amount to be ascertained at the time of trial.

7 117. As a further direct and proximate result of the acts of Defendants, and each of
8 them, as alleged above, Plaintiff will continue to expend sums in the future for the treatment of
9 the emotional, physical, and mental injuries sustained by Plaintiff as a result of said Defendants',
10 and each of them, acts in an amount to be ascertained at the time of trial.

11 118. The above-described acts of Defendants, and each of them, were willful,
12 intentional and malicious and done with the intent to vex, injure and annoy Plaintiff and warrant
13 the imposition of exemplary and punitive damages in an amount sufficient to punish said
14 Defendants, and each of them, and to deter others from engaging in similar conduct. Defendants,
15 and each of them, authorized and ratified the wrongful acts of their agents and employees, knew
16 in advance that their agents and employees were likely to commit such acts and employed them
17 with conscious disregard of the rights or safety of others, and/or their officers, directors, and/or
18 managing agents were themselves guilty of oppression, fraud, and malice. Those who
19 violated/interfered with Plaintiff's CFRA rights were officers, directors, and/or managing agents
20 who were vested with discretionary authority to make decisions affecting company policy
21 regarding significant aspects of the company's business. These officers, directors, and/or
22 managing agents acted with malice in violating/interfering with Plaintiff's CFRA rights in that
23 they did so because of her age and/or disability or disabilities despite knowing it was illegal to do
24 so under California and federal law, in conscious disregard of Plaintiff's rights. Those officers,
25 directors, and/or managing agents who violated/interfered with Plaintiff's CFRA rights further
26 acted with malice by fabricating false reasons for violating/interfering with Plaintiff's CFRA
27 rights in order to cover up their true, discriminatory reason(s) for doing so.

28 119. As a further direct and proximate result of the above-described acts of Defendants,

1 and each of them, Plaintiff has incurred attorney's fees and costs and, pursuant to the provisions
2 of California Government Code Section 12965(b), Plaintiff is entitled to the reasonable value of
3 such attorney's fees.

4 **NINTH CAUSE OF ACTION**

5 **FOR RETALIATION IN VIOLATION OF CFRA,**

6 **CAL. GOV. CODE § 12900, et seq. and 12945.2**

7 **(As Against Defendants TPMG, KFHP, KFH, and DOES 1 - 100, inclusive)**

8 120. Plaintiff incorporates by this reference each and all of the allegations contained in
9 paragraphs 1 through 119 of this complaint as fully as though set forth at length herein.

10 121. California Government Code Section 12945.2(l) makes it an unlawful employment
11 practice for an employer to discriminate and/or discharge an employee for exercising any right to
12 family care or medical leave under CFRA.

13 122. Plaintiff engaged in protected conduct by requesting and taking leave for her own
14 serious health condition(s).

15 123. Defendants, and each of them, terminated and/or otherwise discriminated against
16 Plaintiff in retaliation for exercising their rights under CFRA by requesting and taking medical
17 leave(s) for her own serious health condition(s) in violation of California Government Code
18 Section 12945.2(l).

19 124. As a direct and proximate result of the acts of Defendants, and each of them, as
20 alleged above, Plaintiff has suffered and will continue to suffer economic damages, including lost
21 wages and benefits, and other compensatory damages in an amount to be ascertained at the time
22 of trial.

23 125. As a further direct and proximate result of the acts of Defendants, and each of
24 them, as alleged above, Plaintiff has suffered mental, physical, and emotional distress, including
25 but not limited to humiliation, anxiety, nervousness, depression, sleeplessness, and have been
26 generally damaged in an amount to be ascertained at the time of trial.

27 126. As a further direct and proximate result of the acts of Defendants, and each of
28 them, as alleged above, Plaintiff will continue to expend sums in the future for the treatment of

1 the emotional, physical, and mental injuries sustained by Plaintiff as a result of said Defendants',
2 and each of them, acts in an amount to be ascertained at the time of trial.

3 127. The above-described acts of Defendants, and each of them, were willful,
4 intentional and malicious and done with the intent to vex, injure and annoy Plaintiff and warrant
5 the imposition of exemplary and punitive damages in an amount sufficient to punish said
6 Defendants, and each of them, and to deter others from engaging in similar conduct. Defendants,
7 and each of them, authorized and ratified the wrongful acts of their agents and employees, knew
8 in advance that their agents and employees were likely to commit such acts and employed them
9 with conscious disregard of the rights or safety of others, and/or their officers, directors, and/or
10 managing agents were themselves guilty of oppression, fraud, and malice. Those who retaliated
11 against Plaintiff were officers, directors, and/or managing agents who were vested with
12 discretionary authority to make decisions affecting company policy regarding significant aspects
13 of the company's business. These officers, directors, and/or managing agents acted with malice
14 in retaliating against Plaintiff in that they did so because of her age and/or disability or disabilities
15 despite knowing it was illegal to do so under California and federal law, in conscious disregard of
16 Plaintiff's rights. Those officers, directors, and/or managing agents who retaliated against
17 Plaintiff further acted with malice by fabricating false reasons for retaliating against Plaintiff in
18 order to cover up their true, discriminatory reason(s) for doing so.

19 128. As a further direct and proximate result of the above-described acts of Defendants,
20 and each of them, Plaintiff has incurred attorney's fees and costs and, pursuant to the provisions
21 of California Government Code Section 12965(b), Plaintiff is entitled to the reasonable value of
22 such attorney's fees.

23 TENTH CAUSE OF ACTION

24 FOR WRONGFUL TERMINATION IN VIOLATION OF PUBLIC POLICY

25 (As Against Defendants TPMG, KFHP, KFH, and DOES 1 - 100, inclusive)

26 129. Plaintiff incorporates by this reference each and all of the allegations contained in
27 paragraphs 1 through 128 of this complaint as fully as though set forth at length herein.

28 130. Plaintiff's terminations by Defendants, and each of them, as described above, was

1 against the public policy of the State of California as evidenced by Article 1, Section 1 of the
2 California Constitution, as well as the enactment of the California Fair Employment and Housing
3 Act (Cal. Gov. Code § 12900 et seq.), California Family Rights Act (Cal. Gov. Code § 12945.2),
4 and corresponding regulations as codified in the California Code of Regulations (2 Cal. Code
5 Regs. § 7293.5, et seq.)

6 131. As a direct and proximate result of the acts of Defendants, and each of them, as
7 alleged above, Plaintiff has suffered and will continue to suffer economic damages, including lost
8 wages and benefits, and other compensatory damages in an amount to be ascertained at the time
9 of trial.

10 132. As a further direct and proximate result of the acts of Defendants, and each of
11 them, as alleged above, Plaintiff has suffered mental, physical, and emotional distress, including
12 but not limited to humiliation, anxiety, nervousness, depression, sleeplessness, and have been
13 generally damaged in an amount to be ascertained at the time of trial.

14 133. As a further direct and proximate result of the acts of Defendants, and each of
15 them, as alleged above, Plaintiff will continue to expend sums in the future for the treatment of
16 the emotional, physical, and mental injuries sustained by Plaintiff as a result of said Defendants',
17 and each of them, acts in an amount to be ascertained at the time of trial.

18 134. The above-described acts of Defendants, and each of them, were willful,
19 intentional and malicious and done with the intent to vex, injure and annoy Plaintiff and warrant
20 the imposition of exemplary and punitive damages in an amount sufficient to punish said
21 Defendants, and each of them, and to deter others from engaging in similar conduct. Defendants,
22 and each of them, authorized and ratified the wrongful acts of their agents and employees, knew
23 in advance that their agents and employees were likely to commit such acts and employed them
24 with conscious disregard of the rights or safety of others, and/or their officers, directors, and/or
25 managing agents were themselves guilty of oppression, fraud, and malice. Those who terminated
26 Plaintiff were officers, directors, and/or managing agents who were vested with discretionary
27 authority to make decisions affecting company policy regarding significant aspects of the
28 company's business. These officers, directors, and/or managing agents acted with malice in

1 terminating Plaintiff in that they did so because of her age and/or disability or disabilities despite
2 knowing it was illegal to do so under California and federal law, in conscious disregard of
3 Plaintiff's rights. Those officers, directors, and/or managing agents who terminated Plaintiff
4 further acted with malice by fabricating false reasons for terminating Plaintiff in order to cover up
5 their true, discriminatory reason(s) for doing so.

6
7 WHEREFORE, Plaintiff prays for judgment as against all Defendants, and each of them,
8 as follows:

- 9 1. For compensatory damages against all Defendants, and each of them, according to
10 proof;
- 11 2. For special damages against all Defendants, and each of them, according to proof;
- 12 3. For general damages against all Defendants, and each of them, according to proof;
- 13 4. For costs pursuant to California Code of Civil Procedure Section 1032, or as
14 otherwise provided by law;
- 15 5. For an award of costs and attorney's fees, in an amount the court determines to be
16 reasonable, as authorized by the provisions of California Government Code Section 12965(b), or
17 as otherwise provided by law;
- 18 6. For exemplary and punitive damages according to proof;
- 19 7. For such other and further relief as the Court deems just and proper.

20
21 DATED: May 8, 2013

SARNOFF + SARNOFF

22
23 By: 

David J. Sarnoff
Raven W. Sarnoff

24
25 Attorneys for Plaintiff
26 ANNA VEKSLINA
27
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