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10 PEGGY SCHIMONITZ

**ELECTRONICALLY FILED**  
Superior Court of California,  
County of Orange  
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**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**IN AND FOR THE COUNTY OF ORANGE**

PEGGY SCHIMONITZ,  
Plaintiff,

vs.

KAISER PERMANENTE OF SOUTHERN  
CALIFORNIA; and DOES 1 through  
20, Inclusive,  
Defendants.

CASE NO. Judge Geoffrey T. Glass

**COMPLAINT**

- 1) Discrimination Against Age
- 2) Violation of Government Code §12940 (Failure to Prevent Discrimination)
- 3) Retaliation under FEHA
- 4) Harassment under FEHA
- 5) Termination in Violation of Public Policy
- 6) Discrimination Against Disability;
- 7) Discrimination Against Race/Natioinal Origin

**DEMAND FOR JURY TRIAL**

Plaintiff alleges in this COMPLAINT as follows:

FACTS COMMON TO ALL CAUSES OF ACTION

1. Plaintiff, PEGGY SCHIMONITZ (hereinafter "Plaintiff")  
was employed with Defendants, KAISER PERMANENTE OF SOUTHERN  
CALIFORNIA, hereinafter ("Defendants" or "Defendant").

1 Defendant Kaiser Permanente of Southern California is located in  
2 and is doing business in the State of California, City of  
3 Anaheim, and County of Orange. All of the acts complained of  
4 herein occurred in the County of Orange, State of California.

5 2. Plaintiff was employed for over twenty eight years with  
6 Kaiser Permanente of Southern California. For the majority of  
7 her career, Plaintiff was an LVN nurse; however, on or about  
8 August 24, of 2012, Plaintiff was unilaterally demoted to the  
9 position of Medical Assistant until she was terminated. At the  
10 time of her termination, Plaintiff held the position of Medical  
11 Assistant. Thereafter, Plaintiff was terminated from employment  
12 on Christmas Eve of 2012 (December 24, 2012). Defendants  
13 harassed, retaliated, demoted, discriminated, and eventually  
14 terminated Plaintiff because of her age, disability, medical  
15 condition, defendant's failure to accommodate Plaintiff, and her  
16 national origin/race and her language restriction in not being  
17 able to speak Spanish. Plaintiff was retaliated against and  
18 harassed because of her disability, and accused of being under  
19 the influence of a prescription drugs without a valid  
20 prescription. One week prior to her investigatory suspension  
21 that Plaintiff was put on, on or about November 8, 2012,  
22 Plaintiff was falsely accused of attending a doctors appointment  
23 during working hours even though Plaintiff had documented proof  
24 that the doctors appointment was not during working hours.  
25 Plaintiff during the last year of her employment was harassed and  
26 falsely accused of many things.

27 3. Plaintiff performed all of her required job duties.  
28 Plaintiff's experience, training and knowledge surpassed other

1 individuals that were similarly situated. Plaintiff was  
2 harassed, discriminated and retaliated against based upon her age  
3 disability, and her national origin in that she could not speak  
4 any language other than English. Eventually she was stripped of  
5 her responsibilities and her ability to perform her job duties.  
6 Kaiser Permanente wrongfully and without the proper support and  
7 help, terminated Plaintiff from employment.

8 4. Plaintiff was more than a satisfactory employee, was  
9 reliable, loyal, and was dedicated to her work. Without cause,  
10 Plaintiff was terminated and her job responsibilities were taken  
11 from her. Prior to Plaintiff being terminated from gainful  
12 employment with Defendant Plaintiff was demoted from an LVN to a  
13 Medical Assistant. Plaintiff was an LVN with internal medicine  
14 prior to being demoted in late August of 2012. Out of all of the  
15 LVN's in late August or early September of 2012, Plaintiff was  
16 demoted while other LVN's with less experience and qualifications  
17 were kept as LVN's. Plaintiff was the oldest or second oldest of  
18 all LVN's; nonetheless she was on LVN chosen to be demoted to the  
19 position of Medical Assistant. Of all LVN's at the Lakeview  
20 facility, Plaintiff was demoted to Medical Assistant while other  
21 LVN's remained at their positions who were less qualified and who  
22 were of Latino National Origin, Asian, and Black.

23 5. Without listening to Plaintiff, Defendants ignored  
24 Plaintiff's complaints of discrimination and harassment.  
25 Plaintiff complained multiple times to management but to no avail  
26 and continued to be singled out and retaliated against by  
27 Defendants.

28 6. In November of 2012 Defendants suspended Plaintiff and



1 placed her on a paid investigatory suspension in order to review  
2 circumstances and facts surrounding what they called her unusual  
3 behavior and unsatisfactory job performance. Defendant's forced  
4 Plaintiff to be drug tested and did not ask what medical  
5 conditions she had even though Plaintiff told Defendant her  
6 disability, her diagnosis, and the medications that she had been  
7 taking for quite sometime. Plaintiff then was accused of having  
8 prescription drugs in her system that she did not have a  
9 prescription for and was terminated on or about December 24,  
10 2012. Plaintiff at that time maintained and still maintained  
11 that the results of the drug test did not lie and that the tests  
12 did show conclusively show that she was taking drugs that she did  
13 not have a prescription for. Plaintiff made Defendant's aware  
14 for a few years of her disability and the prescription  
15 medications that she was taking.

16 7. Had Plaintiff been non-white and able to speak Spanish,  
17 Defendant would not have terminated her. Plaintiff fulfilled all  
18 of her job functions. At no time did Defendant ever hold a good  
19 faith interactive process meeting with Plaintiff so it could  
20 determine how best to help Plaintiff with her disability.

21 8. All of Plaintiff's prescription medications were  
22 prescribed through Kaiser and Kaiser failed to speak with  
23 Plaintiff's prescribing doctor as to her medications of the test  
24 results and failed to speak with medical professionals whose name  
25 Plaintiff gave Defendant in order to support Plaintiff's  
26 contention that her test results for drugs were consistent to the  
27 medications that she was taking and had been prescribed.

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1 9. Plaintiff beginning in the 2012, was ostracized, ignored,  
2 and singled out and harassed which said discrimination continued  
3 until Plaintiff's termination. Plaintiff was excluded from  
4 meetings that she should have been invited to. Plaintiff  
5 eventually was even precluded from performing her job duties.

6 10. The discrimination against Plaintiff based upon her  
7 age, race/national origin, and disability and failure to  
8 accommodate and the retaliation that she suffered was  
9 unwarranted.

10 11. Plaintiff was subjected to a hostile work environment  
11 where she was not protected from 1) his superiors abuse and  
12 discrimination; 2) discrimination and retaliation based upon race  
13 age, national origin (language use restrictions) and disability;  
14 3) being constantly ignored, singled out and harassed,  
15 discriminated against and suffering adverse employment actions  
16 based upon the causes of action in this complaint. In addition,  
17 Plaintiff also suffered adverse employment actions (demotion) up  
18 to and including her termination.

19 12. Plaintiff is a member of a protected class in that she  
20 was born in America, is Caucasian, and cannot speak Spanish.  
21 Plaintiff's primary language is English and her only language.

22 13. Other similarly situated employees who were not White  
23 and who spoke Spanish were treated differently than Plaintiff  
24 and were not demoted, forced to quit, or terminated.

25 14. The Human Resources and the President and COO of the  
26 Defendant defamed Plaintiff and did nothing to protect Plaintiff  
27 from the harassment, discrimination and retaliation she suffered.

1 15. Instead of making a good faith investigation into  
2 Plaintiff's complaints and her request for an interactive meeting  
3 because of her medical condition/disability, Defendants elevated  
4 hostility by ratifying the discriminatory conduct, demoting  
5 Plaintiff, and subsequently terminating Plaintiff. As stated  
6 above, Defendant also failed to conduct a good faith interactive  
7 meeting to help her perform her job duties in spite of her  
8 disability.

9 16. Plaintiff is and was at all times a resident of the  
10 County of Orange, the State of California and worked in same  
11 county for Defendants during her entire tenure with Defendant.  
12 The unlawful employment practices complained of herein occurred  
13 in the City of Anaheim, the County of Orange, State of  
14 California.

15 17. Plaintiff is ignorant of the true names and capacities  
16 of defendants sued herein as DOES 1 through 20, inclusive, and  
17 therefore sues these Defendants by such fictitious names.  
18 Plaintiff will amend this complaint to allege their true names  
19 and capacities when ascertained. Plaintiff is informed and  
20 believes and thereon alleges that each of the Defendants  
21 fictitiously named herein is indebted and liable to Plaintiff as  
22 herein set forth.

23 18. Plaintiff is informed and believes and thereon alleges  
24 that at all relevant times, except where otherwise indicated,  
25 each Defendant was the agent, servant, or employee of each  
26 remaining Defendant, and was at all such times, except where  
27 otherwise indicated, acting within the scope and purpose of such  
28 agency, and that each act of each Defendant was authorized and

1 ratified by each remaining Defendant.

2 19. As a direct and proximate result of the unlawful conduct  
3 on the part of Defendants, and each of them, as alleged herein,  
4 plaintiff has suffered the loss of earnings and employment  
5 benefits in an amount yet unascertained, but subject to proof at  
6 trial.

7 20. As a direct and proximate result of the unlawful conduct  
8 on the part of Defendants, and each of them, as alleged herein,  
9 plaintiff has suffered and continues to suffer injury, pain and  
10 suffering, loss of self esteem, humiliation, mental anguish and  
11 emotional distress, all to Plaintiff's damage in an amount to be  
12 proven at trial, in excess of the threshold jurisdiction of this  
13 court.

14 21. As a direct and proximate result of Defendants'  
15 discriminatory and retaliatory conduct as described herein,  
16 Plaintiff is entitled to recover general, special and other  
17 compensatory damages (including losses to his retirement package)  
18 in amounts to be proven at trial. Plaintiff is also entitled to  
19 recover reasonable attorneys' fees and costs of suit as provided  
20 by California Government Code Section 12965(b).

21 22. The conduct of Defendants, and each of them, as alleged  
22 herein, was intentional.

23 **ADMINISTRATIVE PROCEDURES**

24 23. Plaintiff has filed a charge of discrimination with the  
25 California Department of Fair Employment and Housing and  
26 requested her Right to Sue Notice via said Complaint. Plaintiff  
27 received her Right To Sue Notice on August 8, 2013 and thereafter  
28 served her charge of discrimination and her Right To Sue Notice



1 upon all Defendants.

2 24. Plaintiff has now received her Right to Sue Notice from  
3 the DFEH and has now, within a year of the date of that Right to  
4 Sue Notice, filed the instant lawsuit in the Superior court of  
5 the State of California, County of Orange.

6 **FIRST CAUSE OF ACTION**

7 **DISCRIMINATION AGAINST AGE**

8 **(Against Defendant and All DOES)**

9 25. Plaintiff hereby repeats, re-alleges and repleads  
10 paragraphs 1 through 24 and incorporates the same as though fully  
11 set forth herein.

12 26. Plaintiff is a female who is over the age of forty year  
13 of age and who is 57 years old.

14 27. This cause of action is brought pursuant to the  
15 California Fair Employment and Practices Act, section 12940-41 of  
16 the Government Code, which prohibits discrimination against a  
17 person in the terms, conditions, or privileges of employment on  
18 the basis of the person's age, and the corresponding regulations  
19 of the California Fair Employment and Housing Commission.

20 28. Based upon information and belief, other employees who  
21 were under the age of forty and/or substantially younger than  
22 Plaintiff prior to her demotion from LVN to Medical assistant  
23 were demoted. Likewise, other similarly situated employees in  
24 December of 2012 who had less experience and qualifications and  
25 who were under the age of 40 and/or substantially younger than  
26 Plaintiff remained when Plaintiff was terminated. The  
27 conduct of defendants, and each of them as alleged herein,  
28 constitutes unlawful discrimination on account of age in

1 violation of California Government Code Sections 12940 et seq in  
2 that Plaintiff was singled out for differential treatment,  
3 terminated, and deprived of her employment by reason of her age.

4 29. At all times mentioned in this complaint, Defendants  
5 regularly employed more than 100 persons.

6 30. None of the discriminatory or retaliating conduct of  
7 defendants, or any of them as alleged herein, was based upon a  
8 bona fide performance problem or occupational qualification.

9 31. Plaintiff was at least as qualified, and based upon  
10 information and belief, more qualified to perform the duties of  
11 her job as well as other employees who were substantially younger  
12 than Plaintiff, who remained and were not demoted or terminated.

13 32. Plaintiff believes and alleges that plaintiff's age was  
14 a substantial and determining factor in defendant employer's  
15 decision to discriminate, harass and in Plaintiff's demotion and  
16 eventual termination.

17 33. As a direct, foreseeable, and proximate result of  
18 defendants' discriminatory acts, plaintiff has suffered and  
19 continues to suffer substantial losses in earnings, job benefits,  
20 and has suffered and continues to suffer humiliation,  
21 embarrassment, mental and emotional distress, and discomfort, all  
22 to plaintiff's damage in an amount in excess of the  
23 jurisdictional limit, the precise amount of which will be proven  
24 at trial.

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VIOLATION OF GOVERNMENT CODE (Failure to Prevent Discrimination  
FEHA subsection (k))  
(Against Defendant and All Does)

35. At all times mentioned in this complaint, Government Code section 12940 was in full force and effect and was binding on defendants. This subsection requires defendants to take all reasonable steps necessary to prevent discrimination and harassment from occurring. As alleged above, defendants violated this subsection by failing to take all reasonable steps necessary to prevent discrimination and harassment from occurring.

37. Plaintiff was demoted and eventually terminated due to her race, age, disability, national origin, failure to speak Spanish and retaliated against because of her complaint

## COMPLAINT



1 way or advise or support Plaintiff after her complaints and  
2 requests to be accommodated. In short, based upon Defendants  
3 failure to take any steps to respond to Plaintiff's complaints of  
4 discrimination or to prevent discrimination, harassment and  
5 retaliation from occurring in its workplace, Defendants ratified  
6 President the conduct that led to Plaintiff's termination.

7 39. As a proximate result of defendants' conduct, Plaintiff  
8 has suffered and continues to suffer humiliation, emotional  
9 distress, and mental and physical pain and anguish, all to her  
10 damage in a sum according to proof.

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

16 **THIRD CAUSE OF ACTION**

17 **RETALIATION UNDER FEHA**

18 **(Against Defendant and All Does)**

19 41. Plaintiff hereby repeats, re-alleges and repleads  
20 paragraphs 1 through 40 and incorporates the same as though fully  
21 set forth herein.

22 42. This cause of action is brought pursuant to the  
23 California Fair Employment and Practices Act, section 12940-41 of  
24 the Government Code, which prohibits retaliation against a person  
25 in the terms, conditions, or privileges of employment on the  
26 basis of the person's age and race, and any retaliation for  
27 making a complaint thereunder.

28 43. Plaintiff was retaliated against after making her

1 complaints to Defendants of discrimination, failure to  
2 accommodate her disability, and harassment and violation of  
3 policies and procedures by Plaintiff. Plaintiff was thereafter  
4 terminated based upon her age, race and national origin, her  
5 inability to speak Spanish, and retaliated against because of her  
6 protected class and the complaints she made regarding same.

7 44. The conduct of defendants, and each of them as alleged  
8 herein, constitutes unlawful retaliation in response to  
9 Plaintiff's age, race, disability and national origin in violation  
10 of California Government Code Sections 12940 et seq in that  
11 Plaintiff was retaliated against, and discharged because of  
12 complaining to Defendants and Human Resources and because of her  
13 age and race as well as conduct that she believed to be wrongful  
14 and in violation of statute.

15 45. At all times mentioned in this complaint, Defendants  
16 regularly employed more than 100 persons.

17 46. None of the retaliating conduct of defendants, or any of  
18 them as alleged herein, was based upon a bona fide performance  
19 problem or occupational qualification.

20 47. Plaintiff was at least as qualified, and based upon  
21 information and belief, more qualified to perform the duties of  
22 her job as well as other non Caucasian LVN and Medical Assistants  
23 and those substantially younger than Plaintiff who remained  
24 employed and were not demoted or terminated. Further, none of the  
25 LVN's who were not demoted nor the Medical Assistants that  
26 remained employed after Plaintiff's demotion and termination had  
27 any disability.

28 48. Plaintiff believes and alleges that her termination from

1 being an employed with Defendant was in retaliation for her  
2 complaints as stated in this Complaint.

3 49. As a direct, foreseeable, and proximate result of  
4 defendants' discriminatory and retaliation, plaintiff has  
5 suffered and continues to suffer substantial losses in earnings,  
6 job benefits, and has suffered and continues to suffer  
7 humiliation, embarrassment, mental and emotional distress, loss  
8 to reputation, and discomfort, all to plaintiff's damage in an  
9 amount in excess of the jurisdictional limit, the precise amount  
10 of which will be proven at trial.

11 50. Plaintiff's termination was not based upon a bona fide  
12 performance problem, legitimate business reason or occupational  
13 qualification.

14 **FOURTH CAUSE OF ACTION**

15 **HARASSMENT UNDER FEHA**

16 **(Against All Defendants and All Does)**

17 51. Plaintiff hereby repeats, re-alleges and repleads  
18 paragraphs 1 through 50 and incorporates the same as though fully  
19 set forth herein.

20 52. Defendant purposefully and intentionally, through its  
21 Human Resource department and Plaintiff's supervisors,  
22 intentionally harassed Plaintiff and made statements about  
23 Plaintiff's age and retirement and also harassed Plaintiff during  
24 the last year of her employment. On or about August 24, 2014,  
25 Plaintiff was demoted and took a cut in pay and also certain  
26 responsibilities. Defendants also excluded her from projects,  
27 meetings, other functions and the like, and ignoring Plaintiff  
28 and ultimately terminating Plaintiff was all done to harass and



1 attempt to induce Plaintiff into quitting or leaving. Defendants  
2 sole purpose in harassing Plaintiff, reducing her pay, job title  
3 and the like, and sabotaging her efforts, ignoring her,  
4 ostracizing her, excluding her, threatening her, was done to  
5 intentionally injure Plaintiff and cause her emotional distress  
6 as well as to force and coerce her to quit so that Defendant  
7 would not have to terminate Plaintiff. Plaintiff worked in a  
8 hostile environment where because of the harassment she suffered  
9 Plaintiff suffered with substantial emotional and physical  
10 injuries, and anxiety as well as loss of substantial monies when  
11 she was terminated.

12 53. Defendants purposely did not interview the people that  
13 it should have as to Plaintiff's complaints and did not conduct a  
14 good faith investigation. Defendant's also accused Plaintiff of  
15 seeking medical treatments and appointments while on the clock  
16 but this was false.

17 54. The acts, conduct and negligence of defendants caused  
18 Plaintiff to suffer emotional distress and, as a result thereof,  
19 Plaintiff has suffered damages as set out in this complaint in  
20 amounts to be proven at the time of trial.

21 55. In doing the acts herein alleged, defendants intended to  
22 cause, or acted with a reckless disregard of the probability of  
23 causing, plaintiff to suffer emotional distress.

24 56. As a proximate result of defendants' actions as herein  
25 alleged, Plaintiff suffered, and continues to suffer, severe  
26 mental and emotional distress, all to her damage in an amount to  
27 be proven at trial but in excess of the jurisdictional threshold  
28 of this court.

1 **FIFTH CAUSE OF ACTION**

2 **TERMINATION IN VIOLATION OF PUBLIC POLICY**

3 **(Against All Defendants and All Does)**

4 57. Plaintiff hereby repeats, re-alleges and repleads  
5 paragraphs 1 through 56 and incorporates the same as though fully  
6 set forth herein.

7 58. Plaintiff alleges that Defendants discharge/termination  
8 from employment by Defendant of Plaintiff was in violation of the  
9 public policy as expressed both in California Constitution  
10 Article I, section 8 which prohibits discrimination against  
11 employees. The above described conduct of Defendants also  
12 constitutes race and age discrimination, harassment and  
13 retaliation, and wrongful termination of Plaintiff in violation  
14 of public policy embodied in the California Constitution.

15 59. As a direct, foreseeable, and proximate result of  
16 defendant employer's wrongful termination of Plaintiff in  
17 violation of the public policy of the State of California,  
18 Plaintiff has lost and will continue to lose compensation,  
19 benefits and the like, and has suffered and continues to suffer  
20 humiliation, embarrassment, mental and emotional distress, and  
21 discomfort all to Plaintiff's damage in an amount in excess of  
22 the jurisdictional limit, the precise amount of which will be  
23 proven at trial.

24 60. The acts, conduct and negligence of defendants caused  
25 Plaintiff to suffer emotional distress and, as a result thereof,  
26 Plaintiff has suffered damages as set out in this complaint in  
27 amounts to be proven at the time of trial.

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1                                    **SIXTH CAUSE OF ACTION**

2                                    **Discrimination Against Disability (FEHA)**

3                                    **(Against All Defendants and all Does)**

4            61. Plaintiff hereby repeats, re-alleges and repleads  
5 paragraphs 1 through 60 and incorporates the same as though fully  
6 set forth herein. Plaintiff is a female who suffered from  
7 disabilities and medical conditions having to do with her occular  
8 migraines, back problems and other disabilities. Said disability  
9 resulted in medical treatments, and physical pain which required  
10 Plaintiff to take a prescription medication for several years up  
11 through and including her termination. With the proper  
12 accommodation, Plaintiff could have continued to work and fulfill  
13 her job duties.

14           62. This cause of action is brought pursuant to the  
15 California Fair Employment and Practices Act, section 12940 et  
16 seq. of the Government Code, which prohibits discrimination  
17 against a person in the terms, conditions, or privileges of  
18 employment on the basis of an employees disability, and the  
19 corresponding regulations of the California Fair Employment and  
20 Housing Commission.

21           63. The conduct of Defendant, Kaiser, constitutes unlawful  
22 discrimination on account of disability in violation of  
23 California Government Code Sections 12940 et seq. in that  
24 Plaintiff was singled out for differential treatment, terminated,  
25 and deprived of her employment by reason of her disability.  
26 Defendant failed to even hold a good faith interactive meeting  
27 even though Plaintiff requested same due to her disability.  
28 Thus, Defendant never attempted to accommodate her despite



1 Plaintiff's repeated request. This was also discrimination  
2 against disability.

3 64. At all times mentioned in this complaint, Defendant  
4 regularly employed more than 100 persons.

5 65. None of the discriminatory or retaliating conduct of  
6 defendants, or any of them as alleged herein, was based upon a  
7 bona fide performance problem or occupational qualification.  
8 None of the discriminatory conduct of Defendant was based upon  
9 any lack of Plaintiff to fulfill any of her job duties.

10 66. Plaintiff believes and alleges that plaintiff's  
11 disability and her requesting accommodation and a good faith  
12 interactive meeting was a substantial factor in Defendant's  
13 decision to suspend and thereafter terminate Plaintiff

14 67. As a direct, foreseeable, and proximate result of  
15 Defendant's discriminatory acts, Plaintiff has suffered and  
16 continues to suffer substantial losses in earnings, job benefits,  
17 and has suffered and continues to suffer humiliation,  
18 embarrassment, mental and emotional distress, and discomfort, all  
19 to Plaintiff's damage in an amount in excess of the  
20 jurisdictional limit, the precise amount of which will be proven  
21 at trial.

22 68. Defendant and all Does committed the acts described in  
23 this complaint oppressively, maliciously, and with the intent to  
24 harm Plaintiff, entitling Plaintiff to an award of punitive  
25 damages against defendants in an amount appropriate to punish and  
26 make an example of Defendants.

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1                                    **SEVENTH CAUSE OF ACTION**

2                                    **Discrimination Against Race/National Origin (FEHA)**

3                                    **(Against All Defendants and all Does)**

4                    69. Plaintiff hereby repeats, re-alleges and repleads  
5 paragraphs 1 through 68 and incorporate the same as though fully  
6 set forth herein.

7                    70. Plaintiff's national origin is Caucasian. Plaintiff is  
8 also over the age of 40, to wit her actual age is 57.

9                    71. This cause of action is brought pursuant to the  
10 California Fair Employment and Practices Act, section 12940-41 of  
11 the Government Code, which prohibits discrimination against a  
12 person in the terms, conditions, or privileges of employment on  
13 the basis of the person's national origin, and race and the  
14 corresponding regulations of the California Fair Employment and  
15 Housing Commission.

16                    72. Based upon information and belief, no other Medical  
17 Assistant who were employed by Defendants who were Caucasian at  
18 the time that Plaintiff was terminated were terminated at the  
19 same time as Plaintiff. Likewise, in late August of 2012, no  
20 other Caucasian's were demoted from LVN to Medical Assistant and  
21 other LVN's remained who were Black, Hispanica and Asian.  
22 Plaintiff was told that since she could not speak Spanish, that  
23 her job opportunities were not good and that she should learn to  
24 speak Spanish or she would not be promoted or may lose her job.  
25 Other Medical Assistant's who were not Caucasian and who were not  
26 white remained employed in December of 2011. There was a hostile  
27 working environment against Plaintiff during the last several  
28 months of her employment due to her race and national origin.

1       73. The conduct of defendants, and each of them as alleged  
2 herein, constitutes unlawful discrimination on account of  
3 national origin in violation of California Government Code  
4 Sections 12940 and 12941 in that Plaintiff was singled out for  
5 differential treatment, terminated, and deprived of his  
6 employment by reason of her national origin and race, that being  
7 of Caucasian descent and white.

8       74. At all times mentioned in this complaint, Defendants  
9 regularly employed more than 100 persons.

10       75. None of the discriminatory or retaliating conduct of  
11 defendants, or any of them as alleged herein, was based upon a  
12 bona fide performance problem or occupational qualification.

13       76. Plaintiff was more qualified, and based upon  
14 information and belief, more qualified to perform the service  
15 duties of a Medical Assistant that were later filled or taken by  
16 less qualified and experienced employees than Plaintiff who were  
17 not white, not Caucasian, and substantially younger than  
18 Plaintiff.

19       77. Plaintiff believes and alleges that plaintiff's  
20 national origin and race were substantial and determining factors  
21 in defendants decision to terminate and harass Plaintiff up  
22 through the end of her employment with Defendants.

23       78. As a direct, foreseeable, and proximate result of  
24 defendants' discriminatory acts, plaintiff has suffered and  
25 continues to suffer substantial losses in earnings, job benefits,  
26 and has suffered and continues to suffer humiliation,  
27 embarrassment, mental and emotional distress, and discomfort, all  
28 to plaintiff's damage in an amount in excess of the



1 jurisdictional limit, the precise amount will be proven at trial.

2 79. Defendants and all Does committed the acts described in  
3 this complaint oppressively, maliciously, and with the intent to  
4 harm Plaintiffs, entitling Plaintiffs to an award of punitive  
5 damages against Defendants in an amount appropriate to punish and  
6 make an example of Defendants.

7 **REQUEST FOR JURY TRIAL**

8 Plaintiff requests a trial by jury.

9 **PRAYER FOR RELIEF**

10 WHEREFORE, Plaintiff prays judgment against defendants, for  
11 each cause of action, as follows:

12 1. For general and compensatory damages in an amount  
13 according to proof as to all causes of action;

14 2. For mental and emotional distress damages on each cause  
15 of action;

16 3. For punitive damages as to all Defendants;

17 4. For an award of interest, including prejudgment interest,  
18 at the legal rate;

19 5. For an award of attorney fees and for costs of suit;

20 6. For a trial by jury; and

21 7. For such other and further relief as the court may deem  
22 just and proper.

23 Respectfully submitted,

24 Dated: August 6, 2014 LAW OFFICES OF ERIC V. LUEDTKE

25  
26 By: 

27 Eric V. Luedtke, Esq.  
28 Attorneys for Plaintiff,  
Peggy Shimonitz