



PLD-C-001

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

Scarlett McCune  
3823 Dartmouth Way  
Livermore, CA 94550

TELEPHONE NO: (925) 294-9144

FAX NO. (Optional):

E-MAIL ADDRESS (Optional): ScarlettMcCune@att.net

ATTORNEY FOR (Name): In Pro-Per

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Alameda

STREET ADDRESS: 24405 Amador Street

MAILING ADDRESS:

CITY AND ZIP CODE: Hayward, CA 94544

BRANCH NAME: Haward

PLAINTIFF: Scarlett McCune

DEFENDANT: Kaiser Permanente

☐ DOES 1 TO \_\_\_\_\_

## CONTRACT

☒ COMPLAINT☐ AMENDED COMPLAINT (Number):☐ CROSS-COMPLAINT☐ AMENDED CROSS-COMPLAINT (Number):

## Jurisdiction (check all that apply):

☐ ACTION IS A LIMITED CIVIL CASE

Amount demanded

☐ does not exceed \$10,000☐ exceeds \$10,000 but does not exceed \$25,000☒ ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000)☐ ACTION IS RECLASSIFIED by this amended complaint or cross-complaint☐ from limited to unlimited☐ from unlimited to limited

FOR COURT USE ONLY

FILED  
ALAMEDA COUNTY

OCT 09 2014

CLERK OF THE SUPERIOR COURT

By Delra Turtolo  
Deputy

CASE NUMBER:

HG 14743845

## 1. Plaintiff\* (name or names):

Scarlett McCune

alleges causes of action against defendant\* (name or names):

Kaiser Permanente

## 2. This pleading, including attachments and exhibits, consists of the following number of pages: 3

## 3. a. Each plaintiff named above is a competent adult

☐ except plaintiff (name):(1) ☐ a corporation qualified to do business in California(2) ☐ an unincorporated entity (describe):(3) ☐ other (specify):b. ☐ Plaintiff (name): Scarlett McCunea. ☐ has complied with the fictitious business name laws and is doing business under the fictitious name (specify):b. ☐ has complied with all licensing requirements as a licensed (specify):c. ☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3c.

## 4. a. Each defendant named above is a natural person

☐ except defendant (name): Kaiser Permanente(1) ☒ a business organization, form unknown(2) ☐ a corporation(3) ☐ an unincorporated entity (describe):(4) ☐ a public entity (describe):(5) ☐ other (specify):☐ except defendant (name):(1) ☐ a business organization, form unknown(2) ☐ a corporation(3) ☐ an unincorporated entity (describe):(4) ☐ a public entity (describe):(5) ☐ other (specify):

\* If this form is used as a cross-complaint, plaintiff means cross-complainant and defendant means cross-defendant.

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SHORT TITLE:  McCune vs. Kaiser Permanente	CASE NUMBER:
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## 4. (Continued)

b. The true names of defendants sued as Does are unknown to plaintiff.

- (1) ☐ Doe defendants (specify Doe numbers): \_\_\_\_\_ were the agents or employees of the named defendants and acted within the scope of that agency or employment.
- (2) ☐ Doe defendants (specify Doe numbers): \_\_\_\_\_ are persons whose capacities are unknown to plaintiff.

c. ☐ Information about additional defendants who are not natural persons is contained in Attachment 4c.d. ☐ Defendants who are joined under Code of Civil Procedure section 382 are (names):5. ☐ Plaintiff is required to comply with a claims statute, and

- a. ☐ has complied with applicable claims statutes, or
- b. ☐ is excused from complying because (specify):

6. ☐ This action is subject to ☐ Civil Code section 1812.10 ☐ Civil Code section 2984.4.

## 7. This court is the proper court because

- a. ☐ a defendant entered into the contract here.
- b. ☐ a defendant lived here when the contract was entered into.
- c. ☒ a defendant lives here now.
- d. ☐ the contract was to be performed here.
- e. ☒ a defendant is a corporation or unincorporated association and its principal place of business is here.
- f. ☐ real property that is the subject of this action is located here.
- g. ☐ other (specify):

## 8. The following causes of action are attached and the statements above apply to each (each complaint must have one or more causes of action attached):

- ☐ Breach of Contract
- ☐ Common Counts
- ☐ Other (specify):

9. ☐ Other allegations:

## 10. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. ☒ damages of: \$ unlimited civil case
- b. ☒ interest on the damages
- (1) ☐ according to proof
- (2) ☐ at the rate of (specify): \_\_\_\_\_ percent per year from (date):
- c. ☐ attorney's fees
- (1) ☐ of: \$
- (2) ☐ according to proof.
- d. ☐ other (specify):

11. ☐ The paragraphs of this pleading alleged on information and belief are as follows (specify paragraph numbers):

Date: 10/09/14

Scarlett McCune

(TYPE OR PRINT NAME)



(SIGNATURE OF PLAINTIFF OR ATTORNEY)

(If you wish to verify this pleading, affix a verification.)

1 Scarlett McCune  
3823 Dartmouth Way  
2 Livermore, CA 94550  
(925) 294-9144  
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5 Scarlett McCune, IN PRO PER  
6  
7

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF ALAMEDA  
10  
11

12 Scarlett McCune,  
13

14 PLAINTIFF,

15 vs.

16 Kaiser Permanente,  
17

18 Defendant  
19

) Case No.: **HG14743845**

) Wrongful Termination Complaint  
)  
)  
)  
)

20 I, Scarlett McCune, believe my employer; Kaiser Permanente  
21 retaliated against me by terminating me 07-10-12 after I filed a  
22 workman's compensation claim for my injury to my right arm. My  
23 direct Manager was livid that I filed a claim and was really angry  
24 with me for the next four months. The claim was filed on 02-16-12  
25 and one week later approximately (02-29-12) I received the first  
26 "unacceptable" evaluation in my 16.5 years with the company. All my  
27 other evaluations were Satisfactory or higher. In addition to that  
28

1 I was placed on a P.I.P (Performance Improvement Plan) which is the  
2 "known way" to get rid of employees at Kaiser. It is not really a  
3 tool to improve performance as they claim. Additionally, on 02-29-  
4 12 I was handed an empty envelope that should have contained a  
5 bonus check. The bonus check was based on meeting three out of four  
6 goals and I met all four goals, received a plaque and recognition  
7 for meeting the goals but did not get the bonus. Not receiving the  
8 bonus was also a first, and I did not receive a raise.

10 I do not believe that I was terminated based on the PIP (as  
11 Kaiser stated in my termination letter) because my Manager told me  
12 that I had made the improvements she was looking for, and that I  
13 passed the PIP, and that "I still had my job."

15 I had an open workman's compensation case when I was  
16 terminated and I was also on Family Medical Leave Act for Chronic  
17 Migraines. I was not off work for my disability, but did have work  
18 restrictions. Overwork and harassment became a daily part of my  
19 job which I believe caused the injury in the first place.

23 DATED: October 9, 2014

24   
25 Scarlett McCune  
26 In Pro Per  
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