05:00:00 p.m. 06-30-2016 | 4 | 818 784 6088
06/30/2016 THU 16:57 FAX 818 6088 MLF 004/020

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Attorneys for Plaintiff BENIGNA L. SMITH

FILED
Superior Court of California
County of Los Angeles
JUL 01 2016
Sherri R. Carter, Executive Officer/Clerk
By Nancy Alvarez Deputy

D38 Maureen Duffy-Lewis

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES–CENTRAL DISTRICT

BC 625471

BENIGNA L. SMITH, an individual; Plaintiff, v. KAISER PERMANENTE, an entity of unknown provenance; KAISER FOUNDATION HOSPITALS, a corporation doing business as KAISER PERMANENTE; THE PERMANENTE MEDICAL GROUP, INC., a corporation doing business as KAISER PERMANENTE; and DOES 1 through 70, Inclusive, Defendants.	**CASE NO.:** **COMPLAINT FOR DAMAGES** 1. Employment Discrimination (Gov. Code §12940(a)); 2. Failure to Engage in a Timely, Good Faith Interactive Process (Gov. Code §12940(n)); 3. Failure to Provide Reasonable Accommodation (Gov. Code §12940(m)); 4. Retaliation (Gov. Code §§12940(h), 12945.2); 5. Failure to Take All Reasonable Steps Necessary to Prevent Discrimination from Occurring (Gov. Code § 12940(k)); 6. Wrongful Termination in Violation of Public Policy; and 7. Intentional Infliction of Emotional Distress Amount demanded exceeds $25,000.00 [UNLIMITED CIVIL CASE] DEMAND FOR JURY TRIAL

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RECEIPT #: CCH451233036
DATE PAID: 07/01/16 02:03 PM
PAYMENT: $435.00 310
RECEIVED: CHECK: $0.00
CASH: $0.00
CHANGE: $0.00
BRD: $435.00
CIT/CASE: BC625471
LEA/DEF#:

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Doc# 1 Page# 1 - Doc ID = 1657046512 - Doc Type = OTHER

Plaintiff, BENIGNA L. SMITH, alleges as follows:

GENERAL ALLEGATIONS

1. At all times mentioned in this Complaint, Plaintiff BENIGNA L. SMITH (hereinafter referred to as "PLAINTIFF") was, and is, an individual residing in Los Angeles County, California.

2. PLAINTIFF is informed and believes, and based thereon alleges, that at all times mentioned in this Complaint, Defendant KAISER PERMANENTE was, and is, an entity of unknown provenance with its principal place of business and corporate headquarters located in California.

3. PLAINTIFF is informed and believes, and based thereon alleges, that at all times mentioned in this Complaint, Defendant KAISER FOUNDATION HOSPITALS was, and is, a corporation, doing business as KAISER PERMANENTE, with its principal place of business and corporate headquarters located in the State of California.

4. PLAINTIFF is informed and believes, and based thereon alleges, that at all times mentioned in this Complaint, Defendant THE PERMANENTE MEDICAL GROUP, INC. was, and is, a corporation, doing business as KAISER PERMANENTE, with its principal place of business and corporate headquarters located in the State of California.

5. PLAINTIFF is informed and believes that Defendants KAISER PERMANENTE, KAISER FOUNDATION HOSPITALS doing business as KAISER PERMANENTE, and THE PERMANENTE MEDICAL GROUP, INC. doing business as KAISER PERMANENTE (hereinafter collectively referred to as "DEFENDANT EMPLOYERS") acted in the capacity of "dual employers" with respect to PLAINTIFF's employment.

6. PLAINTIFF is ignorant of the true names and capacities of Defendants sued herein as DOES 1 through 70, inclusive, and therefore sues these Defendants by such fictitious names. PLAINTIFF will amend this Complaint to allege their true names and capacities when ascertained. PLAINTIFF is informed and believes, and thereon alleges, that each of these fictitiously named Defendants is responsible in some manner for the occurrences herein alleged, and that PLAINTIFF's injuries as herein alleged were proximately caused by the aforementioned Defendants.

7. PLAINTIFF is informed and believes and on that basis alleges that, at all relevant times, each of the Defendants, whether named or fictitious, was the agent, employee or alter ego of each of the

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other Defendants, and in doing the things alleged to have been done in the Complaint, acted within the scope of such agency or employment, or ratified the acts of the other.

8. The unlawful employment practices complained of herein occurred in Los Angeles County, California.

9. This action is brought pursuant to the Fair Employment and Housing Act (FEHA) — Government Code sections 12900-12996 — and the corresponding regulations promulgated by the California Fair Employment and Housing Council.

FACTUAL ALLEGATIONS

10. PLAINTIFF's employment as a Certified Nursing Assistant for DEFENDANT EMPLOYERS began on or about August 6, 2001.

11. Unfortunately, due to the repetitive physical nature of PLAINTIFF's job duties, PLAINTIFF suffered cumulative industrial injuries to her lower back, and other areas of her body, which resulted in physical disabilities that ultimately required PLAINTIFF to file a claim for workers' compensation benefits.

12. Due to her physical disabilities, PLAINTIFF required accommodation in order to continue to perform her job duties.

13. Unfortunately, DEFENDANT EMPLOYERS failed to provide reasonable accommodations to allow PLAINTIFF to continue working as a Certified Nursing Assistant and PLAINTIFF was forced to take a leave of absence. At all times, PLAINTIFF was capable of performing light duties.

14. Eventually, PLAINTIFF returned to work, with restrictions, as a part-time Monitor Technician but DEFENDANT EMPLOYERS began to retaliate against PLAINTIFF and refused to provide training to PLAINTIFF in her new position.

15. PLAINTIFF complained to DEFENDANT EMPLOYERS, as well as her union representative, about the retaliation and the treatment she was being subjected to.

16. Thereafter, PLAINTIFF was routinely reprimanded by DEFENDANT EMPLOYERS.

17. Within one month of commencing her position as a Monitor Tech, DEFENDANT EMPLOYERS placed PLAINTIFF on suspension pending a review of her work performance.

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18. Shortly thereafter, on or about July 23, 2014, DEFENDANT EMPLOYERS terminated PLAINTIFF's employment.

19. PLAINTIFF was fifty-six (56) years of age at the time DEFENDANT EMPLOYERS terminated her employment.

20. On or about July 21, 2015, PLAINTIFF exhausted her administrative remedies by timely filing a Complaint of Discrimination with the California Department of Fair Employment & Housing ("DFEH") regarding the claims alleged herein against DEFENDANT EMPLOYERS. The DFEH issued an immediate right-to-sue on July 21, 2015.

FIRST CAUSE OF ACTION

(Unlawful Discrimination, Pursuant to Government Code § 12940(a), Against DEFENDANT EMPLOYERS and Does 1 through 10)

21. PLAINTIFF re-alleges and incorporates paragraphs 1 through 20, inclusive, of this Complaint, as though fully set forth herein.

22. Pursuant to Government Code section 12940, subdivision (a), it is an unlawful employment practice for an employer to refuse to hire or employ a person, or to discriminate against a person in the terms, conditions, or privileges of employment on the basis of, among other things, the person's disability and/or perceived disability, and age.

23. At all times mentioned in this Complaint, DEFENDANT EMPLOYERS regularly employed fifty or more persons, bringing DEFENDANT EMPLOYERS within the provisions of FEHA (including the California Family Rights Act - "CFRA"), which prohibits employers or their agents from, among other things, discriminating against employees on the basis of the employee's disability and/or perceived disability, or age.

24. At all relevant times mentioned in this Complaint, up to and including the date that DEFENDANT EMPLOYERS terminated PLAINTIFF's employment and beyond, PLAINTIFF suffered from physical disabilities which limited at least one major life activity—working. Alternatively, DEFENDANT EMPLOYERS regarded PLAINTIFF as disabled. DEFENDANT EMPLOYERS were at all relevant times aware of PLAINTIFF's disability via communication with PLAINTIFF as well as through PLAINTIFF's medical records.

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25. At all times mentioned in this Complaint, PLAINTIFF was qualified for, and could perform the essential functions of, her position or another open position with DEFENDANT EMPLOYERS, with or without a reasonable accommodation.

26. DEFENDANT EMPLOYERS engaged in unlawful employment practices in violation of FEHA by terminating PLAINTIFF from her position on the basis of PLAINTIFF's disability and/or perceived disability, age, and for engaging in protected activities.

27. PLAINTIFF believes and alleges that PLAINTIFF's disability and/or perceived disability, age, and her engaging in protected activities, were substantial and determining factors in DEFENDANT EMPLOYERS' decision to terminate PLAINTIFF's employment and that the given reason was a pretext for discrimination and retaliation.

28. As a direct, foreseeable, and proximate result of DEFENDANT EMPLOYERS' discriminatory acts, PLAINTIFF has suffered and continues to suffer aggravation of her injuries, substantial losses in earnings and job benefits, humiliation, embarrassment, mental and emotional distress, and discomfort, all to PLAINTIFF's damage in an amount in excess of the minimum jurisdiction of this Court, the precise amount of which will be proven at trial.

29. As a further proximate result of DEFENDANT EMPLOYERS' conduct described in this Complaint, PLAINTIFF has incurred and will continue to incur medical expenses in amount according to proof at the time of trial.

30. In doing the acts herein alleged, DEFENDANT EMPLOYERS, through their managing agents, acted with oppression, fraud, malice, and in the conscious disregard of the rights of PLAINTIFF; therefore, PLAINTIFF is also entitled to punitive damages in an amount according to proof at the time of trial.

31. PLAINTIFF, who has incurred and continues to incur attorneys' fees and legal expenses, is also entitled to recover said costs and fees in an amount according to proof at the time of trial, pursuant to Government Code section 12965, subdivision (b).

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SECOND CAUSE OF ACTION

(Failure to Engage in a Timely, Good Faith Interactive Process to Determine Effective Reasonable Accommodations, Pursuant to Government Code § 12940(n), Against DEFENDANT EMPLOYERS and Does 11 through 20)

32. PLAINTIFF re-alleges and incorporates paragraphs 1 through 31, inclusive, of this Complaint, as though fully set forth herein.

33. Pursuant to Government Code section 12940, subdivision (n), it is unlawful for an employer to fail to engage in a timely, good faith interactive process to determine effective reasonable accommodations for an employee or applicant with a disability. Section 12940, subdivision (n), also requires an employer who regards an employee as disabled to engage with that employee in a timely, good faith interactive process to determine effective accommodations for that perceived disability.

34. At all times mentioned in this Complaint, PLAINTIFF was disabled within the meaning of FEHA. Alternatively, DEFENDANT EMPLOYERS perceived PLAINTIFF as being disabled.

35. DEFENDANT EMPLOYERS were aware of PLAINTIFF's disabilities because PLAINTIFF made it known to DEFENDANT EMPLOYERS by consistently, repeatedly and frequently informing DEFENDANT EMPLOYERS of the disabilities, both verbally, as well as in writing. DEFENDANT EMPLOYERS were also aware of PLAINTIFF's disabilities through PLAINTIFF's medical records and the underlying workers' compensation case.

36. PLAINTIFF in good faith requested that DEFENDANT EMPLOYERS engage in an interactive process to determine an effective reasonable accommodation for her disabilities.

37. DEFENDANT EMPLOYERS violated Government Code section 12940, subdivision (n), by failing to engage in a good faith interactive process with PLAINTIFF. Instead, DEFENDANT EMPLOYERS terminated PLAINTIFF's employment.

38. As a direct, foreseeable, and proximate result of DEFENDANT EMPLOYERS' failure to engage in the interactive process, PLAINTIFF has suffered and continues to suffer aggravation of her injuries, substantial losses in earnings and job benefits, humiliation, embarrassment, mental and emotional distress, and discomfort, all to PLAINTIFF's damage in an amount in excess of the minimum jurisdiction of this Court, the precise amount of which will be proven at trial.

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39. As a further proximate result of DEFENDANT EMPLOYERS' conduct described in this Complaint, PLAINTIFF has incurred and will continue to incur medical expenses in amount according to proof at the time of trial.

40. In doing the acts herein alleged, DEFENDANT EMPLOYERS, through their managing agents, acted with oppression, fraud, malice, and in the conscious disregard of the rights of PLAINTIFF; therefore, PLAINTIFF is also entitled to punitive damages in an amount according to proof at the time of trial.

41. PLAINTIFF, who has incurred and continues to incur attorneys' fees and legal expenses, is also entitled to recover said costs and fees in an amount according to proof at the time of trial, pursuant to Government Code section 12965, subdivision (b).

THIRD CAUSE OF ACTION

(Failure to Provide Reasonable Accommodation, Pursuant to Government Code § 12940(m), Against DEFENDANT EMPLOYERS and Does 21through 30)

42. PLAINTIFF re-alleges and incorporates paragraphs 1 through 41, inclusive, of this Complaint, as though fully set forth herein.

43. Pursuant to Government Code section 12940, subdivision (m), it is unlawful for an employer to fail to make reasonable accommodation for an applicant or employee with a disability. The employer also has an affirmative duty to, among other things, inform employees and applicants with a disability of other job opportunities and ascertain whether the employee or applicant is interested in, or qualified for said positions. Additionally, an employer who regards an employee or applicant as disabled also has a duty to provide reasonable accommodation for that employee.

44. At all times mentioned in this Complaint, PLAINTIFF was disabled and/or perceived by DEFENDANT EMPLOYERS as disabled and, as such, DEFENDANT EMPLOYERS, who were aware of PLAINTIFF's disabilities and/or who regarded PLAINTIFF as disabled, had a duty to provide PLAINTIFF with reasonable accommodations.

45. DEFENDANT EMPLOYERS violated Government Code section 12940, subdivision (m), by refusing to provide a reasonable accommodation for PLAINTIFF's disability. DEFENDANT EMPLOYERS terminated PLAINTIFF's employment instead.

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46. As a proximate result of DEFENDANT EMPLOYERS' violation of Government Code section 12940, subdivision (m), PLAINTIFF has suffered and continues to suffer aggravation of her injuries, substantial losses in earnings and job benefits, humiliation, embarrassment, mental and emotional distress, and discomfort, all to PLAINTIFF's damage in an amount in excess of the minimum jurisdiction of this Court, the precise amount of which will be proven at trial.

47. As a further proximate result of DEFENDANT EMPLOYERS' conduct described in this Complaint, PLAINTIFF has incurred and will continue to incur medical expenses in amount according to proof at the time of trial.

48. In doing the acts herein alleged, DEFENDANT EMPLOYERS, through their managing agents, acted with oppression, fraud, malice, and in the conscious disregard of the rights of PLAINTIFF; therefore, PLAINTIFF is also entitled to punitive damages in an amount according to proof at the time of trial.

49. PLAINTIFF, who has incurred and continues to incur attorneys' fees and legal expenses, is also entitled to recover said costs and fees in an amount according to proof at the time of trial, pursuant to Government Code section 12965, subdivision (b).

FOURTH CAUSE OF ACTION

(Retaliation, Pursuant to Government Code §§ 12940(h) & 12945.2, Against DEFENDANT EMPLOYERS and Does 31 Through 40)

50. PLAINTIFF re-alleges and incorporates paragraphs 1 through 49, inclusive, of this Complaint, as though fully set forth herein.

51. Government Code section 12940, subdivision (h), provides that it is unlawful for an employer to discriminate against any person because the person has engaged in protected activities.

52. Government Code section 12945.2 and the corresponding regulations, also known as "CFRA," prohibit employers or their agents from discriminating and/or retaliating against employees who exercise or intend to exercise the right to family care and medical leave.

53. PLAINTIFF requested a reasonable accommodation for her disability and opposed DEFENDANT EMPLOYERS' failure to provide her with an accommodation, which are protected activities pursuant to FEHA. PLAINTIFF also informed DEFENDANT EMPLOYERS that her injury

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was industrial in nature and filed a claim for workers' compensation benefits, also a protected activity pursuant to FEHA. (See *Names v. Lee Publications, Inc.* (2009) WL 3008296, p.3-4.)

54. PLAINTIFF also engaged in further protected activity when she made formal complaints to DEFENDANT EMPLOYERS regarding unlawful harassment and retaliation by PLAINTIFF's supervisor.

55. PLAINTIFF, who worked the requisite 1,250 hours in the preceding year and was eligible for time off under CFRA, also requested time off for a disability and/or serious medical condition.

56. In response to PLAINTIFF's protected activities, DEFENDANT EMPLOYERS terminated PLAINTIFF's employment on or about July 23, 2014.

57. As a proximate result of DEFENDANT EMPLOYERS' actions, PLAINTIFF has suffered and continues to suffer aggravation of her injuries, substantial losses in earnings and job benefits, humiliation, embarrassment, mental and emotional distress, and discomfort, all to PLAINTIFF's damage in an amount in excess of the minimum jurisdiction of this Court, the precise amount of which will be proven at trial.

58. As a further proximate result of DEFENDANT EMPLOYERS' conduct described in this Complaint, PLAINTIFF has incurred and will continue to incur medical expenses in an amount according to proof at the time of trial.

59. In doing the acts herein alleged, DEFENDANT EMPLOYERS, through their managing agents, acted with oppression, fraud, malice, and in the conscious disregard of the rights of PLAINTIFF; therefore, PLAINTIFF is also entitled to punitive damages in an amount according to proof at the time of trial.

60. PLAINTIFF, who has incurred and continues to incur attorneys' fees and legal expenses, is also entitled to recover said costs and fees in an amount according to proof at the time of trial, pursuant to Government Code section 12965, subdivision (b).

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FIFTH CAUSE OF ACTION

(Failure to Take All Reasonable Steps Necessary to Prevent Discrimination and Retaliation from Occurring, Pursuant to Government Code § 12940(k), Against DEFENDANT EMPLOYERS and Does 41 Through 50)

61. PLAINTIFF re-alleges and incorporates paragraphs 1 through 60, inclusive, of this Complaint, as though fully set forth herein.

62. During the course and scope of PLAINTIFF's employment, DEFENDANT EMPLOYERS failed to take reasonable steps to prevent the above-referenced acts of discrimination and retaliation towards PLAINTIFF, in violation of Government Code section 12940, subdivision (k). DEFENDANT EMPLOYERS' failure to undertake a prompt and adequate investigation and their complete failure to take reasonable steps to prevent the above-alleged acts of discrimination/retaliation constitutes an unlawful employment practice.

63. As a proximate result of DEFENDANT EMPLOYERS' violation of Government Code section 12940, subdivision (k), PLAINTIFF has suffered and continues to suffer aggravation of her injuries, substantial losses in earnings and job benefits, humiliation, embarrassment, mental and emotional distress, and discomfort, all to PLAINTIFF's damage in an amount in excess of the minimum jurisdiction of this Court, the precise amount of which will be proven at trial.

64. As a further proximate result of DEFENDANT EMPLOYERS' conduct described in this Complaint, PLAINTIFF has incurred and will continue to incur medical expenses in amount according to proof at the time of trial.

65. In doing the acts herein alleged, DEFENDANT EMPLOYERS, through their managing agents, acted with oppression, fraud, malice, and in the conscious disregard of the rights of PLAINTIFF; therefore, PLAINTIFF is also entitled to punitive damages in an amount according to proof at the time of trial.

66. PLAINTIFF, who has incurred and continues to incur attorneys' fees and legal expenses, is also entitled to recover said costs and fees in an amount according to proof at the time of trial, pursuant to Government Code section 12965, subdivision (b).

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SIXTH CAUSE OF ACTION

(Wrongful Termination in Violation of Public Policy

Against DEFENDANT EMPLOYERS and Does 51 Through 60)

67. PLAINTIFF re-alleges and incorporates paragraphs 1 through 66, inclusive, of this Complaint, as though fully set forth herein.

68. The above-described conduct of DEFENDANT EMPLOYERS constitutes discrimination and wrongful termination of PLAINTIFF in violation of public policy embodied in FEHA, codified at California Government Code sections 12900–12996.

69. California's workers' compensation laws, namely California Labor Code section 132a, also establish a fundamental public policy against the actions of any employer who discharges, threatens to discharge, or in any manner discriminates against an employee because the employee has, among other things, been injured on the job and/or because the employee has filed or intended to file a workers' compensation claim. By their conduct set forth herein, DEFENDANT EMPLOYERS also violated the fundamental public policy of California's workers' compensation laws, embodied in, among other statutes, Labor Code section 132a.

70. As a proximate result of DEFENDANT EMPLOYERS' actions, PLAINTIFF has suffered and continues to suffer aggravation of her injuries, substantial losses in earnings and job benefits, humiliation, embarrassment, mental and emotional distress, and discomfort, all to PLAINTIFF's damage in an amount in excess of the minimum jurisdiction of this Court, the precise amount of which will be proven at trial.

71. As a further proximate result of DEFENDANT EMPLOYERS' conduct described in this Complaint, PLAINTIFF has incurred and will continue to incur medical expenses in amount according to proof at the time of trial.

72. In doing the acts herein alleged, DEFENDANT EMPLOYERS, through its managing agents, acted with oppression, fraud, malice, and in the conscious disregard of the rights of PLAINTIFF; therefore, PLAINTIFF is also entitled to punitive damages in an amount according to proof at the time of trial.

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73. As a further result of the wrongful conduct of DEFENDANT EMPLOYERS, PLAINTIFF is also entitled to attorneys' fees and costs pursuant to California Code of Civil Procedure section 1021.5.

SEVENTH CAUSE OF ACTION

(Intentional Infliction of Emotional Distress

Against DEFENDANT EMPLOYERS and Does 61 Through 70)

74. PLAINTIFF re-alleges and incorporates paragraphs 1 through 73, inclusive, of this Complaint, as though fully set forth herein.

75. The conduct of DEFENDANT EMPLOYERS, as set forth above, was so extreme and outrageous that it exceeded the boundaries of a decent society and lies outside the compensation bargain. DEFENDANT EMPLOYERS' conduct was intended to cause PLAINTIFF severe emotional distress, or was done in conscious disregard of the probability of causing severe emotional distress. DEFENDANT EMPLOYERS' conduct was also in direct violation of California law and public policy.

76. As a proximate result of the wrongful conduct of DEFENDANT EMPLOYERS, PLAINTIFF has sustained substantial losses in earnings and other employment benefits in an amount according to proof at the time of trial.

77. As a further proximate result of the wrongful conduct of DEFENDANT EMPLOYERS, PLAINTIFF has suffered and continues to suffer humiliation, embarrassment, severe emotional distress, and mental anguish, all to PLAINTIFF's damage in an amount according to proof at the time of trial.

78. In doing the acts herein alleged, DEFENDANT EMPLOYERS, through their managing agents, acted with oppression, fraud, malice, and in the conscious disregard of the rights of PLAINTIFF, and PLAINTIFF is therefore entitled to punitive damages in an amount according to proof at the time of trial.

PRAYER FOR RELIEF

WHEREFORE, PLAINTIFF respectfully prays for judgment against DEFENDANT EMPLOYERS as follows:

a. For compensatory damages including, but not limited to, past and future lost wages and benefits, and emotional distress damages, in excess of the minimum jurisdiction of this

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Court and according to proof;

b. For declaratory relief and injunctive relief, including reinstatement;

c. For reasonable attorneys' fees pursuant to California law, including, but not limited to, California Government Code section 12965, subdivision (b), and Code of Civil Procedure section 1021.5;

d. For prejudgment interest on all amounts claimed at the maximum legal rate;

e. For costs of suit herein incurred;

f. For exemplary and punitive damages according to proof; and

g. For any other and further relief that the court considers proper.

REQUEST FOR JURY TRIAL

PLAINTIFF hereby demands a jury in the trial of this matter.

DATED: June 30, 2016

THE MIRROKNIAN LAW FIRM
A Professional Law Corporation

REZA MIRROKNIAN
HIDER AL-MASHAT
Attorneys for Plaintiff BENIGNA L. SMITH

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CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
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ATTORNEY FOR (Name): PLAINTIFF BENIGNA L. SMITH

FILED
Superior Court of California
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By Nancy Alvarez, Deputy

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SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
STREET ADDRESS: 111 N. HILL STREET
MAILING ADDRESS:
CITY AND ZIP CODE: LOS ANGELES, 90012
BRANCH NAME: STANLEY MOSK COURTHOUSE

CASE NAME:
BENIGNA L. SMITH v. KAISER PERMANENTE, et al.

CIVIL CASE COVER SHEET
☑ Unlimited (Amount demanded exceeds $25,000)
☐ Limited (Amount demanded is $25,000 or less)

Complex Case Designation
☐ Counter ☐ Joinder
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER: BC 625471
JUDGE:
DEPT:

Items 1–6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort
☐ Auto (22)
☐ Uninsured motorist (46)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort
☐ Asbestos (04)
☐ Product liability (24)
☐ Medical malpractice (45)
☐ Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort
☐ Business tort/unfair business practice (07)
☐ Civil rights (08)
☐ Defamation (13)
☐ Fraud (16)
☐ Intellectual property (19)
☐ Professional negligence (25)
☐ Other non-PI/PD/WD tort (35)

Employment
☑ Wrongful termination (36)
☐ Other employment (15)

Contract
☐ Breach of contract/warranty (06)
☐ Rule 3.740 collections (09)
☐ Other collections (09)
☐ Insurance coverage (18)
☐ Other contract (37)

Real Property
☐ Eminent domain/inverse condemnation (14)
☐ Wrongful eviction (33)
☐ Other real property (26)

Unlawful Detainer
☐ Commercial (31)
☐ Residential (32)
☐ Drugs (38)

Judicial Review
☐ Asset forfeiture (05)
☐ Petition re: arbitration award (11)
☐ Writ of mandate (02)
☐ Other judicial review (39)

Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400–3.403)
☐ Antitrust/Trade regulation (03)
☐ Construction defect (10)
☐ Mass tort (40)
☐ Securities litigation (28)
☐ Environmental/Toxic tort (30)
☐ Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment
☐ Enforcement of judgment (20)

Miscellaneous Civil Complaint
☐ RICO (27)
☐ Other complaint (*not specified above*) (42)

Miscellaneous Civil Petition
☐ Partnership and corporate governance (21)
☐ Other petition (*not specified above*) (43)

2. This case ☐ is ☑ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
   a. ☐ Large number of separately represented parties
   b. ☐ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
   c. ☐ Substantial amount of documentary evidence
   d. ☐ Large number of witnesses
   e. ☐ Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
   f. ☐ Substantial postjudgment judicial supervision
3. Remedies sought (*check all that apply*): a. ☑ monetary b. ☑ nonmonetary; declaratory or injunctive relief c. ☑ punitive
4. Number of causes of action (*specify*): seven (7)
5. This case ☐ is ☑ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (*You may use form CM-015.*)

Date: June 30, 2016
REZA MIRROKNIAN, ESQ.
(TYPE OR PRINT NAME) (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE
- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

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SHORT TITLE: SMITH v. KAISER PERMANENTE, et al.	CASE NUMBER BC 625471

CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION (CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)

This form is required pursuant to Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? ☑ YES CLASS ACTION? ☐ YES LIMITED CASE? ☐ YES TIME ESTIMATED FOR TRIAL 7-10 ☐ HOURS/ ☑ DAYS

Item II. Indicate the correct district and courthouse location (4 steps – If you checked "Limited Case", skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet form, find the main Civil Case Cover Sheet heading for your case in the left margin below, and, to the right in Column **A**, the Civil Case Cover Sheet case type you selected.

Step 2: Check one Superior Court type of action in Column **B** below which best describes the nature of this case.

Step 3: In Column **C**, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (see Column C below)

1. Class actions must be filed in the Stanley Mosk Courthouse, central district.
2. May be filed in central (other county, or no bodily injury/property damage).
3. Location where cause of action arose.
4. Location where bodily injury, death or damage occurred.
5. Location where performance required or defendant resides.
6. Location of property or permanently garaged vehicle.
7. Location where petitioner resides.
8. Location wherein defendant/respondent functions wholly.
9. Location where one or more of the parties reside.
10. Location of Labor Commissioner Office

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	☐ A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	☐ A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
Other Personal Injury/ Property Damage/ Wrongful Death Tort	Asbestos (04)	☐ A6070 Asbestos Property Damage	2.
		☐ A7221 Asbestos - Personal Injury/Wrongful Death	2.
	Product Liability (24)	☐ A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	☐ A7210 Medical Malpractice - Physicians & Surgeons	1., 4.
		☐ A7240 Other Professional Health Care Malpractice	1., 4.
	Other Personal Injury Property Damage Wrongful Death (23)	☐ A7250 Premises Liability (e.g., slip and fall)	1., 4.
		☐ A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1., 4.
		☐ A7270 Intentional Infliction of Emotional Distress	1., 3.
		☐ A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 4.

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	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Non-Personal Injury/ Property Damage/ Wrongful Death Tort	Business Tort (07)	☐ A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 3.
	Civil Rights (08)	☐ A6005 Civil Rights/Discrimination	1., 2., 3.
	Defamation (13)	☐ A6010 Defamation (slander/libel)	1., 2., 3.
	Fraud (16)	☐ A6013 Fraud (no contract)	1., 2., 3.
	Professional Negligence (25)	☐ A6017 Legal Malpractice ☐ A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
	Other (35)	☐ A6025 Other Non-Personal Injury/Property Damage tort	2.,3.
Employment	Wrongful Termination (36)	☒ A6037 Wrongful Termination	1., (2.), 3.
	Other Employment (15)	☐ A6024 Other Employment Complaint Case ☐ A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Contract	Breach of Contract/ Warranty (06) (not insurance)	☐ A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) ☐ A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) ☐ A6019 Negligent Breach of Contract/Warranty (no fraud) ☐ A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
	Collections (09)	☐ A6002 Collections Case-Seller Plaintiff ☐ A6012 Other Promissory Note/Collections Case	2., 5., 6. 2., 5.
	Insurance Coverage (18)	☐ A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
	Other Contract (37)	☐ A6009 Contractual Fraud ☐ A6031 Tortious Interference ☐ A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
Real Property	Eminent Domain/Inverse Condemnation (14)	☐ A7300 Eminent Domain/Condemnation Number of parcels_____	2.
	Wrongful Eviction (33)	☐ A6023 Wrongful Eviction Case	2., 6.
	Other Real Property (26)	☐ A6018 Mortgage Foreclosure ☐ A6032 Quiet Title ☐ A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
Unlawful Detainer	Unlawful Detainer-Commercial (31)	☐ A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
	Unlawful Detainer-Residential (32)	☐ A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
	Unlawful Detainer-Post-Foreclosure (34)	☐ A6020F Unlawful Detainer-Post-Foreclosure	2., 6.
	Unlawful Detainer-Drugs (38)	☐ A6022 Unlawful Detainer-Drugs	2., 6.

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	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Judicial Review	Asset Forfeiture (05)	☐ A6108 Asset Forfeiture Case	2., 6.
	Petition re Arbitration (11)	☐ A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.
	Writ of Mandate (02)	☐ A6151 Writ - Administrative Mandamus	2., 8.
		☐ A6152 Writ - Mandamus on Limited Court Case Matter	2.
		☐ A6153 Writ - Other Limited Court Case Review	2.
	Other Judicial Review (39)	☐ A6150 Other Writ /Judicial Review	2., 8.
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	☐ A6003 Antitrust/Trade Regulation	1., 2., 8.
	Construction Defect (10)	☐ A6007 Construction Defect	1., 2., 3.
	Claims Involving Mass Tort (40)	☐ A6008 Claims Involving Mass Tort	1., 2., 8.
	Securities Litigation (28)	☐ A6035 Securities Litigation Case	1., 2., 8.
	Toxic Tort Environmental (30)	☐ A6036 Toxic Tort/Environmental	1., 2., 3., 8.
	Insurance Coverage Claims from Complex Case (41)	☐ A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment	Enforcement of Judgment (20)	☐ A6141 Sister State Judgment	2., 9.
		☐ A6160 Abstract of Judgment	2., 6.
		☐ A6107 Confession of Judgment (non-domestic relations)	2., 9.
		☐ A6140 Administrative Agency Award (not unpaid taxes)	2., 8.
		☐ A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax	2., 8.
		☐ A6112 Other Enforcement of Judgment Case	2., 8., 9.
Miscellaneous Civil Complaints	RICO (27)	☐ A6033 Racketeering (RICO) Case	1., 2., 8.
	Other Complaints (Not Specified Above) (42)	☐ A6030 Declaratory Relief Only	1., 2., 8.
		☐ A6040 Injunctive Relief Only (not domestic/harassment)	2., 8.
		☐ A6011 Other Commercial Complaint Case (non-tort/non-complex)	1., 2., 8.
		☐ A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8.
	Partnership Corporation Governance (21)	☐ A6113 Partnership and Corporate Governance Case	2., 8.
Miscellaneous Civil Petitions	Other Petitions (Not Specified Above) (43)	☐ A6121 Civil Harassment	2., 3., 9.
		☐ A6123 Workplace Harassment	2., 3., 9.
		☐ A6124 Elder/Dependent Adult Abuse Case	2., 3., 9.
		☐ A6190 Election Contest	2.
		☐ A6110 Petition for Change of Name	2., 7.
		☐ A6170 Petition for Relief from Late Claim Law	2., 3., 4., 8.
		☐ A6100 Other Civil Petition	2., 9.

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Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case. ☐1. ☑2. ☐3. ☐4. ☐5. ☐6. ☐7. ☐8. ☐9. ☐10.			ADDRESS: 9333 IMPERIAL HIGHWAY
CITY: DOWNEY	STATE: CA	ZIP CODE: 90242	

Item IV. *Declaration of Assignment*: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Stanley Mosk courthouse in the Central District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., § 392 et seq., and Local Rule 2.0, subds. (b), (c) and (d)].

Dated: JUNE 30, 2016

(SIGNATURE OF ATTORNEY/PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 03/11).
5. Payment in full of the filing fee, unless fees have been waived.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

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