

ORIGINAL

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FILED  
Superior Court of California  
County of Los Angeles

AUG 26 2016

Sherri R. Carter, Executive Officer/Clerk  
By Cristina Grijalva Deputy  
Cristina Grijalva

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Attorneys for Plaintiff  
**MICHELLE MACIAS**

*D74 Teresa Sanchez-Gordon*  
**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES**

**MICHELLE MACIAS,**

**Plaintiff,**

**v.**

**KAISER PERMANENTE; KAISER  
FOUNDATION HEALTH PLAN, INC., and  
Does 1-20, Inclusive,**

**Defendant(s).**

CASE NO.: **BC 631982**

(Amount exceeds \$25,000)

**COMPLAINT FOR DAMAGES**

1. **PERCEIVED AND/OR DISABILITY  
DISCRIMINATION/HARASSMENT/  
RETALIATION IN VIOLATION OF  
FEHA;**
2. **FOR VIOLATION OF THE  
CALIFORNIA FAMILY RIGHTS  
ACT [CALIFORNIA  
GOVERNMENT CODE § 12945.2**
3. **RETALIATION AND WRONGFUL  
TERMINATION IN VIOLATION OF  
PUBLIC POLICY**

**Demand for Jury Trial**

**BY FAX**

CIT/CASE: BC631982  
LEA/DEF#:

RECEIPT #: CCH195707071

DATE PAID: 08/26/16 03:33 PM

PAYMENT: \$435.00

RECEIVED:

CHECK:

\$435.00

CASH:

\$0.00

CHANGE:

\$0.00

CARD:

\$0.00

**COMPLAINT FOR DAMAGES**

08/26/2016

1 Plaintiff, MICHELLE MACIAS ("Plaintiff"), hereby brings his complaint against the  
2 above-named Defendants and states and alleges as follows:

3 **Preliminary Allegations**

4 1. At all times material herein, Plaintiff, MICHELLE MACIAS (hereinafter  
5 referred to as "Plaintiff") was employed by Defendant in the State of California, County of  
6 Solano. Plaintiff is currently a resident of Solano County, California.

7 2. Plaintiff is informed and believes and thereon alleges that Defendants KAISER  
8 PERMANENTE AND KAISER FOUNDATION HEALTH PLAN, INC. are corporations that  
9 were at all times mentioned in this complaint, duly licensed to do business, was and is doing  
10 business, under and by virtue of the laws of the State of California.

11 3. Plaintiff is informed and believes, and based thereon alleges, that each Defendant  
12 acted in all respects pertinent to this action as the agent of the other Defendants, carried out a  
13 joint scheme, business plan or policy in all respects pertinent hereto, and the acts of each  
14 Defendant are legally attributable to the other Defendants.

15 4. The true names and capacities, whether individual, corporate, associate or  
16 otherwise of DOES 1 through 100 are unknown to plaintiff who therefore sues these Defendants  
17 under said fictitious names. Plaintiff is informed and believes that each of the Defendants named  
18 as a Doe Defendant is legally responsible in some manner for the events referred to in this  
19 complaint, either negligently, willfully, wantonly, recklessly, tortiously, strictly liable, statutorily  
20 liable or otherwise, for the injuries and damages described below to this Plaintiff. Plaintiff will in  
21 the future seek leave of this court to show the true names and capacities of these Doe Defendants  
22 when it has been ascertained.

23 5. Plaintiff is informed and believes, and thereon alleges, that at all times  
24 Relevant herein, each Defendant designated, including DOES 1-100, herein was the agent,  
25 managing agent, principal, owner, partner, joint venturer, representative, supervisor, manager,  
26 servant, employee and/or co-conspirator of each of the other Defendants, and was at all times  
27 mentioned herein acting within the course and scope of said agency and employment, and that all  
28

1 acts or omissions alleged herein were duly committed with the ratification, knowledge,  
2 permission, encouragement, authorization and consent of each Defendant designated herein.

3 **FIRST CAUSE OF ACTION**

4 **DISABILITY DISCRIMINATION IN VIOLATION OF THE FEHA**

5 **(Against Defendant, and DOES 1-100)**

6 6. Plaintiff refers to the allegations contained in Paragraphs 1 through 25, inclusive,  
7 and incorporates each by reference as though fully set forth at length herein.

8 7. At all times herein mentioned, for over 17 years until Plaintiff's  
9 wrongful termination on or about September 2015, Plaintiff was employed by Defendants and  
10 DOES 1 through 100, Inclusive, and each of them, who were also, at all times herein mentioned,  
11 Plaintiff's employers, managers and supervisors.  
12

13 8. At all times from November 2013 and continuing, Plaintiff had the perceived  
14 and/or physical disability(s) of spinal injuries, and the mental disability of anxiety disorder.

15 9. On one occasion during Plaintiff's employment, Plaintiff and the other  
16 managers were required to walk from the second floor to the third floor. During this time,  
17 Plaintiff was in pain due to her spinal disabilities. She mentioned to her supervisor, Tim DOE,  
18 that she was feeling pain due to her disability. Upon learning that Plaintiff had a disability,  
19 Plaintiff's supervisor stated, in front of all of Plaintiff's colleagues, "What? You never disclosed  
20 that on your application for this job! It would made me give a second thought on who I would  
21 have hired for this position." Plaintiff confirmed that she was disabled, and was embarrassed and  
22 humiliated in front of all of her colleagues, in the process.  
23  
24

25 10. After learning that Plaintiff had a physical disability, Plaintiff had a proverbial  
26 target on her back. Plaintiff was subjected to continued scrutiny and micromanagement by her  
supervisors. Plaintiff's work was nitpicked, and Plaintiff was continuously harassed in the

1 workplace by her supervisors and colleagues. Plaintiff was even told not to speak during staff  
2 meetings, when she tried to volunteer an opinion as everybody was encouraged to do.

3  
4 11. Plaintiff's supervisors regularly made discriminatory comments about Plaintiff's  
5 disabilities and her ability to perform her work. Plaintiff's supervisors regularly commented on  
6 how "slow" Plaintiff was, and how it was "taking too long" for Plaintiff to complete her tasks.  
7 Plaintiff complained on several occasions to Human Resources about this mistreatment, to no  
8 avail.

9  
10 12. Plaintiff subsequently disclosed her mental disabilities to Pat DOE, another  
11 supervisor. At no time was Plaintiff offered any accommodations for her mental or physical  
12 disabilities, nor did Defendant engage in the interactive process with Plaintiff at any time.  
13 Shortly after Plaintiff disclosed her mental disabilities to supervisor Pat DOE, Pat DOE  
14 complained about Plaintiff's ability to do the work, stating that Plaintiff was not a "good fit" but  
15 that she was "stuck with [Plaintiff]." Pat DOE also began blaming Plaintiff for her mistakes, in  
16 order to avoid consequences on her own. This would result in Plaintiff being disciplined for  
17 pretextual reasons that had nothing to do with Plaintiff's conduct or performance.

18  
19 13. On or about August 13, 2015, Plaintiff requested and/or was entitled to and/or  
20 was granted intermittent CFRA and/or other medical and/or other negotiated leave in order to  
21 recuperate and heal.

22  
23 14. Plaintiff made and/or articulated a worker's compensation injury.

24 15. Plaintiff was placed off of work for approximately one week at this time.

25 16. After her return to work, Plaintiff's supervisors and Defendant's management  
26 representatives began retaliating against Plaintiff on the basis of her articulating a disability, and  
27 for requesting accommodations.  
28

1 17. Approximately two weeks after her return to work, Plaintiff was wrongfully  
2 terminated on September 9, 2015, when she was forced to retire by Defendant. Had Plaintiff not  
3 elected to "retire", she would have been terminated, and thus was given no choice. Subsequently,  
4 Plaintiff was informed and believes that she was marked as "unable to be rehired", by Defendant.  
5

6 18. Defendants and DOES 1 through 100, and each of them, discriminated,  
7 harassed, and retaliated against Plaintiff on the basis of Plaintiff's perceived and/or physical  
8 disability(s), by the following continuous actions, and conduct, among others:  
9

- 10 a. Failing to determine the extent of Plaintiff's disability(s) and how they could be  
11 accommodated;
- 12 b. Failing to take any affirmative steps to inform Plaintiff of any job opportunities  
13 within the company;
- 14 c. Failing to consider Plaintiff for and move Plaintiff into openings for which  
15 Plaintiff was qualified and could handle subject to Plaintiff's disability(s);  
16
- 17 d. Failing to engage in a timely, good faith, interactive process with Plaintiff to  
18 determine effective reasonable accommodations;
- 19 e. Harassing, discriminating and retaliating against Plaintiff due to Plaintiff's  
20 disability(s), as herein alleged;
- 21
- 22 f. Harassing, discriminating and retaliating against Plaintiff due to Plaintiff  
23 requesting and/or taking and/or being entitled to CFRA and/or other lawful  
24 medical leave;
- 25
- 26 g. On or about September 9, 2015, retaliating against and wrongfully terminating  
27 Plaintiff for false and pretextual reasons.  
28

- h. Keeping and/or replacing Plaintiff with and/or treating more favorably, a less experienced, less senior and/or non-disabled individual;
- i. Failing to rehire and/or reemploy Plaintiff.

19. The acts and conduct of Defendants, and each of them, as aforesaid, was in violation of California Government Code §12940 et seq. Said statutes impose certain duties upon Defendants, and each of them, concerning harassment, discrimination and retaliation against persons, such as Plaintiff, on the basis of perceived and/or physical disability and the prohibition of perceived and/or physical disability harassment, discrimination and retaliation. Said statutes were intended to prevent the type of injury and damage herein set forth. Plaintiff was, at all times material hereto, an employee with a perceived and/or physical disability(s), and within the protected class covered by California Government Code §12940, prohibiting perceived and/or physical disability harassment, discrimination and retaliation in employment.

20. By the acts and conduct described above, Defendants, and each of them, in violation of said statutes, knew about, or should have known about, and failed to investigate and/or properly investigate, prevent or remedy the perceived and/or physical disability harassment, retaliation and discrimination. The acts of discrimination, retaliation and harassment described herein were sufficiently pervasive so as to alter the conditions of employment, and created an abusive working environment. When Plaintiff was harassed, discriminated against and retaliated against, Plaintiff's perceived and/or physical disability(s) and/or complaints about the unlawful conduct were a substantial factor motivating and/or motivating reasons in Defendants' conduct.

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1 21. Plaintiff filed timely charges and complaints of perceived and/or physical  
2 disability harassment, retaliation and discrimination with the California Department of Fair  
3 Employment and Housing and has received Notice(s) of Right to Sue in a California Superior  
4 Court pursuant to California Government Code §12965(b). Plaintiff has therefore exhausted  
5 Plaintiff's administrative remedies under the California Government Code.  
6

7 22. By the aforesaid acts and conduct of Defendants, and each of them, Plaintiff has  
8 been directly and legally caused to suffer actual damages pursuant to California Civil Code  
9 §3333 including, but not limited to, loss of earnings and future earning capacity, medical and  
10 related expenses for care and procedures both now and in the future, attorneys fees, and other  
11 pecuniary loss not presently ascertained, for which Plaintiff will seek leave of court to amend  
12 when ascertained.  
13

14 23. As a direct and legal result of the acts and omissions of Defendants, and each of  
15 them, Plaintiff suffered, among other things, numerous internal injuries, severe fright, shock,  
16 pain, discomfort and anxiety. The exact nature and extent of said injuries are not known to the  
17 plaintiff, who will pray leave of court to insert the same when they are ascertained. Plaintiff does  
18 not at this time know the exact duration or permanence of said injuries, but is informed and  
19 believes, and thereon alleges, that some of the said injuries are reasonably certain to be  
20 permanent in character.  
21

22 24. As a further direct and legal result of the acts and conduct of Defendants, as  
23 aforesaid, Plaintiff has been caused, and did suffer, and continues to suffer severe and permanent  
24 emotional and mental distress and anguish, humiliation, embarrassment, fright, shock, pain,  
25 discomfort and anxiety. The exact nature and extent of said injuries is presently unknown to  
26 plaintiff, who will pray leave of court to assert the same when they are ascertained.  
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32

1 25. Plaintiff has been generally damaged in an amount within the jurisdictional  
2 limits of this court.

3 26. The aforementioned acts of Defendants, and each of them, were wilful, wanton,  
4 malicious, intentional, oppressive and despicable and were done in wilful and conscious  
5 disregard of the rights, welfare and safety of plaintiff, and were done by managerial agents and  
6 employees of Defendants and DOES 1 through 100, and with the express knowledge, consent,  
7 and ratification of managerial agents and employees of Defendants and DOES 1 through 100,  
8 thereby justifying the awarding of punitive and exemplary damages in an amount to be  
9 determined at the time of trial.  
10

11 27. As a result of the discriminatory acts of Defendants, and each of them, as  
12 alleged herein, Plaintiff is entitled to reasonable attorneys' fees and costs of said suit as  
13 specifically provided in California Government Code § 12965(b)  
14

15  
16 **SECOND CAUSE OF ACTION**  
17 **FOR VIOLATION OF THE CALIFORNIA FAMILY RIGHTS ACT [CALIFORNIA**  
18 **GOVERNMENT CODE § 12945.2]**

19 28. Plaintiff incorporates herein by reference Paragraphs 1 through 27 as though set  
20 forth in full herein.

21 29. Plaintiff was an employee of Defendants who qualified for leave due to a  
22 physical disability(s) pursuant to California Government Code Section 12945.2 et seq.

23 30. At all times herein mentioned, Defendants were "Employer[s]" within the  
24 definition of Government Code Section 12945.2, in that Defendants regularly employed 50 or  
25 more people and/or provided its employees with medical leave equal and/or greater than CFRA.

26 31. Defendants and DOES 1 through 100, and each of them, denied and retaliated  
27 against Plaintiff for being entitled to and/or requesting and/or taking Plaintiff's Family Rights  
28 and Family Care and Medical Leave, by the following actions, among others:  
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30  
31



- i. Defendants and each of them, retaliated against and terminated Plaintiff because of Plaintiff's entitlement and/or request and/or taking of the right to medical leave in violation of Government Code Section 12945.2 et seq.;
- ii. Defendants, and each of them, failed to give Plaintiff an opportunity at any time to return to work in violation of Government Code Section 12945.2 et seq.;
- iii. Defendants, and each of them, refused to allow Plaintiff to retain Plaintiff's employee status and refused to return Plaintiff to work in violation of Government Code Section 12945.2 et seq.

32. By the acts and conduct described above, Defendants, and each of them, in violation of said statutes, knew about, or should have known about, and failed to investigate and/or properly investigate, prevent or remedy the retaliation and discrimination in violation of the Family Rights Act The acts of discrimination described herein were sufficiently pervasive so as to alter the conditions of employment, and created an abusive working environment. Plaintiffs request and/or taking and/or right to take, Family Medical Leave, was a substantial factor motivating and/or motivating reason in Defendants' conduct.

33. As a result of the discriminatory acts of Defendants, and each of them, as alleged herein, Plaintiff is entitled to reasonable attorneys' fees and costs of said suit as specifically provided in California Government Code § 12965(b).

**THIRD CAUSE OF ACTION**  
**WRONGFUL TERMINATION IN VIOLATION OF PUBLIC POLICY**

34. Plaintiff refers to the allegations contained in Paragraphs 1 through 54, inclusive, and incorporates each by reference as though fully set forth at length herein

35. At all times herein mentioned, the public policy of the State of California, as codified, expressed and mandated in California Government Code §12940 was to prohibit employers from discriminating and retaliating against any individual based on their perceived and/or physical and mental disabilities. This public policy of the State of California is designed to protect all employees and to promote the welfare and well-being of the community at large. Accordingly, the actions of Defendants, and each of them, in discriminating, retaliating and

1 terminating Plaintiff on the grounds of stated above, or for complaining about such  
2 discrimination and retaliation, was wrongful and in contravention and violation of the express  
3 public policy of the State of California, to with the policy set forth in California Government  
4 Code §12940 et seq., and the laws and regulations promulgated thereunder.

5 36. At all times herein mentioned, the public policy of the State of California, as  
6 codified, expressed and mandated in California Government Code §12940 was to prohibit  
7 employers from discriminating and retaliating against any individual based on their requesting  
8 and/or entitlement and/or taking Family Medical Leave. This public policy of the State of  
9 California is designed to protect all employees and to promote the welfare and well-being of the  
10 community at large. Accordingly, the actions of Defendants, and each of them, in discriminating,  
11 retaliating and terminating Plaintiff on the grounds of stated above, or for complaining about  
12 such discrimination and retaliation, was wrongful and in contravention and violation of the  
13 express public policy of the State of California, to wit, the policy set forth in California  
14 Government Code §12940 et seq., and the laws and regulations promulgated thereunder.

15 37. By the aforesaid acts and conduct of Defendants, and each of them, Plaintiff has  
16 been directly and legally caused to suffer actual damages pursuant to California Civil Code §333  
17 including, but not limited to, loss of earnings and future earning capacity, medical and related  
18 expenses for care and procedures both now and in the future, attorneys fees, and other pecuniary  
19 loss not presently ascertained, for which Plaintiff will seek leave of court to amend when  
20 ascertained.

21 38. As a direct and legal result of the acts and omissions of Defendants, and each of  
22 them, Plaintiff was rendered sick, sore, lame, disabled and disordered, both internally and  
23 externally, and suffered, among other things, numerous internal injuries, severe fright, shock,  
24 pain, discomfort and anxiety. The exact nature and extent of said injuries are not known to the  
25 plaintiff, who will pray leave of court to insert the same when they are ascertained. Plaintiff does  
26 not at this time know the exact duration or permanence of said injuries, but is informed and  
27 believes, and thereon alleges, that some of the said injuries are reasonably certain to be  
28 permanent in character.

39. As a further legal result of the acts and omissions of the Defendants, and each of them, Plaintiff has been forced to incur expenses for medical care, X-rays, and laboratory costs during the period of Plaintiff's disability, and is informed and believes, and thereon alleges, that he will in the future be forced to incur additional expenses of the same nature, all in an amount which is at present unknown. Plaintiff will pray leave of court to show the exact amount of said expenses at the time of trial.

40. Prior to the occurrence of the incidents, Plaintiff was an able-bodied individual, but since said incidents has been unable to engage fully in Plaintiff's occupation, and is informed and believes, and thereon alleges, that Plaintiff will be incapacitated and unable to perform Plaintiff's usual work for an indefinite period of time in the future, all to Plaintiff's damage in an amount which is at present unascertained. Plaintiff will pray leave of court to show the total amount of loss of earnings at the time of trial.

41. As a further direct and legal result of the acts and conduct of Defendants, as aforesaid, Plaintiff has been caused, and did suffer, and continues to suffer severe and permanent emotional and mental distress and anguish, humiliation, embarrassment, fright, shock, pain, discomfort and anxiety. The exact nature and extent of said injuries is presently unknown to plaintiff, who will pray leave of court to assert the same when they are ascertained.

42. Plaintiff has been generally damaged in an amount within the jurisdictional limits of this court.

43. The aforementioned acts of Defendants, and each of them, were wilful, wanton, malicious, intentional, oppressive and despicable and were done in wilful and conscious disregard of the rights, welfare and safety of plaintiff, and were done by managerial agents and employees of Defendants and DOES 1 through 100, and with the express knowledge, consent and ratification of managerial agents and employees of Defendants and DOES 1 through 100, thereby justifying the awarding of punitive and exemplary damages in an amount to be determined at the time of trial.

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44. As a result of the discriminatory acts of Defendants, and each of them, as alleged herein, Plaintiff is entitled to reasonable attorneys' fees and costs of said suit as specifically provided in California Code of Civil Procedure §1021.5.

**PRAYER FOR RELIEF**

**WHEREFORE, Plaintiff prays for judgment as follows:**

1. For general damages in an amount within the jurisdictional limits of this Court;
2. For medical expenses and related items of expense, according to proof;
3. For loss of earnings, according to proof;
4. For loss of earning capacity, according to proof;
5. For reasonable attorneys' fees and costs of said suit as specifically provided in California Government Code §12965 (b), according to proof;
6. For reasonable attorneys' fees and costs of said suit as specifically provided in California Code of Civil Procedure §1021.5, according to proof;
7. For a permanent injunction against Defendants, and each of them, their successors, agents, representatives, employees and all persons who acted alone, or in concert with said Defendants, and each of them, from committing acts and conduct of harassment, discrimination, retaliation, or other similar acts including, but not limited to, the violations alleged in all of the relevant Causes of Action herein, and as proved and/or shown at the time of the ruling(s) and or verdict(s), and as prohibited by the Fair Employment and Housing Act, California Government Code §§12900 -12996, and any other applicable laws, cases, codes, regulations and statutes;
8. For reasonable attorneys' fees and costs of said suit as specifically provided in California Government Code § 12965(b) and as specifically mentioned in Harris v. City of Santa Monica, Case No. S181004, Cal.Sup.Ct. 2/7/13;
9. For prejudgment interest, according to proof;
10. For punitive and exemplary damages, according to proof;

1 11. For costs of suit incurred herein; and

2 12. For such other and further relief as the court may deem just and proper.

3 **DEMAND FOR JURY TRIAL**

4 Plaintiff hereby demands a trial by jury.

5  
6 DATED: August 16, 2016

LAW OFFICES OF TODD M. FRIEDMAN, P.C.

8 

9  
10 BY: TODD M. FRIEDMAN, ESQ.  
11 Attorneys For Plaintiff

**ORIGINAL**

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Meghan E. George, Esq. (SBN 274525) Law Offices of Todd M. Friedman 21550 Oxnard Street, Suite 780, Woodland Hills CA 91367  TELEPHONE NO: 877-206-4741 FAX NO: 866-633-0228 ATTORNEY FOR (Name): Plaintiff, MICHELLE MACIAS		FOR COURT USE ONLY  <b>FILED</b> Superior Court of California County of Los Angeles  AUG 26 2016  Sherri R. Carter, Executive Officer/Clerk By <u>Cristina Grijalva</u> Deputy Cristina Grijalva
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 N. Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Stanley Mosk Courthouse		
CASE NAME: <b>MACIAS V. KAISER</b>		
<b>CIVIL CASE COVER SHEET</b> <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	<b>Complex Case Designation</b> <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	

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:

<b>Auto Tort</b> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) <b>Other PI/PD/W/D (Personal Injury/Property Damage/Wrongful Death) Tort</b> <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/W/D (23) <b>Non-PI/PD/W/D (Other) Tort</b> <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/W/D tort (35) <b>Employment</b> <input checked="" type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<b>Contract</b> <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) <b>Real Property</b> <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (3a) <input type="checkbox"/> Other real property (26) <b>Unlawful Detainer</b> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <b>Judicial Review</b> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<b>Provisionally Complex Civil Litigation</b> (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) <b>Enforcement of Judgment</b> <input type="checkbox"/> Enforcement of judgment (20) <b>Miscellaneous Civil Complaint</b> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) <b>Miscellaneous Civil Petition</b> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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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. <input type="checkbox"/> Large number of separately represented parties   | d. <input type="checkbox"/> Large number of witnesses  |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence   | f. <input type="checkbox"/> 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): 3
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: August 26, 2016  
 Meghan E. George

(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.

Page 1 of 2

 Form Adopted for Mandatory Use  
 Judicial Council of California  
 CJS-010 [Rev. July 1, 2007]
**CIVIL CASE COVER SHEET**
 Cal. Rules of Court, rules 2.50, 3.220, 3.400-3.403, 3.740,  
 Cal. Standards of Judicial Administration, std. 3.10  
 www.courtinfo.ca.gov

 American LegalNet, Inc.  
 www.FormsWork.com
**BY FAX**

CM-010

## INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

**To Plaintiffs and Others Filing First Papers.** If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

**To Parties In Rule 3.740 Collections Cases.** A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

**To Parties In Complex Cases.** In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

## CASE TYPES AND EXAMPLES

## Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death  
Uninsured Motorist (46) (if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)

## Other PUPD/W (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)  
Asbestos Property Damage  
Asbestos Personal Injury/Wrongful Death  
Product Liability (not asbestos or toxic/environmental) (24)  
Medical Malpractice (45)  
Medical Malpractice—Physicians & Surgeons  
Other Professional Health Care Malpractice  
Other PUPD/W (23)  
Premises Liability (e.g., slip and fall)  
Intentional Bodily Injury/PD/W (e.g., assault, vandalism)  
Intentional Infliction of Emotional Distress  
Negligent Infliction of Emotional Distress  
Other PUPD/W

## Non-PUPD/W (Other) Tort

Business Tort/Unfair Business Practice (07)  
Civil Rights (e.g., discrimination, false arrest) (not civil harassment) (08)  
Defamation (e.g., slander, libel) (13)  
Fraud (16)  
Intellectual Property (19)  
Professional Negligence (25)  
Legal Malpractice  
Other Professional Malpractice (not medical or legal)  
Other Non-PUPD/W Tort (35)  
Employment  
Wrongful Termination (36)  
Other Employment (15)

## Contract

Breach of Contract/Warranty (06)  
Breach of Rental/Lease  
Contract (not unlawful detainer or wrongful eviction)  
Contract/Warranty Breach—Seller  
Plaintiff (not fraud or negligence)  
Negligent Breach of Contract/Warranty  
Other Breach of Contract/Warranty  
Collections (e.g., money owed, open book accounts) (09)  
Collection Case—Seller Plaintiff  
Other Promissory Note/Collections Case  
Insurance Coverage (not provisionally complex) (18)  
Auto Subrogation  
Other Coverage  
Other Contract (37)  
Contractual Fraud  
Other Contract Dispute

## Real Property

Eminent Domain/Inverse Condemnation (14)  
Wrongful Eviction (33)  
Other Real Property (e.g., quiet title) (26)  
Writ of Possession of Real Property  
Mortgage Foreclosure  
Quiet Title  
Other Real Property (not eminent domain, landlord/tenant, or foreclosure)

## Unlawful Detainer

Commercial (31)  
Residential (32)  
Drugs (38) (if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)

## Judicial Review

Asset Forfeiture (05)  
Petition Re: Arbitration Award (11)  
Writ of Mandate (02)  
Writ—Administrative Mandamus  
Writ—Mandamus on Limited Court Case Matter  
Writ—Other Limited Court Case Review  
Other Judicial Review (39)  
Review of Health Officer Order  
Notice of Appeal—Labor Commissioner Appeals

## Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)  
Construction Defect (10)  
Claims Involving Mass Tort (40)  
Securities Litigation (28)  
Environmental/Toxic Tort (30)  
Insurance Coverage Claims (arising from provisionally complex case type listed above) (41)

## Enforcement of Judgment

Enforcement of Judgment (20)  
Abstract of Judgment (Out of County)  
Confession of Judgment (non-domestic relations)  
Sister State Judgment  
Administrative Agency Award (not unpaid taxes)  
Petition/Certification of Entry of Judgment on Unpaid Taxes  
Other Enforcement of Judgment Case

## Miscellaneous Civil Complaint

RICO (27)  
Other Complaint (not specified above) (42)  
Declaratory Relief Only  
Injunctive Relief Only (non-harassment)  
Mechanics Lien  
Other Commercial Complaint Case (non-tort/non-complex)  
Other Civil Complaint (non-tort/non-complex)

## Miscellaneous Civil Petition

Partnership and Corporate Governance (21)  
Other Petition (not specified above) (43)  
Civil Harassment  
Workplace Violence  
Elder/Dependent Adult Abuse  
Election Contest  
Petition for Name Change  
Petition for Relief From Late Claim  
Other Civil Petition

**ORIGINAL**

SHORT TITLE Michelle Macias v. Kaiser Permanente, et. al.	CASE NUMBER BC 6 3 1 9 8 2
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**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 2.3 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 2.3.

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

- |  |  |
|--|--|
| 1. Class actions must be filed in the Stanley Mosk Courthouse, central district. | 6. Location of property or permanently garaged vehicle.    |
| 2. May be filed in central (other county, or no bodily injury/property damage).  | 7. Location where petitioner resides.                      |
| 3. Location where cause of action arose.   | 8. Location wherein defendant/respondent functions wholly. |
| 4. Location where bodily injury, death or damage occurred.                       | 9. Location where one or more of the parties reside.       |
| 5. Location where performance required or defendant resides.                     | 10. Location of Labor Commissioner Office                  |
|  | 11. Mandatory Filing Location (Hub Case)                   |

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

Auto  
TortOther Personal Injury/Property  
Damage/Wrongful Death Tort

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

BY FAX



SHORT TITLE <b>Michelle Macias v. Kaiser Permanente, et. al.</b>	CASE NUMBER
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	<b>A</b> Civil Case Cover Sheet Category No.	<b>B</b> Type of Action (Check only one)	<b>C</b> Applicable Reasons - See Step 3 Above
<b>Non-Personal Injury/Property Damage/ Wrongful Death Tort</b>	Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 3.
	Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.
	Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
	Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
<b>Employment</b>	Wrongful Termination (36)	<input checked="" type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
	Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
<b>Contract</b>	Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach - Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
	Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case <input type="checkbox"/> A6034 Collections Case-Purchased Debt (Charged Off Consumer Debt Purchased on or after January 1, 2014)	2., 5., 6, 11 2., 5, 11 5, 6, 11
	Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
	Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
	Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation      Number of parcels _____	2.
<b>Real Property</b>	Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
	Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
<b>Unlawful Detainer</b>	Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
	Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
	Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2., 6.
	Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.

LACIV 109 (Rev 3/15)  
LASC Approved 03-04

**CIVIL CASE COVER SHEET ADDENDUM  
AND STATEMENT OF LOCATION**

Local Rule 2.3  
Page 2 of 4

SHORT TITLE		CASE NUMBER
Michelle Macias v. Kaiser Permanente, et. al.		

  

	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)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
	Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.
	Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.
	Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2., 8.
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
	Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1., 2., 3.
	Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.
	Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
	Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.
	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
Miscellaneous Civil Complaints	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8.
	Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
Miscellaneous Civil Petitions	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6180 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9.

SHORT TITLE Michelle Macias v. Kaiser Permanente, et. al.	CASE NUMBER
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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.

<b>REASON:</b> Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case. <input checked="" type="checkbox"/> 1. <input type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10. <input type="checkbox"/> 11.		<b>ADDRESS:</b> 6041 Cadillac Ave.
<b>CITY:</b> Los Angeles	<b>STATE:</b> CA	<b>ZIP CODE:</b> 90034

**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 2.3, subd.(a)].

Dated: August 26, 2016

(SIGNATURE OF ATTORNEY/FILING 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. 03/15).
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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