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FILED
ALAMEDA COUNTY

JUN 02 2017

CLERK OF THE SUPERIOR COURT

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 PATRICIA NEWELL

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF ALAMEDA
UNLIMITED JURISDICTION

PATRICIA NEWELL, an individual;

Case No.:

RG 17862 626

Plaintiff,

COMPLAINT FOR DAMAGES
 (Unlimited Jurisdiction)

v.

KAISER PERMANENTE
 INTERNATIONAL, a corporation; KAISER
 FOUNDATION HOSPITALS, a corporation;
 ALBERT TORRENCE, an individual; and
 DOES 1-25, inclusive,

Defendants.

1. Sexual Harassment (Gov't Code, §§ 12900, *et seq.*);
2. Failure to Take Reasonable Steps to Prevent and/or Correct Harassment and/or Retaliation (Gov't Code, §§ 12940 (j), (k));
3. Retaliation;
4. Intentional Infliction of Emotional Distress;
5. Assault;
6. Battery.

**JURY TRIAL DEMANDED; PUNITIVE
 DAMAGES SOUGHT**

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1 Plaintiff PATRICIA NEWELL (hereinafter sometimes referred to as "Plaintiff") for her
2 complaint against defendants KAISER PERMANENTE INTERNATIONAL and KAISER
3 FOUNDATION HOSPITALS (hereinafter sometimes referred to collectively as "KAISER");
4 ALBERT TORRENCE (hereinafter sometimes referred to as "TORRENCE"); and DOES 1-25,
5 inclusive (hereinafter sometimes collectively referred to as "Defendants"), alleges as follows:

6 **JURISDICTION AND VENUE**

7 1. Venue is proper because the injuries and wrongful acts occurred in Alameda
8 County.

9 2. Subject matter in this action is properly heard in this Court, as the action
10 incorporates an amount in controversy as set forth in the complaint which exceeds \$25,000.00.

11 3. At all times mentioned herein, California Government Code sections 12900, *et seq.*,
12 were in full force and effect, and were binding upon Defendants, and each of them.

13 4. At all times material to this complaint, defendants KAISER, and/or DOES 1-25
14 were employers within the meaning of California Government Code section 12926(d) and
15 12940(j)(4)(A) and, as such, are barred from harassing employees on the basis of sex as set forth
16 in Government Code section 12900, *et seq.*, and are further required to take necessary steps to
17 ensure an harassment-free working environment; and, further to not retaliate against employees
18 complaining of harassment in the workplace.

19 5. On or about September 7, 2016, and within the time provided by law, Plaintiff filed
20 verified charges of harassment with the U.S. Equal Employment Opportunity Commission
21 ("EEOC") which was dual-filed with the California Department of Fair Employment and Housing
22 ("DFEH"). On or about September 7, 2016, Plaintiff received her "Right to Sue" Notices from
23 the DFEH. The Complaint and Right to Sue letter hereto are attached as Exhibit A. Plaintiff filed
24 verified charges of harassment with the DFEH on or about March 17, 2017. Plaintiff received her
25 "Right to Sue" Notices from the DFEH on or about March 17, 2017. Plaintiff amended her
26 Complaint on or around June 1, 2017 and received her amended "Right to Sue" Notice on or around
27 June 1, 2017. The Amended Complaint and Right to Sue letter hereto are attached as Exhibit B.
28 Plaintiff now timely files this action.

PARTIES

6. Plaintiff is a female adult natural person who is and was at all times mentioned herein, a resident of California.

7. Plaintiff is informed and believes, and hereon alleges that defendant KAISER is a California nonprofit organization which was at all times relevant to this Complaint, regularly doing business in Oakland, California. KAISER was at all times material to this Complaint the employer of the Plaintiff and of defendants TORRENCE and/or DOES 1-25.

8. Defendant TORRENCE is an adult natural person who Plaintiff is informed and believes, and hereon alleges, is a resident of the state of California, and is therefore subject to the jurisdiction of this Court. Plaintiff is informed and believes, and hereon alleges, that defendant TORRENCE was, at all times relevant to this Complaint, a supervising employee and/or managing agent of KAISER, and/or DOES 1-25, acting in the course and scope of his employment with defendants KAISER and/or DOES 1-25, with supervisory authority over Plaintiff.

9. The true names or capacities, whether individual, corporate, associate or otherwise, of DOES 1-25, inclusive, are unknown to Plaintiff, who therefore sues such defendants by such fictitious names. Plaintiff is informed and believes, and hereon alleges that each of the defendants designated herein as DOE is legally responsible in some manner (as the agent, partner and/or employee of the co-defendant) for the events and happenings herein referred to and in doing the actions mentioned below was acting individually and as an agent of defendants KAISER, and/or DOES 1-25. Plaintiff will amend this Complaint to allege the true names and capacities of such defendants when they are ascertained.

10. Plaintiff is informed and believes, and hereon alleges that at all times relevant herein, each of the Defendants was the agent, employee, supervisor, servant, and/or joint venturer of each of the remaining Defendants, and in doing the things hereafter alleged, each Defendant was acting within the course, scope and authority of such agency, employment, and/or joint venture, and with the consent and permission of each of the other Defendants. Plaintiff is informed and believes, and hereon alleges that all actions of each Defendant alleged in the causes of action

1 in which this paragraph is incorporated by reference were ratified and approved by the officers
2 and/or managing agents of every other Defendant.

3 11. At all times mentioned herein, the defendants KAISER and/or DOES 1-25 were
4 negligent and/or reckless in that they knew or should have known about TORRENCE's acts of and
5 propensity to commit acts of harassment and retaliation and failed to take immediate and
6 appropriate corrective action.

7 12. In doing the acts complained of herein, defendant TORRENCE acted both
8 individually, and as an agent of defendants KAISER, and/or DOES 1-25, and as such, defendants
9 KAISER, and/or DOES 1-25 are liable for TORRENCE's acts of unlawful harassment.
10 Defendants KAISER, and/or DOES 1-25 are also strictly liable for TORRENCE's acts of unlawful
11 harassment as alleged herein because TORRENCE was at all times relevant to this complaint a
12 supervisor and/or managing agent for defendants KAISER, and/or DOES 1-25. Defendant
13 TORRENCE is also personally liable for his acts of unlawful harassment pursuant to Government
14 Code section 12940(j)(3).

15 **FACTS ALLEGED**

16 13. Plaintiff began working for defendants KAISER, and/or DOES 1-25, on or around
17 March 31, 2008 in the Information Technology (IT) department.

18 14. Plaintiff is informed and believes that Defendant TORRENCE was a supervisor for
19 KAISER, and/or DOES 1-25 at all relevant times to this Complaint.

20 15. TORRENCE previously worked for KAISER in its Walnut Creek, California
21 location, and was transferred to an Oakland, California location in or around 2009. Plaintiff is
22 informed and believes and herein alleges that TORRENCE's title changed to Consultant Specialist
23 in or around late 2013, but that he continued to be on the same level of a supervisor.

24 16. Beginning in or about 2009, defendant TORRENCE began subjecting Plaintiff to
25 frequent, ongoing, unwelcomed conduct of a sexual nature, including, but not limited to the
26 following:

- 27 a. Defendant TORRENCE frequently approached Plaintiff at her cubicle and said,
28 "Hey, Baby, you look fine" or words to that effect;

- b. TORRENCE made sexual motions and sexual noises like "ohhhhh" while he looked at Plaintiff lustfully;
- c. TORRENCE would lick his lips while looking at Plaintiff;
- d. He would ask Plaintiff if she wanted to play a game of "hide the sausage;"
- e. TORRENCE's conduct escalated in or around 2015. Plaintiff's cubicle was located in a small room which was adjacent to TORRENCE's office; TORRENCE started entering Plaintiff's room, closing the door and rubbing himself on Plaintiff;
- f. He would come up from behind Plaintiff or from her side and rub her shoulders;
- g. Plaintiff would tell TORRENCE to stop and she tried to open the door so people could see what was going on;
- h. While TORRENCE inappropriately touched Plaintiff, he made sexual noises and said, "oh baby, you looking fine, I'm a free man now, where you been all my life?" or words to that effect;
- i. TORRENCE inappropriately placed his leg on or against Plaintiff's leg many times.

17. In or around July 2015, Plaintiff asked the Executive Director of Accounts Payable, Richard Huegel, if she could work in his area so she did not have to work close to TORRENCE; she told Huegel that TORRENCE was a "dirty old man" and that she had to get away from him, or words to that effect, but Plaintiff was afraid of reporting TORRENCE.

18. Plaintiff moved to a different floor of the same building in or around July 2015. Plaintiff still had to go to her old floor where TORRENCE worked to pick up equipment. When she did, TORRENCE would continue to make inappropriate comments and gestures to her, including telling her she looked mighty fine, where has she been all his life, and why doesn't Plaintiff come to visit TORRENCE, or words to that effect.

19. Plaintiff tried to avoid going to her old workspace, but once or twice a week she saw TORRENCE, and he continued to make inappropriate comments during those occasions.

20. TORRENCE told Plaintiff he liked her butt and asked her if she was part African American because she had a "big fine booty" or words to that effect.

21. When Plaintiff told TORRENCE to stop, or became upset, he became aggressive

1 and said, "I own you. You are in my house. Things go my way," or words to that effect.

2 22. Plaintiff received a performance review for 2015 in or around January or February
3 2016. Plaintiff was told by Everette Burks, Operations Manager for End User Services, that she
4 was not at her correct workstation. Plaintiff learned that TORRENCE had been calling Plaintiff's
5 lead, Lester Higashi and/or Everette Burks, and asking where Plaintiff was. Burks asked Higashi
6 where Plaintiff was as well. Plaintiff is informed and believes that TORRENCE told Burks that it
7 is his building he is supervising and wanted to know what is going on. Plaintiff is informed and
8 believes that believes Burks relied on TORRENCE's input for her review, and as a result of this,
9 Plaintiff did not receive a positive performance review. As a result of this review, Plaintiff was
10 ordered to move her work station to 1800 Harrison Street.

11 23. Burks started giving Plaintiff more work and assigning her projects without first
12 notifying her supervisor, Higashi.

13 24. When Plaintiff moved to 1800 Harrison Street, TORRENCE would come by her
14 work area and continued with his inappropriate comments and sexual noises.

15 25. On or around March 28, 2016, TORRENCE approached Plaintiff at her cubicle and
16 started rubbing his leg on Plaintiff's leg and gyrating his hips on her. While he did this, he said,
17 "you know you want this" or words to that effect. Then, TORRENCE stuck his groin in Plaintiff's
18 face and continued to gyrate his hips. Plaintiff turned around so her back was to him. He then
19 touched her lower back on or around her buttocks and said "ohhh I like to red", or words to that
20 effect, referring to her underwear which must have been showing at the top of her pants. Plaintiff
21 pushed him away. Plaintiff went to Higashi's office, crying, and told him she was leaving, and left
22 the office. She called the Employee Assistance Program and showed up to meet with someone but
23 left after an hour when no one assisted her.

24 26. Plaintiff is informed and believes that while Plaintiff was out of the office, Higashi
25 reported TORRENCE's sexual harassment of Plaintiff to Burks.

26 27. Plaintiff filed a complaint with Human Resources representative Scott Titley in or
27 around early April 2016. She was so upset she requested a leave of absence due to stress.

28 28. Plaintiff also reported to KAISER's HR hotline.

1 29. Plaintiff returned to work in or around May 2016. She had not met with an
2 investigator from HR. TORRENCE sent her a Mother's Day card. She tried to avoid him, but he
3 called her the day she returned to work from leave. Plaintiff emailed Burks and asked if
4 TORRENCE knew about her complaint, and Burks responded that he did not know why Plaintiff
5 was upset that TORRENCE was calling her. Plaintiff replied that Burks knew that she complained
6 so Plaintiff did not know why Burks was confused.

7 30. Plaintiff called Titley the same day and told him she did not feel safe working next
8 to TORRENCE.

9 31. She was assigned an investigator, Karol Burnett-Quick, in or around June 2016.
10 Plaintiff met with Burnett-Quick on or around June 10, 2016. Plaintiff felt that Burnett-Quick was
11 accusing her instead of investigating TORRENCE.

12 32. Plaintiff met again with the HR representative a few weeks later.

13 33. During this short period, Plaintiff did not see TORRENCE at the office.

14 34. Plaintiff had not heard about the results of the investigation, but on or around
15 December 9, 2016, Plaintiff saw TORRENCE on her floor on multiple occasions. Plaintiff
16 believed that TORRENCE knew about her complaints against him.

17 35. Plaintiff emailed the investigator to ask about the investigation status on or around
18 December 10, 2016. The investigator said she was finishing it up.

19 36. Plaintiff received a letter in or around early January 2017 that her complaints could
20 not be substantiated.

21 37. The letter Plaintiff received offered her the option to appeal and stated that a Vice
22 President would review the decision. Plaintiff appealed and the investigator sent the appeal to a
23 manger, not a VP.

24 38. Plaintiff told Higashi she did not feel comfortable working in the same location
25 because TORRENCE continued to show up. Higashi told Plaintiff she could work from a different
26 floor. Burks then told Plaintiff she had to return to her old location. Plaintiff is informed and
27 believes that Burks began to write up Plaintiff unfairly and informally placed her on a Performance
28 Improvement Plan (PIP).

39. Plaintiff is informed and believes that Shirley McWilliams, the Operational Manager of IT, told Higashi that he was too close to Plaintiff. On one occasion, McWilliams went to Plaintiff's office and TORRENCE appeared. Plaintiff was upset and left.

40. Plaintiff has not yet heard from HR about her appeal.

41. Plaintiff believes that her colleagues know about her complaint and has felt hostility from them. Plaintiff continues to be forced to work near TORRENCE. Additionally, Plaintiff has had problems with her log-in information, including her password changing and problems with the IT software, which Plaintiff believes are intentional acts in retaliation for her complaint.

FIRST CAUSE OF ACTION

(By Plaintiff Against All Defendants, and Each of Them, for Sexual Harassment in Violation of Government Code Section 12900, *et seq.*)

42. The allegations set forth in Paragraphs 1 through 41, inclusive, are re-alleged and incorporated herein by reference as though fully set forth herein.

43. Within the time provided by law, Plaintiff filed charges with the DFEH, in full compliance with these sections, received right-to-sue letters, and commenced this action in a timely manner.

44. At all times mentioned herein, Government Code sections 12900, *et seq.* were in full force and effect, and were binding on Defendants. These sections require Defendants to refrain from discriminating against or harassing any employee on the basis of sex, and to take all reasonable steps necessary to prevent discrimination and harassment.

45. The acts of Defendants, and each of them, as described more fully above, constitute a pattern and continuous course of severe and pervasive unwanted harassment of Plaintiff on the basis of sex in violation of Government Code sections 12940(j)(1).

46. The unlawful and unwanted harassment of Plaintiff by Defendants, and each of them, created an oppressive, hostile, intimidating and/or offensive work environment for Plaintiff, and interfered with her emotional well-being and ability to perform her duties. The unlawful harassment was sufficiently severe and/or pervasive as to materially alter the terms and conditions of Plaintiff's employment, and to create an abusive working environment.

1 47. A reasonable person in Plaintiff's circumstances would have considered the work
2 environment hostile and/or abusive.

3 48. As a direct and proximate result of the unlawful conduct of Defendants, Plaintiff
4 was harmed and suffered, and continues to suffer, special damages including, but not limited to,
5 losses in earnings, bonuses, deferred compensation, employment benefits, earning capacity,
6 opportunities for employment advancement and work experience, and other damages to be proven
7 at the time of trial.

8 49. As a direct and proximate result of the unlawful conduct of Defendants, and each
9 of them, Plaintiff was harmed and suffered, and continues to suffer, general damages including but
10 not limited to shock, embarrassment, humiliation, emotional distress, and other damages to be
11 proven at the time of trial.

12 50. The conduct of Defendants, and each of them, was a substantial factor in causing
13 Plaintiff's harm.

14 51. Defendants, and each of them, committed the acts herein alleged maliciously,
15 fraudulently, and oppressively with the wrongful intention of injuring Plaintiff from an improper
16 and evil motive amounting to malice, and in conscious disregard of the rights of Plaintiff. Plaintiff
17 is informed and believes, and hereon alleges that defendants KAISER, and/or DOES 1-25 knew
18 of the probable injurious consequences of defendant TORRENCE's continued employment,
19 including unlawful harassment, but deliberately failed to avoid these consequences by deliberately
20 choosing to continue his employment and by deliberately failing to restrain him, despite ample
21 notice, from engaging in unlawful, discriminatory harassment. Such conduct was also authorized
22 and/or ratified by an owner, officer, director or managing agent of defendant KAISER, and/or
23 DOES 1-25, including, but not limited to Shirley McWilliams, Everette Burks, and/or Karol
24 Burnett-Quick. As a result of Defendants' willful, knowing and intentional harassment and/or
25 retaliation against Plaintiff, she seeks an award of punitive and exemplary damages in an amount
26 according to proof.

27 52. As a direct cause of the acts alleged above, Plaintiff had to hire the services of an
28 attorney. Plaintiff incurred and continues to incur legal expenses and attorneys' fees, and is

1 entitled to an award of attorneys' fees and costs pursuant to Government Code section 12965(b).
2 Plaintiff is presently unaware of the precise amount of these expenses and fees and prays leave of
3 court to amend this complaint when the amounts are more fully known.

4 WHEREFORE Plaintiff prays for judgment as set forth below.

5 **SECOND CAUSE OF ACTION**

6 **(By Plaintiff Against Defendants KAISER, and/or DOES 1-25, and Each of Them, for**
7 **Failure to Take Steps to Prevent and/or Correct Harassment, Discrimination, and**
8 **Retaliation, in Violation of Government Code Sections 12940(j) & (k))**

9 53. The allegations set forth in paragraphs 1 through 52, inclusive, are re-alleged and
10 incorporated herein by reference as though fully set forth herein.

11 54. Within the time provided by law, Plaintiff filed charges with the DFEH, in full
12 compliance with these sections, received right-to-sue letters, and commenced this action in a
13 timely manner.

14 55. Plaintiff is informed and believes, and hereon alleges, that defendants KAISER,
15 and/or DOES 1-25 knew, or reasonably should have known, of defendant TORRENCE's
16 propensity for engaging in unlawful, harassing, and/or discriminatory conduct in the workplace
17 and that he should not have been employed with KAISER, and/or DOES 1-25. Defendants
18 KAISER, and/or DOES 1-25 should have restrained its employees from engaging in unlawful,
19 discriminatory, retaliatory, and/or harassing conduct and should have provided training and
20 instruction to its employees on the laws pertaining to harassment, discrimination, and retaliation.

21 56. At all times herein mentioned, Government Code sections 12940(j) and (k) were in
22 full force and effect and were binding on Defendants. These sections require defendants KAISER,
23 and/or DOES 1-25 to take all reasonable steps necessary to prevent harassment from occurring,
24 and to take immediate steps to investigate and correct such harassment when it occurred. As
25 alleged above, KAISER, and/or DOES 1-25 violated these subsections by failing to take
26 reasonable steps necessary to prevent harassment from occurring, and/or failed to take appropriate
27 steps to investigate and correct the harassment once it occurred.
28

1 57. Plaintiff is informed and believes, and hereon alleges that defendants KAISER,
2 and/or DOES 1-25 failed to provide adequate training to its owners, directors, supervisors,
3 managers, and/or other employees.

4 58. As a direct and proximate result of the unlawful conduct of Defendants, and each
5 of them, Plaintiff was harmed and suffered, and continues to suffer, special damages including,
6 but not limited to, losses in earnings, bonuses, deferred compensation, employment benefits,
7 earning capacity, opportunities for employment advancement and work experience, and other
8 damages to be proven at the time of trial.

9 59. As a direct and proximate result of the unlawful conduct of Defendants, and each
10 of them, Plaintiff was harmed and suffered, and continues to suffer, general damages including but
11 not limited to shock, embarrassment, humiliation, emotional distress, and other damages to be
12 proven at the time of trial.

13 60. The conduct of Defendants, and each of them, was a substantial factor in causing
14 Plaintiff's harm.

15 61. Defendants, and each of them, committed the acts herein alleged maliciously,
16 fraudulently, and oppressively with the wrongful intention of injuring Plaintiff from an improper
17 and evil motive amounting to malice, and in conscious disregard of the rights of Plaintiff. Plaintiff
18 is informed and believes, and hereon alleges that defendants KAISER, and/or DOES 1-25 knew
19 of the probable injurious consequences of defendant TORRENCE's continued employment,
20 including unlawful harassment, but deliberately failed to avoid these consequences by deliberately
21 choosing to continue his employment and by deliberately failing to restrain him, despite ample
22 notice, from engaging in unlawful, discriminatory harassment. Such conduct was also authorized
23 and/or ratified by an owner, officer, director or managing agent of defendant KAISER, and/or
24 DOES 1-25, including, but not limited to Shirley McWilliams, Everette Burks, and/or Karol
25 Burnett-Quick. As a result of Defendants' willful, knowing and intentional harassment and/or
26 retaliation against Plaintiff, she seeks an award of punitive and exemplary damages in an amount
27 according to proof.
28

62. As a direct cause of the acts alleged above, Plaintiff had to hire the services of an attorney. Plaintiff incurred and continues to incur legal expenses and attorneys' fees, and is entitled to an award of attorneys' fees and costs pursuant to Government Code section 12965(b). Plaintiff is presently unaware of the precise amount of these expenses and fees and prays leave of court to amend this complaint when the amounts are more fully known.

WHEREFORE Plaintiff prays for judgment as set forth below.

THIRD CAUSE OF ACTION

(By Plaintiff, Against Defendants KAISER, and/or DOES 1-25 for Retaliation)

63. The allegations set forth in paragraphs 1 through 62, inclusive, are re-alleged and incorporated herein by reference as though fully set forth herein.

64. Within the time provided by law, Plaintiff filed charges with the California DFEH, in full compliance with these sections, and received right-to-sue letters, and has commenced this action in a timely manner.

65. At all times herein mentioned, Government Code section 12940(h) was in full force and effect and was binding on Defendants. This section prohibits retaliation because of opposition to, or making a complaint regarding, unlawful discrimination or harassment.

66. After Plaintiff protested against the above-described unlawful harassment to Plaintiff's managers, Human Resources, and other supervisors and/or managing agents, owners, officers, and/or directors of defendants KAISER, and/or DOES 1-25, defendants KAISER, and/or DOES 1-25 retaliated against Plaintiff as described above by, for example: allowing defendant TORRENCE to continue his harassing behavior; failing to conduct a good faith investigation into Plaintiff's complaints of harassment and retaliation; forcing Plaintiff to work near TORRENCE; creating performance issues and/or improperly placing Plaintiff on a Performance Improvement Plan.

67. The acts of defendants KAISER, and/or DOES 1-25, when taken as a whole, materially and adversely affected the terms and conditions of Plaintiff's employment and/or were adverse employment actions, and constitute retaliation in violation of Government Code Section 12940(h).

1 68. Plaintiff's lawful complaints of harassment and retaliation were motivating reasons
2 for the retaliatory acts of defendants KAISER, and/or DOES 1-25, described in detail above.

3 69. As a direct and proximate result of the unlawful harassment of Plaintiff described
4 above, Plaintiff was harmed and has suffered, and continues to suffer, special damages including,
5 but not limited to, losses in earnings, bonuses, deferred compensation, employment benefits,
6 earning capacity, opportunities for employment advancement and work experience, and other
7 damages to be proven at the time of trial.

8 70. As a direct and proximate result of the unlawful conduct of Defendants and each of
9 them, Plaintiff was harmed and has suffered, and continues to suffer, general damages including
10 but not limited to shock, embarrassment, humiliation, emotional distress, and other damages to be
11 proven at the time of trial.

12 71. Defendants KAISER, and/or DOES 1-25's conduct was a substantial factor in
13 causing Plaintiff's harm.

14 72. Defendants, and each of them, committed the acts herein alleged maliciously,
15 fraudulently, and oppressively with the wrongful intention of injuring Plaintiff from an improper
16 and evil motive amounting to malice, and in conscious disregard of the rights of Plaintiff. Plaintiff
17 is informed and believes, and hereon alleges that defendants KAISER, and/or DOES 1-25 knew
18 of the probable injurious consequences of defendant TORRENCE's continued employment,
19 including unlawful harassment, but deliberately failed to avoid these consequences by deliberately
20 choosing to continue his employment and by deliberately failing to restrain him, despite ample
21 notice, from engaging in unlawful, discriminatory harassment. Such conduct was also authorized
22 and/or ratified by an owner, officer, director or managing agent of defendant KAISER, and/or
23 DOES 1-25, including, but not limited to Shirley McWilliams, Everette Burks, and/or Karol
24 Burnett-Quick. As a result of Defendants' willful, knowing and intentional harassment and/or
25 retaliation against Plaintiff, she seeks an award of punitive and exemplary damages in an amount
26 according to proof.

27 73. As a direct cause of the acts alleged above, Plaintiff had to hire the services of an
28 attorney. Plaintiff incurred and continues to incur legal expenses and attorneys' fees, and is

1 entitled to an award of attorneys' fees and costs pursuant to Government Code section 12965(b).
2 Plaintiff is presently unaware of the precise amount of these expenses and fees and prays leave of
3 court to amend this complaint when the amounts are more fully known.

4 WHEREFORE Plaintiff prays for judgment as set forth below.

5 **FOURTH CAUSE OF ACTION**

6 **(By Plaintiff, Against All Defendants and/or DOES 1-25, and Each of Them, for
7 Intentional Infliction of Emotional Distress)**

8 74. The allegations set forth in paragraphs 1 through 73 inclusive, are re-alleged and
9 incorporated herein by reference as though fully set forth herein.

10 75. Defendant TORRENCE's conduct alleged herein was intentional, outrageous,
11 malicious, and committed for the purpose of causing Plaintiff to suffer humiliation, mental
12 anguish, and severe physical and emotional distress.

13 76. Defendants KAISER, and/or DOES 1-25 had advance knowledge of the unfitness
14 of their employee defendant TORRENCE, and continued to employ him, and ratified the
15 intentional, outrageous, malicious conduct as set forth above after owners, officers, directors,
16 and/or managing agents were given notice of such conduct.

17 77. As a direct and proximate result of Defendants, and each of their conduct as alleged
18 herein, Plaintiff was injured in her strength, health, and activity, sustaining shock and injury to her
19 nervous system, all of which have caused and continue to cause Plaintiff severe emotional distress,
20 great mental pain, embarrassment, humiliation, anguish and suffering, all to her detriment, in an
21 amount in excess of the minimum subject matter jurisdiction of this court and according to proof.

22 78. As a direct and proximate result of the unlawful conduct of Defendants, Plaintiff
23 was harmed and suffered, and continues to suffer, special damages including, but not limited to,
24 losses in earnings, bonuses, deferred compensation, employment benefits, earning capacity,
25 opportunities for employment advancement and work experience, and other damages to be proven
26 at the time of trial.

27 79. As a direct and proximate result of the unlawful conduct of Defendants, and each
28 of them, Plaintiff was harmed and suffered, and continues to suffer, general damages including but

1 not limited to shock, embarrassment, humiliation, emotional distress, and other damages to be
2 proven at the time of trial.

3 80. Defendants, and each of them, committed the acts herein alleged maliciously,
4 fraudulently, and oppressively with the wrongful intention of injuring Plaintiff from an improper
5 and evil motive amounting to malice, and in conscious disregard of the rights of Plaintiff. Plaintiff
6 is informed and believes, and hereon alleges that defendants KAISER, and/or DOES 1-25 knew
7 of the probable injurious consequences of defendant TORRENCE's continued employment,
8 including unlawful harassment, but deliberately failed to avoid these consequences by deliberately
9 choosing to continue his employment and by deliberately failing to restrain him, despite ample
10 notice, from engaging in unlawful, discriminatory harassment. Such conduct was also authorized
11 and/or ratified by an owner, officer, director or managing agent of defendants KAISER, and/or
12 DOES 1-25, including, but not limited to Shirley McWilliams, Everette Burks, and/or Karol
13 Burnett-Quick. As a result of Defendants' willful, knowing and intentional harassment and/or
14 retaliation against Plaintiff, she seeks an award of punitive and exemplary damages in an amount
15 according to proof.

16 WHEREFORE Plaintiff prays for judgment as set forth below.

17 **FIFTH CAUSE OF ACTION**

18 **(By Plaintiff, Against All Defendants and/or DOES 1-25, and Each of Them, for Assault)**

19 81. The allegations set forth in paragraphs 1 through 80 inclusive, are re-alleged and
20 incorporated herein by reference as though fully set forth herein.

21 82. As is set forth above and further herein, defendant TORRENCE intended to cause
22 harmful and/or offensive contact with Plaintiff.

23 83. As a result of the actions of defendant TORRENCE, Plaintiff reasonably believed
24 that she was about to be touched in a harmful and/or offensive manner.

25 84. Plaintiff did not consent to defendant TORRENCE's conduct.

26 85. Plaintiff is informed and believes, and hereon alleges, that these actions were
27 approved and/or ratified by defendants KAISER, and/or DOES 1-25, as is set forth above, and
28 were approved and/or ratified by managing agents of defendants KAISER, and/or DOES 1-25, and

1 that defendant TORRENCE was negligently hired, supervised, and/or retained, and was employed
2 despite knowledge of his lack of fitness for the workplace. Defendants KAISER, and/or DOES 1-
3 25 are therefore liable for these actions of defendant TORRENCE.

4 86. As a direct and proximate result of the unlawful conduct of Defendants, and each
5 of them, Plaintiff was harmed and suffered, and continues to suffer, special damages including,
6 but not limited to, losses in earnings, bonuses, deferred compensation, employment benefits,
7 earning capacity, opportunities for employment advancement and work experience, and other
8 damages to be proven at the time of trial.

9 87. As a direct and proximate result of the unlawful conduct of Defendants, and each
10 of them, Plaintiff was harmed and suffered, and continues to suffer, general damages including but
11 not limited to shock, embarrassment, humiliation, emotional distress, and other damages to be
12 proven at the time of trial.

13 88. Defendants and each of their conduct was a substantial factor in causing Plaintiff's
14 harm.

15 89. Defendants, and each of them, committed the acts herein alleged maliciously,
16 fraudulently, and oppressively with the wrongful intention of injuring Plaintiff from an improper
17 and evil motive amounting to malice, and in conscious disregard of the rights of Plaintiff. Plaintiff
18 is informed and believes, and hereon alleges that defendants KAISER, and/or DOES 1-25 knew
19 of the probable injurious consequences of defendant TORRENCE's continued employment,
20 including unlawful harassment, but deliberately failed to avoid these consequences by deliberately
21 choosing to continue his employment and by deliberately failing to restrain him, despite ample
22 notice, from engaging in unlawful, discriminatory harassment. Such conduct was also authorized
23 and/or ratified by an owner, officer, director or managing agent of defendant KAISER, and/or
24 DOES 1-25, including, but not limited to Shirley McWilliams, Everette Burks, and/or Karol
25 Burnett-Quick. As a result of Defendants' willful, knowing and intentional harassment and/or
26 retaliation against Plaintiff, she seeks an award of punitive and exemplary damages in an amount
27 according to proof.

28 WHEREFORE Plaintiff prays for judgment as set forth below.

SIXTH CAUSE OF ACTION

(By Plaintiff, Against All Defendants and/or DOES 1-25, and Each of Them, for Battery)

90. The allegations set forth in paragraphs 1 through 89, inclusive, are re-alleged and incorporated herein by reference as though fully set forth herein.

91. As set forth above, defendant TORRENCE touched Plaintiff and/or caused Plaintiff to be touched with the intent to harm and/or offend Plaintiff.

92. Plaintiff did not consent to the touching.

93. Plaintiff was harmed and/or offended by defendant TORRENCE's conduct.

94. A reasonable person in Plaintiff's situations would have been offended by the touching.

95. Plaintiff is informed and believes, and hereon alleges that these actions were approved and/or ratified by defendants KAISER, and/or DOES 1-25, as is set forth above, and were approved and/or ratified by managing agents of defendants KAISER, and/or DOES 1-25, and that defendant TORRENCE was negligently hired, supervised, and/or retained and were employed despite knowledge of his lack of fitness for the workplace. Defendants KAISER, and/or DOES 1-25 are therefore liable for these actions of defendant TORRENCE.

96. As a direct and proximate result of the unlawful conduct of Defendants, and each of them, Plaintiff was harmed and suffered, and continues to suffer, special damages including, but not limited to, losses in earnings, bonuses, deferred compensation, employment benefits, earning capacity, opportunities for employment advancement and work experience, and other damages to be proven at the time of trial.

97. As a direct and proximate result of the unlawful conduct of Defendants, and each of them, Plaintiff was harmed and suffered, and continues to suffer, general damages including but not limited to shock, embarrassment, humiliation, emotional distress, and other damages to be proven at the time of trial.

98. Defendants and each of their conduct was a substantial factor in causing Plaintiff's harm.

1 99. Defendants, and each of them, committed the acts herein alleged maliciously,
2 fraudulently, and oppressively with the wrongful intention of injuring Plaintiff from an improper
3 and evil motive amounting to malice, and in conscious disregard of the rights of Plaintiff. Plaintiff
4 is informed and believes, and hereon alleges that defendants KAISER, and/or DOES 1-25 knew
5 of the probable injurious consequences of defendant TORRENCE's continued employment,
6 including unlawful harassment, but deliberately failed to avoid these consequences by deliberately
7 choosing to continue his employment and by deliberately failing to restrain him, despite ample
8 notice, from engaging in unlawful, discriminatory harassment. Such conduct was also authorized
9 and/or ratified by an owner, officer, director or managing agent of defendant KAISER, and/or
10 DOES 1-25, including, but not limited to Shirley McWilliams, Everette Burks, and/or Karol
11 Burnett-Quick. As a result of Defendants' willful, knowing and intentional harassment and/or
12 retaliation against Plaintiff, she seeks an award of punitive and exemplary damages in an amount
13 according to proof.

14 WHEREFORE Plaintiff prays for judgment as set forth below.

15 **PRAYER FOR RELIEF**

16 WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

17 As to the First through Third Causes of Action set forth herein, Plaintiff prays:

- 18 1. For general damages in amounts according to proof;
- 19 2. For special damages in amounts according to proof;
- 20 3. For punitive damages in an amount sufficient to punish and make an example out
21 of Defendants;
- 22 4. For attorneys' fees as provided by law;
- 23 5. For injunctive relief as provided by law;
- 24 6. For declaratory relief as provided by law;
- 25 7. For pre-judgment interest as provided by law;
- 26 8. For costs of suit incurred herein; and
- 27 9. For such other and further relief as the Court deems fair and just.

28 As to the Fourth through Sixth Causes of Action set forth herein, Plaintiff prays:

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1. For general damages in amounts according to proof;
2. For special damages in amounts according to proof;
3. For punitive damages in an amount sufficient to punish and make an example out of Defendants;
4. For pre-judgment interest as provided by law;
5. For costs of suit incurred herein; and
6. For such other and further relief as the Court deems fair and just.

DATED: June 1, 2017

WINER, McKENNA & BURRITT, LLP

By: 

Alexis S. McKenna
Elana R. Jacobs
Attorneys for Plaintiff
PATRICIA NEWELL

EXHIBIT A

Courthouse News Service



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

DIRECTOR PHYLLIS W. CHENG

2218 Kausen Drive, Suite 100 | Elk Grove, CA | 95758
800-884-1884 | Videophone for the DEAF 916-228-5285 | TTY 800-700-2320
www.dfeh.ca.gov | e-mail: contact.center@dfeh.ca.gov

EEOC Number: 555-2016-00969C

Case Name: Patricia J. Newell vs. KAISER PERMANENTE

Filing Date: September 7, 2016

NOTICE TO COMPLAINANT AND RESPONDENT

This is to advise you that the above-referenced complaint is being dual filed with the California Department of Fair Employment and Housing (DFEH) by the U.S. Equal Employment Opportunity Commission (EEOC). The complaint will be filed in accordance with California Government Code section 12960. This notice constitutes service pursuant to Government Code section 12962.

The EEOC is responsible for the processing of this complaint and the DFEH will not be conducting an investigation into this matter. Please contact EEOC directly for any discussion of the complaint or the investigation.

NOTICE TO COMPLAINANT OF RIGHT-TO-SUE

This letter is also your Right to Sue notice. This Right-To-Sue Notice allows you to file a private lawsuit in State court. According to Government Code section 12965, subdivision (b), you may bring a civil action under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The lawsuit may be filed in a State of California Superior Court. Government Code section 12965, subdivision (b), provides that such a civil action must be brought within one year from the date of this notice. Pursuant to Government Code section 12965, subdivision (d)(1), this one-year period will be tolled during the pendency of the EEOC's investigation of your complaint. You should consult an attorney to determine with accuracy the date by which a civil action must be filed. This right to file a civil action may be waived in the event a settlement agreement is signed.

If you have questions about the right to file under federal law, please contact the EEOC using the contact information below.

EEOC Northern California
450 Golden Gate Ave 5-West
PO Box 36025
San Francisco, CA 94102
(415) 522-3000

EEOC Southern California
255 East Temple Ste., 4th Floor
Los Angeles, CA 90012
(213) 894-1100

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA

☒ EEOC

555-2016-00969

California Department Of Fair Employment & Housing

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

Ms. Patricia J. Newell

Home Phone (Incl. Area Code)

Date of Birth

Street Address

City, State and ZIP Code

673 10th Street, Oakland, CA 94607

Named Is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

KAISER PERMANENTE

No. Employees, Members

500 or More

Phone No. (Include Area Code)

(510) 625-6951

Street Address

City, State and ZIP Code

1800 Harrison, Oakland, CA 94612

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE

☐ COLOR

☒ SEX

☐ RELIGION

☐ NATIONAL ORIGIN

☐ RETALIATION

☐ AGE

☐ DISABILITY

☐ GENETIC INFORMATION

☐ OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

01-01-2008

06-01-2016

☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I was hired on March 31, 2008 in the position of desktop Support. I performed my duties satisfactorily and report to Everett Barrs, OPS Manager.

I have been subjected to repeated and egregious incidents of sexual harassment by Consultant Specialist Al Torrence since the start of my employment. For example, he makes explicit, crude jokes to me such as asking if I want to play a game of hide the sausage. Further, he repeatedly calls my supervisor to inquire about my presence although he has no authority over me or my projects. I am aware of several other women who have reported him to. Most recently, on March 28, 2016, he walked into my cubicle, rubbed his upper leg on my leg and put his groin area in my face as he said, "You know you want this." As I tried to move away, he reached and touched the top of my pants and said, "Oh, red" referring to the color of my underwear. I reported this incident to my supervisor Everett Barrs on or around April 5, 2016. Respondent has failed to take corrective action.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

Date

Charging Party Signature

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):

☐ FEPA☒ EEOC

555-2016-00969

California Department Of Fair Employment & Housing

and EEOC

State or local Agency, if any

I believe that I have been subjected to sexual harassment, in violation of Title VII of the Civil Rights Act of 1964, as amended.

Courthouse News Service

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

Date

Charging Party Signature

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

PRIVACY ACT STATEMENT: Under the Privacy Act of 1974, Pub. Law 93-579, authority to request personal data and its uses are:

1. **FORM NUMBER/TITLE/DATE.** EEOC Form 5, Charge of Discrimination (11/09).
2. **AUTHORITY.** 42 U.S.C. 2000e-5(b), 29 U.S.C. 211, 29 U.S.C. 626, 42 U.S.C. 12117, 42 U.S.C. 2000ff-6.
3. **PRINCIPAL PURPOSES.** The purposes of a charge, taken on this form or otherwise reduced to writing (whether later recorded on this form or not) are, as applicable under the EEOC anti-discrimination statutes (EEOC statutes), to preserve private suit rights under the EEOC statutes, to invoke the EEOC's jurisdiction and, where dual-filing or referral arrangements exist, to begin state or local proceedings.
4. **ROUTINE USES.** This form is used to provide facts that may establish the existence of matters covered by the EEOC statutes (and as applicable, other federal, state or local laws). Information given will be used by staff to guide its mediation and investigation efforts and, as applicable, to determine, conciliate and litigate claims of unlawful discrimination. This form may be presented to or disclosed to other federal, state or local agencies as appropriate or necessary in carrying out EEOC's functions. A copy of this charge will ordinarily be sent to the respondent organization against which the charge is made.
5. **WHETHER DISCLOSURE IS MANDATORY; EFFECT OF NOT GIVING INFORMATION.** Charges must be reduced to writing and should identify the charging and responding parties and the actions or policies complained of. Without a written charge, EEOC will ordinarily not act on the complaint. Charges under Title VII, the ADA or GINA must be sworn to or affirmed (either by using this form or by presenting a notarized statement or unsworn declaration under penalty of perjury); charges under the ADEA should ordinarily be signed. Charges may be clarified or amplified later by amendment. It is not mandatory that this form be used to make a charge.

NOTICE OF RIGHT TO REQUEST SUBSTANTIAL WEIGHT REVIEW

Charges filed at a state or local Fair Employment Practices Agency (FEPA) that dual-files charges with EEOC will ordinarily be handled first by the FEPA. Some charges filed at EEOC may also be first handled by a FEPA under worksharing agreements. You will be told which agency will handle your charge. When the FEPA is the first to handle the charge, it will notify you of its final resolution of the matter. Then, if you wish EEOC to give Substantial Weight Review to the FEPA's final findings, you must ask us in writing to do so within 15 days of your receipt of its findings. Otherwise, we will ordinarily adopt the FEPA's finding and close our file on the charge.

NOTICE OF NON-RETALIATION REQUIREMENTS

Please notify EEOC or the state or local agency where you filed your charge if retaliation is taken against you or others who oppose discrimination or cooperate in any investigation or lawsuit concerning this charge. Under Section 704(a) of Title VII, Section 4(d) of the ADEA, Section 503(a) of the ADA and Section 207(f) of GINA, it is unlawful for an employer to discriminate against present or former employees or job applicants, for an employment agency to discriminate against anyone, or for a union to discriminate against its members or membership applicants, because they have opposed any practice made unlawful by the statutes, or because they have made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the laws. The Equal Pay Act has similar provisions and Section 503(b) of the ADA prohibits coercion, intimidation, threats or interference with anyone for exercising or enjoying, or aiding or encouraging others in their exercise or enjoyment of, rights under the Act.

EXHIBIT B

Courthouse News Service



STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency

GOVERNOR EDMUND G. BROWN JR.

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1684 | TDD 800-700-2320
www.dfeh.ca.gov | email: contact.center@dfeh.ca.gov

DIRECTOR KEVIN KISH

AMENDED

March 17, 2017

Elana Jacobs

Winer, McKenna And Burritt, 1999 Harrison St., Ste. 600
Oakland California 94612

RE: Notice to Complainant or Complainant's Attorney

DFEH Matter Number: 866915-279562

Right to Sue: Newell / Kaiser Permanente International

Dear Complainant or Complainant's Attorney:

Attached is a copy of your complaint of discrimination filed with the Department of Fair Employment and Housing (DFEH) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also attached is a copy of your Notice of Case Closure and Right to Sue. Pursuant to Government Code section 12962, DFEH will not serve these documents on the employer. You or your attorney must serve the complaint. If you do not have an attorney, you must serve the complaint yourself. Please refer to the attached Notice of Case Closure and Right to Sue for information regarding filing a private lawsuit in the State of California.

Be advised that the DFEH does not review or edit the complaint form to ensure that it meets procedural or statutory requirements.

Sincerely,

Department of Fair Employment and Housing



STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency

GOVERNOR EDMUND G. BROWN JR.

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1684 | TDD 800-700-2320
www.dfeh.ca.gov | email: contact.center@dfeh.ca.gov

DIRECTOR KEVIN KISH

AMENDED

March 17, 2017

RE: Notice of Filing of Discrimination Complaint
DFEH Matter Number: 866915-279562
Right to Sue: Newell / Kaiser Permanente International

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Department of Fair Employment and Housing (DFEH) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. This case is not being investigated by DFEH and is being closed immediately. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

No response to DFEH is requested or required.

Sincerely,

Department of Fair Employment and Housing



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1684 | TDD 800-700-2320
www.dfeh.ca.gov | email: contact.center@dfeh.ca.gov

DIRECTOR KEVIN KISH

AMENDED

March 17, 2017

Patricia Newell

C/o 1999 Harrison St., Ste 600, Oakland, CA 94612
Oakland, California 94607

RE: Notice of Case Closure and Right to Sue

DFEH Matter Number: 866915-279562

Right to Sue: Newell / Kaiser Permanente International

Dear Patricia Newell,

This letter informs you that the above-referenced complaint was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective March 17, 2017 because an immediate Right to Sue notice was requested. DFEH will take no further action on the complaint.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

To obtain a federal Right to Sue notice, you must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this DFEH Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Department of Fair Employment and Housing



STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency

GOVERNOR EDMUND G. BROWN JR.

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

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800-884-1684 | TDD 800-700-2320
www.dfeh.ca.gov | email: contact.center@dfefh.ca.gov

DIRECTOR KEVIN KISH

AMENDED

Enclosures

cc: Kaiser Foundation Hospitals

Albert Torrence

Courthouse News Service

1 **COMPLAINT OF EMPLOYMENT DISCRIMINATION**
2 **BEFORE THE STATE OF CALIFORNIA**
3 **DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING**
4 **Under the California Fair Employment and Housing Act**
5 **(Gov. Code, § 12900 et seq.)**

6 In the Matter of the Complaint of
7 Patricia Newell, Complainant.
8 C/o 1999 Harrison St., Ste 600, Oakland, CA
9 94612
10 Oakland, California 94607

DFEH No. 866915-279562

11 vs.

12 Kaiser Permanente International,
13 Respondent.

14 Complainant alleges:

- 15 1. Respondent **Kaiser Permanente International** is a subject to suit under the
16 California Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).
17 Complainant believes respondent is subject to the FEHA.
- 18 2. On or around **June 01, 2017**, complainant alleges that respondent took the
19 following adverse actions against complainant: **Discrimination, Harassment,**
20 **Retaliation Denied a work environment free of discrimination and/or**
21 **retaliation**. Complainant believes respondent committed these actions because of
22 their: **Sex - Gender**.
3. Complainant **Patricia Newell** resides in the City of **Oakland**, State of **California**.
If complaint includes co-respondents please see below.

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2 **Co-Respondents:**
3 Kaiser Foundation Hospitals
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6 Albert Torrence
7 C/o Kaiser Permanente, 1800 Harrison St.
8 Oakland California 94612
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1
2 **Additional Complaint Details:**

3 During my employment with Kaiser Permanente in Oakland, California, I was subjected
4 to frequent, ongoing and unwanted sexual conduct and comments because of my
5 gender, by supervisor Albert Torrence from approximately 2010 to approximately March
6 28, 2016. When I complained about the treatment, I was retaliated against, and the
7 company failed to prevent and/or correct the harassment, discrimination and/or
8 retaliation.
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Courthouse News Service

1 VERIFICATION

2 I, **Elana R. Jacobs**, am the Attorney for Complainant in the above-entitled
3 complaint. I have read the foregoing complaint and know the contents thereof. The
4 same is true of my own knowledge, except as to those matters which are herein
alleged on information and belief, and as to those matters, I believe it to be true.

5 On March 17, 2017, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

7 **Oakland, California**
8 **Elana R. Jacobs**

Courthouse News Service