



FILED
ALAMEDA COUNTY

JUL 24 2017

CLERK OF THE SUPERIOR COURT

By [Signature] Deputy

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Attorneys for Plaintiff,
 NICOLE RANA

**SUPERIOR COURT OF THE STATE OF CALIFORNIA,
 COUNTY OF ALAMEDA**

NICOLE RANA,

Plaintiff,

vs.

THE PERMANENTE MEDICAL GROUP,
 INC. AND DOES 1 THROUGH 100,
 INCLUSIVE,

Defendants.

CASE NO. **RG17868829**

COMPLAINT FOR DAMAGES:

1. DISABILITY DISCRIMINATION IN VIOLATION OF FAIR EMPLOYMENT AND HOUSING ACT;
2. UNLAWFUL FAILURE TO ACCOMMODATE DISABILITY [CAL. GOV. CODE SECTION 12940(M) AGAINST DEFENDANT, AND ALL DOE DEFENDANTS];
3. DISABILITY DISCRIMINATION IN VIOLATION OF FEHA, FAILURE TO ENGAGE IN INTERACTIVE PROCESS, CALIFORNIA; GOVERNMENT CODE §12940(N);
4. FAILURE TO TAKE REASONABLE STEPS TO PREVENT

BY FAX

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- DISCRIMINATION IN THE WORK
PLACE IN VIOLATION OF THE
FAIR EMPLOYMENT AND
HOUSING ACT;
5. WRONGFUL TERMINATION IN
VIOLATION OF PUBLIC POLICY
AND FEHA, CALIFORNIA
GOVERNMENT CODE 12940 ET
SEQ.;
6. UNLAWFUL RETALIATION IN
VIOLATION OF FAIR
EMPLOYMENT AND HOUSING
ACT, CALIFORNIA GOVERNMENT
CODE §12940(h);
7. RETALIATION IN VIOLATION OF
THE CRFA, CALIFORNIA
GOVERNMENT CODE § 12945.2;

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DEMAND FOR JURY TRIAL

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PLAINTIFF, NICOLE RANA, complains and alleges as follows:

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GENERAL ALLEGATIONS

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(Against THE PERMANENTE MEDICAL GROUP, INC., and all DOE Defendants)

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1. At all times herein mentioned, Plaintiff NICOLE RANA, is and was a resident
of Union City, State of California.

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2. At all times herein mentioned, Defendants, THE PERMANENTE MEDICAL
GROUP, INC., AND DOES 1-100 (hereinafter also referred to as "Defendants"), were
licensed to do business within the Oakland, County of Alameda, California. Defendant
employed the Plaintiff at their medical facility located at 3801 Howe St., Oakland, CA 94611.

3. The Plaintiff is ignorant of the true names and capacities, whether individual,
corporate, or associate, of those defendants fictitiously sued as DOES 1 through 100 inclusive
and so the Plaintiff sues them by these fictitious names. The Plaintiff is informed and believes
that each of the DOE defendants reside in the State of California and are in some manner

1 responsible for the conduct alleged herein. Upon discovering the true names and capacities of
2 these fictitiously named Defendants, the Plaintiff will amend this complaint to show the true
3 names and capacities of these fictitiously named defendants.

4 4. Unless otherwise alleged in this complaint, the Plaintiff is informed, and on the
5 basis of that information and belief alleges that at all times herein mentioned, each of the
6 remaining codefendants, in doing the things hereinafter alleged, were acting within the course,
7 scope, and under the authority of the agency, employment, or representative capacity, with the
8 consent of her/his codefendants.

9 5. Plaintiff began working for Defendants in or around September 2003, as a
10 Licensed Vocational Nurse, ("LVN"). While working for Defendants, Plaintiff was earning
11 \$41.25 per hour. At all times throughout her employment with Defendants, Plaintiff was a
12 diligent worker who performed her job in an exemplary manner.

13 6. On or around August of 2015, Plaintiff transferred to Kaiser Oakland, Adult
14 Injection facility. Since August of 2015, Kay Blair ("Blair") became Plaintiff's immediate
15 supervisor.

16 7. In or around May 2016, Plaintiff had severe acid reflex issues. Blair was aware
17 of Plaintiff's health issue. Consequently, Plaintiff was required by her doctor to take
18 intermittent FMLA leave for the period from approximately May thru December of 2016.
19 Plaintiff's leave was covered under California Family Rights Act and Family Medical Leave
20 Act, (CFRA/FMLA). Plaintiff promptly informed Defendants of her doctor's orders to take the
21 time off from work and Plaintiff provided Defendants with all of the medical documentation
22 required for the medical leave. During this time period, Plaintiff was subjected to harassment
23 from her immediate supervisor Kay Blair and Linda Carnes, (Director of Nursing). Plaintiff
24 complained to HR about the harassing conduct by Ms. Blair and Ms. Carnes.
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1 8. In or around November 11, 2016, Plaintiff was wrongfully accused of being
2 racist. Plaintiff alleges on information and belief that the reasons she was given for her
3 termination are mere pretextual.

4 9. In or around January 23, 2017, Plaintiff was wrongfully suspended for 3 days
5 concerning an issue with a patient that occurred in or around November 11, 2016.

6 10. In or around January 30, 2017, Plaintiff went on medical leave. Plaintiff
7 provided all of the medical documentation required for this medical leave. Plaintiff's was
8 entitled to CFRA/FMLA leave, however, Defendants denied giving Plaintiff CFRA/FMLA
9 leave.

10 11. On or about March 6, 2017, Plaintiff was released to return to work with no
11 restriction by her doctor. However, Defendants failed to reinstate Plaintiff to her job after she
12 was released to return to work. Instead shortly thereafter a meeting was held March 8, 2017,
13 regarding Plaintiff's performance resulting in Plaintiff being put on administrative leave. On
14 March 16, 2017, Plaintiff complained to HR about the harassing treatment Plaintiff was
15 subjected to by Blair and Barnes. On March 20, 2017, Blair gave Plaintiff a letter informing
16 her that Plaintiff's employment had been terminated. Plaintiff alleged she was terminated from
17 her employment due to her disability and in retaliation for her having taken a medical leave of
18 absence and taking FMLA leave.

19 12. Plaintiff alleges on information and belief that the reasons stated for her
20 termination by Defendants were false and pre-textual.

21 13. Plaintiff is informed, believes, and alleges that, at all times herein mentioned,
22 Defendants, and each of them, were the agents or employees of each of the other Defendants,
23 and in doing the things hereinafter alleged, were acting within the course and scope of such
24 agency and/or employment and with the permission and consent of his/her co-Defendants.
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1 14. The foregoing and following actions taken towards Plaintiff that are alleged in
2 this complaint were carried out by managerial employees and agents of said Defendant acting
3 in a deliberate, cold, callous, malicious, oppressive, and intentional manner in order to injure
4 and damage the Plaintiff.

5 **EXHAUSTION OF ADMINISTRATIVE PROCEEDINGS**

6 15. Plaintiff exhausted her administrative remedies by filing a complaint with the
7 California Department of Fair Employment and Housing on July 11, 2017 and thereafter,
8 receiving "right to sue" notifications on July 11, 2017, attached hereto as Exhibit "1," and thus,
9 Plaintiff has duly exhausted all of the required administrative proceedings and now properly
10 files this Complaint for Damages in this Court of law.

11 **VENUE AND JURISDICTION**

12 16. Venue is proper under *Code of Civil Procedure* section 395, in that Plaintiff's
13 injuries were incurred within this jurisdiction, and the actions that gave rise to Plaintiff's
14 complaint arose within this jurisdiction.

15 **FIRST CAUSE OF ACTION**

16 **DISABILITY DISCRIMINATION IN VIOLATION OF THE FAIR EMPLOYMENT**
17 **AND HOUSING ACT**

18 **Govt. Code Section 12940 et seq.**

19 (Against THE PERMANENTE MEDICAL GROUP, INC., and all DOE Defendants)

20 17. Plaintiff incorporates and realleges by reference all previous paragraphs of this
21 Complaint as if fully set forth herein.

22 18. The actions of Defendant, as described in this Complaint, constitute unlawful
23 discrimination on the basis of Plaintiff's disability.

1 19. Plaintiff alleges that her condition of mental stress and a physical medical
2 condition, which further prevented and/or substantially limited Plaintiff from engaging in
3 major life activities such as working, were both a physical and mental disability.

4 20. Plaintiff needed an accommodation in the form of time off which were
5 reasonable accommodations. Said Defendants did not want to provide such accommodations,
6 retaliated against, and terminated the Plaintiff because of her disability, and her having to miss
7 time due to her disability and/or perceived disability. At all times herein mentioned, Plaintiff
8 was regarded as being disabled and suffering from a disability, and at all relevant times,
9 Plaintiff was able to perform the essential functions of her job with reasonable
10 accommodations.

11 21. As alleged above, the Plaintiff suffered a serious medical condition while she
12 was employed by Defendant, which required Plaintiff to be able to take time off work.
13 Plaintiff brings this cause of action for disability discrimination, and termination of
14 employment because of such disability.

15 22. Plaintiff alleges that she was discriminated against by the Defendant, named in
16 this cause of action, as follows:

- 17 a. firing Plaintiff for her disability;
- 18 b. firing Plaintiff in retaliation for having taken time off to treat her disability;
- 19 c. generally not wanting Plaintiff to work at the Defendant because Plaintiff had
20 suffered a serious disability which Defendant perceived as a disability, and by perceiving said
21 disability, Defendant anticipated it would have to pay extra costs in reasonably
22 accommodating Plaintiff, and as a result, said Defendant retaliated against Plaintiff, and
23 terminated her to avoid providing any reasonable accommodations and to avoid any perceived
24 extra medical costs associated with Plaintiff's disability. The discrimination impeded Plaintiff's
25 progress and the enjoyment of her employment with Defendant. The discriminatory work
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1 environment existed on a continuing and ongoing basis up to Plaintiff's termination.

2 23. Defendant's disability discrimination as described in this Complaint violates the
3 Fair Employment and Housing Act as promulgated in *California Government Code* Section
4 12940 *et. seq.*, and other state and federal statutes which prohibit discrimination in
5 employment, including the California Constitution and the Civil Rights Act as amended.

6 24. As a direct and proximate result of Defendant's discrimination, Plaintiff has
7 sustained and will continue to suffer damages in an amount within the jurisdiction of this court,
8 the exact amount to be proven at trial. Such damages include:

- 9 a. loss of salary and other valuable employment benefits;
10 b. prejudgment interest and interest on the sum of damages at the legal rate;
11 and
12 c. other consequential damages, including damages for shame, humiliation, mental
13 anguish and emotional distress caused by the conduct of Defendants.

14 25. In addition, Plaintiff is entitled to her attorney's fees in prosecuting this lawsuit,
15 pursuant to *California Government Code* Section 12965(b), in a sum according to proof.

16 26. The grossly reckless, and/or intentional, malicious, and bad faith manner in
17 which said Defendants named in this cause of action, and each of them, engaged in those acts
18 as described in this cause of action by willfully violating those statutes enumerated in this
19 cause of action and terminating Plaintiff for having said disability, including Defendant's
20 willful violation of the Act, entitle Plaintiff to punitive damages against said Defendants in an
21 amount within the jurisdiction of this court, to be ascertained by the fact finder, that is
22 sufficiently high to punish said Defendants, deter Defendants from engaging in such conduct
23 again, and to make an example of them to others.

24 27. Plaintiff is informed, believes, and based thereon, alleges that the outrageous
25 conduct of said Defendants named in this cause of action, described above, was done with
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1 oppression and malice by the Plaintiff's supervisor and managers and were ratified by those
2 other individuals who were managing agents of said Defendants. These unlawful acts were
3 further ratified by the Defendants employers and done with a conscious disregard for
4 Plaintiff's rights and with the intent, design and purpose of injuring Plaintiff. By reason
5 thereof, Plaintiff is entitled to punitive or exemplary damages against said Defendants, for their
6 acts as described in this cause of action in a sum to be determined at the time of trial.

7 28. Because the wrongful acts against Plaintiff were carried out, authorized or
8 ratified by said Defendants' directors, officers and/or managing agents, acting with malice,
9 oppression or fraud, or deliberate, willful and conscious disregard of the probability of causing
10 injury to Plaintiff, as reflected by the actions as described earlier in this Complaint, Plaintiff
11 seeks punitive damages against Defendants in order to deter them from such and similar
12 conduct in the future.

13 SECOND CAUSE OF ACTION

14 **UNLAWFUL FAILURE TO ACCOMMODATE DISABILITY [CAL. GOV. CODE** 15 **SECTION 12940(M)**

16 (Against THE PERMANENTE MEDICAL GROUP, INC., and all DOE Defendants)

17 29. Plaintiff incorporates by references all preceding paragraphs in this complaint.

18 30. Plaintiff is and all times mentioned herein was, qualified and able to hold
19 position with Defendant.

20 31. It is unlawful for an employer to fail to make a reasonable accommodation for
21 the known physical disability of an employee, *California Government Code* § 12940(m).
22 Additionally, Defendants failed to reinstate Plaintiff to her employment and after Defendants
23 were informed of Plaintiff's disabilities, and were informed of Plaintiff's need of reasonable
24 accommodations in the form of FMLA intermittent time off and time off under FEHA,
25 Defendants failed to provide said reasonable accommodations to Plaintiff and instead,
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1 Defendants discriminated and retaliated against Plaintiff and ultimately terminated Plaintiff
2 from her job. Thus, Plaintiff's disability and her need of reasonable accommodations were a
3 determining factor in Defendants' decision to terminate Plaintiff's employment.

4 32. As a proximate result of Defendants' conduct, Plaintiff has suffered damage in
5 an amount subject to proof, but which are in excess of the jurisdiction minimum of this Court
6 and which include but are not limited, accrued but unpaid salary, bonuses and benefits, front
7 pay, back pay, severance pay, and damages for emotional distress.

8 33. In addition, Plaintiff is entitled to her attorney's fees in prosecuting this lawsuit,
9 pursuant to *California Government Code* Section 12965(b).

10 34. Because the wrongful acts against Plaintiff were carried out, authorized or
11 ratified by said Defendants' directors, officers and/or managing agents, acting with malice,
12 oppression or fraud, or deliberate, willful and conscious disregard of the probability of causing
13 injury to Plaintiff, as reflected by the actions as described earlier in this Complaint, Plaintiff
14 seeks punitive damages against Defendants in order to deter them from such and similar
15 conduct in the future.

16 **THIRD CAUSE OF ACTION**

17 **DISABILITY DISCRIMINATION IN VIOLATION OF FEHA, FAILURE TO**
18 **ENGAGE IN INTERACTIVE PROCESS, CALIFORNIA GOVERNMENT CODE**
19 **§12940(N)**

20 (Against THE PERMANENTE MEDICAL GROUP, INC., and all DOE Defendants)

21 35. Plaintiff incorporates by references all preceding paragraphs in this complaint.

22 36. At all times herein mentioned the FEHA, Government Code Section 12940(n),
23 was in full force and effect and binding on Defendant. These statutes required Defendant to
24 engage in an interactive process in assessing the employee's disability in order to provide a
25 reasonable accommodation. The Government Code Section 12940(n) makes it an unlawful
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1 employment practice for an employer to fail to engage in a timely, good faith, interactive
2 process with the employee to determine the effective reasonable accommodations, if any, in
3 responses to a request for reasonable accommodation by an employee with a known physical
4 disability.

5 37. It is unlawful for an employer covered by *California Government Code* §12940
6 et seq., to fail to engage in a timely, good faith, interactive process with the employee to
7 determine effective reasonable accommodations, in response to a request for reasonable
8 accommodation by an employee with known physical or mental disability or known medical
9 condition. *California Government Code* § 12940(n). Additionally, Defendants failed to
10 reinstate Plaintiff to her employment and after Defendants were informed of Plaintiff's
11 disabilities, and were informed of Plaintiff's need of reasonable accommodations, Defendants
12 terminated Plaintiff's employment for false and pretextual reasons. Thus, Plaintiff's disabilities
13 and her need of reasonable accommodations were a determining factor in Defendants' decision
14 to terminate Plaintiff from her job. Furthermore, after Defendants were informed of Plaintiff's
15 disability and need of reasonable accommodations, Defendants failed to participate in a good
16 faith interactive process with Plaintiff to determine if Defendants could provide the reasonable
17 accommodations to Plaintiff to aid Plaintiff in her efforts to return to her job. Defendant's
18 discriminated and retaliated against Plaintiff and humiliated Plaintiff and failed to reasonably
19 accommodate Plaintiff, and ultimately terminated Plaintiff from her employment from
20 Plaintiff's job because Plaintiff had a disability and because Plaintiff was in need of reasonable
21 accommodation in the form of time off.

22 38. On or about January 30, 2017, due to the continuing harassing and vexatious
23 behavior of Blair and Carnes, Plaintiff was placed on medical leave due to mental stress.
24 Plaintiff was required by her doctor to stay off work until her condition improved, which it did
25 in March 6, 2017.

1 39. On March 20, 2017, Plaintiff's employment was terminated, two weeks after
2 she returned from disability leave.

3 40. As a proximate result of Defendant's willful, knowing and intentional
4 discrimination against Plaintiff, by failing to provide Plaintiff with the requested reasonable
5 accommodation concerning her medical condition and actual and/or perceived disability, and
6 by failing to engage in any interactive process, Plaintiff has suffered and continues to suffer
7 humiliation, emotional distress, and physical and mental pain and anguish, all to her damages
8 in a sum according to proof. Defendant has committed the acts herein alleged maliciously and
9 oppressively, with the wrongful intention of injuring Plaintiff, with an improper and intentional
10 motive amounting to malice and in conscious disregard of Plaintiff's rights. Accordingly,
11 Plaintiff requests the assessment of punitive damages against Defendant, in an amount
12 appropriate to punish and make example of it.

13 41. In addition, Plaintiff is entitled to her attorney's fees in prosecuting this lawsuit,
14 pursuant to *California Government Code* Section 12965(b), in a sum according to proof.

15 **FOURTH CAUSE OF ACTION**

16 **FAILURE TO TAKE REASONABLE STEPS TO PREVENT DISCRIMINATION IN**
17 **THE WORK PLACE IN VIOLATION OF THE FAIR EMPLOYMENT AND**
18 **HOUSING ACT (Calif. Govt. Code 12940(i))**

19 (Against THE PERMANENTE MEDICAL GROUP, INC., and all DOE Defendants)

20 42. Plaintiff incorporates and realleges by reference all previous paragraphs of this
21 Complaint as if fully set forth herein.

22 43. *California Government Code* Section 12940(k) makes it an illegal practice for
23 an employer "to fail to take all reasonable steps necessary to prevent discrimination and
24 retaliation from occurring."

25 44. Further, section 12940(h) of the *California Government Code* makes it an
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1 unlawful employment practice "[f]or any employer ... to discharge, expel, or otherwise
2 discriminate against any person because the person has opposed any practices forbidden under
3 this part [FEHA] or because the person has filed a complaint, testified, or assisted in any
4 proceeding under this part." Plaintiff complained to Defendants of the discrimination,
5 harassment and retaliation and Defendants failed in their duty to take all steps necessary to
6 stop the illegal conduct and instead, Defendants condoned and participated in the illegal
7 conduct.

8 45. On January 30, 2017, due to the continuing harassing and vexatious behavior of
9 Blair and Carnes, Plaintiff was placed off of work by her doctor due to stress. Plaintiff was
10 required by her doctor to stay off work until her condition improved, which it did in February
11 of 2016.

12 46. On March 16, 2017, Plaintiff complained to HR about the harassing treatment
13 Plaintiff was subjected to by Blair and Barnes.

14 47. On March 20, 2017, Plaintiff's employment was terminated, two weeks after
15 she returned from disability leave and just a few days after filing her complaint with HR
16 regarding the harassing and unfair treatment Plaintiff had been subjected to.

17 41. Despite Plaintiff's complaints to HR, Defendants failed or refused to take
18 appropriate steps to abate or prevent discrimination in the workplace by failing to effectively
19 enforce policy against unlawful discrimination, failing to thoroughly investigate complaints of
20 discrimination, and failing to take prompt and appropriate disciplinary action against
21 perpetrators of discrimination. On the contrary, Defendant implemented policies that promoted
22 discrimination of Plaintiff based on her disability.

23 42. Defendant's conduct as described constitutes a violation of *California*
24 *Government Code* Section 12940(i).

25 43. As a direct and proximate result of the acts of Defendant, Plaintiff has sustained
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1 and continues to suffer severe emotional distress. Plaintiff seeks general damages for her
2 severe emotional distress and other consequential damages in an amount not less than an
3 amount within the jurisdiction of this court, the exact amount to be proven at trial.

4 44. In addition, Plaintiff is entitled to her attorney's fees in prosecuting this lawsuit,
5 pursuant to California Government Code § 12965(b).

6 45. Further, because the wrongful acts against Plaintiffs were carried out or ratified
7 by directors, officers and/or managing agents for Defendants acting with malice, oppression or
8 fraud, or were deliberate, willful and in conscious disregard of the probability of causing injury
9 to Plaintiff, as demonstrated by her actions and as described earlier in this Complaint, Plaintiff
10 seeks punitive damages against Defendants, in order to deter them from such and similar
11 conduct in the future.

12 **FIFTH CAUSE OF ACTION**

13 **WRONGFUL TERMINATION IN VIOLATION OF PUBLIC POLICY**

14 (Against THE PERMANENTE MEDICAL GROUP, INC., and all DOE Defendants)

15 46. Under California law, no employee, whether they are an at-will employee, or an
16 employee under a written or other employment contract, can be terminated for a reason that is
17 in violation of a fundamental public policy. The California Court has interpreted a fundamental
18 public policy to be any articulable constitutional, or statutory provision, or regulation that is
19 concerned with a matter affecting society at large rather than a purely personal or proprietary
20 interest of the employee or the employer. Moreover, the public policy must be fundamental,
21 substantial, and well established at the time of discharge.

22 47. Plaintiff is informed, believes, and based thereon, alleges that said Defendant
23 named in this cause of action, and all DOE Defendants, and each of them, terminated
24 Plaintiff's employment in violation of the *Fair Employment & Housing Act*, (FEHA), and
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1 public policy by terminating Plaintiff on the basis of Plaintiff's disability. The conduct
2 described in the above sentence violates the following statutes that affect society at large:

- 3 a. under the FEHA, *California Government Code* §12940, which prohibits
4 employers from terminating and discriminating against their employees in terms,
5 conditions, and privileges of employment because of their disability;
6 b. under the CFRA, California Family Rights Act, *Government Code* § 12945.2,
7 which prohibits employers from retaliating and discriminating against employees in
8 terms, conditions, and privileges of employment because of their disability;
9 c. all other state statutes, regulations, administrative orders, and ordinances which
10 affect society at large, and which discovery will reveal were violated by said
11 Defendants by retaliating, harassing, discriminating against Plaintiff.

12 48. Plaintiff alleges that the Defendants, named in this cause of action, violated
13 articulated public policies, affecting society at large, by violating the statutes and the
14 California Constitution, when said Defendants, terminated Plaintiff's employment in violation
15 of public policy as such:

- 16 a. by acting unlawfully in a manner that affects the California workplace by
17 creating an unstable and unethical workplace by discriminating against and retaliating
18 against Plaintiff and terminating Plaintiff's employment on the basis of her disability
19 under *California Government Code* 12940, et seq., and *Government Code* § 12945.2.

20 49. As a direct, foreseeable, and proximate result of the actions of said Defendants,
21 and all Doe Defendants, and each of them, named in this Cause of Action, as described in this
22 cause of action, Plaintiff has suffered, and continues to suffer, severe emotional distress,
23 substantial losses in salary, bonuses, job benefits, and other employment benefits she would
24 have received from said Defendant plus expenses incurred in obtaining substitute employment
25 and not being regularly employed for months and not being able to provide for herself and her
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1 family, as well as other financial losses, all to the Plaintiff's damage, in a sum within the
2 jurisdiction of this court, to be ascertained according to proof.

3 50. The grossly reckless and/or intentional, malicious, and bad faith manner in
4 which said Defendants, and DOES 1-100 conducted themselves as described in this cause of
5 action by willfully violating those statutes and public policies numerated in the above
6 Paragraphs, Plaintiff prays for punitive damages against said Defendant in an amount within
7 the jurisdiction of this court, to be ascertained by the fact finder, that is sufficiently high to
8 punish said Defendants, deter Defendant from engaging in such conduct again, and to make an
9 example of Defendant to others.

10 51. Plaintiff is informed, believes, and based thereon, alleges that the outrageous
11 conduct of said Defendants, as described above, was done with oppression, and malice, by the
12 Plaintiff's supervisor and manager and was ratified by those other individuals who were
13 managing agents of said Defendant. These unlawful acts were further ratified by the
14 Defendant's employees and done with a conscious disregard for the Plaintiff's rights and with
15 the intent, design and purpose of injuring Plaintiff. By reason thereof, Plaintiff is entitled to
16 punitive or exemplary damages against said Defendants for its acts as described in this cause
17 of action, in a sum to be determined at the time of trial.

18 19 **SIXTH CAUSE OF ACTION**

20 **UNLAWFUL RETALIATION IN VIOLATION OF FAIR EMPLOYMENT AND** 21 **HOUSING ACT**

22 (Against THE PERMANENTE MEDICAL GROUP, INC., and all DOE Defendants)

23 52. Plaintiff incorporates and re-alleges by reference all previous paragraphs of this
24 Complaint as if fully set forth herein.

25 53. *California Government Code* §12940(h) provides that it is unlawful for an
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1 amount to be proven at the time of trial.

2 66. Plaintiff claims prejudgment interest on all said amounts, at the rate set by law,
3 in an amount to be proven at the time of trial.

4 67. Plaintiff also claims attorneys' fees and costs incurred herein pursuant to *Calif.*
5 *Government Code §12965.*

6 **PRAYER FOR RELIEF**

7 WHEREFORE, Plaintiff prays that this Court enter judgment against Defendants as
8 follows:

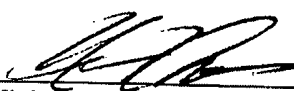
- 9 1. For compensatory damages according to proof;
10 2. For such general, special, compensatory, and liquidated damages as may be
11 appropriate, including all damages alleged above;
12 3. For emotional distress damages;
13 4. For attorneys' fees and costs incurred herein pursuant to *Calif. Government*
14 *Code §12965*;
15 5. For punitive and exemplary damages pursuant to *Cal. Civ. Code §3294*;
16 6. For an award of interest, including prejudgment interest, at the legal rate;
17 7. For such other relief as the Court deems proper.

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19 **REQUEST FOR JURY TRIAL**

20 DATED: July 20, 2017

LAW OFFICES OF MICHAEL T. CARR, APC

21
22
23 By:

24 
25 Michael T. Carr
26 Roman Otkupman
Attorneys for Plaintiff, NICOLE RANA

Courthouse News Service

EXHIBIT 1



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

July 11, 2017

Michael Carr
2670 Myrtle Avenue, Suite 106
Monrovia California 91016

RE: Notice to Complainant or Complainant's Attorney

DFEH Matter Number: 821196-299873

Right to Sue: Rana / The Permanente Medical Group, Inc.

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

July 11, 2017

RE: Notice of Filing of Discrimination Complaint

DFEH Matter Number: 821196-299873

Right to Sue: Rana / The Permanente Medical Group, Inc.

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



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

July 11, 2017

Nicole Rana
2172 Champlain Way
Union City, California 94587

RE: Notice of Case Closure and Right to Sue

DFEH Matter Number: 821196-299873

Right to Sue: Rana / The Permanente Medical Group, Inc.

Dear Nicole Rana,

This letter informs you that the above-referenced complaint was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective July 11, 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

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

Enclosures

CC:

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 Nicole Rana, Complainant.
8 2172 Champlain Way
9 Union City, California 94587

DFEH No. 821196-299873

10 vs.

11 The Permanente Medical Group, Inc.,
12 Respondent.
13 7373 West Lane
14 Stockton, California 95210

15 Complainant alleges:

16 1. Respondent **The Permanente Medical Group, Inc.** is a **Private Employer**
17 subject to suit under the California Fair Employment and Housing Act (FEHA) (Gov.
18 Code, § 12900 et seq.). Complainant believes respondent is subject to the FEHA.

19 2. On or around **March 08, 2017**, complainant alleges that respondent took the
20 following adverse actions against complainant: **Discrimination, Retaliation Denied**
21 **a good faith interactive process, Denied a work environment free of**
22 **discrimination and/or retaliation, Denied family care or medical leave, Denied**
reasonable accommodation, Terminated, . Complainant believes respondent
committed these actions because of their: **Disability, Family Care or Medical**
Leave, Medical Condition - Including cancer or cancer related medical
condition or genetic characteristics .

3. Complainant **Nicole Rana** resides in the City of **Union City**, State of **California**.
If complaint includes co-respondents please see below.

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Additional Complaint Details:

No complaint details specified.

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1 VERIFICATION

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

5 On July 11, 2017, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

7 **Monrovia, California 91016**
8 **Michael T. Carr**

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