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 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND

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**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA**

JULIETA G. LUDOVICO,

Plaintiff,

v.

KAISER PERMANENTE aka THE
 PERMANENTE MEDICAL GROUP, INC., a
 California corporation, and DOES 1-20,
 inclusive,

Defendants.

Case No.

012-4363

ADR
 JCS

**COMPLAINT FOR DAMAGES AND
 INJUNCTIVE RELIEF**

1. Sexual Harassment - 42 USC §2000e et seq.
2. Racial/National Origin Discrimination - 42 U.S.C. §2000e et seq.
3. Retaliation - 42 USC §2000e et seq.
4. Disability Discrimination - 42 U.S.C. §§1101-12213
5. Retaliation - 42 U.S.C. §§1101-12213
6. Age Discrimination in Employment - 29 U.S.C. §621
7. Retaliation - 29 U.S.C. §621
8. Race Discrimination - 42 U.S.C. §1981
9. Discrimination, Harassment, Retaliation - Govt. Code §12940 et seq.
10. Failure to Take Reasonable Steps to Prevent Discrimination and Harassment - Cal. Govt. Code §12940(k)
11. Failure to Provide Reasonable Accommodation - Cal. Govt. Code §12940(m)
12. Failure to Engage In the Interactive Process - Cal. Govt. Code §12940(n)
13. Age Discrimination in Employment - Cal. Govt. Code §12941
14. Retaliation - Govt. Code §12940 et seq.
15. Retaliation in Violation of Public Policy

JURY TRIAL DEMANDED

1 Plaintiff, Julieta G. Ludovico alleges:

2 **JURISDICTION AND VENUE**

3 1. This action arises under the Title VII, 42 U.S.C. §2000e *et seq.*; the Americans With
4 Disabilities Act, 42 U.S.C. §§12101-12213; the Age Discrimination in Employment Act, 29 U.S.C.
5 §621; 42 U.S.C. §1981; and other federal and state statutes.

6 2. On or around April 27, 2010, Plaintiff filed a charge of sexual harassment and
7 discrimination, national origin discrimination, age discrimination and retaliation against her
8 employer, Kaiser Permanente, also known as The Permanent Medical Group, Inc., with the Equal
9 Employment Opportunity Commission, Charge No. 550-2010-01204.

10 3. On September 7, 2010, Plaintiff filed a charge of national origin discrimination,
11 disability discrimination and retaliation against her employer, Kaiser Permanente, also known as The
12 Permanente Medical Group, Inc., with the Equal Employment Opportunity Commission ("EEOC").

13 4. Jurisdiction is conferred by virtue of 28 U.S.C. §1331 and §1343. The acts and
14 omissions complained of occurred primarily in the County of Solano, State of California.

15 5. The EEOC issued its Notice of Right-to-Sue letters with respect to both of Plaintiff's
16 complaints on May 21, 2012. True and correct copies of the May 21, 2012, Notice of Right-to-Sue
17 letters issued by the EEOC are attached hereto as Exhibit "A" and incorporated herein by this
18 reference as if set forth at length in their entirety.

19 6. The pendent state claims contained within this Complaint arise from the same nucleus of
20 operative facts and involve substantially identical issues of fact and law, such that the entire action
21 constitutes a single action, which ordinarily would be prosecuted in one proceeding. Plaintiff now
22 invokes the jurisdiction of this Court to resolve the Federal and pendent state claims arising from the
23 violations alleged herein, seeking in addition to damages, costs of suit, reasonable attorneys fees and
24 any other relief ordered by this Court.

25 **PARTIES**

26 7. Plaintiff JULIETA G. LUDOVICO is, and at all material times was, a citizen of the
27 State of California, residing in the City of Vallejo, California.

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8. Defendant KAISER PERMANENTE aka THE PERMANENTE MEDICAL GROUP (hereinafter, “Kaiser” or “Defendant”), is, and at all material times was, a corporation, organized and operating under the laws of the State of California.

9. Plaintiff is ignorant of the true names and capacities, whether individual, corporate or otherwise, of DOES 1 through 20 herein and prays leave of Court to insert the true names and capacities of such Defendants when they become known or ascertained together with appropriate charging allegations.

10. Plaintiff is informed and believes and thereupon alleges that each of the Defendants named herein was the agent, employee, or representative of each of the remaining Defendants and in doing the things herein mentioned was acting in the course and scope of such agency and employment.

STATEMENT OF FACTS

11. Plaintiff, JULIETA G. LUDOVICO, has worked for Defendant Kaiser Permanente since 1997. Her most current position is as a registered nurse.

12. Plaintiff is a 51 year old Filipino female.

13. Prior to the events giving rise to this action, she worked the mid shift as registered nurse in the emergency room in the Kaiser Permanente facility located in Vallejo, California, the same city in which she resides.

14. Plaintiff's work as an emergency room nurse required included escorting patients to the imaging department for x-rays and CT scans, and working with imaging department staff.

15. On February 17, 2010, at approximately 12:30 a.m., Plaintiff was sexually assaulted while on duty at the Kaiser Vallejo facility by “Kevin” (last name unknown), an African American male employed by Kaiser as an x-ray technician. Kevin grabbed Plaintiff by her right shoulder, pulled her to him so she was not free to leave, and told her he would “take his big wet tongue and shove it down her throat a few times, and he was sure she would like that.” Plaintiff did not know Kevin and had never before engaged in any conversation with him other than as needed to attend to patients.

16. Plaintiff immediately formally complained to the appropriate Kaiser Permanente personnel about the sexual assault by Kevin. Several Kaiser employees witnessed the assault and provided written statements to Kaiser verifying her complaint, including a Kaiser emergency room physician.

1 17. Kaiser purportedly has a "zero tolerance" policy with respect to sexual harassment in the
2 workplace.

3 18. Plaintiff is aware of other Kaiser female employees, who were much younger than
4 Plaintiff and who were not Filipino, who were sexually harassed while at work. In those cases, Kaiser
5 either transferred the alleged harasser out of the complainant's work area or terminated him.

6 19. Plaintiff was completely traumatized by the assault. She requested that Kaiser take
7 appropriate action to remove Kevin from her work area, as she felt she was working in a sexually
8 hostile environment which interfered with her ability to perform her work, because she worked in fear
9 of another encounter with Kevin. There are several other Kaiser facilities in the North San Francisco
10 Bay area with imaging departments to which Kevin could have been transferred.

11 20. Kaiser did nothing in response to Plaintiff's complaint that she was sexually assaulted by
12 Kevin while on duty. Her complaint was not investigated and none of her witnesses were interviewed.
13 Janis D. Lacy, Kaiser's Employee and Labor Relations Consultant, simply told Plaintiff to call her if
14 she encountered Kevin again at work. When Plaintiff protested that Kevin should be removed from
15 her work environment, she was told that Kevin had rights too. Gayla Odle, The Permanent Medical
16 Group Administrator, instead of transferring Kevin, unreasonably suggested that Plaintiff transfer to a
17 different work shift. Plaintiff was forced to return to work in a hostile work environment with Kevin.

18 21. On March 17, 2010, Plaintiff was working her regular night shift in the Vallejo ER
19 when, at 2:30 a.m., she was suddenly startled to find Kevin coming up behind her in the Emergency
20 Room. She felt frozen with fear of another encounter. She immediately called Janis Lacy to inform
21 her Kevin was working in the Emergency Room, but received no response. She also notified the
22 Emergency Room managers asking help as to what she was supposed to do in the situation because
23 she was afraid of Kevin, but received no response.

24 22. Plaintiff was scheduled to return to work in the Vallejo Emergency Room on March 24,
25 2010, at 7PM. She had still received no response from Ms. Lacy or the ER Managers to her March 17,
26 2010 phone call. On March 24, 2010, she emailed Ms. Lacey and ER Nursing Director Linda Goble,
27 among others, requesting what to do, what they were doing to investigate her sexual assault complaint,
28 and how Kaiser and Management were going to provide for her safety at work.

1 23. Janis Lacey responded to Plaintiff's March 24, 2010, email as follows:

2 "I think that it would be wise for you to discuss situations where you may find yourself
3 in a position to be alone with Kevin with your management team. I am sure they would
4 be able to work through a situation such as this. . . . If you find yourself in a situation
5 where you will be in an isolated area, please ask your management team to allow
6 someone to escort you."

7 24. Thus, rather than remove Kevin from Plaintiff's worksite, Defendant required that
8 Plaintiff rearrange her work activities in order to accommodate Kevin so that the two did not interact,
9 further subjecting her to a hostile work environment. For example, on March 31, 2010, Plaintiff's
10 supervisor, Ms. Wilson, stopped Plaintiff from performing her critical job duties when assisting a
11 patient, and instructed her to stay in a conference room for about twenty minutes while Kevin was in
12 Plaintiff's working area. Plaintiff objected to being isolated in the conference room. Ms. Wilson
13 responded that there was nothing she could do.

14 25. Plaintiff was again isolated in the conference room a second time that day by Ms.
15 Wilson and not able to perform her job duties.

16 26. On another occasion, Plaintiff was not able to work as a Floater because it would require
17 that she interact with Kevin.

18 27. Plaintiff was forced to decline overtime out fear of further encountering Kevin and
19 exposing herself to a hostile and unsafe work environment.

20 28. Plaintiff's union sent several letters to Kaiser Management and Human Resources on
21 Plaintiff's behalf, including Ms. Goble, Ms. Lacy, Ms. Odle and Human Resources Director Sherri
22 Stegge, requesting that Kaiser take appropriate steps to investigate Plaintiff's complaint and to remove
23 Kevin from her work environment. Kaiser insisted that appropriate action had been taken, but did
24 nothing to remedy Plaintiff's hostile work environment. Plaintiff continued to work in fear of another
25 sexual assault by Kevin.

26 29. On the night of April 14, 2010, Plaintiff's Manager insisted that Plaintiff transfer a
27 patient to another location that would require her to go with the patient by the imaging department on
28 another floor, where she would potentially be alone with Kevin.

1 30. Plaintiff could no longer take the physical, psychological and emotional stress of
2 working in the same environment as Kevin and filed a workers' compensation claim. In addition,
3 Kaiser made no effort to refer Plaintiff to Kaiser's Employee Assistance Program, and Plaintiff had to
4 enquire herself and seek her own help.

5 31. On April 27, 2010, Plaintiff filed a charge with the EEOC against Kaiser for
6 discrimination based on sex, race, national origin and age, and for retaliation.

7 32. Plaintiff's Kaiser physician placed her on modified duty for two months, from May 11,
8 2010, to July 11, 2010. The doctor restricted Plaintiff as follows:

9 This patient cannot be allowed to work in the Emergency Room of KSR Hosp. Vallejo so long
10 as "Kevin" (X-ray tech) is working in that Building. The preferable solution is to transfer him
11 so that the patient does not feel further victimized by her being transferred as she is the clear
12 victim of workplace violence. . . .If employer offers modified work as specified . . . , Julieta G.
13 Ludovico can return to modified work. Please note: if employer cannot accommodate these
14 restrictions, Julieta G. Ludovico must be regarded as being unable to work for this period.
15 Employer/Supervisor – if you have questions, please call our Office"

16 33. Plaintiff contacted various management personnel, including Sharri Stegge, Human
17 Resources Director, and informed them of her need for accommodation. Plaintiff presented Defendant
18 with her doctor's note specifying her modified work restrictions. Rather than accommodate Plaintiff,
19 she was taken out of the schedule and placed off work for the two months. Defendant furthermore
20 failed to engage in the interactive process with Plaintiff, a disabled employee, to determine whether
21 reasonable accommodation could be made so that Plaintiff would be able to perform the essential job
22 requirements.

23 34. Defendants refusal to accommodate Plaintiff was discriminatory and retaliation for
24 Plaintiff having exercising her rights to complain of unlawful discrimination and harassment in the
25 workplace and her right to workers' compensation.

26 35. On July 12, 2010, Plaintiff's return to work date, Defendant had still done nothing to
27 investigate Plaintiff's complaint of February 17, 2010, for sexual harassment, or take any steps to
28 prevent further harassment from occurring. Neither had Defendant accommodated Plaintiff's

1 disability but instead kept her from working altogether. Plaintiff had no choice but to accept the
2 recommendation from Linda Goble that she be transferred to another facility to escape the harassing,
3 discriminatory and retaliatory hostile work environment in which she was being forced to work at the
4 Vallejo facility.

5 36. On July 12, 2010, Plaintiff transferred to Defendant's Vacaville facility, which is more
6 than a half hour's drive away from her home, and which she was required to travel at night due to her
7 shift. Plaintiff is still assigned to that facility.

8 37. On November 3, 2011, Plaintiff suffered an injury while at work to her neck, shoulder,
9 arm and back when she had to assist a heavy patient from the patient's bed alone and the patient
10 fainted on her. No other staff was available in the area to assist her, in violation of hospital protocols
11 and safety standards. Plaintiff was seen by an emergency room physician, who placed her off work
12 that day and placed her on modified duty thereafter, including no lifting, pushing, pulling more than
13 five pounds and no reaching up or bending.

14 38. Plaintiff filed a workers' compensation claim for the November 3, 2011. She also
15 notified Vacaville Emergency Department Manager Kate Hesse, about the incident and complained
16 about the unsafe working conditions that contributed to her injury due to the lack of available staff to
17 help her.

18 39. Thereafter, Plaintiff was harassed because of her work limitations. Assistant Manager
19 Dan Walker insisted that she work the EKG, which was outside her work limitations, and became
20 angry and threatened her in front of others when she protested that it was outside her work limitations,
21 saying loudly, "Are you refusing?"

22 40. Plaintiff's physician periodically removed her work restrictions but her condition
23 persisted and she was placed back on modified duty. Plaintiff's managers continually assigned her
24 job duties outside her job restrictions and which exacerbated her pain. Plaintiff was assigned menial
25 tasks like greeter, which embarrassed and humiliated her, or assigned to sit in a room at a computer
26 and forbidden to be out on the floor. Plaintiff is informed and believes that Defendant could have
27 accommodated her in a position that would not exacerbate her medical condition and that would
28 utilize her nursing skills, but they made no effort to do so. Plaintiff is informed and believes and
thereon alleges that Defendant's actions were taken in retaliation for claiming workers compensation

1 for her work related injuries and for complaining about unsafe working conditions, and were intended
2 to create a pretext for Defendant to claim that her disability could not be accommodated.

3 41. On April 16, 20120, Plaintiff was advised that Defendant could no longer accommodate
4 her. She has been placed off work since that date. Defendant has provided not attempted to engage in
5 the interactive process or provide any opportunity for Plaintiff to return to work with accommodation.

6 **FIRST CAUSE OF ACTION**

7 **Sexual Harassment in Violation of Title VII – 42 USC §2000e et seq.**

8 42. Plaintiff refers to those allegations set forth in Paragraphs 1 - 41 above and incorporates
9 the same by reference as though fully set forth at length herein in their entirety.

10 43. At all times herein mentioned, Title VII, 42 U.S.C. §2000e, *et seq.*, was in full force and
11 effect and was binding upon Defendants. This law required Defendant employer to refrain from
12 discriminating against any employee or applicant for employment on the basis of sex, among other
13 protected classes.

14 44. Title VII also required the Defendant employer to take remedial steps reasonably
15 calculated to end harassment and deter future harassment.

16 45. The conduct of Defendants, their agents, representatives and employees as alleged
17 herein, substantially interfered with the employment of the Plaintiff on the basis of her sex in violation
18 of Title VII, 42 U.S. §2000e *et seq.*

19 46. Plaintiff timely complied with all EEOC administrative prerequisites to bringing this suit
20 and has timely filed this suit upon receipt of the EEOC right to sue letters alleged herein.

21 47. Such conduct has denied and will continue to deny the Plaintiff equal protection and
22 civil rights guaranteed by Title VII all to her damage in an amount within the jurisdiction of the court,
23 according to proof at time of trial.

24 48. As a result of Defendants' wrongful conduct alleged herein, Plaintiff has sustained and
25 continues to sustain substantial losses in earnings and other employment benefits and opportunities, all
26 to her damage in an amount within the jurisdiction of the court, according to proof at time of trial.

27 49. As a further result of Defendants' wrongful conduct, Plaintiff has suffered and continues
28 to suffer humiliation, emotional distress, damage to reputation, and mental and physical pain and

1 anguish, that has required and will require the treatment of medical professionals, all to her damage in
2 a sum to be established, according to proof at time of trial.

3 50. Plaintiff has also been required to retain attorneys to defend her legal rights and to
4 recover damages for Plaintiff's injuries and she is therefore entitled to an award of attorneys' fees and
5 costs to prosecute this action in accord with law and pursuant to Title VII, 42 U.S.C. §2000e, et seq.
6 and other applicable State and Federal statutes.

7 51. As a result of Defendants' deliberate, outrageous, malicious and despicable conduct as
8 alleged herein, Plaintiff is entitled to an award of punitive and exemplary damages in an amount
9 sufficient to punish and to deter such wrongdoing, in a sum to be established, according to proof at time
10 of trial.

11 WHEREFORE, Plaintiff prays for judgment as hereinafter set forth.

12 **SECOND CAUSE OF ACTION**

13 **Racial Discrimination in Violation of Title VII – 42 USC §2000e et seq.**

14 52. Plaintiff refers to those allegations set forth in Paragraphs 1 - 52 above and incorporates
15 the same by reference as though fully set forth at length herein in their entirety.

16 53. At all times herein mentioned, Title VII, 42 U.S.C. §2000e, et seq., was in full force and
17 effect and was binding upon Defendants. This law required Defendant employer to refrain from
18 discriminating against any employee or applicant for employment on the basis of race, among other
19 protected classes.

20 54. Title VII also required the Defendant employer to take remedial steps reasonably
21 calculated to end discrimination and harassment and to deter further discrimination and harassment.

22 55. The conduct of Defendants, their agents, representatives and employees as alleged
23 herein, substantially interfered with the employment of the Plaintiff on the basis of her race in violation
24 of Title VII, 42 U.S. §2000e et seq.

25 56. Plaintiff timely complied with all EEOC administrative prerequisites to bringing this suit
26 and has timely filed this suit upon receipt of the EEOC right to sue letters alleged herein.

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57. Such conduct has denied and will continue to deny the Plaintiff equal protection and civil rights guaranteed by Title VII all to her damage in an amount within the jurisdiction of the court, according to proof at time of trial.

58. As a result of Defendants' wrongful conduct alleged herein, Plaintiff has sustained and continues to sustain substantial losses in earnings and other employment benefits and opportunities, all to her damage in an amount within the jurisdiction of the court, according to proof at time of trial.

59. As a further result of Defendants' wrongful conduct, Plaintiff has suffered and continues to suffer humiliation, emotional distress, damage to reputation, and mental and physical pain and anguish, that has required and will require the treatment of medical professionals, all to her damage in a sum to be established, according to proof at time of trial.

60. Plaintiff has also been required to retain attorneys to defend her legal rights and to recover damages for Plaintiff's injuries and she is therefore entitled to an award of attorneys' fees and costs to prosecute this action in accord with law and pursuant to Title VII, 42 U.S.C. §2000e, et seq. and other applicable State and Federal statutes.

61. As a result of Defendants' deliberate, outrageous, malicious and despicable conduct as alleged herein, Plaintiff is entitled to an award of punitive and exemplary damages in an amount sufficient to punish and to deter such wrongdoing, in a sum to be established, according to proof at time of trial.

WHEREFORE, Plaintiff prays for judgment as hereinafter set forth.

THIRD CAUSE OF ACTION

**Retaliation for Opposing Sexual and Racial
Discrimination and Harassment Environment in Violation
of Title VII - 42 U.S.C. §2000e, et seq.**

62. Plaintiff refers to those allegations set forth in Paragraphs 1 - 11 above, and incorporates the same by reference as though fully set forth at length herein their entirety.

63. At all times herein mentioned, Title VII, 42 U.S.C. §2000e, et seq. was in full force and effect and was binding upon Defendants. This law specifically prohibits retaliation against “employees ... who engage in protected activities.” [42 USC §2000e-3(a)]

1 64. Title VII also required the Defendant employer to take remedial steps reasonably
2 calculated to end harassment and deter future harassment.

3 65. Plaintiff reasonably believed that the sexual and racially discriminatory conduct and
4 practices by Defendants, and each of them, was unlawful and opposed the discriminatory conduct and
5 practices by Defendants, and each of them. Plaintiff reported and complained in writing about the
6 sexual and racially discriminatory conduct and practices to Defendants, and filed charges of sexual and
7 racial discrimination and harassment with the EEOC, as set forth herein.

8 66. As alleged herein, Defendants, by and through their agents, representatives, and
9 employees, in violation of Title VII, retaliated against Plaintiff for exercising her statutorily protected
10 rights, all to her damage in an amount according to proof at time of trial. Plaintiff's opposition to the
11 sexual and racial discrimination, harassment, and hostile work environment was a motivating factor in
12 the adverse employment actions against the Plaintiff as alleged herein. A causal link exists between the
13 Plaintiff's protected activity and Defendants' adverse employment actions.

14 67. Such conduct has denied and will continue to deny the Plaintiff equal protection and
15 civil rights guaranteed by Title VII all to her damage in an amount within the jurisdiction of the court,
16 according to proof at time of trial.

17 68. Plaintiff timely complied with all EEOC administrative prerequisites to bringing this suit
18 and has timely filed this suit upon receipt of the EEOC right to sue letters alleged herein.

19 69. As a result of Defendants' wrongful conduct as alleged herein, Plaintiff has sustained
20 and continues to sustain substantial losses in earnings and other employment benefits and opportunities,
21 all to her damage in an amount within the jurisdiction of the court, according to proof at time of trial.

22 70. As a further result of Defendants' wrongful conduct, Plaintiff has suffered and
23 continues to suffer humiliation, emotional distress, loss of reputation, and mental and physical pain and
24 anguish, that has required and will require the treatment of medical professionals, all to her damage in
25 a sum to be established, according to proof at time of trial.

26 71. Plaintiff has also been required to retain attorneys to defend his legal rights and to
27 recover damages for Plaintiff's injuries and he is therefore entitled to an award of attorneys' fees and
28 costs to prosecute this action in accord with law and pursuant to Title VII, 42 U.S.C. §2000e, et seq.

1 and other applicable State and Federal statutes.

2 72. As a result of Defendants' deliberate, outrageous, malicious and despicable conduct as
3 alleged herein, Plaintiff is entitled to an award of punitive and exemplary damages in an amount
4 sufficient to punish and to deter such wrongdoing, in a sum to be established, according to proof at time
5 of trial.

6 WHEREFORE, Plaintiff prays for judgment as hereinafter set forth.

7 **FOURTH CAUSE OF ACTION**

8 **Disability Discrimination in Violation of the Americans With Disabilities Act (ADA)**

9 **42 USC §§12101-12213**

10 73. Plaintiff refers to those allegations set forth in Paragraphs 1 - 72 above and incorporates
11 the same by reference as though fully set forth at length herein in their entirety.

12 74. At all times herein mentioned, the Americans With Disabilities Act (ADA), 42 U.S.C.
13 §12101-12213, was in full force and effect and was binding upon Defendants. This law required
14 Defendant employer to refrain from discriminating against a qualified employee on the basis of a
15 disability. The Act also requires employers to make reasonable accommodations to enable disabled
16 individuals to perform a position's essential functions.

17 75. Plaintiff was qualified to perform the essential functions of her position, with
18 accommodation.

19 76. As alleged herein, Defendants, their agents, representatives and employees discriminated
20 against Plaintiff on the basis of her disability in violation of the ADA, 42 U.S.C. §12101-12213.

21 77. As alleged herein, Defendants failed and refused to make reasonable accommodations to
22 enable Plaintiff to perform the essential functions of her job, in further violation of the ADA, 42 U.S.C.
23 §12101-12213.

24 78. Such conduct has denied and will continue to deny the Plaintiff equal protection and
25 civil rights guaranteed by Title VII all to her damage in an amount within the jurisdiction of the court,
26 according to proof at time of trial.

27 79. Plaintiff timely complied with all EEOC administrative prerequisites to bringing this suit
28 and has timely filed this suit upon receipt of the EEOC right to sue letters alleged herein.

1 80. As a result of Defendants' wrongful conduct alleged herein, Plaintiff has sustained and
2 continues to sustain substantial losses in earnings and other employment benefits and opportunities, all
3 to her damage in an amount within the jurisdiction of the court, according to proof at time of trial.

4 81. As a further result of Defendants' wrongful conduct, Plaintiff has suffered and continues
5 to suffer humiliation, emotional distress, damage to reputation, and mental and physical pain and
6 anguish, that has required and will require the treatment of medical professionals, all to her damage in a
7 sum to be established, according to proof at time of trial.

8 82. Plaintiff has also been required to retain attorneys to defend her legal rights and to
9 recover damages for Plaintiff's injuries and she is therefore entitled to an award of attorneys' fees and
10 costs to prosecute this action in accord with law and pursuant to 42 U.S.C. §§12117(a), 12133 and other
11 applicable State and Federal statutes.

12 83. As a result of Defendants' deliberate, outrageous, malicious and despicable conduct as
13 alleged herein, Plaintiff is entitled to an award of punitive and exemplary damages in an amount
14 sufficient to punish and to deter such wrongdoing, in a sum to be established, according to proof at time
15 of trial.

16 WHEREFORE, Plaintiff prays for judgment as hereinafter set forth.

17 **FIFTH CAUSE OF ACTION**

18 **Retaliation in Violation of the ADA – 42 U.S.C. §§12101-12213.**

19 84. Plaintiff refers to those allegations set forth in Paragraphs 1 - 83 above and incorporates
20 the same by reference as though fully set forth at length herein in their entirety.

21 85. The Americans With Disabilities Act, 42 U.S.C. §§12101-12213, makes it unlawful for
22 an employer to discriminate against any employee or applicant for employment because such individual
23 or applicant has opposed any practice made unlawful by the ADA, or because such individual or
24 applicant has made a charge, testified, assisted, or participated in any manner in an investigation,
25 proceeding, or litigation under the ADAA.

26 86. Plaintiff engaged in conduct protected under the ADA. Specifically, Plaintiff opposed
27 disability discrimination made unlawful by the ADA to Defendant, made a charge of disability
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1 discrimination to the EEOC, and participated in the EEOC investigation under the ADA, among other
2 protected conduct.

3 87. Defendants discriminated against Plaintiff for engaging in protected conduct and
4 subjected Plaintiff to adverse employment actions in retaliation for the complaints she made about
5 unlawful disability discrimination by Defendant.

6 88. Plaintiff timely complied with all EEOC administrative prerequisites to bringing this suit
7 and has timely filed this suit upon receipt of the EEOC right to sue letters alleged herein.

8 89. As a result of Defendants' unlawful conduct, Plaintiff has sustained and continues to
9 sustain substantial losses in earnings and other employment benefits and opportunities, all to her
10 damage in an amount according to proof.

11 90. As a result of Defendants' unlawful conduct, Plaintiff has suffered damages as set forth
12 herein.

13 91. As a further result of Defendants' wrongful conduct, Plaintiff has suffered and continues
14 to suffer humiliation, emotional distress, damage to reputation, and mental and physical pain and
15 anguish, that has required and will require the treatment of medical professionals, all to her damage in a
16 sum to be established, according to proof at time of trial.

17 92. Plaintiff has also been required to retain attorneys to defend her legal rights and to
18 recover damages for Plaintiff's injuries and she is therefore entitled to an award of attorneys' fees and
19 costs to prosecute this action in accord with law and pursuant to 42 U.S.C. §§12117(a), 12133 and other
20 applicable State and Federal statutes.

21 93. As a result of Defendants' deliberate, outrageous, malicious and despicable conduct as
22 alleged herein, Plaintiff is entitled to an award of punitive and exemplary damages in an amount
23 sufficient to punish and to deter such wrongdoing, in a sum to be established, according to proof at time
24 of trial.

25 WHEREFORE, Plaintiff prays for judgment as hereinafter set forth.
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1 **SIXTH CAUSE OF ACTION**

2 **Violation of Age Discrimination in Employment Act of 1967 – 29 U.S.C. §621 *et seq.***

3 94. Plaintiff refers to those allegations set forth in Paragraphs 1 - 93 above and incorporates
4 the same by reference as though fully set forth at length herein in their entirety.

5 95. At all times herein alleged, the Age Discrimination in Employment Act of 1967, 29
6 U.S.C. §621 *et seq.* was in full force and effect and binding upon Defendant. The Act makes it an
7 unlawful employment practice to fail or refuse to hire an individual or to otherwise discriminate against
8 any individual in her compensation, terms, conditions or privileges of employment because of that
9 individual's age. The law also prohibits an employer to limit, segregate, or classify employees in any
10 way which would deprive or tend to deprive any individual of employment opportunities or otherwise
11 adversely affect her status as an employee because of such individual's age.

12 96. Defendant engaged in the aforementioned unlawful actions, including but not limited to
13 the refusal to hire Plaintiff for the position for which she applied and for which she was most qualified,
14 and the harassment of Plaintiff based on her age.

15 97. Plaintiff timely complied with all EEOC administrative prerequisites to bringing this suit
16 and has timely filed this suit upon receipt of the EEOC right to sue letters alleged herein.

17 98. As a result of Defendants' unlawful conduct, Plaintiff has sustained and continues to
18 sustain substantial losses in earnings and other employment benefits and opportunities, all to her
19 damage in an amount according to proof.

20 99. As a result of Defendants' unlawful conduct, Plaintiff has suffered damages as set forth
21 herein.

22 100. As a further result of Defendants' wrongful conduct, Plaintiff has suffered and continues
23 to suffer humiliation, emotional distress, damage to reputation, and mental and physical pain and
24 anguish, that has required and will require the treatment of medical professionals, all to her damage in a
25 sum to be established, according to proof at time of trial.

26 101. Plaintiff has also been required to retain attorneys to defend her legal rights and to
27 recover damages for Plaintiff's injuries and she is therefore entitled to an award of attorneys' fees and
28 costs to prosecute this action in accord with law and pursuant to 29 U.S.C. §§216(b), 626(b) and other

1 applicable State and Federal statutes.

2 102. As a result of Defendants' deliberate, outrageous, malicious and despicable conduct as
3 alleged herein, Plaintiff is entitled to an award of punitive and exemplary damages in an amount
4 sufficient to punish and to deter such wrongdoing, in a sum to be established, according to proof at time
5 of trial.

6 WHEREFORE, Plaintiff prays for judgment as hereinafter set forth.

7 **SEVENTH CAUSE OF ACTION**

8 **Retaliation in Violation of the ADEA – 29 U.S.C. §621 *et seq.***

9 103. Plaintiff refers to those allegations set forth in Paragraphs 1 - 102 above and
10 incorporates the same by reference as though fully set forth at length herein in their entirety.

11 104. The Age Discrimination in Employment Act of 1967, 29 U.S.C. §621 *et seq.*, makes it
12 unlawful for an employer to discriminate against any employee or applicant for employment because
13 such individual or applicant has opposed any practice made unlawful by the ADEA, or because such
14 individual or applicant has made a charge, testified, assisted, or participated in any manner in an
15 investigation, proceeding, or litigation under the ADEA.

16 105. Plaintiff engaged in conduct protected under the ADEA. Specifically, Plaintiff opposed
17 age discrimination made unlawful by the ADEA to Defendant, made a charge of age discrimination to
18 the EEOC, and participated in the EEOC investigation under the ADEA, among other protected
19 conduct.

20 106. Defendants discriminated against Plaintiff for engaging in protected conduct and
21 subjected Plaintiff to adverse employment actions in retaliation for the complaints she made about
22 unlawful age discrimination by Defendants.

23 107. Plaintiff timely complied with all EEOC administrative prerequisites to bringing this suit
24 and has timely filed this suit upon receipt of the EEOC right to sue letters alleged herein.

25 108. As a result of Defendants' unlawful conduct, Plaintiff has sustained and continues to
26 sustain substantial losses in earnings and other employment benefits and opportunities, all to her
27 damage in an amount according to proof.

28 ///

1 109. As a result of Defendants' unlawful conduct, Plaintiff has suffered damages as set forth
2 herein.

3 110. As a further result of Defendants' wrongful conduct, Plaintiff has suffered and continues
4 to suffer humiliation, emotional distress, damage to reputation, and mental and physical pain and
5 anguish, that has required and will require the treatment of medical professionals, all to her damage in a
6 sum to be established, according to proof at time of trial.

7 111. Plaintiff has also been required to retain attorneys to defend her legal rights and to
8 recover damages for Plaintiff's injuries and she is therefore entitled to an award of attorneys' fees and
9 costs to prosecute this action in accord with law and pursuant to 29 U.S.C. §§216(b), 626(b) and other
10 applicable State and Federal statutes.

11 112. As a result of Defendants' deliberate, outrageous, malicious and despicable conduct as
12 alleged herein, Plaintiff is entitled to an award of punitive and exemplary damages in an amount
13 sufficient to punish and to deter such wrongdoing, in a sum to be established, according to proof at time
14 of trial.

15 WHEREFORE, Plaintiff prays for judgment as hereinafter set forth.

16 **EIGHTH CAUSE OF ACTION**

17 **Racial Discrimination in Violation of 42 U.S.C. §1981**

18 113. Plaintiff refers to those allegations set forth in Paragraphs 1 - 112 above and
19 incorporates the same by reference as though fully set forth at length herein in their entirety.

20 114. At all times herein mentioned, 42 U.S.C. §1981, was in full force and effect and was
21 binding upon Defendant. This law required Defendant employer to deny an employee the full and equal
22 benefit of all laws on account of race.

23 115. The conduct of Defendant, its agents, representatives and employees as alleged herein,
24 denied Plaintiff the full and equal benefit of all laws on account of her race, in violation of 42 U.S.C.
25 §1981.

26 116. As a result of Defendants' wrongful conduct alleged herein, Plaintiff has sustained and
27 continues to sustain substantial losses in earnings and other employment benefits and opportunities, all
28 to her damage in an amount within the jurisdiction of the court, according to proof at time of trial.

1 117. As a further result of Defendants' wrongful conduct, Plaintiff has suffered and continues
2 to suffer humiliation, emotional distress, damage to reputation, and mental and physical pain and
3 anguish, that has required and will require the treatment of medical professionals, all to her damage in
4 a sum to be established, according to proof at time of trial.

5 118. Plaintiff has also been required to retain attorneys to defend her legal rights and to
6 recover damages for Plaintiff's injuries and she is therefore entitled to an award of attorneys' fees and
7 costs to prosecute this action in accord with law and pursuant to 42 U.S.C. §1988 and other applicable
8 State and Federal statutes.

9 119. As a result of Defendants' deliberate, outrageous, malicious and despicable conduct as
10 alleged herein, Plaintiff is entitled to an award of punitive and exemplary damages in an amount
11 sufficient to punish and to deter such wrongdoing, in a sum to be established, according to proof at time
12 of trial.

13 WHEREFORE, Plaintiff prays for judgment as hereinafter set forth.

14 **NINTH CAUSE OF ACTION**

15 **Discrimination and Harassment in Violation of the**

16 **Fair Employment and Housing Act – Cal. Govt. Code §12940, et seq.**

17 120. Plaintiff refers to those allegations set forth in Paragraphs 1 - 119 above and
18 incorporates the same by reference as though fully set forth at length herein in their entirety.

19 121. At all time mentioned in this complaint, California Government Code §12940 was in full
20 force and effect and was binding on Defendants. This law requires Defendants to refrain from harassing
21 any employee on the basis of sex, age, race, national origin, mental and physical disability, or medical
22 condition, and to refrain from exposing Plaintiff or any employee to a hostile work environment based
23 on discrimination.

24 122. During the course of Plaintiff's employment, Defendants created and allowed to exist a
25 hostile work environment, and discriminated against and harassed Plaintiff in a continuous and
26 persistent manner on the basis of her sex, her race, her national origin and her diagnosed work-related
27 physical disability and/or medical condition, as alleged above.

28 ///

1 123. Such harassment of Plaintiff was in violation of Government Code §12940, et seq.
2 Defendants engaged in the aforementioned unlawful actions, including but not limited to retaliation and
3 harassment of Plaintiff on the basis of her sex, race, national origin and disability, and in retaliation for
4 complaining about discrimination and harassment.

5 124. As alleged herein, within the time frame provided by law, Plaintiff filed complaints of
6 discrimination, harassment and retaliation with the EEOC, who cross-filed her complaints with the
7 California Department of Fair Employment and Housing. DFEH issued its Notice of Right-to-Sue
8 notice pursuant to Govt. Code §12965 on May 13, 2010. A true and correct copy of the Notice of
9 Right-to-Sue is attached hereto as Exhibit "B" and incorporated herein by this reference as if set forth at
10 length in its entirety. Plaintiff satisfied the administrative requirements with the DFEH and this suit is
11 timely filed.

12 125. As a result of Defendants' conduct Plaintiff suffered damages as set forth in this
13 complaint.

14 126. As a proximate result of Defendants' discrimination, harassment and retaliation against
15 Plaintiff, she has suffered and continues to suffer humiliation, emotional distress, loss of reputation, and
16 mental and physical pain and anguish, that has required and will require the treatment of medical
17 professionals, all to her damage in a sum to be established according to proof.

18 127. Plaintiff has also been required to retain attorneys to defend her legal rights and to
19 recover damages for Plaintiff's injuries and she is therefore entitled to an award of attorneys' fees and
20 costs to prosecute this action in accord with law and pursuant to Cal. Govt. Code §12940 and other
21 applicable State and Federal statutes.

22 128. As a result of Defendants' deliberate, outrageous, malicious and despicable conduct as
23 alleged herein, Plaintiff is entitled to an award of punitive and exemplary damages in an amount
24 sufficient to punish and to deter such wrongdoing.

25 WHEREFORE, Plaintiff prays for damages and judgment as set forth herein.

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1 **TENTH CAUSE OF ACTION**

2 **Cal. Govt. Code §12940(k)**

3 **Failure to Take Reasonable Steps to Prevent Discrimination and Harassment**

4 129. Plaintiff refers to those allegations set forth in Paragraphs 1 - 128 above and
5 incorporates the same by reference as though fully set forth at length herein in their entirety.

6 130. At all times mentioned in this complaint, Government Code §12940(k) was in full force
7 and effect and was binding on Defendants. This law requires Defendants to take all reasonable steps
8 necessary to prevent discrimination and harassment from occurring, including discrimination and
9 harassment based on sex, age, race, national origin, and physical disability or medical condition.

10 131. Defendants, and each of them, violated this law by failing to take all reasonable steps
11 necessary to prevent the discrimination and harassment against Plaintiff from occurring, despite
12 repeated requests by Plaintiff.

13 132. Plaintiff timely complied with all EEOC administrative prerequisites to bringing this suit
14 and has timely filed this suit upon receipt of the EEOC right to sue letters alleged herein.

15 133. As a result of Defendants' conduct Plaintiff suffered damages as set forth in this
16 complaint.

17 134. As a proximate result of Defendants' discrimination, harassment and retaliation against
18 Plaintiff, she has suffered and continues to suffer humiliation, emotional distress, loss of reputation, and
19 mental and physical pain and anguish, that has required and will require the treatment of medical
20 professionals, all to her damage in a sum to be established according to proof.

21 135. Plaintiff has also been required to retain attorneys to defend her legal rights and to
22 recover damages for Plaintiff's injuries and she is therefore entitled to an award of attorneys' fees and
23 costs to prosecute this action in accord with law and pursuant to Cal. Govt. Code §12940 and other
24 applicable State and Federal statutes.

25 136. As a result of Defendants' deliberate, outrageous, malicious and despicable conduct as
26 alleged herein, Plaintiff is entitled to an award of punitive and exemplary damages in an amount
27 sufficient to punish and to deter such wrongdoing.

28 WHEREFORE, Plaintiff prays for damages and judgment as set forth herein.

1 **ELEVENTH CAUSE OF ACTION**

2 **Failure to Provide Reasonable Accommodation to Disabled Employee –**

3 **Cal. Govt. Code §12940(m)**

4 137. Plaintiff refers to those allegations set forth in Paragraphs 1 - 136 above and
5 incorporates the same by reference as though fully set forth at length herein in their entirety.

6 138. At all times herein mentioned, Cal. Government Code §12940, *et seq.* was in full force
7 and effect and binding upon Defendants. These statutes make it an unlawful employment practice for
8 any employer to discriminate against any employee on the basis of disability or medical condition or to
9 fail to reasonably accommodate a disabled employee to allow them to return to work and in their
10 employment.
11

12 139. Defendants, and each of them, were on written notice from Plaintiff's doctor that she
13 suffered from work-related disability or medical condition.
14

15 140. Plaintiff was able to perform the essential job duties with reasonable accommodation for
16 her disability or medication condition.

17 141. Defendants failed to provide reasonable accommodation to Plaintiff, a disabled
18 employee or an employee with a medical condition, by reducing her workload and ameliorating the
19 hostile work environment.
20

21 142. Plaintiff timely complied with all DFEH administrative prerequisites to bringing this suit
22 and has timely filed this suit upon receipt of the DFEH right to sue letters alleged herein.

23 143. As a result of Defendants' conduct Plaintiff suffered damages as set forth in this
24 complaint.
25

26 144. As a proximate result of Defendants' discrimination, harassment and retaliation against
27 Plaintiff, she has suffered and continues to suffer humiliation, emotional distress, loss of reputation, and
28

1 mental and physical pain and anguish, that has required and will require the treatment of medical
2 professionals, all to her damage in a sum to be established according to proof.

3 145. Plaintiff has also been required to retain attorneys to defend her legal rights and to
4 recover damages for Plaintiff's injuries and she is therefore entitled to an award of attorneys' fees and
5 costs to prosecute this action in accord with law and pursuant to Cal. Govt. Code §12940 *et seq.* and
6 other applicable State and Federal statutes.

7
8 146. As a result of Defendants' deliberate, outrageous, malicious and despicable conduct as
9 alleged herein, Plaintiff is entitled to an award of punitive and exemplary damages in an amount
10 sufficient to punish and to deter such wrongdoing.

11
12 WHEREFORE, Plaintiff prays for damages and judgment as set forth herein.

13
14 **TWELFTH CAUSE OF ACTION**

15 **Failure to Engage In the Interactive Process with Disabled Employee**

16 **Cal. Govt. Code §12940(n)**

17 147. Plaintiff refers to those allegations set forth in Paragraphs 1 - 146 above and
18 incorporates the same by reference as though fully set forth at length herein in their entirety.

19 148. At all times herein mentioned, Cal. Government Code §12940, *et seq.* was in full force
20 and effect and binding upon Defendant. These statutes make it an unlawful employment practice for
21 any employer to discriminate against any employee on the basis of disability or medical condition or to
22 fail to reasonably accommodate a disabled employee to allow them to return to work and in their
23 employment.

24
25 149. Defendant was on written notice from Plaintiff's doctor that she suffered from work-
26 related illness.

27
28 ///

1 150. Plaintiff requested that Defendant make reasonable accommodation for her disability or
2 medical condition so that she would be able to perform the essential job requirements.

3 151. Plaintiff was, and continues to be, willing to participate in an interactive process to
4 determine whether reasonable accommodation could be made so that she would be able to perform the
5 essential job requirements.
6

7 152. Defendant failed to participate in a timely, good-faith interactive process with Plaintiff
8 to determine whether reasonable accommodation could be made.

9 153. Plaintiff timely complied with all DFEH administrative prerequisites to bringing this suit
10 and has timely filed this suit upon receipt of the DFEH right to sue letters alleged herein.
11

12 154. As a result of Defendant's conduct Plaintiff suffered damages as set forth in this
13 complaint.

14 155. As a proximate result of Defendant's discrimination, harassment and retaliation against
15 Plaintiff, she has suffered and continues to suffer humiliation, emotional distress, loss of reputation, and
16 mental and physical pain and anguish, that has required and will require the treatment of medical
17 professionals, all to her damage in a sum to be established according to proof.
18

19 156. Plaintiff has also been required to retain attorneys to defend her legal rights and to
20 recover damages for Plaintiff's injuries and she is therefore entitled to an award of attorneys' fees and
21 costs to prosecute this action in accord with law and pursuant to Cal. Govt. Code §12940 *et seq.* and
22 other applicable State and Federal statutes.
23

24 157. As a result of Defendant's deliberate, outrageous, malicious and despicable conduct as
25 alleged herein, Plaintiff is entitled to an award of punitive and exemplary damages in an amount
26 sufficient to punish and to deter such wrongdoing.
27

28 WHEREFORE, Plaintiff prays for damages and judgment as set forth herein.

1 **THIRTEENTH CAUSE OF ACTION**

2 **Age Discrimination in Employment– Cal. Govt. Code §12941 *et seq.***

3 158. Plaintiff refers to those allegations set forth in Paragraphs 1 - 157 above and
4 incorporates the same by reference as though fully set forth at length herein in their entirety.

5 159. At all times herein alleged, the Cal. Govt. Code §12941 was in full force and effect and
6 binding upon Defendant. The Act makes it an unlawful employment practice to fail or refuse to hire an
7 individual or to otherwise discriminate against any individual in her compensation, terms, conditions or
8 privileges of employment because of that individual's age. The law also prohibits an employer to limit,
9 segregate, or classify employees in any way which would deprive or tend to deprive any individual of
10 employment opportunities or otherwise adversely affect her status as an employee because of such
11 individual's age.

12 160. Defendant engaged in the aforementioned unlawful actions, including but not limited to
13 the refusal to hire Plaintiff for the position for which she applied and for which she was most qualified,
14 and the harassment of Plaintiff based on her age.

15 161. Plaintiff timely complied with all DFEH administrative prerequisites to bringing this suit
16 and has timely filed this suit upon receipt of the DFEH right to sue letter alleged herein.

17 162. As a result of Defendant's conduct Plaintiff suffered damages as set forth in this
18 complaint.

19 163. As a proximate result of Defendant's discrimination, harassment and retaliation against
20 Plaintiff, she has suffered and continues to suffer humiliation, emotional distress, loss of reputation, and
21 mental and physical pain and anguish, that has required and will require the treatment of medical
22 professionals, all to her damage in a sum to be established according to proof.

23 164. Plaintiff has also been required to retain attorneys to defend her legal rights and to
24 recover damages for Plaintiff's injuries and she is therefore entitled to an award of attorneys' fees and
25 costs to prosecute this action in accord with law and pursuant to Cal. Govt. Code §12940 *et seq.* and
26 other applicable State and Federal statutes.

27 ///

28 ///

1 165. As a result of Defendant's deliberate, outrageous, malicious and despicable conduct as
2 alleged herein, Plaintiff is entitled to an award of punitive and exemplary damages in an amount
3 sufficient to punish and to deter such wrongdoing.

4 WHEREFORE, Plaintiff prays for damages and judgment as set forth herein.

5 **FOURTEENTH CAUSE OF ACTION**

6 **Retaliation in Violation of the FEHA – Cal. Govt. Code §12940 *et seq.***

7 166. Plaintiff refers to those allegations set forth in Paragraphs 1-165 above and
8 incorporates the same by reference as though fully set forth at length herein in their entirety.

9 167. California's Fair Employment and Housing Act, Cal. Govt. Code §12940 *et seq.*, makes
10 it an unlawful for an employer to discriminate against any employees or applicants for employment
11 because such individual or applicant has opposed any practice made unlawful by the FEHA, or because
12 such individual or applicant has made a charge, testified, assisted, or participated in any manner in an
13 investigation, proceeding, or litigation under the FEHA.

14 168. Plaintiff engaged in conduct protected under the FEHA. Specifically, Plaintiff opposed
15 discrimination and harassment made unlawful by the FEHA to Defendant, made a charge of
16 discrimination to the DFEH, and participated in the EEOC investigation, among other protected
17 conduct.

18 169. Defendant discriminated against Plaintiff for engaging in protected conduct and
19 subjected Plaintiff to adverse employment actions, including but not limited to harassment, retaliation,
20 AND further discrimination in retaliation for the complaints she made about unlawful discrimination by
21 Defendants.

22 170. Plaintiff timely complied with all DFEH administrative prerequisites to bringing this suit
23 and has timely filed this suit upon receipt of the DFEH right to sue letter alleged herein.

24 171. As a result of Defendant's conduct Plaintiff suffered damages as set forth in this
25 complaint.

26 172. As a further result of Defendant's discrimination, harassment and retaliation against
27 Plaintiff, she has suffered and continues to suffer humiliation, emotional distress, loss of reputation, and
28 mental and physical pain and anguish, that has required and will require the treatment of medical

professionals, all to her damage in a sum to be established according to proof.

173. Plaintiff has also been required to retain attorneys to defend her legal rights and to recover damages for Plaintiff's injuries and she is therefore entitled to an award of attorneys' fees and costs to prosecute this action in accord with law and pursuant to Cal. Govt. Code §12940 *et seq.* and other applicable State and Federal statutes.

174. As a result of Defendant's deliberate, outrageous, malicious and despicable conduct as alleged herein, Plaintiff is entitled to an award of punitive and exemplary damages in an amount sufficient to punish and to deter such wrongdoing.

WHEREFORE, Plaintiff prays for damages and judgment as set forth herein.

FIFTEENTH CAUSE OF ACTION

Retaliation in Violation of Public Policy

175. Plaintiff refers to those allegations set forth in Paragraphs 1 - 174 and incorporate the same by reference as though fully set forth at length herein in their entirety.

176. At the time of the allegations as set forth in this complaint, it was and is the public policy of this State to protect workers from discrimination and retaliation against an employee because that employee has reported a work related injury or their intent to seek redress for a work related injury, as codified in California Labor Code §§98.6, 132(a) and other statutes.

177. At the time of the allegations as set forth in this complaint, it was and is the public policy of this State that no person shall discharge or in any manner discriminate against any employee because the employee has made any oral or written complaint with reference to employee safety or health to his or her employer or his or her representative. This public policy is codified in California Labor Code §6310 and other statutes.

///

1 178. In doing the acts and omissions complained of herein, Defendant unlawfully
2 discriminated and retaliated against Plaintiff because Plaintiff reported a work related injury.

3 179. As a result of Defendant's conduct Plaintiff suffered damages as set forth in this
4 complaint.
5

6 180. As a further result of Defendant's conduct, Plaintiff has suffered and continues to suffer
7 humiliation, emotional distress, loss of reputation, and mental and physical pain and anguish, that has
8 required and will require the treatment of medical professionals, all to her damage in a sum to be
9 established according to proof.
10

11 181. Plaintiff has also been required to retain attorneys to defend her legal rights and to
12 recover damages for Plaintiff's injuries and she is therefore entitled to an award of attorneys' fees and
13 costs to prosecute this action in accord with applicable State and Federal statutes.

14 182. As a result of Defendant's deliberate, outrageous, malicious and despicable conduct as
15 alleged herein, Plaintiff is entitled to an award of punitive and exemplary damages in an amount
16 sufficient to punish and to deter such wrongdoing.
17

18 WHEREFORE, Plaintiff prays for damages and judgment as set forth herein.

19 **PRAYER**

20 WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

- 21 1. For compensatory damages and other economic damages according to proof;
22 2. For general damages according to proof;
23 3. For mental and emotional distress damages according to proof;
24 4. For special damages according to proof;
25 5. For treble damages on FEHA claims as allowed by law;
26 6. For punitive damages;
27

28 ///

1 7. For declaratory and/or injunctive relief to award Plaintiff the employment position, pay
2 and benefits of which she has been deprived as a result of Defendant's unlawful conduct, and to make
3 appropriate injunctive orders regarding the correction of discriminatory and retaliatory practices and
4 procedures by Defendant;

5 8. For reasonable attorney's fees and costs of suit as permitted by statute - including ADEA
6 and FEHA claims - according to proof;

7 9. For prejudgment interest at the legal rate according to proof;

8 10. For such other and further relief as the court may deem just and proper.
9

10 DATED: August 17, 2012

JOHN F. PRENTICE & ASSOCIATES, P.C.

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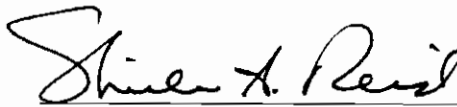
13 John F. Prentice, Esq.
14 Sheila A. Reid, Esq.
15 Attorneys for Plaintiff
JULIETA G. LUDOVICO

16 **DEMAND FOR JURY TRIAL**

17 Plaintiff demands a jury trial.

18 DATED: August 17, 2012

JOHN F. PRENTICE & ASSOCIATES, P.C.

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22 John F. Prentice, Esq.
23 Sheila A. Reid, Esq.
24 Attorneys for Plaintiff
25 JULIETA G. LUDOVICO
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