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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

AUG 31 2012

John A. Chiriac, Executive Officer/Clerk
BY Cristina Grimalva Deputy
Cristina Grimalva

GLORIA PEREZ,

Plaintiffs,

v.

KAISER FOUNDATION HEALTH PLAN,
INC., a California Corporation and DOES 1
through 50, inclusive,

Defendants.

CASE NO.

COMPLAINT FOR DAMAGES

AMOUNT EXCEEDS \$25,000.00

1. Medical Leave
Discrimination/Harassment/
Interference/Retaliation under
Government Code section 12900, Et.
Seq. (California Family Rights Act);
2. Disability Discrimination/
Retaliation/Harassment under
Government Code section 12900, Et.
Seq.;
3. Age Discrimination (Disparate
Treatment and/or Impact) under
Government Code section 12900, Et.
Seq.;
4. Breach of Implied Contract of
Employment;
5. Wrongful Termination in Violation of
Public Policy;
6. Intentional Infliction of Emotional
Distress;
7. Unfair Business Practices (Business
and Professions Code §17200, Et.
Seq.)

1
2 Plaintiff alleges:

3 **GENERAL ALLEGATIONS**

4 1. At all times herein mentioned, Plaintiff, GLORIA PEREZ (hereinafter "PEREZ" or
5 "plaintiff"), was a resident of the County of Los Angeles, State of California.

6
7 2. At all times herein mentioned, Defendant, KAISER FOUNDATION HEALTH
8 PLAN/ KAISER (hereinafter "KAISER" or "defendant") is and was a California Corporation, with
9 its principal place of business located at 393 East Walnut Street, Pasadena, California 91188.

10 3. Plaintiff Perez is a 60 year old woman who was hired by Kaiser Foundation Health Plan in
11 September 18, 1969. Plaintiff Perez has been a senior case manager for over 25 years and has
12 remained a senior case manager until her date of termination.

13
14 4. On or about January 11, 2010, Plaintiff Perez was diagnosed with Carpel Tunnel
15 Syndrome. Plaintiff informed Cheryl McCaughan, her supervisor/ department head, and requested
16 that a Workman's Compensation claim be opened on her behalf.

17
18 5. On or about May, 2010, Plaintiff Perez had surgery for Carpel Tunnel on one hand. As a
19 result of the surgery, Plaintiff Perez missed work from approximately May 2010 to July 19, 2010.

20 6. On or about August 18, 2010, Plaintiff Perez had a second surgery for Carpel Tunnel on
21 one hand. As a result of the surgery, Plaintiff Perez was on medical leave.

22
23 7. On or about March 14, 2011, Plaintiff went to her physician regarding pain in her hand, in
24 which the physician informed her that she had "trigger fingers" (a condition which inhibited her
25 ability to perform typing, a function of her job). This resulted in a new Workman's compensation
26 injury. She advised defendants that she would need a second surgery and some, additional leave to
27 recover and she would be able to return to work. Plaintiff informed her supervisor that she had meet
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1 with her physician and that the physician asserted another Workman's Compensation claim needed
2 to be filed on behalf of the plaintiff and that she may require an additional surgery but, anticipated
3 being able to return to work following the surgery and recovery. Following this disclosure, the
4 Plaintiff, her supervisor, and directors from Human Relations informed her that her employment with
5 Kaiser Foundation Health Plan, Inc. was terminated effective immediately. Defendants failed to
6 even attempt any further engagement with plaintiff regarding her disability and attempt to reasonably
7 accommodate same.
8

9
10 8. On or about March 14, 2011, Plaintiff Perez's employment was terminated by
11 Defendant(s). Plaintiff was informed that her position was being eliminated for "performance
12 reasons." Plaintiff is informed and believes that after her termination, her job position and/or duties
13 were replaced by a person significantly younger than Plaintiff Perez. Plaintiff is informed and
14 believes that Defendant(s) terminated other older employees who had taken medical leave to treat
15 serious medical conditions and disabilities. Alternatively, plaintiff believes that, even assuming
16 arguendo, that the defendants did not have a specific intent to discriminate against older workers in
17 their decision to terminate plaintiff, the decision making process leading up to her termination had a
18 disparate impact on older workers and workers with disabilities. Plaintiff further believes that the
19 alleged basis for termination as being inadequate "performance" was pretext based upon the fact that
20 her alleged inadequate "performance" had never been raised in the almost 29 years preceding her
21 industrial injuries and workers compensation claims.
22
23

24
25 9. As a result of being subjected to discrimination and termination of employment by
26 Defendants, Plaintiff Perez suffered injuries including sleeplessness, stress, depression, and anxiety.
27 Further, as a result of all of the foregoing and following actions taken towards Plaintiff as alleged
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1 herein, Plaintiff has incurred loss of earnings, benefits, and bonuses in an amount not yet ascertained.

2 10. All of the foregoing and following actions taken towards Plaintiff Perez as alleged herein
3 were carried out by Defendants in a deliberate, cold, callous, malicious, oppressive, and intentional
4 manner in order to injure and damage the Plaintiff.
5

6 11. On or about February 06, 2012, Plaintiff Perez exhausted her administrative remedies
7 under the California Fair Employment and Housing Act by filing a charge that Defendants
8 discriminated against her, failed to provide medical leave and terminated her employment, and
9 violated the California Family Rights Act because of their failure to accommodate her as a result of
10 her medical condition. On February 06, 2012, the Department of Fair Housing and Employment
11 issued the Notice of Case Closure/Right-to-Sue Letter in respect to said Defendant.
12

13 **FIRST CAUSE OF ACTION**
14

15 **FAMILY CARE LEAVE DISCRIMINATION IN VIOLATION OF THE FAIR**
16 **EMPLOYMENT AND HOUSING ACT (CALIFORNIA GOVERNMENT CODE §12945.2)**

17 12. Plaintiff re-alleges the information set forth in Paragraphs 1-12 as though fully set forth
18 and alleged herein.
19

20 13. This cause of action is based upon California Government Code section 12945.2 for
21 Defendants discriminating against the Plaintiff, terminating Plaintiff, and refusing to grant the
22 Plaintiff medical leave, interfering with the taking of medical leave and/or retaliating against plaintiff
23 when Plaintiff sought to exercise Plaintiff's rights under said Act.
24

25 14. Plaintiff is informed and believes that Defendant violated California Government Code
26 Section 12945.2 by terminating and failing to accommodate Plaintiff medical, as required by said
27 code as described herein.
28

1 15. Plaintiff is informed and believes that Defendants violated California Government Code
2 section 12945.2 by discriminating against and terminating Plaintiff for exercising her right to
3 medical leave because Plaintiff took time off in order to treat her medical condition as prescribed by
4 a medical doctor that Plaintiff presently is informed and believes that the Defendants considered to
5 be family medical leave. The fact that Defendants failed to maintain Plaintiff's employment status as
6 set forth in the general allegations herein shows that Defendants failed to provide required medical
7 leave because Government Code section 12945.2 provides that medical leave is not considered
8 granted unless the employer provides the employee, upon the granting the leave request, a guarantee
9 of employment in the same or a comparable position upon the termination of the leave.
10

11 16. Plaintiff is informed and believes that Defendants would not have suffered grievous
12 economic injury, or damages, by allowing Plaintiff to take her leave and keeping her position
13 available to Plaintiff.
14

15 17. Plaintiff further alleges that Plaintiff was a qualified full-time employee under Section
16 12945.2, that the condition consultation and treatment resulting from her condition was a serious
17 medical condition because all of these things had the potential to gravely impact Plaintiff's health.
18 Additionally, Plaintiff was a qualified employee under this act because the Defendants employed
19 more than 50 persons within the 75 mile radius of where the Plaintiff was working.
20

21 18. As a direct, foreseeable, and proximate result of the conduct complained of in this cause
22 of action, Plaintiff has suffered, and continues to suffer severe emotional distress and substantial
23 losses in salary and bonuses which the Plaintiff would have received from Defendants plus expenses
24 incurred in obtaining substitute employment and not being regularly employed, all to the Plaintiff's
25 damage in a sum within the jurisdiction of this court, to be ascertained according to proof.
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27 19. As a further direct and proximate result of the Defendants' unlawful discrimination and
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1 failures under this Act, Plaintiff has suffered, and continues to suffer stress and anxiety and
2 symptoms related thereto in a sum within the jurisdiction of this court, to be ascertained according to
3 proof.

4 20. The grossly reckless, careless, negligent, and/or intentional, malicious, and bad faith
5 manner in which Defendants engaged in those acts described in this cause of action by willfully
6 violating those statutes enumerated in this cause of action and terminating the Plaintiff for exercising
7 her right to take medical leave as prescribed by the above referenced statutes entitle Plaintiff to
8 punitive damages against Defendants in an amount within the jurisdiction of this court, to be
9 ascertained by the fact finder, that is sufficiently high to punish the Defendants, deter them from
10 engaging in such conduct again, and to make an example of them to others.

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

19 22. The Plaintiff also prays for reasonable costs and attorney fees against the Defendants, as
20 allowed by California Government Code Section 12965 for the Plaintiff's prosecution of this action
21 in reference to the time the Plaintiff's attorney spend pursuing this cause of action.

SECOND CAUSE OF ACTION

**PHYSICAL DISABILITY DISCRIMINATION (CALIFORNIA GOVERNMENT CODE
SECTIONS 12900, ET. SEQ.)**

23. Plaintiff realleges the information set forth in Paragraphs 1- as though fully set forth and alleged herein.

24. This cause of action is based upon California Government Code section 12926 (k) which defines physical disability as having any physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss that affects one or more of the following body systems: neurological, immunological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin and endocrine, and the disability limits an individual's ability to participate in major life activities. This cause of action is also based upon California Government Code Sections Section 12940 for discriminating against Plaintiff on the basis of physical disability and for failing to reasonably accommodate the Plaintiff's physical disability.

25. On or about February 26, 2009, Plaintiff injured herself in a slip and fall accident. As a result of the accident, Plaintiff fractured her vertebrae in her back and neck. Plaintiff was required to take medical leave and short-term disability all paid for by Defendant(s). Plaintiff used her insurance paid by Defendant to treat her serious medical condition. Plaintiff is informed and believes that Defendants insurance rates increased and had to pay Plaintiff's short term disability pay as a result of Plaintiff's injury.

26. On or about June 3, 2009, shortly after coming back from medical leave, Plaintiff was informed by a supervisor that her job position was being eliminated. After Plaintiff's termination, Plaintiff is informed and believes that Defendant(s) put an advertisement out to fill Plaintiff's job

1 position and hired a new person replace Plaintiff who happened to be significantly younger than
2 Plaintiff.

3 27. Plaintiff alleges that her broke vertebrae condition constituted a physical disability as
4 defined above in California Government Code Section 12926 (k).

5 28. The Plaintiff brings this cause of action for physical disability discrimination, a
6 failure to accommodate such, and termination of employment because of such disability.

7 29. The Plaintiff alleges that she was discriminated against as follows:

8 a. terminating Plaintiff for taking medical leave in order to treat her serious medical
9 conditions and disabilities.

10 b. failing to accommodate Plaintiff's serious medical condition and disabilities.

11 30. The Plaintiff further alleges that reasonable accommodations, with in the workplace,
12 could have been made during the periods of time that the Plaintiff had to be out because of her
13 disability alleged in this lawsuit.

14 31. Plaintiff further alleges that despite any neutral policy claimed by Defendants in regards
15 to the treatment of employees with disabilities is negated since their actual treatment of employees
16 including Plaintiff shows a disparate impact and treatment of persons suffering from physical
17 disability.

18 32. As a direct, foreseeable, and proximate result of the conduct complained of in this
19 cause of action, the Plaintiff has suffered, and continues to suffer, loss of salary, benefits and
20 bonuses plus expenses incurred in obtaining substitute employment and not being regularly
21 employed for months, all to her damage in a sum within the jurisdiction of this court, to be ascertain
22 according to proof.

23 33. As a further direct and proximate result of said Defendants' unlawful discrimination,
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1 the Plaintiff has suffered, and continues to suffer, sleeplessness, depression, anxiety, and stress, in a
2 sum within the jurisdiction of this court, to be ascertain according to proof.

3 34. The grossly reckless, careless, negligent, and/or intentional, malicious, and bad faith
4 manner in which said Defendants engaged in those acts as described in this cause of action by
5 willfully violating those statutes enumerated in this cause of action and terminating the Plaintiff for
6 refusing to comply with their willful violations of the above referenced statutes entitle Plaintiff to
7 punitive damages against said Defendants in an amount within the jurisdiction of this court, to be
8 ascertained by the fact finder, that is sufficiently high to punish said Defendants, deter them from
9 engaging in such conduct again, and to make an example of them to others.

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

19 36. The Plaintiff also prays for reasonable costs and attorney fees against said
20 Defendants, as allowed by California Government Code Section 12965 for the Plaintiff's prosecution
21 of this action in reference to the time the Plaintiff's attorney spends pursuing this cause of action.

23 THIRD CAUSE OF ACTION

24 AGE DISCRIMINATION IN VIOLATION OF CAL GOVT CODE §§ 12900-12996

25 37. Plaintiffs re-alleges the information set forth in Paragraphs 1-12 as though fully set forth
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1 and alleged herein.

2 38. At all times relevant hereto, the Fair Employment and Housing Act, Gov. Code
3 secs. 12900,et.seq., was in full force and effect and was binding on Defendants. FEHA protects
4 employees who are over the age of 40 from discrimination based on age.

5 39. Plaintiffs are within the designated class of individuals to be protected by the statute.
6 FEHA applies to Defendants in that they regularly employed 5 or more persons.

7 40. After providing good and competent service to defendants, plaintiffs were terminated
8 under the pretext of an alleged reduction in force.

9 41. Plaintiffs believes and thereon alleges that a substantial factor for their termination
10 was due to plaintiffs' age. Defendant's discrimination based on age violated the fundamental public
11 policies embodied in the FEHA.

12 42. Plaintiff further alleges that despite any neutral policy claimed by Defendants in
13 regards to the treatment of employees with disabilities is negated since their actual treatment of
14 employees including Plaintiff shows a disparate impact and treatment of persons over the age of 40.

15 43. Defendants wrongful termination of Plaintiffs' employment has resulted in damages
16 and injury to Plaintiffs including but not limited to special and general damages for loss of past and
17 future wages, bonuses, benefits, severe mental and emotional distress, humiliations, anxiety, worry,
18 and injury to reputation, all in and an amount according to proof at the time of trial.

19 44. The conduct of Defendants, as described herein, was outrageous and was carried out
20 with willful and conscious disregard for the rights of Plaintiff. The conduct of Defendants, as set
21 forth herein, constitutes malice, oppression, fraud and/or reckless disregard of Plaintiff's rights so as
22 to entitle Plaintiffs to an award of punitive damages in a sum sufficient to push Defendants and deter
23 this type of conduct in the future.

1 45. Plaintiffs have been forced to obtain legal counsel to protect their rights, causing
2 them to incur attorney's fees. Accordingly, Plaintiffs are entitled to an award of statutory attorney's
3 fees and costs of suit incurred herein pursuant to Gov. Code sec. 12965 and California Code of Civil
4 Procedure sec. 1021.5, and any other applicable statute or legal principle.

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6 **FOURTH CAUSE OF ACTION**
7 **BREACH OF IMPLIED CONTRACT OF EMPLOYMENT**

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9 46. Plaintiffs re-alleges the information set forth in Paragraphs 1-12 as though fully set
10 forth and alleged herein.

11 47. Going back to 1969 and moving forward until March 14, 2011, plaintiff and
12 defendants entered into an employment relationship for an unspecified term based upon oral and
13 written representations, including the conduct of the parties, that provided that plaintiff would not be
14 terminated except for good cause. Said contract included an implied covenant of good faith and fair
15 dealing;
16

17 48. Plaintiff duly performed and/or substantially performed all obligations which were
18 required of her under the implied contract of employment and there was no good cause for her
19 termination. No terms of this agreement were excused.
20

21 49. Plaintiff was discharged without good cause in breach of the agreement and with no
22 substantial justification therefore.

23 50. Defendants wrongful termination of Plaintiffs' employment has resulted in damages
24 and injury to Plaintiffs including but not limited to special and general damages for loss of past and
25 future wages, bonuses, benefits, severe mental and emotional distress, humiliations, anxiety, worry,
26 and injury to reputation, all in and an amount according to proof at the time of trial.
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1 **FIFTH CAUSE OF ACTION**

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

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4 51. Plaintiffs re-allege the information set forth in Paragraphs 1- as though fully set forth
5 and alleged herein.

6 52. Under California law, no employee, whether they are an at-will employee or an
7 employee under a written or other employment contract, can be terminated for a reason that is in
8 violation of a fundamental public policy. In recent years, the California courts have interpreted a
9 fundamental public policy to be any constitutional or statutory provision that is concerned with a
10 matter effecting society at large rather than a purely personal or proprietary interest of the employee
11 or the employer. Moreover, the public policy must be fundamental, substantial, and well established
12 at the time of discharge.
13

14 53. Plaintiffs are informed, believes, and based thereon, alleges that Defendants terminated
15 Plaintiffs in violation of public policy by discriminating against Plaintiffs based upon their age,
16 physical disability, taking medical leave, denying medical leave and terminating them because they
17 missed work in order to care for their serious medical condition as described herein.
18

19 54. The conduct described in Plaintiff's general allegations violates the following statutes
20 that effect society at large:
21

22 a. California Government Code section 12945.2 which prohibits the discrimination,
23 termination, and retaliation of employee on the basis of an employee taking medical;

24 b. California Government Code section 12940 which prohibits the discrimination,
25 termination, and retaliation of employee on the basis of an employee's disability;

26 c. California Government Code section 12996 which prohibits the discrimination,
27 termination, and retaliation of employee on the basis of an employee's age;
28

1 d. California Labor Code section 132a, which prohibits terminating an employee in
2 retaliation for filing a workers compensation claim or claims.

3 e. all other state and federal statutes, regulations, administrative orders, and ordinances
4 which effect society at large, and which discovery will reveal were violated by all named and DOE
5 Defendants by terminating, retaliating, and discriminating against Plaintiffs because of their age and
6 exercise of their right to treat for their medical conditions.
7

8 55. Plaintiffs allege that said Defendants violated public policies, affecting society at
9 large, by violating the statutes, as described in the above Paragraphs, by terminating and
10 discriminating against them based upon their age, filing a workmen's compensation, and requesting
11 and using medical leave and their disability. Specifically, Plaintiffs allege that said Defendants
12 violations of the above referred statutes affect society at large as follows:
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14 a. by acting unlawfully in a manner that effects interstate commerce and the California
15 workplace by discriminating against and terminating Plaintiff on the basis of their age, requesting
16 and exercising their right to take medical leave to treat their serious medical conditions and
17 disabilities.
18

19 56. As a direct, foreseeable, and proximate result of the actions of said Defendants,
20 Plaintiffs have suffered, and continues to suffer, severe emotional distress and substantial losses in
21 salary and other employment benefits he would have received from said Defendants plus expenses
22 incurred in obtaining substitute employment and not being regularly employed for months, as well as
23 financial losses, all to Plaintiffs' damage, in a sum within the jurisdiction of this court, to be
24 ascertained according to proof.
25

26 57. The grossly reckless and/or intentional, malicious, and bad faith manner in which
27 said Defendants conducted themselves as described in this cause of action by willfully violating
28

1 those statutes enumerated in herein , Plaintiffs pray for punitive damages against all named
2 Defendants, and each of them, in an amount within the jurisdiction of this court, to be ascertained by
3 the fact finder, that is sufficiently high to punish said Defendants, and deter them from engaging in
4 such conduct again, and to make an example of them to others.

5 58. Plaintiffs are informed, believe, and based thereon, allege that outrageous conduct of
6 said Defendants described above, in this cause of action, was done with oppression, and malice, by
7 Plaintiffs' supervisors. These unlawful acts were further ratified by Defendant and done with a
8 conscious disregard for Plaintiffs' rights and with the intent, design and purpose of injuring Plaintiff.
9 By reason thereof, Plaintiff is entitled to punitive or exemplary damages against Defendants for their
10 acts as described in this cause of action in a sum to be determined at the time of trial.
11 on the job which Plaintiff also informed Defendants was aggravating his medical condition.

12 SIXTH CAUSE OF ACTION

13 INJUNCTION OF UNFAIR BUSINESS PRACTICES (CALIFORNIA BUSINESS AND 14 PROFESSIONS CODE §17200)

15 59. Plaintiff re-alleges and incorporates by this reference each and every allegation
16 contained in paragraphs 1 through 12, inclusive, as though fully set forth herein.

17 60. California Business and Professions Code §17200, et.seq. prohibits any business
18 practice which is unlawful, unfair and/or fraudulent.

19 61. Defendants intentionally and willfully engaged in such unlawful business practices by
20 terminating plaintiff's employment in a manner that intentionally discriminated against older
21 workers and workers with disabilities, failing to abide by the mandates of California law including
22 the Fair Employment and Housing Act (FEHA), the California Labor Code and other provisions of
23 state and federal law.
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1 62. Plaintiff prays for injunctive relief to prevent same or similar conduct by defendants
2 both now and in the future.

3 63. Pursuant to statute, plaintiff further prays for attorney's fees and costs of suit associated
4 with bringing the present action.

5 **SEVENTH CAUSE OF ACTION**

6 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

7 64. Plaintiff re-alleges and incorporates by this reference each and every allegation
8 contained in paragraphs 1 through 12, inclusive, as though fully set forth herein.

9 65. By intentionally and maliciously terminating plaintiff's employment with complete
10 disregard for the rights of its employees over the age of 40 and with disabilities, defendant's engaged
11 in extreme and outrageous conduct that was not within the anticipated course and scope of her
12 employment.

13 66. As a direct, foreseeable, and proximate result of said extreme and outrageous conduct
14 of said Defendants, Plaintiff has suffered, and continues to suffer, severe emotional distress and
15 substantial losses in salary and other employment benefits he would have received from said
16 Defendants plus expenses incurred in obtaining substitute employment and not being regularly
17 employed for months, as well as financial losses, all to Plaintiffs' damage, in a sum within the
18 jurisdiction of this court, to be ascertained according to proof.

19 67. Plaintiffs are informed, believe, and based thereon, allege that outrageous conduct of
20 said Defendants described above, in this cause of action, was done with oppression, and malice, by
21 Plaintiffs' supervisors. These unlawful acts were further ratified by Defendant and done with a
22 conscious disregard for Plaintiffs' rights and with the intent, design and purpose of injuring Plaintiff.
23 By reason thereof, Plaintiff is entitled to punitive or exemplary damages against Defendants for their
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acts as described in this cause of action in a sum to be determined at the time of trial.

on the job which Plaintiff also informed Defendants was aggravating his medical condition.

PRAYER FOR INJUNCTIVE AND DECLARATORY RELIEF AND MONEY DAMAGES

WHEREFORE, Plaintiffs pray judgment against defendants, and each of them, as follows:

FOR EACH CAUSE OF ACTION:

1. For general damages in a sum to be proven at time of trial as to all causes of action

EXCEPT FOUR;

2. For special damages in an amount according to proof for Plaintiff's loss of past and future earnings, loss of benefits, loss of bonuses, loss of job security and all damages flowing therefrom;

3. As to the **FIRST, SECOND, THIRD, FIFTH, SIXTH and SEVENTH** causes of action, for punitive damages in an amount appropriate to punish defendant and deter others from engaging in similar misconduct;

5. As to the **FIRST, SECOND, THIRD, SEVENTH** causes of action, for attorney's fees to the extent that Plaintiffs' filing of this lawsuit benefits society at large and seeks to prevent and deter public policy violations.

6. As to the **SIXTH** cause of action, for declaratory judgment deeming defendant's action in violation of California Fair Business Practices and enjoining any such further conduct in the future.

7. For all interest as allowed by law;

8. For all costs and disbursements incurred in this suit;

9. For such other and further relief as the Court deems just and proper;

DATED: August 22, 2012

GLOTZER & SWEAT LLP

By: 

Steven M. Sweat, Esq.
Attorneys for Plaintiff

Courthouse News Service

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, Bar number, and address): Steven M. Sweat #181867 Glotzer & Sweat, LLP 280 South Beverly Drive Suite 302 Beverly Hills, CA 90212 TELEPHONE NO.: 310-623-3771 FAX NO.: ATTORNEY FOR (Name): Gloria Perez		FOR COURT USE ONLY FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES AUG 31 2012 John H. ... Executive Officer/Clerk BY <u>Cristina H. ...</u> Deputy Cristina H. ...	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 N. Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Central District		CASE NUMBER: BC 491323 JUDGE: DEPT.:	
CASE NAME: Perez v. Kaiser		CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	
Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)		Items 1-6 below must be completed (see instructions on page 2).	

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

Auto Tort

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

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

- ☐ Asbestos (04)
☐ Product liability (24)
☐ Medical malpractice (45)
☐ Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort

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

Employment

- ☒ Wrongful termination (36)
☐ Other employment (15)

Contract

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

Real Property

- ☐ Eminent domain/Inverse condemnation (14)
☐ Wrongful eviction (33)
☐ Other real property (26)

Unlawful Detainer

- ☐ Commercial (31)
☐ Residential (32)
☐ Drugs (38)

Judicial Review

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

Provisionally Complex Civil Litigation
 (Cal. Rules of Court, rules 3.400-3.403)

- ☐ Antitrust/Trade regulation (03)
☐ Construction defect (10)
☐ Mass tort (40)
☐ Securities litigation (28)
☐ Environmental/Toxic tort (30)
☐ Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment

- ☐ Enforcement of judgment (20)

Miscellaneous Civil Complaint

- ☐ RICO (27)
☐ Other complaint (not specified above) (42)

Miscellaneous Civil Petition

- ☐ Partnership and corporate governance (21)
☐ Other petition (not specified above) (43)

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

Date: August 22, 2012

Steven M. Sweat #181867

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

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

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CASE NUMBER

BC 491329
FOR COURT USE ONLY

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

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

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

JURY TRIAL? ☒ YES CLASS ACTION? ☐ YES LIMITED CASE? ☐ YES TIME ESTIMATED FOR TRIAL 5-7 ☐ HOURS / ☒ DAYS
Item II. Select the correct district and courthouse location (4 steps – If you checked "Limited Case", skip to Item III, Pg. 4):

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

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

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

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

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

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

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

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

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	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above	
Judicial Review	Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.	
	Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.	
	Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.	
	Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ/Judicial Review	2., 8.	
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.	
	Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1., 2., 3.	
	Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.	
	Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.	
	Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.	
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.	
Enforcement of Judgment	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.	
	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.	
	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8.	
	Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.	
	Miscellaneous Civil Petitions	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9.

SHORT TITLE: <u>Perez v. Kaiser</u>	CASE NUMBER
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Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: CHECK THE NUMBER UNDER COLUMN C WHICH APPLIES IN THIS CASE <input type="checkbox"/> 1. <input checked="" type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.		ADDRESS: <u>111 N. Hill Street</u>	
CITY: <u>Los Angeles</u>	STATE: <u>CA</u>	ZIP CODE: <u>90212</u>	

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

Dated: 8/22/12

(SIGNATURE OF ATTORNEY/FILING PARTY)
Steven M. Sweat

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

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet form CM-010.
4. Complete Addendum to Civil Case Cover Sheet form LASC Approved CIV 109 (Rev. 01/07).
5. Payment in full of the filing fee, unless fees have been waived.
6. Signed order appointing the Guardian ad Litem, JC form FL-935, if the plaintiff or petitioner is a minor under 18 years of age, or if required by Court.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.