

1 WILLIAM F. WRIGHT - SBN 109470  
2 JULIE A. DOUMIT - SBN 272574  
3 LAW OFFICES OF WILLIAM F. WRIGHT  
4 1731 J Street, Suite 250  
5 Sacramento, California 95811  
6 Telephone: (916) 442-8614  
7 Facsimile: (916) 442-5679

8 Attorney for Plaintiff Margo Golston

**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF PLACER

APR 04 2013

JAKE CHATTERS  
EXECUTIVE OFFICER & CLERK  
By: M. Anderson, Deputy

9  
10 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 IN AND FOR THE COUNTY OF PLACER

12 MARGO GOLSTON

13 Plaintiff,

14 vs.

15 KAISER FOUNDATION HOSPITALS,  
16 JEAN FRIEDMAN, and DOES 1 through 20,  
17 inclusive,

18 Defendants.

CASE NO: **SCV0032699**

**COMPLAINT FOR DAMAGES FOR  
VIOLATION OF GOVERNMENT  
CODE 12940** (Unlimited Civil Case)

19 FACTUAL RECITALS

20 1. Defendant, Kaiser Foundation Hospitals, which does business as Kaiser Permanente,  
21 is a California corporation which operates hospitals in California, including one located at 1600  
22 Eureka Road, in Roseville, California.

23 2. The events alleged in this complaint occurred as said hospital located at 1600 Eureka  
24 Road, Roseville, California.

25 3. Defendant Jean Friedman is employed by defendant Kaiser Permanente as a  
26 supervisor of social workers, including those that work at the 1600 Eureka Road hospital.

27 4. That the true names or capacities, whether individual, corporate, associate, or  
28 otherwise, of defendants, DOES 1 through 20, inclusive, are unknown to plaintiff who therefore sues  
said defendants by such fictitious names. Plaintiff is informed and believes, and thereon alleges, that

1 each of the defendants designated herein as a "Doe" is responsible in some manner, either  
2 intentionally, negligently, in strict liability, for breach of warranty, or otherwise, for the events and  
3 happenings herein referred to and caused injury and damages proximately thereby to plaintiff, as  
4 herein alleged. Plaintiff will amend this complaint to insert the true names and capacities of the  
5 fictitiously named defendants when ascertained.

6 5. At all times herein mentioned, each of the defendants was the agent and employee  
7 of each of the remaining defendants and was acting at all times within the purpose and scope of said  
8 agency and employment, and acting in concert.

9 6. Plaintiff Margo Golston has been employed by defendants as a social worker since  
10 2002. During the events allege in this complaint, she worked under the supervision of defendant  
11 Jean Friedman, at the 1600 Eureka Road hospital.

12 7. Plaintiff Margo Golston was diagnosed with cancer in 2010, and suffers from that  
13 unfortunate disease. The complications from the disease and treatment rendered her a person with  
14 a disability because it limits her major life functions, including working. Plaintiff has a need for  
15 accommodation of her work schedule because of her disability.

16 8. Defendant Jean Friedman learned that plaintiff suffered from cancer when plaintiff  
17 returned from medical leave following surgery in late 2010. Defendant Jean Friedman, who had  
18 previously had a good working relationship with plaintiff, disliked the fact that plaintiff needed  
19 accommodation of her work schedule, and the fact that plaintiff suffers from cancer. In early 2011,  
20 defendant Jean Friedman, on behalf of the other defendants, started to harass and discriminate  
21 against plaintiff in an effort to force her to resign her social work position. Jean Friedman, in fact,  
22 frequently told plaintiff that she shouldn't be working in her position because of her medical issues.  
23 Defendant Jean Friedman, on behalf of the other defendants, was merciless in her mistreatment of  
24 plaintiff from early 2011 to the end of 2012, when plaintiff was forced by Ms. Friedman to take a  
25 demotion to a position outside the hospital in Sacramento.

26 ////

27 ////

28 ////

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

FIRST CAUSE OF ACTION

Harassment Based on Medical Condition in Violation of  
Government Code 12940 Against All Defendants

9. Plaintiff repleads and realleges the allegations of paragraphs 1 through 8.

10. From early 2011 to the end of 2012, defendant Jean Friedman, on behalf of the other defendants, harassed plaintiff because she had cancer, and suffered disabilities because of the cancer and the treatment she received. The harassment was continuous until late 2012, and created a hostile work environment. Examples of the harassment conduct included:

- a. Openly acting with disdain toward plaintiff so as to encourage her colleagues to stop speaking with plaintiff;
- b. Requiring plaintiff's voice mail messages from family to be accessible to everyone, so that everyone knew the content of her personal messages;
- c. Excluding plaintiff from meetings regarding planning of vacation time;
- d. Sending plaintiff hostile emails over calls plaintiff missed while ill;
- e. Making false accusations of poor performance against plaintiff;
- f. Allowing employees to leave trash in plaintiff's office when she was sick;
- g. Violating defendant Kaiser's leave policies for plaintiff's leave;
- h. Forcing plaintiff into many meetings in her office where Ms. Friedman would yell at plaintiff and make false allegations to her;
- i. Telling plaintiff on December 14, 2012, when she returned from cancer surgery, that everyone is complaining about her;
- j. Threatening plaintiff on a frequent basis;
- k. Allowing employees to write on the schedule board, "Margo is still out sick" in bold black marker;
- l. Telling plaintiff that she was going to transfer her to the Emergency Department because she was missing time;
- m. When plaintiff requested postponing a meeting concerning the proposal that she be transferred from the department due to her medical needs, Jean

- 1 Friedman told her "If you're not here, you won't be heard";
- 2 n. Refusing a medical restriction from plaintiff's physician and telling plaintiff,
- 3 "I can't accommodate that";
- 4 o. Telling plaintiff that staff was watching her when she left the building to see
- 5 where she goes; plaintiff was often going to chemotherapy;
- 6 p. Giving plaintiff unjustified poor performance appraisals;
- 7 q. Refusing on occasion to allow plaintiff to take FLMA leave;
- 8 r. Telling plaintiff and her colleagues that plaintiff should be transferred
- 9 because her job in the ICU required better attendance;
- 10 s. Discussing plaintiff's fatigue from radiation therapy in the presence of others,
- 11 thereby violating plaintiff's medical privacy and HIPPA rights;
- 12 t. Threatening to force plaintiff onto disability if she did not change her
- 13 approved CFRA leave;
- 14 u. Telling plaintiff that a temporary accommodation of her work assignment
- 15 was an "unfair practice" that would lead to a union grievance;
- 16 v. When plaintiff declined a transfer to the Cancer Wing, Ms. Friedman told
- 17 plaintiff, "I'm sick of you; I can't take this anymore";
- 18 w. Plaintiff needed a new chair because hers was broken. Plaintiff asked if she
- 19 could bring in a chair she would purchase during an evaluation of her work
- 20 station. Jean Friedman made fun of her by stating, "We would all like Lazy
- 21 Boys and chaise lounges with remote controls";
- 22 x. Refusing to accommodate plaintiff's requests concerning the new chair for
- 23 more than a year;
- 24 y. Telling plaintiff before a meeting, "You really are the minority of everything
- 25 around here";
- 26 z. Telling plaintiff that her niche would be leaving the department and working
- 27 with cancer patients, since it had been a year since her diagnosis;
- 28 aa. When plaintiff informed Jean Friedman that she had a medical appointment

on a particular day, Jean Friedman told her, "What about me, Margo? How do you think I feel? How do you think this crap affects me?";

bb. Telling plaintiff she had been reassigned following return from medical leave in August 2012;

cc. Telling plaintiff that a full time job was not appropriate for her;

dd. Telling plaintiff that "team morale is down" because of her and that she should not work in the department;

ee. Allowing colleagues to participated in her evaluations, but not allowing her to participate in theirs;

ff. Demanding that plaintiff, alone, bring in doctor's notes when her child was sick and plaintiff missed work;

gg. Demanding that plaintiff bring in a doctor's note when receiving cancer treatment, but other employees were not required to bring in doctor's notes when they were ill; and

hh. Doing other harassing acts and generally trying to intimidate plaintiff through hostile emails and meetings in an effort to force her to transfer because of her cancer and the disabilities it created.

11. Plaintiff was forced to transfer from the work environment she had loved, at least before she had cancer, to a lesser position of at Homehealth on Arden Way in Sacramento. She could no longer stand the harassment by Jean Friedman and could find no other way to escape the harassment. By late 2012, plaintiff was suffering severe symptoms from the harassment and was close to a complete breakdown. Her work environment had become so hostile that she dreaded coming to work and suffered severe headaches and sleepless nights.

12. As a further proximate result of the above-described acts of the defendants, and each of them, plaintiff has suffered substantial loss of wages and benefits and will continue to suffer lost wages and benefits for an indefinite period, has suffered and will continue to suffer damages because of stress, anxiety, humiliation, fear, severe emotional injury, and other such damages according to proof. These damages are within the jurisdiction of the Superior Court.

1 13. As a further proximate result of defendants' conduct, plaintiff has required medical  
2 care and/or counseling, and will continue to need such care, all to her damage in an amount  
3 according to proof.

4 SECOND CAUSE OF ACTION

5 Harassment Because of Disability Against All Defendants

6 14. Plaintiff repleads and realleges the allegations of paragraphs 1 through 14.

7 15. From early 2011 to the end of 2012, defendant Jean Friedman, on behalf of the other  
8 defendants, harassed plaintiff because she had cancer, and suffered disabilities because of the cancer  
9 and the treatment she received. The harassment was continuous until late 2012, and created a hostile  
10 work environment. Examples of the harassment conduct included:

- 11 a. Openly acting with disdain toward plaintiff so as to encourage her colleagues  
12 to stop speaking with plaintiff;
- 13 b. Requiring plaintiff's voice mail messages from family to be accessible to  
14 everyone, so that everyone knew the content of her personal messages;
- 15 c. Excluding plaintiff from meetings regarding planning of vacation time;
- 16 d. Sending plaintiff hostile emails over calls plaintiff missed while ill;
- 17 e. Making false accusations of poor performance against plaintiff;
- 18 f. Allowing employees to leave trash in plaintiff's office when she was sick;
- 19 g. Violating defendant Kaiser's leave policies for plaintiff's leave;
- 20 h. Forcing plaintiff into many meetings in her office where Ms. Friedman would  
21 yell at plaintiff and make false allegations to her;
- 22 i. Telling plaintiff on December 14, 2012, when she returned from cancer  
23 surgery, that everyone is complaining about her;
- 24 j. Threatening plaintiff on a frequent basis;
- 25 k. Allowing employees to write on the schedule board, "Margo is still out sick"  
26 in bold black marker;
- 27 l. Telling plaintiff that she was going to transfer her to the Emergency  
28 Department because she was missing time;

- 1 m. When plaintiff requested postponing a meeting concerning the proposal that  
2 she be transferred from the department due to her medical needs, Jean  
3 Friedman told her "If you're not here, you won't be heard";
- 4 n. Refusing a medical restriction from plaintiff's physician and telling plaintiff,  
5 "I can't accommodate that";
- 6 o. Telling plaintiff that staff was watching her when she left the building to see  
7 where she goes; plaintiff was often going to chemotherapy;
- 8 p. Giving plaintiff unjustified poor performance appraisals;
- 9 q. Refusing on occasion to allow plaintiff to take FLMA leave;
- 10 r. Telling plaintiff and her colleagues that plaintiff should be transferred  
11 because her job in the ICU required better attendance;
- 12 s. Discussing plaintiff's fatigue from radiation therapy in the presence of others,  
13 thereby violating plaintiff's medical privacy and HIPPA rights;
- 14 t. Threatening to force plaintiff onto disability if she did not change her  
15 approved CFRA leave;
- 16 u. Telling plaintiff that a temporary accommodation of her work assignment  
17 was an "unfair practice" that would lead to a union grievance;
- 18 v. When plaintiff declined a transfer to the Cancer Wing, Ms. Friedman told  
19 plaintiff, "I'm sick of you; I can't take this anymore";
- 20 w. Plaintiff needed a new chair because hers was broken. Plaintiff asked if she  
21 could bring in a chair she would purchase during an evaluation of her work  
22 station. Jean Friedman made fun of her by stating, "We would all like Lazy  
23 Boys and chaise lounges with remote controls";
- 24 x. Refusing to accommodate plaintiff's requests concerning the new chair for  
25 more than a year;
- 26 y. Telling plaintiff before a meeting, "You really are the minority of everything  
27 around here";
- 28 z. Telling plaintiff that her niche would be leaving the department and working

1 with cancer patients, since it had been a year since her diagnosis;

2 aa. When plaintiff informed Jean Friedman that she had a medical appointment  
3 on a particular day, Jean Friedman told her, "What about me, Margo? How  
4 do you think I feel? How do you think this crap affects me?";

5 bb. Telling plaintiff she had been reassigned following return from medical leave  
6 in August 2012;

7 cc. Telling plaintiff that a full time job was not appropriate for her;

8 dd. Telling plaintiff that "team morale is down" because of her and that she  
9 should not work in the department;

10 ee. Allowing colleagues to participated in her evaluations, but not allowing her  
11 to participate in theirs;

12 ff. Demanding that plaintiff, alone, bring in doctor's notes when her child was  
13 sick and plaintiff missed work;

14 gg. Demanding that plaintiff bring in a doctor's note when receiving cancer  
15 treatment, but other employees were not required to bring in doctor's notes  
16 when they were ill; and

17 hh. Doing other harassing acts and generally trying to intimidate plaintiff through  
18 hostile emails and meetings in an effort to force her to transfer because of her  
19 cancer and the disabilities it created.

20 16. Plaintiff was forced to transfer from the work environment she had loved, at least  
21 before she had cancer, to a lesser position of at Homehealth on Arden Way in Sacramento. She  
22 could no longer stand the harassment by Jean Friedman and could find no other way to escape the  
23 harassment. By late 2012, plaintiff was suffering severe symptoms from the harassment and was  
24 close to a complete breakdown. Her work environment had become so hostile that she dreaded  
25 coming to work and suffered severe headaches and sleepless nights.

26 17. As a further proximate result of the above-described acts of the defendants, and each  
27 of them, plaintiff has suffered substantial loss of wages and benefits and will continue to suffer lost  
28 wages and benefits for an indefinite period, has suffered and will continue to suffer damages because



1 of stress, anxiety, humiliation, fear, severe emotional injury, and other such damages according to  
2 proof. These damages are within the jurisdiction of the Superior Court.

3 18. As a further proximate result of defendants' conduct, plaintiff has required medical  
4 care and/or counseling, and will continue to need such care, all to her damage in an amount  
5 according to proof.

6 EXHAUSTION OF ADMINISTRATIVE REMEDIES

7 19. Plaintiff file timely DFEH complaints against Kaiser Permanente and Jean Friedman.  
8 Plaintiff has received the right to sue. The DFEH complaints and right to sue letters are attached to  
9 this complaint.

10 EXEMPLARY DAMAGES ALLEGATIONS

11 20. Plaintiff repleads and realleges the allegations of paragraphs 1 through 18 of this  
12 complaint. The conduct of Jean Friedman was malicious because her intent was to make plaintiff  
13 suffer and feel threatened because she was disabled by cancer and therefore, an inconvenience to  
14 Jean Friedman. This justifies an award of exemplary damages against Jean Friedman in an amount  
15 according to proof.

16 WHEREFORE, plaintiff prays for judgment against defendants as follows:

- 17 1. For lost income and wage benefits according to proof;
- 18 2. For medical expenses according to proof;
- 19 3. For general damages according to proof;
- 20 4. For prejudgment interest;
- 21 5. For exemplary damages against Jean Friedman according to proof;
- 22 6. For costs of suit and attorney's fees; and
- 23 7. For such other relief as the Court may deem proper.

24  
25  
26 DATED: April 3, 2013

27   
28 WILLIAM F. WRIGHT



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

DIRECTOR PHYLLIS W. CHENG

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758  
(800) 884-1684 | Videophone (916) 226-5285 | TDD (800) 700-2320  
www.dfeh.ca.gov | email: contact.center@dfeh.ca.gov

March 12, 2013

RE: 97217-43727 - Golston Margo - Right To Sue

Notice of Filing of Discrimination Complaint

Enclosed is a copy of a complaint that has been filed with the Department of Fair Employment and Housing (DFEH) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. Complainant has requested an authorization to file a lawsuit. This complaint is not being investigated and is being closed immediately. A copy of the closing letter and right to sue is enclosed for your records.

NO RESPONSE TO DFEH IS REQUESTED OR REQUIRED.

Please see the next page for the Respondent(s) name and address



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

DIRECTOR PHYLLIS W. CHENG

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758  
(800) 884-1684 | Videophone (916) 226-5285 | TDD (800) 700-2320  
www.dfeh.ca.gov | email: contact.center@dfeh.ca.gov

March 12, 2013

RE: 97217-43727 - Golston Margo - Right To Sue

Notice of Filing of Discrimination Complaint

Human Resources Manager Agent for Service for  
Kaiser Permanente

1600 Eureka Road

Roseville CA

Jean Friedman

c/o Kaiser Permanente 1600

Eureka Road

Roseville CA

Courthouse News Service

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING  
EMPLOYMENT

COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT

DFEH INQUIRY NUMBER:  
97217-43727

COMPLAINANT NAME:  
Margo Golston

NAMED IS THE EMPLOYER, PERSON, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, OR  
STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME:

RESPONDENT NAME:  
Kaiser Permanente

AGENT FOR SERVICE NAME:  
Human Resources Manager

TELEPHONE NUMBER:

ADDRESS (AGENT FOR SERVICE):  
1600 Eureka Road

CITY/STATE/ZIP:  
Roseville, CA

NO. OF EMPLOYEES/MEMBERS:  
1000

DATE MOST RECENT DISCRIMINATION TOOK PLACE:  
Dec 12, 2012

TYPE OF EMPLOYER:  
Private Employer

CO-RESPONDENT(S):

NAME  
Jean Friedman

ADDRESS  
c/o Kaiser Permanente 1600 Eureka Road Roseville CA

I wish to pursue this matter in court. I hereby request that the Department of Fair Employment and Housing provide a right to sue. I understand that if I want a federal right to sue notice, I must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of the DFEH "Notice of Case Closure and Right to Sue," or within 300 days of the alleged discriminatory act, whichever is earlier.

I have not been coerced into making this request, nor do I make it based on fear of retaliation if I do not do so. I understand it is the Department of Fair Employment and Housing's policy to not process or reopen a complaint once the complaint has been closed on the basis of "Complainant Elected Court Action."

By submitting this complaint, I am declaring under penalty of perjury under the laws of the State of California that, to the best of my knowledge, all information contained in this complaint is true and correct, except matters stated on my information and belief, and I declare that those matters I believe to be true.

DATED March 12, 2013 At Sacramento VERIFIED BY: William F. Wright, Attorney for Complainant

DFEH-300-030 (07/12)  
DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

DATE FILED:  
MODIFIED: Mar 12, 2013

STATE OF CALIFORNIA

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING  
EMPLOYMENT

COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT AND  
HOUSING ACT

I ALLEGE THAT I EXPERIENCED:

Discrimination, Harassment, Retaliation

ON OR BEFORE: Dec 12, 2012

BECAUSE OF MY  
ACTUAL OR  
PERCEIVED:

Disability - including HIV and AIDS, Family Care or Medical Leave, Medical Condition - including Cancer

AS A RESULT, I WAS:

Demoted, Denied a good faith interactive process, Denied a work environment free of  
discrimination and/or retaliation, Denied family care or medical leave, Denied reasonable  
accommodation

STATE WHAT YOU BELIEVE TO BE THE REASON(S) FOR DISCRIMINATION:

My supervisor, Jean Friedman, does not like employees who have cancer or disabilities, nor employees who need medical leave.



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

DIRECTOR PHYLLIS W. CHENG

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758  
(800) 884-1684 | Videophone (916) 226-5285 | TDD (800) 700-2320  
www.dfeh.ca.gov | email: contact.center@dfeh.ca.gov

Margo Golston  
Law Offices of William F. Wright 1731 J Street, Suite 250  
Sacramento, CA 95811

RE: 97217-43727 - Golston Margo - Right To Sue

Notice of Case Closure and Right to Sue

Dear Margo Golston:

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

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

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

DFEH does not retain case files beyond three years after a complaint is filed, unless the case is still open at the end of the three-year period.

Sincerely,

Department of Fair Employment and Housing

cc: Human Resources Manager , Agent for Service for Kaiser Permanente

Jean Friedman