

FEE WAIVER PENDING

Filed in Forma Pauperis (CRC 3.50, et seq.) per order dated: _____

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Plus a one time administrative fee upon judgment if the party becomes a judgment creditor. (GC §8103.5, 68638)

MAR 17 2014

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FILED
Superior Court Of California
County Of Los Angeles

MAR 18 2014

Sherri R. Carter, Executive Officer/Clerk
By (Signature) Deputy
Armed Hayes

Attorney for Plaintiff KENDALL THOMAS

THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR LOS ANGELES COUNTY
STANLEY MOSK COURTHOUSE

BC539753

KENDALL THOMAS

CIVIL ACTION NUMBER: [REDACTED]

Plaintiffs

[REDACTED] COMPLAINT FOR
EQUITABLE RELIEF AND DAMAGES:

vs.

KAISER FOUNDATION HEALTH PLAN,
INC.; KAISER FOUNDATION HOSPITALS,
and Does 1-10, inclusive

EMPLOYMENT DISCRIMINATION-
DISPARTE TREATMENT (RACE) &
RETALIATION

EMPLOYMENT DISCRIMINATION-
HOSTILE ENVIRONMENT (RACE) &
RETALIATION

HATE CRIMES (CC §1.7, 52 AND 52.1)

INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS

GENERAL NEGLIGENCE

EMPLOYMENT DISCRIMINATION- ADA &
DISABILITY AND FAILURE TO ENGAGE
IN INTERACTIVE PROCESS

DEMAND FOR JURY TRIAL

Defendants.

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2 Plaintiff Kendall Thomas ("Plaintiff") is informed and believes (and on the basis of that
3 information and belief) complains and alleges as follows:

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6 **PARTIES, JURISDICTION AND VENUE**

7 1. Plaintiff is an individual and lawful resident of the State of California. Plaintiff is
8 employed by the named defendants, and each of them, (hereinafter individually and/or
9 collectively referred to as "Defendants") in the State of California.

10 2. Plaintiff has been a victim of employment discrimination due to the practices and
11 conduct of the Defendants. Plaintiff is an African-American man and filed a complaint with the
12 California Department of Fair Employment and Housing ("DFEH") under the Fair Employment
13 and Housing Act ("FEHA"). Plaintiff received a Notice of Case Closure signifying that Plaintiff
14 has exhausted his administrative remedies under FEHA.

15 3. (a) At all relevant times mentioned herein Defendant Kaiser Foundation
16 Hospitals was a corporation organized and existing under the laws of the State of California.
17 During all relevant times alleged herein, Defendant was also an "employer" pursuant to the
18 California Fair Employment and Housing Act.

19 (b) At all relevant times mentioned herein Defendant Kaiser Foundation Health
20 Plan, Inc. was a corporation organized and existing under the laws of the State of Delaware with
21 a principal place of business in the City of Pasadena, Los Angeles County, California. During all
22 relevant times alleged herein, Defendant was an "employer" pursuant to the California Fair
23 Employment and Housing Act and employed Plaintiff.

24 (c) In addition, Plaintiff is ignorant of the true names and capacities of defendants
25 sued herein as DOES 1 through 10, inclusive, and therefore sues these defendants by such
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1 fictitious names. Plaintiff will amend this complaint to allege their true names and capacities
2 when ascertained. Plaintiff is informed and believes and thereon alleges that each of the
3 fictitiously named defendants is actually responsible in some manner for the occurrences herein
4 alleged, and Plaintiff's injuries as herein alleged were actually and proximately caused by
5 Defendants' actions and/or omissions.

6 (d) At all times mentioned in this Complaint, the Defendants each regularly
7 employed five (5) or more persons (including Plaintiff), bringing them within the provisions of
8 Section 12900 et seq. of the Government Code prohibiting employers and/or their agents from
9 discriminating against employees on the basis of gender, disability, etc. In addition, several of
10 Plaintiff's direct supervisors were responsible for the unlawful conduct alleged herein and were,
11 when they undertook such conduct, acting within the scope and in furtherance of their
12 employment with Defendants and at Defendants' direction. Each such supervisor was also an
13 employee of the Defendants and was (and is) an individual who can be held personally liable
14 pursuant to Government Code Section 12940(j)(3) and otherwise pursuant to the terms of the
15 California Fair Employment and Housing Act.

16 (e) Each Defendant operates its business in the County of Los Angeles, State of
17 California and takes advantages of resources, laws and benefits offered to companies who
18 operate, conduct business and employ persons in the County of Los Angeles, State of California.
19 Defendants maintain a regional office for all of Southern California (including Plaintiff's
20 workplace and the headquarters of the relevant human resources officers who were not only
21 responsible for Plaintiff's work environment, but handled and responded to his specific claims of
22 discrimination and retaliation as alleged hereinbelow) which is located in the County of Los
23 Angeles, State of California. More specifically, such regional office is located in Pasadena,
24 California and the relevant records and files were (and are) located in and were (and are)
25 administered in Pasadena, California. Likewise, many of the relevant witnesses worked in, were
26 managed, supervised and acted from the regional office in Pasadena, California where they also
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maintained and administered the relevant records and files for Plaintiff and his allegations. Accordingly, for each allegation of Plaintiff contained hereinbelow, the records relevant to the practice are maintained and administered in the County of Los Angeles, State of California; to wit, Defendants' regional office for all of Southern California which is located in Pasadena, California. The executives who were responsible for training, policy-making, supervision, enforcement of Defendants' policies regarding employment discrimination, EEO and the allegations made herein by Plaintiff are employed by the Defendants in Pasadena, California (Los Angeles County) and maintain their offices and the records relevant to the discriminatory practices of the Defendants (generally) and the records relevant to Plaintiff's allegations in Pasadena, California (Los Angeles County). Those executives made decisions, elected to be derelict in their relevant duties and engaged in conduct which caused damage to Plaintiff in their offices in Pasadena, California and maintained and administered the records which evidence such conduct in Pasadena, California. Likewise, the executives who are in charge of Plaintiff's work, duties, assignments and the construction department for which Plaintiff worked are located in Pasadena, California and Oakland, California and maintain their offices and files in those locations. Defendants' regional office for the location where Plaintiff works is also maintained in Pasadena, California. Accordingly the relevant files for Plaintiff's complaints are located, maintained and administered in Pasadena, California. Moreover, Plaintiff made formal complaints of employment discrimination to Defendants' human resources executives and professionals who were exclusively located in Pasadena, California and maintain their offices and maintain and administer their relevant records there as well.

Plaintiff contends and alleges that managers and his supervisors (now terminated by Kaiser through their human resources officers in Pasadena, CA.) were directly responsible for hanging a doll painted in blackface in effigy at the workplace; but that their conduct was based upon the failures of executives and human resources professionals based in (and who maintain files in) Pasadena, CA. and who were responsible for the fair employment of Plaintiff and

maintaining a workplace free of discrimination. But for the improper and unlawful conduct of Defendants' executives and human resource officers in Pasadena, California; the hanging of the doll would not have occurred; nor would the other discrimination alleged herein have occurred.

As alleged hereinbelow, the discrimination suffered by Plaintiff is systemic and arises out of the conduct (and lack thereof), corporate culture, decisions, staffing, human resources approach and executive level decisions which are all made in Pasadena, CA.

More specifically, this matter arises out of:

- i) the systemic discriminatory conduct of Defendants executives who work in and maintain and administer relevant files in Pasadena, CA.,
- ii) the failure to engage in proper hiring, screening, policy-making and training of management by executives who work in and maintain and administer relevant files in Pasadena, CA.,
- iii) the failure to take all reasonable steps to minimize discrimination in the workplace by executives who work in and maintain and administer relevant files in Pasadena, CA.,
- iv) the failure of Defendant's human resources staff (which is based in Pasadena, CA) to engage in the interactive process, take reasonable steps to prevent retaliation and failed to properly investigate Plaintiff's repeated and ongoing claims of discrimination in the workplace. All of the documents which evidence such conduct are regularly maintained and administered in Pasadena, California (Los Angeles County).

Similarly, Defendants' purported investigation of Plaintiff's complaints of discrimination were conducted by Defendants' employees and human resource officers who are exclusively located in Pasadena, California (Los Angeles County) and who maintain their files in Pasadena, California. Every human resource officer who Plaintiff interacted with regarding the allegations alleged herein was located in Pasadena, California and maintained their offices and files in

1 Pasadena, California. As a result of Plaintiff's complaint, Plaintiff was subject to retaliation
2 (more fully alleged herein) which emanated from the executives and human resource officers in
3 Pasadena, California who condoned and ratified the unlawful conduct alleged hereinbelow. Such
4 conduct was undertaken by the Defendants through executives, managers, human resources
5 officers and other personnel employed by Defendants who were the direct and indirect
6 supervisors of Plaintiff. Accordingly, Plaintiff alleges that all Defendants are strictly liable for
7 the conduct of their co-defendants pursuant to California Government Code (§ 12940, subd.
8 (j))(1). Many of these supervisors either work in Pasadena, California and/or were taking
9 direction from their supervisors located in Pasadena, California and likewise maintained and
10 administered the relevant records and files in Pasadena, California. Finally, all of the allegations
11 supporting Plaintiff's claims for punitive damages directly and/or indirectly involve the
12 affirmative conduct and/or negligence of executives located in Pasadena, California who
13 maintained and administered their relevant records and files there also.

14 Based upon the foregoing and other legitimate factors relating to costs of litigation,
15 Plaintiff alleges that the proper venue for this action is the County of Los Angeles, State of
16 California. Plaintiff further basis that Los Angeles County is the proper venue pursuant to
17 Government Code Section ("GC") 12965(b) which provides:

18 *The superior courts of the State of California shall have jurisdiction of*
19 *those actions, and the aggrieved person may file in these courts. An action*
20 *may be brought in any county in the state in which the unlawful practice is*
21 *alleged to have been committed, in the county in which the records*
22 *relevant to the practice are maintained and administered, or in the county*
23 *in which the aggrieved person would have worked or would have had*
24 *access to the public accommodation but for the alleged unlawful practice,*
25 *but if the defendant is not found within any of these counties, an action may*
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1 *be brought within the county of the defendant's residence or principal*
2 *office (emphasis added).*
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4 4. Each of the Defendants is a shell entity and the alter-ego of the other along with other
5 entities which are currently identified as "Doe" defendants. These Defendants act separately and
6 individually, but share a common scheme to hide behind the existence of each of them. Each
7 shared in employing Plaintiff as each received the direct benefit of Plaintiff's services and
8 contributed monies to Plaintiff's wages. Likewise, each was individually responsible for the
9 conduct alleged herein. The Defendants did not comply with the required formalities of a
10 Corporation and each manipulated its corporate structure in an attempt to obviate its
11 responsibilities and legal requirements.

12 5. Plaintiff is informed and believes and thereon alleges that in connection with the acts
13 and omissions alleged herein, each and all of the Defendants named herein, together with those
14 unknown to Plaintiff, entered into a partnership, employment, joint venture, and/or principal-
15 agent relationship to carry out all of the acts and omissions herein alleged. At all times herein
16 mentioned, such Defendants have been and continue to be the employees, agents, partners,
17 employers, principals, and/or joint venturers of their Co-Defendants, and in acting and omitting
18 to act as alleged herein, acted and failed to act: (a) both on their own behalf and on behalf of
19 their employees, agents, partners, employers, principals, and/or joint venturers; (b) within the
20 course and scope of and pursuant to their employment, agency, joint venture and/or partnership;
21 and (c) with the authorization, direction, ratification, and adoption of their employers, principals,
22 joint venturers, partners, employees, and/or agents. Accordingly, each of them are jointly and
23 severally liable and/or vicariously liable for the conduct of each of the others. Plaintiff may seek
24 leave of court to allege the exact nature of such interrelationships when the same are ascertained.

25 6. Defendants, and each of them, engaged in a civil conspiracy to deprive Plaintiff of his
26 rights and to cause him injury, harm and damages. Each Defendant aided and abetted the other in
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1 furtherance of the civil conspiracy with actual, inquiry and constructive knowledge of the
2 commission of each of the unlawful acts alleged herein.

3 7. At the center of the conspiracy is a central team of decision-makers, officers,
4 managers, members and senior executives of each whom acted in concert with each of the
5 Defendants and each other in furtherance of the unlawful activity alleged herein.

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8 **FACTS COMMON TO ALL CAUSES OF ACTION**

9 8. Defendants jointly own and operate a business and co-venture which provides health
10 care and operates a series of hospitals and health care facilities in California. Each Defendant
11 (operating separately and together) has a history of operating their businesses in a discriminatory
12 manner. Such practices include the discriminatory treatment of employees, applicants, tenants,
13 vendors and contractors. Defendants are aware of such practices and have made a conscious
14 decision to continue in such practices.

15 9. Defendants, and each of them, during Plaintiffs employment, failed and refused to
16 properly train, screen, conduct background checks, supervise, reprimand, direct and instruct its
17 regional, district, senior and executive management personnel in a manner at or above the
18 standard of care and in accordance with Defendants' stated policies and the laws of the State of
19 California as all of same relate to maintaining and promoting a work environment which is free
20 of discrimination, wrongful termination and other unlawful conduct. Defendants failed and
21 refused to properly address complaints of discrimination, threats of wrongful termination and
22 unlawful conduct (including wrongful termination) and to undertake any effective measures to
23 address, minimize and/or eliminate discriminatory practices, wrongful terminations and other
24 unlawful practices in the workplace. Moreover, Defendants had actual, constructive and inquiry
25 knowledge that the workplace was discriminatory, unlawfully managed, replete with threats and
26 incidents of wrongful termination and that a hostile environment for the alleged protected classes
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1 of persons and the targeted victims of the hostile environment existed. Notwithstanding such
2 knowledge, Defendants (and their managing agents, officers, directors, senior executives, etc.)
3 took no action; and, in fact, participated in, supported and condoned such discrimination and
4 unlawful activity.

5 10. During Plaintiffs' entire employment, Defendants (and each of them) created,
6 encouraged, condoned, permitted, allowed and refused to take any steps to correct the hostile and
7 discriminatory work environment. Various protected classes of employees were subject to
8 considerably less favorable working conditions and severe and blatant disparate treatment from
9 their non-protected counterparts. The workplace was permeated by disparate treatment of these
10 protected classes while sexist, racist and inappropriate comments of a stereotypical, sexual and
11 hostile nature were tolerated on a regular basis. More specifically, the environment was
12 particularly toxic and hostile toward African American employees. Employees of Defendants
13 frequently acted in a racist and discriminatory manner consistent with and spawned by the
14 environment created and permitted by Defendants around the Doll Incident, the Unlawful
15 Conduct and the Retaliatory Conduct (as defined hereinbelow).

16 11. Defendants' conduct in intentionally creating a hostile work environment for
17 Plaintiff, harassing, abusing, embarrassing Plaintiff, sabotaging Plaintiff and his work, denying
18 Plaintiff access to benefits, staffing, resources and information and all similar conduct alleged
19 herein was unlawful, outrageous, intentional, unprivileged and outside the normal risk of
20 employment. Moreover, such conduct was not incidental to any employment or lawful objective,
21 but was maliciously undertaken only to cause injury and harm to Plaintiff by Defendants and
22 each of them, and such conduct was undertaken by their managers and officers.

23 12. Plaintiffs were forced to bring this action to enforce his rights.
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I. FIRST CAUSE OF ACTION BY PLAINTIFF

AGAINST ALL DEFENDANTS
FOR EMPLOYMENT DISCRIMINATION - DISPARATE TREATMENT
BASED UPON RACE & RETALIATION

13. Plaintiff re-alleges and incorporates herein by this reference Paragraphs 1-12 above as if they were fully set forth here.

14. This action is brought pursuant to the California Fair Employment and Practices Act and California Government Code Sections 12900 et seq. which prohibits discrimination, such as: discrimination against a person in the terms, conditions, or privileges of employment on the basis of the person's race.

15. At all times mentioned in this Complaint, the Defendants regularly employed five (5) or more persons, bringing them within the provisions of Section 12900 et seq. of the Government Code prohibiting employers and/or their agents from discriminating against employees on the basis of race. In addition, Defendants employed several persons who were direct supervisors of the Defendants who engaged in the unlawful conduct alleged herein on behalf of the Defendants. Such individuals, to be named later, can be held personally liable pursuant to Government Code Section 12940(j)(3) and otherwise pursuant to the terms of the California Fair Employment and Housing Act.

16. Plaintiff filed a discrimination complaint against Defendants with regard to all applicable claims hereunder with the DFEH. Plaintiff has exhausted his administrative remedies with regard to all claims made herein requiring him to do so and has been issued a Notice of Case Closure by the DFEH.

17. Plaintiff was subject to disparate treatment and a resulting hostile working environment by the Defendants as a result of his race (African American). The Unlawful Conduct permeated the workplace in such a manner that it substantially affected Plaintiff's ability to perform his job functions and caused injuries and damages. More specifically, as a

1 result of his race, Plaintiff was subjected to the unlawful and discriminatory conduct which
2 caused Plaintiff to be treated in a harmful, unfair, inequitable and disparate as compared to his
3 non-protected counter-parts. Plaintiff's race was a substantial and determining factor in
4 Defendants' decision to engage in the discriminatory conduct described herein.

5 18. Defendants, and each of them, during Plaintiff's employment, failed and refused to
6 properly train, screen, conduct background checks, supervise, reprimand, direct and instruct its
7 senior management personnel in a manner at or above the standard of care and in accordance
8 with Defendants' stated policies and the laws of the State of California as all of same relate to
9 maintaining and promoting a work environment which is free of discrimination based upon
10 gender, pregnancy, race, ethnicity, marital status and age. Defendants failed and refused to
11 properly address complaints of discrimination and/or to undertake any effective measures to
12 address, minimize and/or eliminate discriminatory practices in the workplace. Moreover,
13 Defendants had actual, constructive and inquiry knowledge that the workplace was
14 discriminatory and that a hostile environment for these protected classes of persons existed.
15 Notwithstanding such knowledge, Defendants (and their managing agents, officers, directors,
16 senior executives, etc.) took no action; and, in fact, participated in, supported and condoned such
17 discrimination.

18 19. During Plaintiff's entire employment; Defendants (and each of them) created,
19 encouraged, condoned, permitted, allowed and refused to take any steps to correct the hostile and
20 discriminatory work environment. These protected classes of employees, including Plaintiff,
21 were subject to considerably less favorable working conditions and severe and blatant disparate
22 treatment from their non-protected counterparts. The workplace was permeated by disparate
23 treatment of these protected classes, sexist, racist and inappropriate comments of a stereotypical,
24 sexual and hostile nature and more favorable treatment of non-African American employees. In
25 this regard, Defendants engaged in the following conduct (and other conduct of a similar nature)
26 directed against Plaintiff as a result of race:
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- 1 a) Plaintiff received lesser resources and lesser quality assignments;
- 2 b) Plaintiff was not given proper credit for his accomplishments and
- 3 achievements;
- 4 c) Plaintiff was given more menial assignments;
- 5 d) Plaintiff was compensated less favorably and received lesser job benefits and
- 6 "perks";
- 7 e) Plaintiff was more harshly criticized, disciplined and received inaccurate and
- 8 unfair performance reviews;
- 9 f) Plaintiff was not fairly considered for promotion(s), merit increases and/or pay
- 10 increase(s) and not promoted as frequently as their non-protected counterparts who typically had
- 11 the same and/or lesser experience, background and performance;
- 12 g) Plaintiff was overlooked and his professional opinions ignored and flippantly
- 13 dismissed;
- 14 h) Plaintiff was subject to rude, cruel, untrue, harsh, discriminatory, stereotypical,
- 15 negative and derogatory comments being made in the workplace which severely disrupted the
- 16 workplace and severely interfered with the ability of Plaintiff to perform his job duties;
- 17 i) Plaintiff was generally treated in a discriminatory, unfair and inferior manner
- 18 which severely disrupted the workplace and severely interfered with the ability of Plaintiff to
- 19 perform his job duties;
- 20 j) Plaintiff was unfairly and disparately denied access to meetings, information,
- 21 resources, correct information and other assistance;
- 22 k) Plaintiff was not properly trained by his supervisors who desired to prevent
- 23 Plaintiff from excelling in the workplace by not providing such training;
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1 1) Defendants obviated and refused to follow their practices and policies to the
2 detriment of Plaintiff and other protected employees, tenants, vendors, contractors, etc.

3 20. All of the foregoing occurred by design and with the full knowledge of all
4 Defendants. When such conduct was brought to the attention of all Defendants by Plaintiff,
5 Defendants failed and refused to take any corrective action and continued in their course of
6 discrimination. In fact, Defendants retaliated against Plaintiff by increasing the severity of the
7 conduct described hereinabove in retaliation for Plaintiff's alleging discrimination against
8 Defendants. The reason for such unlawful conduct and the retaliatory conduct was the race of
9 Plaintiff (and others who were victimized by Defendants' discriminatory conduct).

10 21. Accordingly, as a result of his race, Plaintiff was subjected to the treatment,
11 environment and discrimination described above in Paragraphs 17 through 21, without
12 limitation. Plaintiff was also subjected to other similar and dissimilar disparate, discriminatory
13 and hostile treatment solely as a result of his race and such other similar and dissimilar treatment
14 is sometimes hereinafter referred to as the "Unlawful Conduct").

15 22. In each instance of such Unlawful Conduct, each of the Defendants (including their
16 executives and the supervisors of Plaintiff) knew and should have known of each incident of the
17 Unlawful Conduct and failed and refused to take any immediate and/or appropriate corrective
18 action. In fact, said Defendants (and their executives and supervisors) condoned, ratified,
19 concealed and approved of the Unlawful Conduct; while failing and refusing to take any
20 reasonable steps to prevent the discrimination from occurring.

21 23. In addition to the manifest discriminatory intentions of Defendants and their officers,
22 directors, executives, managing agents, etc.; Defendants' failures and refusals to engage in
23 proper training, supervision, hiring, background checking and other proper human resources
24 functions contributed to the hostile and discriminatory work environment that Plaintiff was
25 subjected to during his employ as well as the Unlawful Conduct. The Defendants knew, were
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1 informed and apprised and recklessly disregarded the fact that the Unlawful Conduct and other
2 incidents of discrimination were occurring and had occurred and failed to take reasonable steps
3 to prevent and/or discontinue the discrimination and harassment from occurring. In fact,
4 Defendants allowed such conditions to persist and actually condoned, accepted, encouraged,
5 facilitated and furthered such conduct. The Defendants' conduct as alleged in this complaint
6 constitutes an unlawful employment practice in violation of the Fair Employment and Housing
7 Act and California Constitution Article I, Section 8. Such conduct was undertaken by the
8 Defendants through executives, managers, human resources officers and other personnel
9 employed by Defendants who were the direct and indirect supervisors of Plaintiff. Accordingly,
10 Plaintiff alleges that all Defendants are strictly liable for the conduct of their co-defendants
11 pursuant to California Government Code (§ 12940, subd. (j))(1).

12 24. As a direct, foreseeable, legal, actual and proximate result of the Defendants'
13 discriminatory acts, the Unlawful Conduct and the retaliation related thereto, Plaintiff has
14 suffered and continues to suffer substantial losses in earnings, job benefits, quality of life,
15 goodwill; and has suffered and continues to suffer humiliation, ridicule, contempt,
16 embarrassment, severe mental and emotional distress, damage to his reputation, discomfort and
17 other damages in an estimated amount in excess of One Million Dollars (\$1,000,000.00), the
18 precise amount of which will be proven at trial.

19 25. Defendants, their senior executives, managing agents, managers, directors and
20 officers committed the acts described in this cause of action intentionally, wilfully, oppressively,
21 fraudulently and maliciously for the purpose of injuring Plaintiff and depriving Plaintiff of his
22 rights. The Unlawful Conduct, retaliation, terminations and other discriminatory acts of these
23 persons and Defendants was extremely reckless and capricious and subjected Plaintiff to cruel
24 and unjust hardships. The recklessness was despicable and done in conscious disregard of
25 Plaintiff's fundamental rights. Furthermore, such conduct on the part of Defendants and those
26 persons was intentional, oppressive, fraudulent, malicious and done in a wanton effort to deprive
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1 Plaintiff of his fundamental rights. Defendants and those persons intended to cause injury to
2 Plaintiff and engaged in conduct with a willful and conscious disregard of Plaintiff's
3 fundamental rights. Defendants and these persons used their superior power and authority over
4 the Plaintiff along with threats and intimidation to subject Plaintiff to cruel and unjust hardships
5 in conscious disregard of his rights. All of the foregoing conduct was undertaken by the
6 Defendants and their owners, managing agents, senior executives, supervisors, directors and
7 officers. Accordingly, Plaintiff also seeks punitive or exemplary damages against Defendants in
8 an amount appropriate to punish and make an example of them in addition to the other damages
9 sought herein.

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11 **II. SECOND CAUSE OF ACTION BY PLAINTIFF**
12 **AGAINST ALL DEFENDANTS**

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14 **FOR EMPLOYMENT DISCRIMINATION - HOSTILE ENVIRONMENT**
15 **BASED UPON RACE & RETALIATION**

16 26. Plaintiff re-alleges and incorporates herein by this reference Paragraphs 1-25 above as
17 if they were fully set forth here.

18 27. This action is brought pursuant to the California Fair Employment and Practices Act
19 and California Government Code Sections 12900 et seq. which prohibits discrimination, such as:
20 discrimination against a person in the terms, conditions, or privileges of employment on the basis
21 of the person's race; as well as the creation of a racially-charged and hostile environment.

22 28. At all times mentioned in this Complaint, the Defendants regularly employed five (5)
23 or more persons, bringing them within the provisions of Section 12900 et seq. of the Government
24 Code prohibiting employers and/or their agents from discriminating against employees on the
25 basis of race. In addition, Defendants employed several persons who were direct supervisors of
26 the Defendants who engaged in the unlawful conduct alleged herein on behalf of the Defendants.
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1 Such individuals, to be named later, can be held personally liable pursuant to Government Code
2 Section 12940(j)(3) and otherwise pursuant to the terms of the California Fair Employment and
3 Housing Act.

4 29. Plaintiff filed a discrimination complaint against Defendants with regard to all
5 applicable claims hereunder with the DFEH. Plaintiff has exhausted his administrative remedies
6 with regard to all claims made herein requiring him to do so and has been issued a Notice of
7 Case Closure by the DFEH.

8 30. Plaintiff was subject to a hostile working environment by the Defendants as a result
9 of his race (African American). The Unlawful Conduct permeated the workplace in such a
10 manner that it substantially affected Plaintiff's ability to perform his job functions and caused
11 injuries and damages. More specifically, as a result of his race, Plaintiff was subjected to the
12 unlawful and discriminatory conduct which caused Plaintiff to be treated in a harmful, unfair,
13 inequitable and disparate manner as compared to his non-protected counter-parts. Plaintiff's race
14 was a substantial and determining factor in Defendants' decision to engage in the discriminatory
15 conduct described herein.

16 31. Defendants, and each of them, during Plaintiff's employment, failed and refused to
17 properly train, screen, conduct background checks, supervise, reprimand, direct and instruct its
18 senior management personnel in a manner at or above the standard of care and in accordance
19 with Defendants' stated policies and the laws of the State of California as all of same relate to
20 maintaining and promoting a work environment which is free of discrimination based upon
21 gender, pregnancy, race, ethnicity, marital status and age. Defendants failed and refused to
22 properly address complaints of discrimination and/or to undertake any effective measures to
23 address, minimize and/or eliminate discriminatory practices in the workplace. Moreover,
24 Defendants had actual, constructive and inquiry knowledge that the workplace was
25 discriminatory and that a hostile environment for these protected classes of persons existed.
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1 Notwithstanding such knowledge, Defendants (and their managing agents, officers, directors,
2 senior executives, etc.) took no action; and, in fact, participated in, supported and condoned such
3 discrimination.

4 32. During Plaintiff's entire employment; Defendants (and each of them) created,
5 encouraged, condoned, permitted, allowed and refused to take any steps to correct the hostile and
6 discriminatory work environment. These protected classes of employees, including Plaintiff,
7 were subject to considerably less favorable working conditions and severe and blatant disparate
8 treatment from their non-protected counterparts. The workplace was permeated by disparate
9 treatment of these protected classes, sexist, racist and inappropriate comments of a stereotypical,
10 sexual and hostile nature and more favorable treatment of non-African American employees. In
11 this regard, Defendants engaged in the following conduct (and other conduct of a similar nature)
12 directed against Plaintiff as a result of race. These incidents were frequent and occurred on
13 approximately a weekly basis... oftentimes more frequently than weekly. The comments were
14 not isolated and were made in an open and notorious matter to such an extent that the racially-
15 charged and hostile environment was toxic and widespread. Defendants were aware of this and
16 did not take appropriate action to address it.

17 33. Plaintiff was subject to rude, cruel, untrue, harsh, discriminatory, stereotypical,
18 negative and derogatory comments being made in the workplace which severely disrupted the
19 workplace and severely interfered with the ability of Plaintiff to perform his job duties.

20 34. Plaintiff's supervisors either engaged in and/or condoned the conduct of hanging a
21 racist, altered doll in effigy in Plaintiff's work area which contained a racial epithet and a
22 racially-charged threat on the doll. This conduct was directed specifically at Plaintiff and other
23 African-American employees who worked in Plaintiff's area as a racist, hostile attack and threat.
24 This conduct was consistent with the hostile environment which was created, permitted,
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1 condoned and accepted by Defendants. An image of the doll is attached hereto and incorporated
2 herein.

3 35. All of the foregoing occurred by design and with the full knowledge of all
4 Defendants. When such conduct was brought to the attention of all Defendants by Plaintiff,
5 Defendants failed and refused to take any corrective action and continued in their course of
6 discrimination. In fact, Defendants retaliated against Plaintiff by giving him lesser assignments,
7 forcing him to work less desirable shifts and locations, harassing Plaintiff, making negative
8 comments about Plaintiff, attempting to terminate and force Plaintiff to quit and other unlawful,
9 retaliatory action consistent with the previously-defined Unlawful Conduct. The foregoing
10 conduct, which is not exhaustive, is sometimes referred to herein as the "Retaliatory Conduct".
11 The reason for such unlawful conduct and the retaliatory conduct was the race of Plaintiff (and
12 others who were victimized by Defendants' discriminatory conduct).

13 36. Accordingly, as a result of his race, Plaintiff was subjected to the treatment,
14 environment and discrimination described above in Paragraphs 17 through 21 and 30 through 35,
15 without limitation. Plaintiff was also subjected to other similar and dissimilar disparate,
16 discriminatory and hostile treatment solely as a result of his race and such other similar and
17 dissimilar treatment is sometimes hereinafter referred to as the "Unlawful Conduct").

18 37. In each instance of such Unlawful Conduct, each of the Defendants (including their
19 executives and the supervisors of Plaintiff) knew and should have known of each incident of the
20 Unlawful Conduct and the Retaliatory Conduct and failed and refused to take any immediate
21 and/or appropriate corrective action. In fact, said Defendants (and their executives and
22 supervisors) condoned, ratified, concealed and approved of the Unlawful Conduct and the
23 Retaliatory Conduct; while failing and refusing to take any reasonable steps to prevent the
24 discrimination from occurring. Defendants failed to engage in a meaningful interactive process
25 with Plaintiff in connection with the Unlawful Conduct and the Retaliatory Conduct and failed
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1 and refused to conduct a full and proper investigation of the alleged conduct. Furthermore,
2 despite being aware of the Unlawful Conduct and the Retaliatory Conduct, Defendants failed and
3 refused to take proper action and the action required by FEHA and contained in Defendants' own
4 policy manual.

5 38. In addition to the manifest discriminatory intentions of Defendants and their officers,
6 directors, executives, managing agents, etc.; Defendants' failures and refusals to engage in
7 proper training, supervision, hiring, background checking and other proper human resources
8 functions contributed to the hostile and discriminatory work environment that Plaintiff was
9 subjected to during his employ as well as the Unlawful Conduct. The Defendants knew, were
10 informed and apprised and recklessly disregarded the fact that the Unlawful Conduct and other
11 incidents of discrimination were occurring and had occurred and failed to take reasonable steps
12 to prevent and/or discontinue the discrimination and harassment from occurring. In fact,
13 Defendants allowed such conditions to persist and actually condoned, accepted, encouraged,
14 facilitated and furthered such conduct. The Defendants' conduct as alleged in this complaint
15 constitutes an unlawful employment practice in violation of the Fair Employment and Housing
16 Act and California Constitution Article I, Section 8. Such conduct was undertaken by the
17 Defendants through their executives, managing directors, officers and various regional managers
18 and district managers who were the direct and indirect supervisors of Plaintiff. Accordingly,
19 Plaintiff alleges that all Defendants are strictly liable for the conduct of their co-defendants
20 pursuant to California Government Code (§ 12940, subd. (j))(1).

21 39. As a direct, foreseeable, legal, actual and proximate result of the Defendants'
22 discriminatory acts, the Unlawful Conduct and the retaliation related thereto; Plaintiff has
23 suffered and continues to suffer substantial losses in earnings, job benefits, quality of life,
24 goodwill; and has suffered and continues to suffer humiliation, ridicule, contempt,
25 embarrassment, severe mental and emotional distress, damage to his reputation, discomfort and
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1 other damages in an estimated amount in excess of One Million Dollars (\$1,000,000.00), the
2 precise amount of which will be proven at trial.

3 40. Defendants, their senior executives, managing agents, managers, directors and
4 officers committed the acts described in this cause of action intentionally, wilfully, oppressively,
5 fraudulently and maliciously for the purpose of injuring Plaintiff and depriving Plaintiff of his
6 rights. The Unlawful Conduct, retaliation, terminations and other discriminatory acts of these
7 persons and Defendants was extremely reckless and capricious and subjected Plaintiff to cruel
8 and unjust hardships. The recklessness was despicable and done in conscious disregard of
9 Plaintiff's fundamental rights. Furthermore, such conduct on the part of Defendants and those
10 persons was intentional, oppressive, fraudulent, malicious and done in a wanton effort to deprive
11 Plaintiff of his fundamental rights. Defendants and those persons intended to cause injury to
12 Plaintiff and engaged in conduct with a willful and conscious disregard of Plaintiff's
13 fundamental rights. Defendants and these persons used their superior power and authority over
14 the Plaintiff along with threats and intimidation to subject Plaintiff to cruel and unjust hardships
15 in conscious disregard of his rights. All of the foregoing conduct was undertaken by the
16 Defendants and their owners, managing agents, senior executives, supervisors, directors and
17 officers. Accordingly, Plaintiff also seeks punitive or exemplary damages against Defendants in
18 an amount appropriate to punish and make an example of them in addition to the other damages
19 sought herein.

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22 **III. THIRD CAUSE OF ACTION**

23 **BY PLAINTIFF AGAINST ALL DEFENDANTS**

24 **FOR HATE CRIMES PURSUANT TO CALIFORNIA CIVIL**

25 **CODE SECTIONS 51.7, 52 AND 52.1**
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1 41. Plaintiff realleges and incorporates herein by this reference Paragraphs 1-40 above as
2 though set forth fully here. More specifically, Plaintiff points to the allegations contained in
3 Paragraphs 34-37 (the "Doll Incident") which was undertaken, permitted, condoned, ratified and
4 supported by Defendants and Plaintiff's supervisors who were employed by Defendants.

5 42. (a) "The Ralph Act," Civil Code sections 51.7 and 52--provides that it is a civil
6 right for a person to be free of violence or its threat against the person or his or her property,
7 because of a person's race, color, religion, ancestry, national origin, political affiliation, sex,
8 sexual orientation, age or disability or position in a labor dispute, or because a person is
9 perceived to have one or more of these characteristics. The Doll Incident constituted a threat
10 against Plaintiff and other African-American employees. The threat was against their person and
11 their property. In fact, the racial epithet on the doll utilized in the Doll Incident stated "Niggers
12 Hang" and threatened the life of Plaintiff. In addition, Plaintiff's vehicle was vandalized by
13 those employees of Defendants acting in a manner consistent with and spawned by the
14 environment created by Defendants around the Doll Incident, the Unlawful Conduct and the
15 Retaliatory Conduct.

16 (b) "The Bane Act," Civil Code section 52.1 --provides protection from
17 interference by threats, intimidation, or coercion or for attempts to interfere with someone's state
18 or federal statutory or constitutional rights (these include association, assembly, due process,
19 education, employment, equal protection, expression, formation and enforcement of contracts,
20 holding of public office, housing, privacy, speech, travel, use of public facilities, voting,
21 worship, and protection from bodily restraint or harm, from personal insult, from defamation,
22 and from injury to personal relations). The Doll Incident along with the Unlawful Conduct and
23 the Retaliatory Conduct consisted of threats, intimidation and coercion and constituted
24 interference with Plaintiff's employment and rights appurtenant thereto, as well as Plaintiff's
25 other constitutional rights. The Doll Incident as well as the Unlawful Conduct and the
26 Retaliatory Conduct were motivated by hate for African-Americans in the workplace. The
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1 conduct surrounding the Doll Incident was violative of Penal Code Sections 422.6(a), (b) as well
2 as the enhancement provisions of Penal Code Sections 422.7 and 422.75.

3 43. All of the foregoing conduct alleged in this cause of action (the "Hate Crimes") were
4 undertaken at the direction, behest and/or with the permission of Defendants with a specific
5 design to create a hostile and offensive workplace toward Plaintiff and other African-Americans.
6 The Hate Crimes, the Unlawful Conduct and the Retaliatory Conduct were perpetrated by
7 Plaintiff's supervisors and subject Defendants to strict liability for such conduct. Plaintiff
8 reported the Hate Crimes to such supervisors and was shunned, transferred, forced to work nights
9 and targeted for termination as a result of his reporting and complaining of such conduct.

10 44. As a direct, foreseeable, legal, actual and proximate result of the Defendants'
11 discriminatory acts as stated herein, Plaintiff has suffered and continues to suffer substantial
12 losses in earnings, job benefits, quality of life, goodwill; and has suffered and continues to suffer
13 humiliation, ridicule, contempt, embarrassment, severe mental and emotional distress, damage to
14 his reputation, discomfort and other damages in an estimated amount in excess of Five Million
15 Dollars (\$5,000,000.00), the precise amount of which will be proven at trial.

16 45. Defendants, their senior executives, managing agents, managers, directors and
17 officers committed the acts described in this cause of action intentionally, wilfully, oppressively,
18 fraudulently and maliciously for the purpose of injuring Plaintiff and depriving Plaintiff of his
19 rights. The Unlawful Conduct, retaliation, terminations and other discriminatory acts of these
20 persons and Defendants was extremely reckless and capricious and subjected Plaintiff to cruel
21 and unjust hardships. The recklessness was despicable and done in conscious disregard of
22 Plaintiff's fundamental rights. Furthermore, such conduct on the part of Defendants and those
23 persons was intentional, oppressive, fraudulent, malicious and done in a wanton effort to deprive
24 Plaintiff of his fundamental rights. Defendants and those persons intended to cause injury to
25 Plaintiff and engaged in conduct with a willful and conscious disregard of Plaintiff's
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1 fundamental rights. Defendants and these persons used their superior power and authority over
2 the Plaintiff along with threats and intimidation to subject Plaintiff to cruel and unjust hardships
3 in conscious disregard of his rights. All of the foregoing conduct was undertaken by the
4 Defendants and their owners, managing agents, senior executives, supervisors, directors and
5 officers. Accordingly, Plaintiff also seeks punitive or exemplary damages against Defendants in
6 an amount appropriate to punish and make an example of them in addition to the other damages
7 sought herein.

IV. FOURTH CAUSE OF ACTION

BY PLAINTIFF AGAINST ALL DEFENDANTS FOR INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

14 46. Plaintiff realleges and incorporates herein by this reference Paragraphs 1-45 above as
15 though set forth fully here.

16 47. Defendants engaged in the Unlawful Conduct, the Retaliatory Conduct, the Hate
17 Crimes and the other unlawful conduct alleged hereinabove toward Plaintiff. All of such conduct
18 was unlawful, outrageous, intentional and outside the normal risk of employment. Moreover,
19 such conduct was not incidental to any employment or lawful objective, but was maliciously
20 undertaken only to cause injury and harm to Plaintiff.

21 48. This conduct was committed by Defendants willfully, intentionally and with reckless
22 disregard of the probability of causing Plaintiff emotional distress. All such conduct was
23 committed by Defendants, their managers, officers and/or their agents in the presence of Plaintiff
24 during his employ and with the Defendants' knowledge that Plaintiff was present and that such
25 conduct would harm Plaintiff.

1 49. As an actual, direct, foreseeable, proximate and legal result of the outrageous conduct
2 committed by Defendants, their managers, and officers and each of them, Plaintiff suffered and
3 continues to suffer severe emotional distress which is tangible and has physical and emotional
4 attributes and symptoms.

5 50. As a direct, foreseeable, legal, actual and proximate result of the Defendants' conduct
6 as described herein, Plaintiff has suffered and continues to suffer substantial losses in earnings,
7 job benefits, quality of life, goodwill; and has suffered and continues to suffer humiliation,
8 ridicule, contempt, embarrassment, severe mental and emotional distress, damage to his
9 reputation, discomfort and other damages in an estimated amount in excess of One Million
10 Dollars (\$1,000,000.00), the precise amount of which will be proven at trial.

11 51. Defendants, their senior executives, managing agents, managers, directors and
12 officers committed the acts described in this cause of action intentionally, wilfully, oppressively,
13 fraudulently and maliciously for the purpose of injuring Plaintiff and depriving Plaintiff of his
14 rights. The aforesaid conduct of the Defendants was extremely reckless and capricious and
15 subjected each Plaintiff to cruel and unjust hardships. The recklessness was despicable and done
16 in conscious disregard Plaintiff's fundamental rights. Furthermore, such conduct on the part of
17 Defendants and those persons was intentional, oppressive, fraudulent, malicious and done in a
18 wanton effort to deprive Plaintiff of his fundamental rights. Defendants and those persons
19 intended to cause injury to Plaintiff and engaged in conduct with a willful and conscious
20 disregard of Plaintiff's fundamental rights. Defendants and these persons used their superior
21 power and authority over Plaintiff along with threats and intimidation to subject Plaintiff to cruel
22 and unjust hardships in conscious disregard of his rights. All of the foregoing conduct was
23 undertaken by the Defendants and their owners, managing agents, senior executives, supervisors,
24 directors and officers. Accordingly, Plaintiff also seeks punitive or exemplary damages against
25 Defendants in an amount appropriate to punish and make an example of them in addition to the
26 other damages sought herein.
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V. FIFTH CAUSE OF ACTION
BY PLAINTIFF AGAINST ALL DEFENDANTS
FOR GENERAL NEGLIGENCE

52. Plaintiff realleges and incorporates herein by this reference Paragraphs 1-51 above as though set forth fully here.

53. Defendants owed the following duties to Plaintiff:

a) a duty to refrain from engaging in unlawful activities such as the Unlawful Conduct, the Retaliatory Conduct and the Hate Crimes. Such duty extended to the oversight, supervision and training of those managers, supervisors, human resource professionals and other executives who permitted, perpetrated, condoned, ratified and retaliated against Plaintiff in connection with the Unlawful Conduct, the Retaliatory Conduct and the Hate Crimes.

Defendants breached this duty by engaging in the Unlawful Conduct, the Retaliatory Conduct and the Hate Crimes.

b) a duty to undertake reasonable efforts to prevent discrimination and a discriminatory environment (including, without limitation the Unlawful Conduct and the retaliation alleged herein) in the workplace pursuant to the general standard of care owed to all employees by employers and specifically as codified in California Government Code Section 12940(k) and other provisions in FEHA. Defendants breached this duty by engaging in the Unlawful Conduct, the Retaliatory Conduct and the Hate Crimes. Defendants further breached this duty as a result of the fact that Defendants:

i) failed and refused to properly train, screen, conduct background checks, supervise, reprimand, direct and instruct its regional, district, senior and executive management personnel in a manner at or above the standard of care and in accordance with Defendants' stated

1 policies and the laws of the State of California as all of same relate to maintaining and promoting
2 a work environment which is free of discrimination, wrongful termination and other unlawful
3 conduct.

4 ii) failed and refused to properly address complaints of discrimination,
5 threats of wrongful termination and unlawful conduct (including wrongful termination) and to
6 undertake any effective measures to address, minimize and/or eliminate discriminatory practices,
7 wrongful terminations and other unlawful practices in the workplace.

8 iii) had actual, constructive and inquiry knowledge that the workplace was
9 discriminatory, unlawfully managed, replete with threats and incidents of wrongful termination
10 and that a hostile environment for the alleged protected classes of persons and the targeted
11 victims of the hostile environment existed. Notwithstanding such knowledge, Defendants (and
12 their managing agents, officers, directors, senior executives, etc.) took no action; and, in fact,
13 participated in, supported and condoned such discrimination and unlawful activity.

14
15 c) a duty to provide a safe, reasonable and non-hostile workplace. Defendants
16 breached this duty by engaging in all of the foregoing unlawful conduct (including, without
17 limitation, as described in the Unlawful Conduct, the Retaliatory Conduct and the Hate Crimes
18 and other wanton and reckless conduct which permeated the workplace as described
19 hereinabove.

20
21 54. As a direct, foreseeable, legal, actual and proximate result of the Defendants'
22 conduct as described herein, Plaintiff has suffered and continues to suffer substantial losses in
23 earnings, job benefits, quality of life, goodwill; and has suffered and continues to suffer
24 humiliation, ridicule, contempt, embarrassment, severe mental and emotional distress, damage to
25 his reputation, discomfort and other damages in an estimated amount in excess of One Million
26 Dollars (\$1,000,000.00), the precise amount of which will be proven at trial.

55. Defendants, their senior executives, managing agents, managers, directors and officers committed the acts described in this cause of action intentionally, wilfully, oppressively, fraudulently and maliciously for the purpose of injuring Plaintiff and depriving Plaintiff of his rights. The aforesaid conduct of the Defendants was extremely reckless and capricious and subjected Plaintiff to cruel and unjust hardships. The recklessness was despicable and done in conscious disregard of Plaintiff's fundamental rights. Furthermore, such conduct on the part of Defendants and those persons was intentional, oppressive, fraudulent, malicious and done in a wanton effort to deprive Plaintiff of his fundamental rights. Defendants and those persons intended to cause injury to Plaintiff and engaged in conduct with a willful and conscious disregard of Plaintiff's fundamental rights. Defendants and these persons used their superior power and authority over Plaintiff along with threats and intimidation to subject Plaintiff to cruel and unjust hardships in conscious disregard of his rights. All of the foregoing conduct was undertaken by the Defendants and their owners, managing agents, senior executives, supervisors, directors and officers. Accordingly, Plaintiff also seeks punitive or exemplary damages against Defendants in an amount appropriate to punish and make an example of them in addition to the other damages sought herein.

SIXTH CAUSE OF ACTION

AGAINST ALL DEFENDANTS

FOR EMPLOYMENT DISCRIMINATION – VIOLATION OF THE AMERICAN WITH DISABILITIES ACT AND FEHA, FAILURE TO ENGAGE IN THE INTERACTIVE PROCESS AND RETALIATION

56. Plaintiff re-alleges and incorporates herein by this reference Paragraphs 1-55 above as if they were fully set forth here.

1 57. This action is brought pursuant to the American with Disabilities Act ("ADA") which
2 is codified into the California Fair Employment and Practices Act and California Government
3 Code Sections 12900 et seq. which prohibits discrimination, such as: discrimination against a
4 person in the terms, conditions, or privileges of employment on the basis of the person's
5 disability. It prohibits not only employment discrimination on the basis of race, religion, age, but
6 also covers discrimination against physical and mental disability as well as medical condition.
7 The relevant statutes further makes it illegal to retaliate against any person who complains,
8 testifies, or assists in investigations about acts or practices prohibited under its provisions.
9 Defendants engaged in discrimination and retaliation against Plaintiff as more fully alleged
10 herein.

11 58. At all times mentioned in this Complaint, the Defendants regularly employed five (5)
12 or more persons, bringing them within the provisions of Section 12900 et seq. of the Government
13 Code prohibiting employers and/or their agents from discriminating against employees on the
14 basis of disability. In addition, Defendants employed several persons who were direct
15 supervisors of the Defendants who engaged in the unlawful conduct alleged herein on behalf of
16 the Defendants. Such individuals, to be named later, can be held personally liable pursuant to
17 Government Code Section 12940(j)(3) and otherwise pursuant to the terms of the California Fair
18 Employment and Housing Act.

19 59. Plaintiff notified Defendants and Defendants became aware of a qualified disability
20 (under the ADA) from which Plaintiff suffered as a result of the conduct of Defendants alleged
21 hereinabove and the severe emotional distress which resulted therefrom. Such disability
22 adversely affected Plaintiff and his ability to perform his normal job functions. Defendants knew
23 and should have known that Plaintiff could have performed the essential functions of the job
24 with a reasonable accommodation without placing him (or others) in any danger. After becoming
25 aware of the disability and Plaintiff's need for a reasonable accommodation, Defendants failed
26 and refused to engage in the interactive process with Plaintiff (and/or Plaintiff's health care
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1 provider—who was an employee of Defendants and/or their co-owned parent company).

2 Similarly, Defendants failed and refused to offer Plaintiff a reasonable accommodation to allow
3 for Plaintiff's disability.

4 60. Plaintiff was subject to disparate treatment and a resulting hostile working
5 environment by the Defendants as a result of his disability (severe emotional distress). The
6 Unlawful Conduct permeated the workplace in such a manner that it substantially affected
7 Plaintiff's ability to perform his job functions and caused injuries and damages. More
8 specifically, as a result of his disability, Plaintiff was subjected to the unlawful and
9 discriminatory conduct which caused Plaintiff to be treated in a harmful, unfair, inequitable and
10 disparate as compared to his non-protected counter-parts. Plaintiff's disability was a substantial
11 and determining factor in Defendants' decision to engage in the discriminatory conduct
12 described herein.

13 61. Defendants, and each of them, during Plaintiff's employment, failed and refused to
14 properly train, screen, conduct background checks, supervise, reprimand, direct and instruct its
15 senior management personnel in a manner at or above the standard of care and in accordance
16 with Defendants' stated policies and the laws of the State of California as all of same relate to
17 maintaining and promoting a work environment which is free of discrimination based upon
18 disability and/or other factors (e.g., gender, pregnancy, race, ethnicity, marital status and age).
19 Defendants failed and refused to properly address complaints of discrimination and/or to
20 undertake any effective measures to address, minimize and/or eliminate discriminatory practices
21 in the workplace. Moreover, Defendants had actual, constructive and inquiry knowledge that the
22 workplace was discriminatory and that a hostile environment for these protected classes of
23 persons existed. Notwithstanding such knowledge, Defendants (and their managing agents,
24 officers, directors, senior executives, etc.) took no action; and, in fact, participated in, supported
25 and condoned such discrimination.
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62. During Plaintiff's employment; Defendants (and each of them) created, encouraged, condoned, permitted, allowed and refused to take any steps to correct the hostile and discriminatory work environment which arose as a result of Plaintiff's disability. As a result of his disability, Plaintiff was subjected to considerably less favorable working conditions and severe and blatant disparate treatment. In this regard, Defendants engaged in the following conduct (and other conduct of a similar nature) directed against Plaintiff as a result of his disability:

- a) Plaintiff received lesser resources and lesser quality assignments;
- b) Plaintiff was forced to work undesirable shifts;
- c) Plaintiff was given assignments which isolated him from other employees;
- d) Defendants initiated plans and communicated plans to unfairly "lay-off" Plaintiff even though any such lay-off would have been pretext for discrimination and unlawful;
- e) Plaintiff was not considered for promotion(s), internal job positions, merit increases and/or pay increase(s) and not promoted as frequently as their non-protected counterparts who typically had the same and/or lesser experience, background and performance;
- f) Plaintiff was subject to rude, cruel, untrue, harsh, discriminatory, stereotypical, negative and derogatory comments being made in the workplace which severely disrupted the workplace and severely interfered with the ability of Plaintiff to perform his job duties;
- g) Plaintiff was generally treated in a discriminatory, unfair and inferior manner which severely disrupted the workplace and severely interfered with the ability of Plaintiff to perform his job duties; and
- h) Plaintiff was unfairly and disparately denied access to meetings, information, resources, correct information and other assistance.

63. All of the foregoing occurred by design and with the full knowledge of all Defendants. When such conduct was brought to the attention of all Defendants by Plaintiff, Defendants failed and refused to take any corrective action and continued in their course of discrimination. In fact, Defendants retaliated against Plaintiff by increasing the severity of the conduct described hereinabove in retaliation for Plaintiff's alleging discrimination against Defendants. The reason for such unlawful conduct and the retaliatory conduct was the disability of Plaintiff.

64. Accordingly, as a result of his disability, Plaintiff was subjected to the treatment, environment and discrimination described above in Paragraph 62, without limitation. Plaintiff was also subjected to other similar and dissimilar disparate, discriminatory and hostile treatment as a result of his disability.

65. In each instance of such unlawful conduct, each of the Defendants (including their executives and the supervisors of Plaintiff) knew and should have known of each incident of the unlawful conduct and failed and refused to take any immediate and/or appropriate corrective action. In fact, said Defendants (and their executives and supervisors) condoned, ratified, concealed and approved of the unlawful conduct; while failing and refusing to take any reasonable steps to prevent the discrimination from occurring.

66. In addition to the manifest discriminatory intentions of Defendants and their officers, directors, executives, managing agents, etc.; Defendants' failures and refusals to engage in proper training, supervision, hiring, background checking and other proper human resources functions contributed to the hostile and discriminatory work environment that Plaintiff was subjected to during his employ as well as the unlawful conduct. The Defendants knew, were informed and apprised and recklessly disregarded the fact that the unlawful conduct and other incidents of discrimination were occurring and had occurred and failed to take reasonable steps to prevent and/or discontinue the discrimination and harassment from occurring. In fact,

1 Defendants allowed such conditions to persist and actually condoned, accepted, encouraged,
2 facilitated and furthered such conduct. The Defendants' conduct as alleged in this complaint
3 constitutes an unlawful employment practice in violation of the Fair Employment and Housing
4 Act and California Constitution Article I, Section 8. Such conduct was undertaken by the
5 Defendants through executives, managers, human resources officers and other personnel
6 employed by Defendants who were the direct and indirect supervisors of Plaintiff. Accordingly,
7 Plaintiff alleges that all Defendants are strictly liable for the conduct of their co-defendants
8 pursuant to California Government Code (§ 12940, subd. (j)(1).

9 67. Furthermore, as a result of Plaintiff's making a request for an accommodation under
10 ADA, Defendants retaliated against Plaintiff by increasing the frequency, duration and severity
11 of the conduct alleged in Paragraph 62 above.

12 68. As a direct, foreseeable, legal, actual and proximate result of the Defendants'
13 discriminatory acts, the Unlawful Conduct and the retaliation related thereto; Plaintiff has
14 suffered and continues to suffer substantial losses in earnings, job benefits, quality of life,
15 goodwill; and has suffered and continues to suffer humiliation, ridicule, contempt,
16 embarrassment, severe mental and emotional distress, damage to his reputation, discomfort and
17 other damages in an estimated amount in excess of One Million Dollars (\$1,000,000.00), the
18 precise amount of which will be proven at trial.

19 69. Defendants, their senior executives, managing agents, managers, directors and
20 officers committed the acts described in this cause of action intentionally, wilfully, oppressively,
21 fraudulently and maliciously for the purpose of injuring Plaintiff and depriving Plaintiff of his
22 rights. The Unlawful Conduct, retaliation, terminations and other discriminatory acts of these
23 persons and Defendants was extremely reckless and capricious and subjected Plaintiff to cruel
24 and unjust hardships. The recklessness was despicable and done in conscious disregard of
25 Plaintiff's fundamental rights. Furthermore, such conduct on the part of Defendants and those
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persons was intentional, oppressive, fraudulent, malicious and done in a wanton effort to deprive Plaintiff of his fundamental rights. Defendants and those persons intended to cause injury to Plaintiff and engaged in conduct with a willful and conscious disregard of Plaintiff's fundamental rights. Defendants and these persons used their superior power and authority over the Plaintiff along with threats and intimidation to subject Plaintiff to cruel and unjust hardships in conscious disregard of his rights. All of the foregoing conduct was undertaken by the Defendants and their owners, managing agents, senior executives, supervisors, directors and officers. Accordingly, Plaintiff also seeks punitive or exemplary damages against Defendants in an amount appropriate to punish and make an example of them in addition to the other damages sought herein.

WHEREFORE, Plaintiff prays judgment against Defendants as follows:

1. For general and special damages in a sum in excess of Ten Million Dollars (\$10,000,000.00).
2. For special damages according to proof;
3. For interest, according to law, on the amount to be ascertained at trial from the applicable date upon which that interest begins to accrue according to law and as proved at trial;
4. For any and all costs and attorneys' fees as provided by law;

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2 5. For punitive damages in an amount sufficient to deter Defendants from engaging in
3 such conduct again in the future; and
4

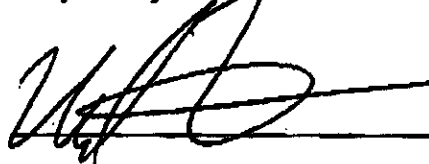
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6 6. For any other and further relief according to proof, any applicable law and/or that the
7 Court considers proper.
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9 **DEMAND FOR JURY TRIAL**

10 Plaintiff hereby demands a trial by jury of the foregoing causes of action.
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13 DATED: March 17, 2014

Respectfully Submitted

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16 Michael S. Traylor

17 Attorney for Plaintiff
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CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Michael S. Traylor (SBN 136814) 9018 Balboa Blvd., Suite 352 Northridge, CA. 91325 TELEPHONE NO.: 310-401-6610 FAX NO.: 661.296.9965 ATTORNEY FOR (Name): Xavier Fields		FOR COURT USE ONLY FILED Superior Court Of California County Of Los Angeles MAR 18 2014 Sherri R. Carter, Executive Officer/Clerk By <u>Amber Hayes</u> Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 N HILL ST. MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, CA. 90012 BRANCH NAME: Stanley Mosk		CASE NUMBER: BC539753 JUDGE DEPT.
CASE NAME: THOMAS KENDALL THOMAS V. KAISER FOUNDATION ET AL.		
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
<input type="checkbox"/> Auto (22)
<input type="checkbox"/> Uninsured motorist (46)
Other P/PI/D/W/D (Personal Injury/Property Damage/Wrongful Death) Tort
<input type="checkbox"/> Asbestos (04)
<input type="checkbox"/> Product liability (24)
<input type="checkbox"/> Medical malpractice (45)
<input type="checkbox"/> Other P/PI/D/W/D (23)
Non-P/PI/D/W/D (Other) Tort
<input type="checkbox"/> Business tort/unfair business practice (07)
<input type="checkbox"/> Civil rights (08)
<input type="checkbox"/> Defamation (13)
<input type="checkbox"/> Fraud (16)
<input type="checkbox"/> Intellectual property (19)
<input type="checkbox"/> Professional negligence (25)
<input type="checkbox"/> Other non-P/PI/D/W/D tort (35)
Employment
<input type="checkbox"/> Wrongful termination (36)
<input checked="" type="checkbox"/> Other employment (15) | Contract
<input type="checkbox"/> Breach of contract/warranty (06)
<input type="checkbox"/> Rule 3.740 collections (09)
<input type="checkbox"/> Other collections (09)
<input type="checkbox"/> Insurance coverage (18)
<input type="checkbox"/> Other contract (37)
Real Property
<input type="checkbox"/> Eminent domain/inverse condemnation (14)
<input type="checkbox"/> Wrongful eviction (33)
<input type="checkbox"/> Other real property (26)
Unlawful Detainer
<input type="checkbox"/> Commercial (31)
<input type="checkbox"/> Residential (32)
<input type="checkbox"/> Drugs (38)
Judicial Review
<input type="checkbox"/> Asset forfeiture (05)
<input type="checkbox"/> Petition re: arbitration award (11)
<input type="checkbox"/> Writ of mandate (02)
<input type="checkbox"/> Other judicial review (39) | Provisionally Complex Civil Litigation
(Cal. Rules of Court, rules 3.400-3.403)
<input type="checkbox"/> Antitrust/Trade regulation (03)
<input type="checkbox"/> Construction defect (10)
<input type="checkbox"/> Mass tort (40)
<input type="checkbox"/> Securities litigation (28)
<input type="checkbox"/> Environmental/Toxic tort (30)
<input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)
Enforcement of Judgment
<input type="checkbox"/> Enforcement of judgment (20)
Miscellaneous Civil Complaint
<input type="checkbox"/> RICO (27)
<input type="checkbox"/> Other complaint (not specified above) (42)
Miscellaneous Civil Petition
<input type="checkbox"/> Partnership and corporate governance (21)
<input type="checkbox"/> 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. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> 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): 7: **WRONG. TERM., EMP. DISCRIM. X 3, HATE CRIME, IED, NEGL.**
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: **MARCH 17, 2014**

Michael S. Traylor

(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.

Page 1 of 2

SHORT TITLE:
Kendall Thomas v. Kaiser Foundation et al.

CASE NUMBER

BC539753

**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 ☐ HOURS/M/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 County 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 <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 2., 4. 1., 2., 4.
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall) <input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.) <input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress <input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 2., 4. 1., 2., 4. 1., 2., 3. 1., 2., 4.
	Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 2., 3.
Non-Personal Injury/Property Damage/Wrongful Death Tort	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.

Wrongful Death Tort (Cont'd.)
Non-Personal Injury/Property Damage
Employment
Contract
Real Property
Judicial Review, Unlawful Detainer

SHORT TITLE Kendall Thomas v. Kaiser Foundation et al.		CASE NUMBER
A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
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.
Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
Other Employment (15)	<input checked="" type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Breach of Contract/Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Retail Lease Contract (not Unlawful Detainer or wrongful eviction) <input type="checkbox"/> A6009 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6018 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6026 Other Breach of Contract/Warranty (not fraud or negligence)	2, 5. 2, 5. 1., 2., 5. 1., 2., 5.
Collisions (09)	<input type="checkbox"/> A6002 Collisions Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Premises/Note/Collections Case	2, 5., 6. 2, 5.
Insurance Coverage (16)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2, 5., 6.
Other Contract (37)	<input type="checkbox"/> A6008 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., 5.
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.
Other Real Property (26)	<input type="checkbox"/> A6016 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2, 6. 2, 6. 2, 6.
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-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2, 6.
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, 6.

SHORT TITLE: Kendall Thomas v. Kaiser Foundation et al.	CASE NUMBER
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Judicial Review (Cont'd.)

Provisionally Complex
LitigationEnforcement
of JudgmentMiscellaneous Civil
Complaints

Miscellaneous Civil Petitions

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
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.
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 (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.
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.

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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		ADDRESS: 255 E. TEMPLE ST., 4TH FLOOR	
<input type="checkbox"/> 1. <input type="checkbox"/> 2. <input checked="" 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.			
CITY: Los Angeles	STATE: CA	ZIP CODE: 90012	

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 Stanley Mosk 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: March 17, 2014

(SIGNATURE OF ATTORNEY/FILING PARTY)

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 LACIV 109 (Rev. 01/07), LASC Approved 03-04.
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.

03/19/2014