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FILED
Superior Court of California
County of Los Angeles

OCT 16 2015

Sherri R. Carter, Executive Officer/Clerk
By Judi Lara, Deputy

Attorneys For Plaintiff MARQUI BARBER

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SUZANNE G.
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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

BC 598 063

MARQUI BARBER,

Case No.

Plaintiff,

VERIFIED COMPLAINT FOR:

vs.

KAISER FOUNDATION HEALTH PLAN, INC., a California Corporation; KAISER FOUNDATION HOSPITALS, a California Corporation; SOUTHERN CALIFORNIA PERMANENTE MEDICAL GROUP, INC., a California Corporation; TEODORO KANN BOLOS MENDOZA, an Individual; and DOES 1 through 50, Inclusive,

1. Harassment;
2. Hostile Work Environment;
3. Discrimination;
4. Retaliation;
5. Failure to Take All Reasonable Steps Necessary to Prevent Discrimination, Retaliation, and Harassment;
6. Negligent Supervision, Hiring and Retention;
7. Intentional Infliction of Emotional Distress;
8. Battery; and
9. Defamation

Defendants.

CIT/CASE: BC598063
LEA/DEF#:

RECEIPT #: CCH520672044
DATE PAID: 10/16/15 01:44 PM
PAYMENT: \$435.00
RECEIVED: 310

CHECK: \$435.00
CASH: \$0.00
CHANGE: \$0.00
CARD: \$0.00

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VERIFIED COMPLAINT; DEMAND FOR JURY TRIAL

10/16/2015

1 Plaintiff alleges:

2 1. Plaintiff MARQUI BARBER is an individual residing in Los Angeles County,
3 California.

4 2. Plaintiff is informed and believes and thereupon alleges that at all times relevant
5 hereto, Defendant KAISER FOUNDATION HEALTH PLAN, INC. was and is a California
6 corporation doing business in Los Angeles County, California.

7 3. Plaintiff is informed and believes and thereupon alleges that at all times relevant
8 hereto, Defendant KAISER FOUNDATION HOSPITALS was and is a California corporation
9 doing business in Los Angeles County, California.

10 4. Plaintiff is informed and believes and thereupon alleges that at all times relevant
11 hereto, Defendant SOUTHERN CALIFORNIA PERMANENTE MEDICAL GROUP, INC. was
12 and is a California corporation doing business in Los Angeles County, California.

13 5. KAISER FOUNDATION HEALTH PLAN, INC., KAISER FOUNDATION
14 HOSPITALS, and SOUTHERN CALIFORNIA PERMANENTE MEDICAL GROUP, INC. are
15 collectively referred to as Defendant Kaiser Permanente Hospital.

16 6. Plaintiff is informed and believes and thereupon alleges that at all times relevant
17 hereto, Defendant TEODORO KANN BOLOS MENDOZA (hereinafter "Mendoza") was and is
18 an individual residing in the County of Los Angeles, State of California.

19 7. The true names and capacities, whether individual, corporate, associate, or
20 otherwise, of the Defendants named herein as Does 1 through 50, inclusive, are unknown to
21 Plaintiff at this time and therefore said Defendants are sued by such fictitious names. Plaintiff
22 will seek leave to amend this Complaint to insert the true names and capacities of said
23 Defendants when the same become known to Plaintiff. Plaintiff is informed and believes and
24 based thereon alleges that each of the fictitiously named Defendants is responsible for the
25 wrongful acts alleged herein, and is therefore liable to Plaintiff as alleged hereinafter.

26 8. Plaintiff is informed and believes and based thereon alleges that at all times
27 relevant hereto, Defendants, and each of them, were the agents, employees, coconspirators,
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1 parent corporation, joint employers, alter ego, and/or joint venturers of the other Defendants, and
2 each of them, and in doing the things alleged herein, were acting at least in part within the course
3 and scope of said agency, employment, conspiracy, joint employer, alter ego status, and/or joint
4 venture and with the permission and consent of each of the other Defendants.

5 9. Whenever and wherever reference is made in this Complaint to any act or failure
6 to act by a Defendant or co-Defendant, such allegations and references shall also be deemed to
7 mean the acts and/or failures to act by each Defendant acting individually, jointly and severally.

8 10. Plaintiff Marqui Barber (Plaintiff), a 29 year old, African American heterosexual
9 male, has been employed with Kaiser Permanente Hospital (Kaiser) since August 2010. His
10 employment commenced as a volunteer in the Emergency Department (ED) in the West Los
11 Angeles Cadillac location (WLA), and he was thereafter offered a Per Diem position on
12 November 8, 2010, where he worked he worked approximately 30-40 hours per week as an
13 Emergency Room Technician (EMT), until becoming a full time, non per diem, on January 18,
14 2015. Plaintiff has been a licensed EMT since July 2010.

15 11. Defendant Mendoza is a Registered Nurse who worked in the ED during
16 Plaintiff's employment in WLA. Mendoza is an openly gay male of Filipino descent. Mendoza
17 has discussed in the workplace his homosexuality and his diagnosis of being HIV positive,
18 among coworkers, where Plaintiff could overhear. Mendoza is a very effeminate male and rather
19 flamboyant in his mannerisms in the workplace, often observed explicitly expressing his interest
20 in having sexual relations with men.

21 12. In or around 2012 and continuing throughout Plaintiff's employment, Mendoza
22 began sexually harassing Plaintiff, making repeated sexual advances towards Plaintiff. Mendoza
23 would make remarks about sex, Plaintiff's body, and wanting to have sex with Plaintiff directly
24 to Plaintiff, and to other people where Plaintiff was in earshot. On various occasions, Plaintiff's
25 coworkers would comment to Plaintiff about the sexual advances and remarks that Mendoza was
26 making about Plaintiff. This all contributed to the hostile working environment that Plaintiff
27 found himself in.

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1 13. Mendoza would remark to Plaintiff that Plaintiff has "big arms, and that he
2 wondered what else was big", inferring that he wanted to see Plaintiff's penis. Mendoza gave
3 Plaintiff a tea bag that read "Organic Throat Coat", suggesting that he wanted to engage in oral
4 sex with Plaintiff. Mendoza would walk up to Plaintiff and say "You're so strong", your arms
5 are "so big", "Oh you're so cute", "You must have a big dick", "You really look good", and
6 would say "Oh Marqui", in a flirtatious, sexually suggestive tone.

7 14. Mendoza would stalk Plaintiff wherever Plaintiff was working and make sexual
8 remarks to Plaintiff. Mendoza would walk up on Plaintiff while Plaintiff was working and
9 Plaintiff's back was turned, only for Plaintiff to turn around and find Mendoza standing there,
10 very close in his personal space. Mendoza would tell coworkers that he wanted to bend Plaintiff
11 over and have sex with Plaintiff. Mendoza would stare at Plaintiff and whisper to other nurses
12 standing nearby about how good Plaintiff's body looked, within Plaintiff's earshot, while
13 Plaintiff witnessed this. Plaintiff's coworkers would also laugh and tell Plaintiff about the sexual
14 comments that Mendoza would tell them about Plaintiff. Mendoza would look at Plaintiff's
15 body from head to toe and stare at Plaintiff in a sexually suggestive manner.

16 15. On occasion, Mendoza would move his body close to Plaintiff's, causing his body
17 to brush up against and touch Plaintiff's body. Mendoza would stand close to Plaintiff and
18 invade Plaintiff's personal space, even though Plaintiff attempted to keep his distance, and
19 Plaintiff would continuously move away. Mendoza would attend meetings and intentionally sit
20 close to Plaintiff. When Plaintiff rebuffed Mendoza's sexual advances, Mendoza continued to
21 harass Plaintiff, including sending messages to coworkers to deliver to Plaintiff.

22 16. In or around May 28, 2014, Plaintiff became exasperated with his working
23 conditions and complained to Patsy Ballangee, the Department Administrator and various other
24 high level managers, including Tonya Fleeks (Fleeks), Assistant Clinical Director; Sarah Poetter
25 (Poetter), Assistant Clinical Director and Interim Department Administrator; Sheryl Brown
26 (Brown), Assistant Clinical Director; and Abigail Evangelista, Assistant Clinical Director.
27 However, the discrimination and harassment did not stop. Rather, Kaiser responded by stating
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1 that it was having trouble getting a hold of witnesses. However, while Kaiser claimed it was
2 having trouble getting a hold of witnesses, Mendoza was contacting witnesses labeling Plaintiff a
3 "homo phob". Several of Plaintiff's coworkers told Plaintiff that Mendoza was accusing Plaintiff
4 of being "homophobic" as a result of the sexual harassment complaint Plaintiff filed with human
5 resources. This created an even more hostile work environment for Plaintiff. Plaintiff
6 complained again to human resources on September 15, 2014, notifying human resources of
7 Mendoza's continued harassment and violation of confidentiality regarding the investigation into
8 Plaintiff's complaints. However, Plaintiff was only notified that his complaint was being
9 reviewed by Kaiser's legal department, and Mendoza's conduct continued.

10 17. Plaintiff had asked that Mendoza be moved, as Plaintiff felt uncomfortable having
11 to interact with Mendoza in the workplace, particularly since Mendoza was continuing to harass
12 Plaintiff and had begun defaming Plaintiff among coworkers. However, Kaiser refused to move
13 Mendoza and instead asked Plaintiff to relocate in June 2014 when Plaintiff complained to
14 Barbara Washington of HR and Patsy Ballangee. On or around June 11, 2014, Plaintiff was told
15 by Sheryl Brown, that it takes time to close "these issues out" referring to the investigation of
16 Plaintiff's sexual harassment complaint. Brown wanted to move Plaintiff, rather than Mendoza.
17 However, Plaintiff declined moving since it appeared to be punishment and retaliation for
18 complaining. Brown advised Plaintiff to "just ignore [Mendoza]". On or around June 18, 2014,
19 Plaintiff complained to Ballangee, that he did not feel comfortable and that the harassment by
20 Mendoza was continuing to occur. Ballangee said that she would follow up with HR because
21 "she can't do anything for [Plaintiff]". Then, on or around June 19, 2014, in a private meeting
22 with Plaintiff, Brown, Ballangee and Tonya Fleeks again sought to move Plaintiff to another
23 department, rather than move Mendoza.

24 18. On or around September 5, 2014, Kaiser's Senior Investigation Specialist of HR
25 Compliance, Mitchell Miller, sent a letter to Plaintiff indicating that a prompt, thorough and
26 objective investigation had been conducted into Plaintiff's sexual harassment complaint,
27 including a review of pertinent data and interviews with witnesses, and that while Kaiser
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1 concluded that inappropriate and unprofessional behavior had occurred by Mendoza, Kaiser
2 believed that Plaintiff's concerns were addressed and resolved. (Exhibit 1). Mitchell had also
3 indicated via email to Plaintiff that Mitchell received approval to send out Plaintiff's closure
4 letter which substantiated Plaintiff's claim/allegation of sexual harassment. However, the issues
5 had not been addressed and resolved, because Mendoza continued to create a hostile work
6 environment and harass Plaintiff, resulting in Plaintiff experiencing discrimination and retaliation
7 in the workplace. Particularly, once Plaintiff lodged his sexual harassment complaint, Kaiser
8 repeatedly sought to move Plaintiff from his EMT position, rather than rectify the problem by
9 moving the harasser, Mendoza.

10 19. While the privacy of everyone involved and the integrity of the investigation into
11 Plaintiff's sexual harassment complaints should have been protected, Mendoza violated the
12 confidentiality of the investigation, thereby creating a hostile working environment for Plaintiff,
13 particularly since Kaiser did not attempt to move Mendoza from the ED assignment. Plaintiff's
14 coworkers became aware of Plaintiff's sexual harassment complaint, which made the work
15 environment very uncomfortable where Plaintiff would have to interact with Mendoza and other
16 employees who were watching and observing. Plaintiff's coworkers began joking and referring
17 to Mendoza as Plaintiff's "friend" and laughing. This was humiliating to Plaintiff considering
18 Mendoza is an openly gay man and Plaintiff's coworkers had witnessed Mendoza making overt
19 flirtatious gestures and sexual advances towards Plaintiff.

20 20. On December 18, 2014, Mendoza emailed various Kaiser employees notifying
21 them that he was served with a correction action level 4 due to the sexual harassment complaint
22 filed by one of the EMT's [Plaintiff]. (Exhibit 2). Violating confidentiality and the integrity of
23 an investigation into Plaintiff's continued complaints, Mendoza stated that he wanted to prepare
24 everyone for an interview in two weeks from regional compliance, thereby tainting the
25 investigation, and creating a further hostile work environment where Plaintiff was alienated.

26 21. As of January 21, 2015, Plaintiff found himself still having to interact with
27 Mendoza, with them both still employed in the ED, even after Kaiser had substantiated Plaintiff's
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1 sexual harassment complaint. However, Mendoza's harassment and defamation of Plaintiff
2 continued, including Mendoza labeling Plaintiff a "homo phob" in the workplace. During a Unit
3 Based Team (UBT) meeting on January 21, 2015, a committee established to contribute to the
4 progression of the Emergency Department, Plaintiff found himself in the same meeting with
5 Mendoza. Plaintiff had been a member of the UBT since approximately November 2014,
6 whereas Mendoza had not been. It was not until January 2015, after Plaintiff's sexual
7 harassment complaint was filed and Mendoza's knowledge of Plaintiff's complaint, that
8 Mendoza joined the UBT and was allowed to join by management. Plaintiff spoke to Ballangee
9 and Fleeks after the meeting and indicated that he did not feel comfortable being part of the UBT
10 if Mendoza was going to be there. During the meeting, Mendoza stared at Plaintiff and would
11 make smiling and smirking faces toward Plaintiff, so as to antagonize and harass Plaintiff.
12 Plaintiff had also spoken to Sarah Poetter halfway through the meeting, indicating to her that he
13 no longer wanted to attend meetings if Mendoza was going to be present. Therefore, Plaintiff
14 declined to attend the meetings after Mendoza joined UBT and did not return to the meetings
15 until June 2015.

16 22. A few days later, when Plaintiff brought a patient back to an assigned room,
17 Mendoza walked into the room and touched Plaintiff's back as he walked past Plaintiff. Similar
18 incidents followed where, when Plaintiff transported a patient and helped the patient into the
19 gurney, Mendoza touched Plaintiff on the shoulder and then said "thank you Marqui" with a
20 smile and smirk on his face. Plaintiff had made clear to Mendoza that he was not sexually
21 interested in Mendoza and did not want him touching him. In another instance, Mendoza walked
22 past Plaintiff and touched him on the arm while Plaintiff stood near a patient room. Mendoza
23 continued to engage in incidents of touching Plaintiff and smirking afterwards, even after he was
24 aware of Plaintiff's sexual harassment complaint and Plaintiff had rebuffed Mendoza's sexual
25 advances.

26 23. Management continued to schedule Plaintiff to work directly with Mendoza,
27 disregarding Plaintiff's sexual harassment complaints and requests that he not work with
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1 Mendoza. During the month of April 2015, Plaintiff was scheduled to work side by side with
 2 Mendoza. After Plaintiff continuously expressing his discomfort with the assignment, Plaintiff's
 3 workstation/pod was moved, and Mendoza began sitting in Plaintiff's old work station/pod.
 4 Mendoza would create instances to interact with Plaintiff and continue to harass Plaintiff, often
 5 invading Plaintiff's personal space, walking really close towards Plaintiff, and creating
 6 circumstances where he would have to interact with Plaintiff.

7 24. Plaintiff returned to a UBT meeting on June 18, 2015, after being encouraged by
 8 managers to rejoin the UBT, only to find that Mendoza was still present and attending these
 9 meetings. During the June 18, 2015 meeting, Mendoza smiled at Plaintiff, and walked over to
 10 stand next to Plaintiff. When Plaintiff continued to move his seat, and to distance himself from
 11 Mendoza, Mendoza would move closer to Plaintiff and corner Plaintiff. Plaintiff excused
 12 himself from the meeting and thereafter spoke to Poetter, who advised Plaintiff to "take a walk".
 13 Plaintiff thereafter spoke to Barbara Washington of HR and Andrea Lenoir, the head of HR
 14 compliance, and complained about Mendoza walking up on him, intimidating him and cornering
 15 him, causing Plaintiff to be anxious. Plaintiff also complained in writing to Lenoir, Ballengee,
 16 and Washington about Mendoza's continued harassment, acts of retaliation and defamation
 17 towards Plaintiff and reiterating that he did not wish to work with Mendoza, Plaintiff's feelings
 18 of discomfort, anxiousness, and that he was working in a hostile environment. Plaintiff
 19 requested that Mendoza be moved, and that the solution should not be to punish the victim by
 20 moving Plaintiff. Nothing was done to rectify the situation. In fact, despite Mendoza having
 21 received a level 4 warning, he was still continuing to engage in harassment of Plaintiff and
 22 inappropriate conduct in violation of Kaiser policies. Plaintiff reached out to the Employee
 23 Assistance Program (EAP) on June 18, 2015 and spoke to Laurie Blumfield and also spoke to
 24 Barbara Washington of HR again about the recurring problems with Mendoza and the workplace.

25 25. On June 19, 2015, Plaintiff complained to Poetter again, and requested a
 26 relocation because he felt as if he was being pushed into a corner and harassed by Mendoza and
 27 that Kaiser's management was doing nothing to resolve the situation. Poetter expressed that she
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1 did not feel comfortable with Plaintiff in the unit and that she did not want bad things to happen
 2 between Plaintiff and Mendoza. Plaintiff offered to check in to ED and go home paid, but
 3 Poetter advised Plaintiff not to, because she didn't want Plaintiff to draw attention to himself.
 4 Poetter told Plaintiff to hold off until he met with EAP. Plaintiff met with Blumfield in person
 5 on June 19, 2015, and checked in to ED due to having chest tightness and suffering from anxiety
 6 attacks related to the harassment in the workplace, and the failure of Kaiser to rectify the
 7 situation and comply with its policies. Plaintiff was referred to psychiatry on June 19, 2015 for
 8 assistance with the anxiety that the hostile work environment was creating and the harassment.

9 26. On June 22, 2015, Plaintiff submitted paperwork to Kaiser to be released for two
 10 weeks. He also spoke to Poetter and expressed to her that he did not want to work in the ED
 11 with Mendoza any longer. He further expressed to Poetter that he felt that he was being punished
 12 for having complained about the sexual harassment. Poetter said she understood and offered
 13 Plaintiff other positions to inquire about, so that Plaintiff could move out of the ED. However,
 14 rather than Poetter moving Mendoza, Poetter requested that Plaintiff move, while "things were
 15 being checked out".

16 27. On June 30, 2015, Plaintiff spoke to Washington who stated that Mendoza would
 17 be transferring to Gastroenterology Department (GI). However, just five days later, Mendoza
 18 was up to his old ways, violating Kaiser policies concerning sexual harassment, simulating
 19 performing oral sex on a hot dog and posting it on Facebook. (Exhibit 3). Even after his transfer
 20 to GI, Mendoza harassed Plaintiff, continuously spreading the rumors that Plaintiff was a "homo
 21 phob". Plaintiff would also continue to see Mendoza walking past him in the ED, even though
 22 Mendoza was assigned to work in GI on the 2nd floor. Also Plaintiff's coworkers continued to
 23 comment and smirk about Mendoza's harassment of Plaintiff, creating embarrassment and a
 24 hostile work environment for Plaintiff.

25 **FIRST CAUSE OF ACTION**

26 (For Harassment, Government Code Section 12940(j))
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10/16/2015

1 28. The allegations set forth in this complaint are hereby re-alleged and incorporated
2 herein by reference.

3 29. This cause of action is asserted against all Defendants.

4 30. Plaintiff was sexually harassed and subjected to a hostile working environment,
5 including hostile work environment sexual harassment. The sexual harassment was verbal and
6 physical, and included lewd conduct.

7 31. When Plaintiff rebuffed the sexual advances of his coworker, he was retaliated
8 against and subjected to more discrimination and harassment. His employer knew of the sexual
9 harassment but failed to rectify the situation.

10 32. The above described conduct was severe and/or pervasive and created an
11 intimidating, hostile and offensive work environment and was unwanted, unwelcome, and
12 uninvited, and violated Government Code Section 12940 et seq.

13 33. As an actual and proximate result of the aforementioned violations, Plaintiff has
14 been harmed in an amount according to proof, but in an amount in excess of the jurisdiction of
15 this Court. Plaintiff also seeks "affirmative relief" or "prospective relief" as defined by
16 Government Code Section 12926(a).

17 34. The above described actions were perpetrated and/or ratified by a managing agent
18 or officer of Defendant. These acts were done with malice, fraud, oppression, and in reckless
19 disregard of Plaintiff's rights. Further, said actions were despicable in character and warrant the
20 imposition of punitive damages against Defendant in a sum sufficient to punish and deter
21 Defendant's future conduct.

22 **SECOND CAUSE OF ACTION**

23 (Hostile Work Environment, Government Code Section 12940(j))

24 35. The allegations set forth in this complaint are hereby re-alleged and incorporated
25 herein by reference.

26 36. This cause of action is asserted against all Defendants.
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10/10/2015

1 37. Plaintiff was sexually harassed and subjected to a hostile working environment,
2 including hostile work environment sexual harassment. The sexual harassment was verbal and
3 physical, and included lewd conduct.

4 38. When Plaintiff rebuffed the sexual advances of his coworker he was retaliated
5 against and subjected to more discrimination and harassment. His employer knew of the sexual
6 harassment but failed to rectify the situation.

7 39. The above described conduct was severe and/or pervasive and created an
8 intimidating, hostile and offensive work environment and was unwanted, unwelcome, and
9 uninvited, and violated Government Code Section 12940 et seq.

10 40. As an actual and proximate result of the aforementioned violations, Plaintiff has
11 been harmed in an amount according to proof, but in an amount in excess of the jurisdiction of
12 this Court. Plaintiff also seeks "affirmative relief" or "prospective relief" as defined by
13 Government Code Section 12926(a).

14 41. The above described actions were perpetrated and/or ratified by a managing agent
15 or officer of Defendant. These acts were done with malice, fraud, oppression, and in reckless
16 disregard of Plaintiff's rights. Further, said actions were despicable in character and warrant the
17 imposition of punitive damages against Defendant in a sum sufficient to punish and deter
18 Defendant's future conduct.

19 THIRD CAUSE OF ACTION

20 (Discrimination Based on Sex/Sexual Orientation, Government Code Section 12940(a))

21 42. The allegations set forth in this complaint are hereby re-alleged and incorporated
22 by reference.

23 43. This cause of action is asserted against Defendant Kaiser only.

24 44. At all times relevant to this matter, the Fair Employment and Housing Act and
25 California Government Code § 12940 were in full force and effect and binding on Defendants.
26 Plaintiff was subjected to unwanted discrimination based on sex and his sexual orientation,
27 heterosexual. This discriminating conduct was conducted by defendants who created an
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1 environment that, among other things, tolerated and encouraged discrimination against Plaintiff.
 2 The statements and conduct on the part of Defendants complained of herein represent a violation
 3 of California Government Code § 12940(a).

4 45. As an actual and proximate result of the aforementioned violations, Plaintiff has
 5 been harmed in an amount according to proof, but in an amount in excess of the jurisdiction of
 6 this Court. Plaintiff also seeks "affirmative relief" or "prospective relief" as defined by
 7 Government Code § 12926(a).

8 46. The above described actions were perpetrated and/or ratified by a managing agent
 9 or officer of Defendant. These acts were done with malice, fraud, oppression, and in reckless
 10 disregard of Plaintiff's rights. Further, said actions were despicable in character and warrant the
 11 imposition of punitive damages against defendants in a sum sufficient to punish and deter
 12 Defendant's future conduct.

13 FOURTH CAUSE OF ACTION

14 (Retaliation, Government Code Section 12940(h))

15 47. The allegations set forth in this complaint are hereby re-alleged and incorporated
 16 by reference.

17 48. This cause of action is asserted against Defendant Kaiser only.

18 49. Defendants took adverse employment actions against Plaintiff in retaliation for
 19 complaining about and protesting harassment and a hostile working environment.

20 50. Defendants' retaliatory conduct violated California Government Code Section
 21 12940 (h).

22 51. As an actual and proximate result of the aforementioned violations, Plaintiff has
 23 been harmed in an amount according to proof, but in an amount in excess of the jurisdiction of
 24 this Court. Plaintiff also seeks "affirmative relief" or "prospective relief" as defined by
 25 Government Code § 12926(a).

26 52. The above described actions were perpetrated and/or ratified by a managing agent
 27 or officer of Defendant. These acts were done with malice, fraud, oppression, and in reckless
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1. disregard of Plaintiff's rights. Further, said actions were despicable in character and warrant the
2 imposition of punitive damages against Defendant in a sum sufficient to punish and deter
3 Defendant's future conduct.

4 **FIFTH CAUSE OF ACTION**

5 (Failure To Take All Reasonable Steps Necessary To Prevent Discrimination, Retaliation
6 And Harassment, Government Code Section 12940(k))

7 53. The allegations set forth in this complaint are hereby re-alleged and incorporated
8 by reference.

9 54. This cause of action is asserted against Defendant Kaiser only.

10 55. Defendants failed to take all reasonable steps necessary to prevent discrimination,
11 retaliation, and harassment of Plaintiff. Defendants' conduct violated the provisions of
12 Government Code Sections 12940(k).

13 56. As an actual and proximate result of the aforementioned violations, Plaintiff has
14 been harmed in an amount according to proof, but in an amount in excess of the jurisdiction of
15 this Court. Plaintiff also seeks "affirmative relief" or "prospective relief" as defined by
16 Government Code § 12926(a).

17 57. The above described actions were perpetrated and/or ratified by a managing agent
18 or officer of Defendant. These acts were done with malice, fraud, oppression, and in reckless
19 disregard of Plaintiff's rights. Further, said actions were despicable in character and warrant the
20 imposition of punitive damages against Defendant in a sum sufficient to punish and deter
21 Defendant's future conduct.

22 **SIXTH CAUSE OF ACTION**

23 (Negligent Hiring, Supervision, and Retention)

24 58. The allegations set forth in this complaint are hereby re-alleged and incorporated
25 by reference.

26 59. This cause of action is asserted against Defendant Kaiser only.

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1 68. Defendants conduct as alleged herein was extreme and outrageous, and an abuse
2 of the authority and position of the defendants, including subjecting Plaintiff to sexual
3 harassment and a hostile work environment in the workplace.

4 69. Said conduct was outside the scope of the compensation bargain between Plaintiff
5 and Defendants, and was motivated by personal enmity against Plaintiff.

6 70. Said conduct by Defendants was knowing, intentional and willful, and done with a
7 reckless disregard of the probability of causing Plaintiff emotional distress.

8 71. As a result of Defendants' conduct, Plaintiff suffered harm.

9 72. As an actual and proximate result of the aforementioned violations, Plaintiff has
10 been harmed in an amount according to proof, but in an amount in excess of the jurisdiction of
11 this Court.

12 73. The above described actions were perpetrated and/or ratified by a managing agent
13 or officer of Defendant. These acts were done with malice, fraud, oppression, and in reckless
14 disregard of Plaintiff's rights. Further, said actions were despicable in character and warrant the
15 imposition of punitive damages against Defendant in a sum sufficient to punish and deter
16 Defendant's future conduct.

17 **EIGHTH CAUSE OF ACTION**

18 (Battery)

19 74. The allegations set forth in this complaint are hereby re-alleged and incorporated
20 by reference.

21 75. This cause of action is asserted against Defendant Kaiser only.

22 76. Defendant Mendoza committed unwanted physical contact with Plaintiff when he
23 invaded Plaintiff's personal space, placed his body into contact with Plaintiff's body, and
24 brushed up against his body. This was unwanted physical contact.

25 77. Plaintiff did not consent to Mendoza touching him. Such acts were harmful and
26 offensive to Plaintiff and caused Plaintiff to suffer injury.

10/16/2015

1 78. Defendant Kaiser is vicariously liable for Mendoza's batteries, because the
2 batteries occurred during the course and scope of employment, while Plaintiff was performing his
3 work duties.

4 79. As an actual and proximate result of the aforementioned violations, Plaintiff has
5 been harmed in an amount according to proof, but in an amount in excess of the jurisdiction of
6 this Court.

7 80. Defendants' battery of Plaintiff was malicious, fraudulent and/or oppressive and
8 in reckless disregard of Plaintiff's rights. Such conduct was despicable and justifies an award
9 of punitive damages against Defendants in an amount sufficient to deter them from engaging in
10 such conduct again in the future, in an amount according to proof at the time of trial.

11 NINTH CAUSE OF ACTION

12 (Defamation)

13 81. The allegations set forth in this complaint are hereby re-alleged and incorporated
14 by reference.

15 82. This cause of action is asserted against all Defendants.

16 83. Commencing in 2014, Mendoza began publicizing to Kaiser employees that
17 Plaintiff is a "homo phob", and labeling Plaintiff as a "homo phob". Several of Plaintiff's
18 coworkers told Plaintiff that Mendoza was accusing Plaintiff of being "homophobic" as a result
19 of the sexual harassment complaint Plaintiff filed with human resources. This created an even
20 more hostile work environment for Plaintiff. Plaintiff complained again to human resources on
21 September 15, 2014, notifying human resources of Mendoza's continued harassment and
22 violation of confidentiality regarding the investigation into Plaintiff's complaints. To date,
23 Plaintiff continues to hear coworkers referencing Mendoza's comments that Plaintiff is a "homo
24 phob".

25 84. Additionally, Mendoza in December 2014, wrote to several Kaiser employees and
26 stated that he was placed on a correction action level 4 for sexual harassment filed by Plaintiff,
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1 and that Plaintiff had a personal vendetta against him. (Exhibit 2). The Kaiser employees
2 reasonably understood that the statements made were about Plaintiff.

3 85. Not only were the written and verbal statements false and inflammatory, they were
4 intended and designed to injure Plaintiff and his good name and reputation, impugn his character,
5 and harm his trade, profession and occupation. The statements were made and republished by
6 employees, agents and/or officers of Defendants. Kaiser, by maintaining those individuals
7 defaming Plaintiff and republishing such statements in its employ, in conscious disregard of the
8 rights of Plaintiff, allowed Defendants to make statements that constitute defamation.

9 86. The statements made by Defendants were made with malice. The statements
10 made were false, were motivated by hatred or ill will and/or were known to be false by
11 defendants at the time they were made, made without any reasonable basis for belief, and in
12 reckless regard of the truth of the statements or Plaintiff's rights.

13 87. Plaintiff is informed and believes, that such statements were published to
14 numerous employees of Kaiser, coworkers of Plaintiff, and other persons who reside in or around
15 Los Angeles County, California, including employees and managers of Kaiser, and whose
16 identities shall be ascertained during discovery in this action, as well as the exact contents of
17 defamatory statements.

18 88. As an actual and proximate result of the aforementioned violations, Plaintiff has
19 been harmed in an amount according to proof, but in an amount in excess of the jurisdiction of
20 this Court. Such damages include, but are not limited to, loss of reputation, shame, mortification,
21 hurt feelings, humiliation and emotional distress, in a sum to be proven at time of trial.

22 89. Defendants acts were done with malice, fraud, oppression, and in reckless and
23 conscious disregard of Plaintiff's rights, and a further example of retaliation against Plaintiff for
24 complaining of sexual harassment and opposing Defendants' violation of the California
25 Government Code. Further, said actions were despicable in character and warrant the imposition
26 of punitive damages against Defendant in a sum sufficient to punish and deter Defendant's future
27 conduct.

1 WHEREFORE, Plaintiff prays judgment against Defendants, and each of them, as
2 follows:

- 3 1. Loss of earnings, including commissions and bonuses, and back pay including any
4 increased tax liability thereon;
- 5 2. Loss of future earnings (including commissions and bonuses), promotions,
6 opportunities to promote, front pay and all other employment benefits, such as pension rights;
- 7 3. All other lost pension, insurance and other employment benefits;
- 8 4. Medical, hospital and psychological bills, including past, present and future bills;
- 9 5. General damages (pain, suffering, emotional distress and other non economic
10 damages);
- 11 6. Punitive Damages where applicable;
- 12 7. Litigation costs;
- 13 8. Attorneys' fees;
- 14 9. Civil Penalties as authorized by statutes set out herein above;
- 15 10. Interest;
- 16 11. Damages for increased income tax payments;
- 17 12. Injunctive relief; and
- 18 13. Any other relief or damages allowed by law, or statutes not set out above and such
19 further relief as the Court deems just and proper at conclusion of trial.

20
21 DATED: October 14, 2015

LAW OFFICE OF TWILA S. WHITE

22
23
24 

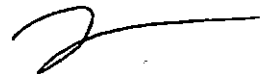
25 TWILA S. WHITE
26 MATTHEW D. CRAWFORD
27 Attorney for Plaintiff MARQUI BARBER
28

10/18/2015

DEMAND FOR JURY TRIAL

Plaintiff demands a jury trial.

DATED: October 14, 2015 LAW OFFICE OF TWILA S. WHITE



TWILA S. WHITE
MATTHEW D. CRAWFORD
Attorney for Plaintiff MARQUI BARBER

Courthouse News Service

10/18/2015

VERIFICATION
CCP Section 446, 2015.5

MARQUI BARBER v. KAISER et al.
Los Angeles Superior Court

I, MARQUI BARBER, declare:

1. I am the Plaintiff in the above-entitled matter:
2. I have read the foregoing Complaint and know the contents thereof. The same is true of my own knowledge, except as to those matters which are therein stated on information and belief, and, as to those matters, I believe it to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on October 14, 2015 at Culver City, California.



MARQUI BARBER

10/16/2015

Courthouse News Service

10/18/2015

EXHIBIT 1



Kaiser Foundation Health Plan, Inc.
Southern California Region
Human Resources
EEO Investigation Unit

September 5, 2014

Marqui Barber
[REDACTED]

Subject: Internal Equal Employment Opportunity Complaint

Dear Marqui:

This letter is in response to the above-referenced complaint sexual harassment and sexual harassment based upon sexual orientation. A prompt, thorough, and objective investigation has been conducted, including a review of pertinent data and interviews with appropriate individuals. Your employer has taken appropriate action and believes that your concerns were addressed and resolved.

As a result of our investigation, we have concluded that inappropriate and unprofessional behavior occurred by the coworker you complained of. Therefore, we are implementing corrective measures and/or disciplinary/corrective action that we expect will prevent any further inappropriate and unprofessional conduct. We believe that your concerns have been fully addressed. However, if you have any additional concerns or complaints please contact me immediately.

In order to protect the privacy of everyone involved and the integrity of this investigation, steps have been undertaken to handle this matter in confidence. For these same reasons, we ask that you treat the information contained in this letter in the same manner.

The employer is committed to protecting you from any retaliation as a result of your complaint and our investigation. Please notify your supervisor or your Human Resource Consultant if you feel that you are being subjected to retaliation in any form.

If you are not satisfied, you may request an appeal in writing to Debra Loveless, Manager, Investigations, 393 E. Walnut, 5th Floor, Pasadena, CA 91188, within twenty-one calendar days from the date of the response. Included in the written appeal, you must include a copy of the original internal complaint form and a narrative explaining the reason for the appeal.

If you have any questions, please feel free to contact me at (626) 405-6223.

Sincerely,

A handwritten signature in black ink, appearing to read "Mitch Miller", written over a horizontal line.

Mitch Miller

Investigations Specialist

10/16/2015

Courthouse News Service

10/18/2015

EXHIBIT 2

Begin forwarded message:

From: "Marqui Barber" <[REDACTED]>
Date: December 30, 2014 at 1:19:37 PM PST
To: "Marqui Barber" <[REDACTED]>
Subject: Fwd: lessons learned from the sexual harassment case

Begin forwarded message:

On Thursday, December 18, 2014 12:08 PM, Kaiser ERRNWLA <[REDACTED]> wrote:

hello everyone,

I want to inform everybody what I have learned today. I was served a correction action level 4 for sexual harassment filed against me from one of the EMT's

just hours ago. Despite all the efforts from the union and my medical MD to substantiate that this is solely based on one's personal vendetta, the correction action

has been done. This is just to prove I have no control over this, except to not to take this personally and come to a realization: *I cannot control people, places or things.*

I have learned that this day forward, to maintain professionalism at all times in any working environment. I also have to be accountable for my actions,

to learn and grow from this experience, respect everyone specially when there are personal conflicts. Lets remain tactful, respectful

and continue to work for a solution from our personal differences. Lets look on our differences as an advantage to do great things rather than start

a sour conflict.

I also want to prepare everyone for an interview in 2 weeks from regional compliance. Mike Zackos, union rep, has emailed everyone regarding this

notification from regional compliance. I would advise everyone to write down all concerns, feelings and your experience working in our dept. I also

advise everyone to write down things that you want to see to change, for the better working environment and safe patient care.

12/18/2014

***** To all per-diems ***** If you receive a letter regarding the notification of termination of work status as per diem in ED, please forward it to us.

If you can scan and send to this email, we would be able to process a grievance towards the validity of such notice. I can also meet you and make copies

if you would allow and forward to our union rep. We cannot process unless we have proof of such notifications. We are hurting in low staffing and

high patient ratios, we need all the help we can get.

***** To RN's who are not listed for an interview ***** please forward your information to me ([REDACTED]) and our union rep Mike Zackos

[REDACTED] if you wish to be included in the interview process from regional compliance for change of mngt.

Your input will help us determine the real need for change of management.

I sincerely thank everyone for the solidarity that each one has given. This path has been the most difficult but the wisdom I gained was just astronomical.

Sincerely,

Teodoro Mendoza RN
[REDACTED]

10/16/2015

harassment learned from the sexual harassment case(s)

KAREN ERSKINE

hello everyone

I want to inform everybody what I have learned today. I have learned a lot about sexual harassment and how to prevent it. I have learned that sexual harassment is not just a woman's issue, it can happen to anyone. I have learned that sexual harassment is a crime and it is illegal. I have learned that sexual harassment can have serious consequences for the victim. I have learned that sexual harassment can be prevented by taking certain steps. I have learned that sexual harassment is not an excuse for anything. I have learned that sexual harassment is a serious problem and it needs to be taken seriously.

has been done. This is just to prove I have no control over it. I accept to not to take this person's and come to a realization I cannot control people, places or things.

I have learned that this day forward to maintain professionalism at all times in my workplace. I have learned that I must have to be accountable for my actions.

to learn and grow from this experience. I respect everyone's privacy and I will not discuss anyone's personal life with anyone. I will remain loyal to my company.

and continue to work for a job that is safe for everyone. I will not take any advantage in the workplace. I will not engage in any inappropriate behavior.

a secure workplace.

I also want to prepare everyone for an interview. I will provide everyone with the necessary information and resources to help them prepare for an interview. I will also provide everyone with the necessary information and resources to help them prepare for a job offer.

notification from my organization. I will provide everyone with the necessary information and resources to help them prepare for a job offer. I will also provide everyone with the necessary information and resources to help them prepare for a job offer.

advise everyone to take care of their health. I will provide everyone with the necessary information and resources to help them prepare for a job offer. I will also provide everyone with the necessary information and resources to help them prepare for a job offer.

to all participants. I will provide everyone with the necessary information and resources to help them prepare for a job offer. I will also provide everyone with the necessary information and resources to help them prepare for a job offer.

If you are from and send to the email. I will provide everyone with the necessary information and resources to help them prepare for a job offer. I will also provide everyone with the necessary information and resources to help them prepare for a job offer.

you would allow and forward to our union rep. I will provide everyone with the necessary information and resources to help them prepare for a job offer. I will also provide everyone with the necessary information and resources to help them prepare for a job offer.

advise everyone to write down things that you want to see to change, for the better working environment and safe patient care.

To all per-diem ~~staff~~ If you receive a letter regarding the notification of termination of work status as per diem in ED, please forward it to us. If you can scan and send to this email, we would be able to process a grievance towards the validity of such notice. I can also meet you and make copies if you would allow and forward to our union rep. We cannot process unless we have proof of such notifications. We are hurting in low staffing and high patient ratios, we need all the help we can get.

To RMs who are not listed for an interview: ~~XXXX~~ please forward your information to me ~~XXXX~~ and our union rep Mike Zackos.

~~XXXX~~ If you wish to be included in the interview process from regional compliance for change of mgmt.

Your input will help us determine the real need for change of management.

I sincerely thank everyone for the solidarity that each one has given. The path has been the most difficult but the wisdom I gained was just astronomical.

Sincerely,

Tecundo Mendoza RM
~~XXXX~~

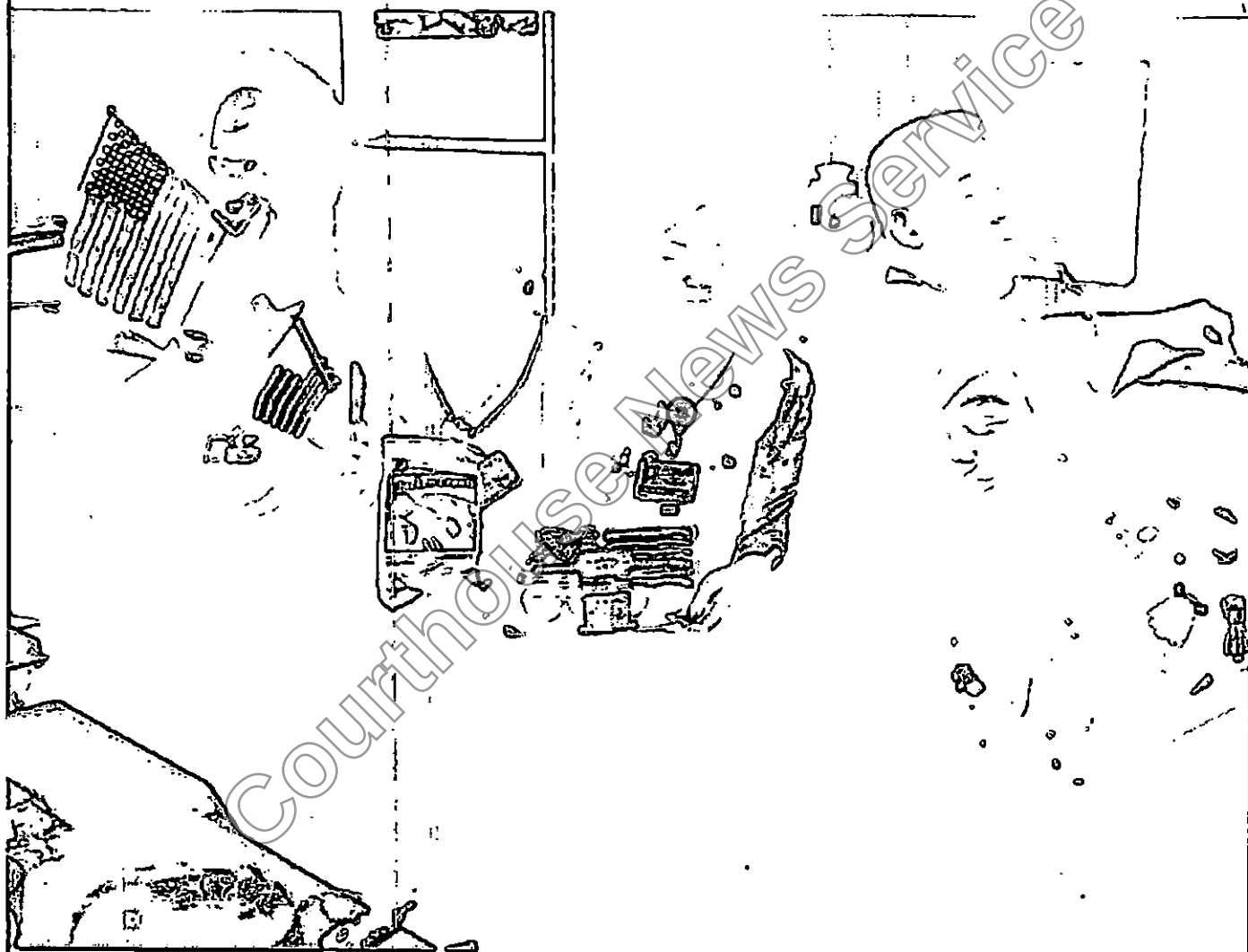
Reply, Reply All or Forward | More

me

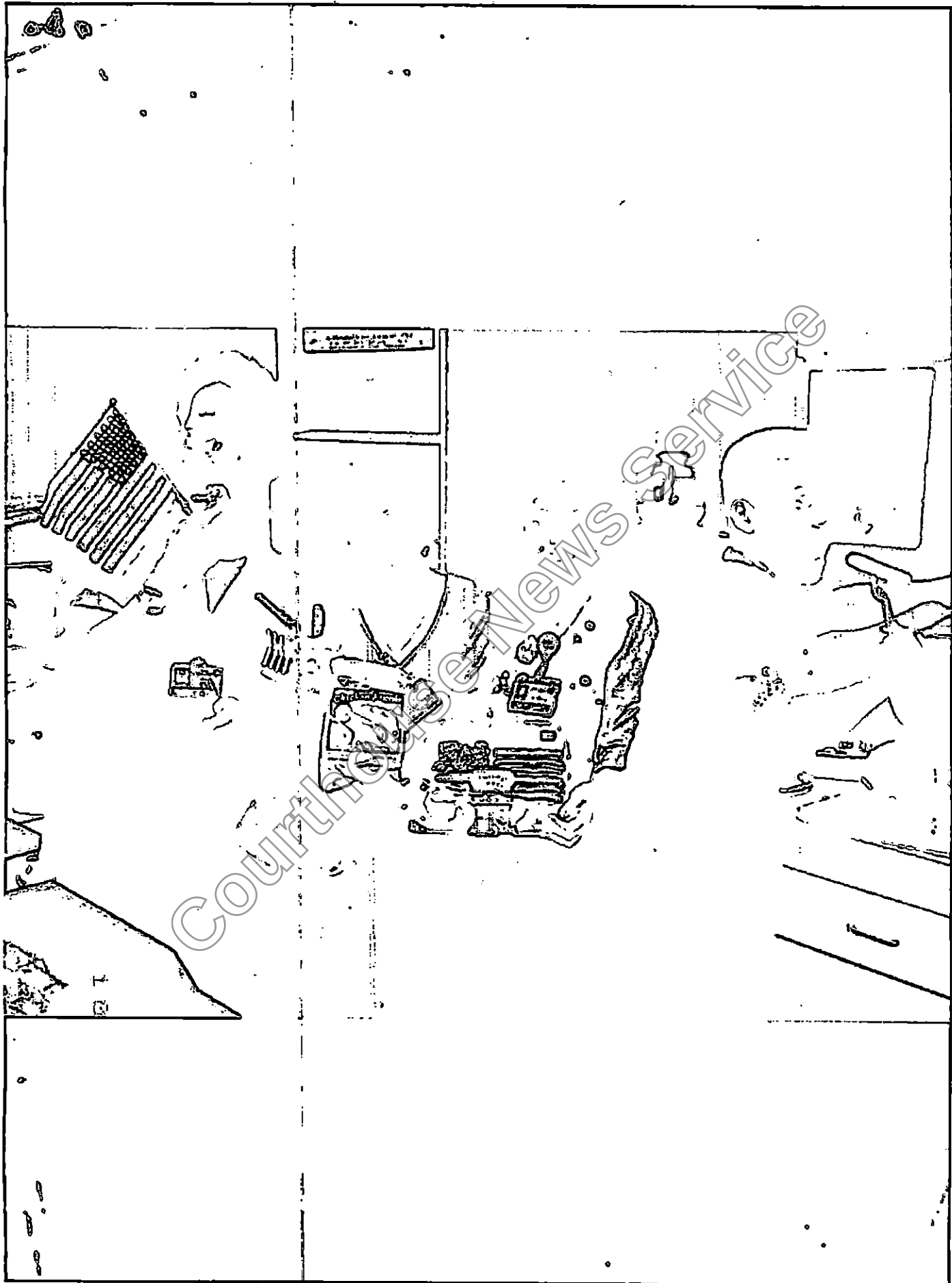
Courthouse News Service

10/18/2015

EXHIBIT 3



— at Kaiser Permanente West Los Angeles Medical Center.



CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Twila S. White, Esq. SBN: 207424; Matthew D. Crawford, Esq. SBN 290448 Law Office of Twila S. White 6101 West Centinela Avenue, Suite 360 Culver City, CA 90230 TELEPHONE NO.: 213 381 8749 FAX NO.: 213 381 8799 ATTORNEY FOR (Name): MARQUI BARBER		FOR COURT USE ONLY FILED Superior Court of California County of Los Angeles OCT 16 2015 Sherri R. Carter, Executive Officer/Clerk By <u>Judi Lara</u> , Deputy	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: 111 North Hill Street CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Central District		CASE NUMBER: BC 598063 JUDGE: DEPT:	
CASE NAME: Marqui Barber v. Kaiser Foundation Healthplan, Inc., et als.		CIVIL CASE COVER SHEET ☒ Unlimited (Amount demanded exceeds \$25,000) ☐ Limited (Amount demanded is \$25,000 or less) Complex Case Designation ☐ Counter ☐ Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	

Items 1-6 below must be completed (see instructions on page 2).

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

Auto Tort ☐ Auto (22) ☐ Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort ☐ Asbestos (04) ☐ Product liability (24) ☐ Medical malpractice (45) ☐ Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort ☐ Business tort/unfair business practice (07) ☐ Civil rights (08) ☐ Defamation (13) ☐ Fraud (16) ☐ Intellectual property (19) ☐ Professional negligence (25) ☐ Other non-PI/PD/WD tort (35) Employment ☐ Wrongful termination (36) ☒ Other employment (15)	Contract ☐ Breach of contract/warranty (06) ☐ Rule 3.740 collections (09) ☐ Other collections (09) ☐ Insurance coverage (18) ☐ Other contract (37) Real Property ☐ Eminent domain/inverse condemnation (14) ☐ Wrongful eviction (33) ☐ Other real property (26) Unlawful Detainer ☐ Commercial (31) ☐ Residential (32) ☐ Drugs (38) Judicial Review ☐ Asset forfeiture (05) ☐ Petition re: arbitration award (11) ☐ Writ of mandate (02) ☐ Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) ☐ Antitrust/Trade regulation (03) ☐ Construction defect (10) ☐ Mass tort (40) ☐ Securities litigation (28) ☐ Environmental/Toxic tort (30) ☐ Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment ☐ Enforcement of judgment (20) Miscellaneous Civil Complaint ☐ RICO (27) ☐ Other complaint (not specified above) (42) Miscellaneous Civil Petition ☐ Partnership and corporate governance (21) ☐ Other petition (not specified above) (43)
---	--	--

2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

a. ☐ Large number of separately represented parties b. ☐ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve c. ☐ Substantial amount of documentary evidence	d. ☐ Large number of witnesses e. ☐ Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court f. ☐ Substantial postjudgment judicial supervision
--	--

3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☒ punitive

4. Number of causes of action (specify): 9

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: October 15, 2015

Twila S. White

(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.	

 Form Adopted for Mandatory Use
 Judicial Council of California
 CM-010 (Rev. July 1, 2007)

CIVIL CASE COVER SHEET

 Cal. Rules of Court, rules 2.30, 3.220, 3.400-3.403, 3.740;
 Cal. Standards of Judicial Administration, std. 3.10
 www.courtinfo.ca.gov

CM-010

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) (if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)

Other PIPD/WND (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (not asbestos or toxic/environmental) (24)
Medical Malpractice (45)
Medical Malpractice—
Physicians & Surgeons
Other Professional Health Care Malpractice
Other PIPD/WND (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PI/D/WND (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PIPD/WND

Non-PIP/WND (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (not civil harassment) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (not medical or legal)
Other Non-PIP/WND Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction)
Contract/Warranty Breach—Seller Plaintiff (not fraud or negligence)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (not provisionally complex) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (not eminent domain, landlord/tenant, or foreclosure)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court Case Matter
Writ—Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal—Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (arising from provisionally complex case type listed above) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (non-domestic relations)
Sister State Judgment
Administrative Agency Award (not unpaid taxes)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (not specified above) (42)
Declaratory Relief Only
Injunctive Relief Only (non-harassment)
Mechanics Lien
Other Commercial Complaint Case (non-tort/non-complex)
Other Civil Complaint (non-tort/non-complex)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (not specified above) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief From Late Claim
Other Civil Petition

SHORT TITLE:

Marqui Barber v. Kaiser Foundation Healthplan, Inc., et als.

CASE NUMBER

BC 598 063

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

This form is required pursuant to 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 7 ☐ HOURS/ ☒ DAYS

Item II. Indicate 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 Local Rule 2.0.

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

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

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

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	☒ A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (48)	☐ A7110 Personal Injury/Property Damage/Wrongful Death - Uninsured Motorist	1., 2., 4.
Other Personal Injury/Property Damage/Wrongful Death Tort	Asbestos (04)	☐ A6070 Asbestos Property Damage ☐ A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
	Product Liability (24)	☐ A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	☐ A7210 Medical Malpractice - Physicians & Surgeons	1., 4.
		☐ A7240 Other Professional Health Care Malpractice	1., 4.
	Other Personal Injury Property Damage Wrongful Death (23)	☐ A7250 Premises Liability (e.g., slip and fall)	1., 4.
		☐ A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.) ☒ A7270 Intentional Infliction of Emotional Distress ☐ A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 4. 1., 3. 1., 4.

LASCIV 109 (Rev. 03/11)

LASC Approved 03-04

**CIVIL CASE COVER SHEET ADDENDUM
AND STATEMENT OF LOCATION**

Local Rule 2.0

Page 1 of 4

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

SHORT TITLE: Marqui Barber v. Kaiser Foundation Healthplan, Inc., 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
Judicial Review	Asset Forfeiture (05)	☐ A6108 Asset Forfeiture Case	2., 6.
	Petition re Arbitration (11)	☐ A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.
	Writ of Mandate (02)	☐ A6151 Writ - Administrative Mandamus ☐ A6152 Writ - Mandamus on Limited Court Case Matter ☐ A6153 Writ - Other Limited Court Case Review	2., 8.
	Other Judicial Review (39)	☐ A6150 Other Writ /Judicial Review	2., 8.
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	☐ A6003 Antitrust/Trade Regulation	1., 2., 8.
	Construction Defect (10)	☐ A6007 Construction Defect	1., 2., 3.
	Claims Involving Mass Tort (40)	☐ A6006 Claims Involving Mass Tort	1., 2., 8.
	Securities Litigation (28)	☐ A6035 Securities Litigation Case	1., 2., 8.
	Toxic Tort Environmental (30)	☐ A6036 Toxic Tort/Environmental	1., 2., 3., 8.
Enforcement of Judgment	Insurance Coverage Claims from Complex Case (41)	☐ A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
	Enforcement of Judgment (20)	☐ A6141 Sister State Judgment ☐ A6160 Abstract of Judgment ☐ A6107 Confession of Judgment (non-domestic relations) ☐ A6140 Administrative Agency Award (not unpaid taxes) ☐ A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax ☐ A6112 Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.
Miscellaneous Civil Complaints	RICO (27)	☐ A6033 Racketeering (RICO) Case	1., 2., 8.
	Other Complaints (Not Specified Above) (42)	☐ A6030 Declaratory Relief Only ☐ A6040 Injunctive Relief Only (not domestic/harassment) ☐ A6011 Other Commercial Complaint Case (non-tort/non-complex) ☐ A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8.
Miscellaneous Civil Petitions	Partnership Corporation Governance (21)	☐ A6113 Partnership and Corporate Governance Case	2., 8.
	Other Petitions (Not Specified Above) (43)	☐ A6121 Civil Harassment ☒ A6123 Workplace Harassment ☐ A6124 Elder/Dependent Adult Abuse Case ☐ A6190 Election Contest ☐ A6110 Petition for Change of Name ☐ A6170 Petition for Relief from Late Claim Law ☐ A6100 Other Civil Petition	2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9.

SHORT TITLE: Marqui Barber v. Kaiser Foundation Healthplan, Inc., et al.	CASE NUMBER
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Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case. ☐ 1. ☒ 2. ☐ 3. ☐ 4. ☐ 5. ☐ 6. ☐ 7. ☐ 8. ☐ 9. ☐ 10.		ADDRESS: 6041 Cadillac Ave Los Angeles, CA 90034
CITY: Los Angeles	STATE: CA	ZIP CODE: 90034

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

Dated: 10/15/15

(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, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 03/11).
5. Payment in full of the filing fee, unless fees have been waived.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
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.