

Assigned for all purposes to: Stanley Mosk Courthouse, Judicial Officer: Patricia Nieto

C&B LAW GROUP LLP
Jack Bazerkanian (SBN 299031)
James Shin (SBN 299101)
Brandon Sadigh (SBN 327193)
714 W. Olympic Blvd., Suite 301
Los Angeles, California 90015-1439
Telephone: (213) 986-3430
Facsimile: (213) 986-9860

Attorneys for Plaintiff
Laura Ramos

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

LAURA RAMOS, an individual,

Plaintiff,

v.

PLANNED PARENTHOOD LOS ANGELES, a
California corporation; FERNANDO
DELGADO, an individual; CARMEN CUEVAS,
an individual; and DOES 1 through 50, inclusive,

Defendants.

Case No.: ~~20STCV36381~~

Assigned for all purposes to:

COMPLAINT FOR DAMAGES:

1. Discrimination, Harassment, and Retaliation on the Basis of Disability and Sex, Failure to Accommodate Disability, Failure to Engage in the Interactive Process, Failure to Prevent Discrimination, Harassment, and Retaliation for Complaint of Disability and Sex in Violation of FEHA
2. Sexual Harassment
3. Negligent Hiring, Supervision, and Retention
4. Wrongful Termination in Violation of Public Policy

DEMAND FOR JURY TRIAL

Plaintiff Laura Ramos brings this action against Defendants Planned Parenthood Los Angeles, Fernando Delgado, Carmen Cuevas, and DOES 1 through 50, inclusive (“Defendants”) and alleges as follows:

1 **THE PARTIES**

2 1. Plaintiff, Laura Ramos, (“Plaintiff”) is a female individual living in the City of Los
3 Angeles, County of Los Angeles, State of California. At all material times, Plaintiff was an
4 employee within the meaning of California Government Code §§ 12940 et seq., which obligates
5 employers to provide a work environment free from disability and sex discrimination, harassment
6 and retaliation, and to take all reasonable steps necessary to prevent discrimination, harassment and
7 retaliation from occurring.

8 2. On information and belief, and at all times mentioned herein, Defendant Planned
9 Parenthood Los Angeles (“PPLA”) was and is a California corporation licensed to do business and
10 conducting business in the State of California with its principal place of business located at 400 W.
11 30th Street, Los Angeles, California 90007. Defendant PPLA was at all material times an employer
12 within the meaning of California Government Code §§ 12926(d) and 12940(j)(4)(A) and, as such, is
13 barred from discriminating, harassing and retaliating in employment, as set forth in Government
14 Code § 12940, et seq.

15 3. Plaintiff is informed and believes and thereon alleges that Defendant Fernando
16 Delgado is an individual residing in the County of Los Angeles, State of California.

17 4. Plaintiff is informed and believes and thereon alleges that Defendant Carmen Cuevas
18 is an individual residing in the County of Los Angeles, State of California.

19 5. The true names and capacities, whether individual, corporate, associate or otherwise
20 of the Defendants named herein as Does 1 through 50, are unknown to Plaintiff at this time.
21 Plaintiff therefore sues said Defendants by such fictitious names pursuant to § 474 of the California
22 Code of Civil Procedure. Plaintiff will seek leave to amend this Complaint to allege the true names
23 and capacities of Does 1 through 50 when their names are ascertained. Plaintiff is informed and
24 believes, and based thereon alleges, that each of the Doe Defendants is in some manner liable to
25 Plaintiff for the events and actions alleged herein. All named Defendants, and Does 1 through 50,
26 will be collectively referred to as “Defendants.”

27 6. Plaintiff is informed and believes, and based thereon alleges, that at all times, each
28 Defendant was acting as an agent, joint venturer, and/or alter ego for each of the other Defendants

1 and each were co-conspirators with respect to the acts and the wrongful conduct alleged herein so
2 that each is responsible for the acts of the other in connection with the conspiracy in such wrongful
3 acts in connection with the other Defendants.

4 7. Plaintiff is informed and believes, and based thereon alleges, that each Defendant
5 was acting partly within and partly without the scope and course of their employment, and was
6 acting with the knowledge, permission, consent, and ratification of every other Defendant.

7 **JURISDICTION AND VENUE**

8 8. Pursuant to the California Government Code §12965(b), an action under the Fair
9 Employment and Housing Act may be brought in any county in the state in which the unlawful
10 practice is alleged to have been committed, in the county where relevant records are maintained, or
11 in the county where the aggrieved person would have worked.

12 9. This Court has proper jurisdiction of this action because the alleged wrongful and
13 discriminatory conduct occurred at a place of employment situated in the County of Los Angeles,
14 State of California.

15 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

16 10. Plaintiff has met all of the jurisdictional requirements for proceeding with her
17 claims under the Fair Employment and Housing Act (“FEHA”), codified at California Government
18 Code, Section 12960, et seq., by timely filing administrative complaints with the Department of
19 Fair Employment and Housing (“DFEH”) and receiving a Notice of Case Closure and a Right to
20 Sue letter. This action is filed within one year of the date of that Right to Sue letter. Accordingly,
21 Plaintiff has fully exhausted her administrative remedies.

22 **ALLEGATIONS COMMON TO MORE THAN ONE CAUSE OF ACTION**

23 11. Plaintiff re-alleges and incorporates by reference each and every allegation in this
24 complaint as though fully set forth herein.

25 12. Plaintiff began working for Defendants in or around October 2017 as a medical
26 biller.

27 13. Throughout her employment with Defendants, Plaintiff performed her duties
28 satisfactorily.

1 14. Plaintiff’s supervisors were Defendant Delgado and Defendant Cuevas.

2 15. On several occasions, Defendant Delgado would pass by Plaintiff’s desk, asking her
3 unwanted and inappropriate questions. Defendant Delgado’s conduct made Plaintiff extremely
4 uncomfortable in the workplace, and Plaintiff grew more anxious, nervous and uncomfortable with
5 each subsequent visit from Defendant Delgado.

6 16. On a few instances, Plaintiff caught Defendant Delgado taking pictures of Plaintiff
7 sitting at her desk without her knowledge or consent.

8 17. In or about March of 2019, Plaintiff began experiencing back pain from sitting
9 down over long periods of time. Plaintiff spoke to Defendant Delgado about her back pain and
10 requested a standing desk to help alleviate her pain. Defendant Delgado informed Plaintiff that
11 Plaintiff cannot receive the standing desk accommodation because Defendant PPLA was “on a
12 budget.” Following this interaction, Plaintiff reported her worsening back pain to Defendant
13 Delgado on multiple occasions.

14 18. On or around April 2, 2019, Plaintiff exchanged emails with Defendant PPLA’s
15 employee, Nichole Trugler, regarding Plaintiff’s request for a standing desk. Ms. Trugler told
16 Plaintiff that she was placed on a “queue” for a workstation evaluation. However, Plaintiff’s
17 workstation was never evaluated and Plaintiff never received her standing workstation
18 accommodation from Defendants.

19 19. On or about, April 10, 2019, Plaintiff informed Defendants that she was pregnant.
20 After learning about Plaintiff’s pregnancy, both Defendant Delgado and Defendant Cuevas began
21 treating Plaintiff differently in the workplace.

22 20. Defendant Delgado and Defendant Cuevas gave Plaintiff a difficult time every time
23 she needed to go to a necessary doctor’s appointment for her pregnancy.

24 21. On June 7, 2019, Plaintiff and Defendant PPLA’s employee, Rachel Rodriguez,
25 were exchanging emails regarding setting up a meeting. In one of Plaintiff’s replies to Ms.
26 Rodriguez, Plaintiff specifically stated that she did not feel comfortable with Defendant Delgado,
27 and requested the presence of Defendant Cuevas in the meeting in Defendant Delgado’s place.
28 Plaintiff also stated that “There is a lot of stuff that I want to discuss and don’t want him being

1 there.”

2 22. In or about September of 2019, both Defendant Delgado and Defendant Cuevas
3 began applying more pressure on Plaintiff about her work product. Despite Plaintiff’s requests for
4 assistance on some of her work, Defendants Delgado and Cuevas would either ignore her requests
5 or threaten to write her up for asking for assistance.

6 23. On or about November 15, 2019, Plaintiff was placed on maternity leave because
7 she was due to give birth on approximately December 1, 2019.

8 24. On December 31, 2019, during Plaintiff’s maternity leave, Plaintiff’s counsel sent a
9 letter to Defendants informing Defendants that Plaintiff had retained counsel to represent her
10 potential employment claims against Defendants. Plaintiff’s counsel requested documents from
11 Defendants pertaining to Plaintiff’s employment.

12 25. On or about January 23, 2020, Plaintiff visited Defendants’ office with her newborn
13 baby to show her newborn baby to her friends and co-workers. As soon as she arrived, Defendants
14 escorted Plaintiff and her baby off the premises and instructed her not to return.

15 26. Based on Defendants’ conduct, Plaintiff believes and alleges that she her
16 employment was constructively terminated, if not actually terminated.

17 **FIRST CAUSE OF ACTION**

18 **(Violation of FEHA (Government Code § 12900, *et seq.*) (Discrimination and Retaliation**
19 **based on Disability and Sex, Failure to Accommodate Disability and Failure to Engage in the**
20 **Interactive Process, and Failure to Prevent Discrimination, Harassment, and Retaliation for**
21 **Complaining of Disability and Sex) and (Harassment based on Disability and Sex))**

22 (Against All Defendants)

23 27. Plaintiff re-alleges and incorporates by reference each and every allegation in this
24 complaint as though fully set forth herein.

25 28. At all times mentioned herein, FEHA, Government Code section 12940, *et seq.*, was
26 in full force and effect and was binding on Defendants. This statute requires defendants to refrain
27 from discriminating, harassing, and retaliating against any employee because he or she has a
28 physical or mental disability, or complained of sexual harassment.

1 29. Government Code section 12940(a), (i), (m), and (n) requires Defendants to provide
2 reasonable accommodations to known disabled employees and engage in a timely, good faith
3 interactive process to accommodate known disabled employees. Government Code section
4 12940(k) states that it is an unlawful employment practice in California for an employer to “fail to
5 take all reasonable steps necessary to prevent discrimination and harassment from occurring.” Prior
6 to filing the instant Complaint, Plaintiff filed a timely administrative charge with the DFEH and
7 received a right-to-sue letter.

8 30. Plaintiff’s actual, perceived, and/or history of disability, sex and/or other
9 characteristics, protected by FEHA, Government Code section 12900, *et seq.*, were motivating
10 factors in Defendants’ decision to terminate Plaintiff’s employment, not to retain, hire, or otherwise
11 employ Plaintiff in any position, to harass Plaintiff, to retaliate against Plaintiff, to refuse to
12 accommodate Plaintiff, to refuse to engage in the interactive process, and/or to take other adverse
13 job actions against Plaintiff, including failing to prevent discrimination, harassment, and retaliation
14 from taking place.

15 31. During the course of Plaintiff’s employment, Defendants failed to prevent their
16 employees from engaging in intentional actions that resulted in Plaintiff’s being treated less
17 favorably because of Plaintiff’s protected status (*i.e.*, her disability and sex). During the course of
18 Plaintiff’s employment, Defendants failed to prevent their employees from engaging in unjustified
19 employment practices against employees in such protected classes. During the course of Plaintiff’s
20 employment, Defendants failed to prevent a pattern and practice by their employees of intentional
21 discrimination, retaliation, and harassment on the basis of disability, sex, and/or protected status or
22 protected activities.

23 32. Defendants, through their managers and supervisors, made a number of comments
24 to and about Plaintiff that exhibited discriminatory motivations, intentions, and consciousness
25 based on disability and sex. Plaintiff believes and on that basis alleged that Defendants’ real
26 motivation was to discharge her because of her disability and complaints of sexual harassment.

27 33. Defendants wholly failed to attempt any reasonable accommodation Plaintiff’s
28 known disability and engage in a timely, good-faith interactive process with Plaintiff to

1 accommodate her known disabilities. Instead, Defendants terminated Plaintiff's employment in
2 part because of her disabilities.

3 34. Defendants' conduct, as alleged, violated FEHA, Government Code section 12940,
4 *et seq.*, and Defendants committed unlawful employment practices, including by the following,
5 separate bases for liability:

6 a. Discharging, barring, refusing to transfer, retain, hire, select, and/or employ,
7 and/or otherwise discriminating against Plaintiff, in whole or in part on the basis of Plaintiff's
8 actual, perceived, and/or history of physical disability, complaints of sexual harassment, and/or
9 other protected characteristics, in violation of Government Code section 12940(a);

10 b. Failing to accommodate Plaintiff's actual, perceived, and/or history of physical
11 disability, in violation of Government Code section 12940(m);

12 c. Failing to engage in a timely, good faith interactive process to determine
13 reasonable accommodation, in violation of Government Code section 12940(n);

14 d. Failing to take all reasonable steps to prevent discrimination, harassment, and
15 retaliation based on actual perceived, and/or history of physical disability and sex in violation of
16 Government Code section 12940(k);

17 e. Retaliating against Plaintiff for seeking to exercise rights guaranteed under
18 FEHA and/or opposing Defendants' failure to provide such rights, including rights of reasonable
19 accommodation, rights of interactive process, leave rights, and/or the right to be free of
20 discrimination, retaliation, and sexual harassment, in violation of Government Code section
21 12940(h);

22 f. Harassing Plaintiff and/or creating a hostile work environment, in whole or in
23 part on the basis of Plaintiff's actual, perceived, and/or history of physical disability, sex, and/or
24 other protected characteristics, in violation of Government Code section 12940(j);

25 35. On the basis of the above, Plaintiff believes and alleges that her sex and the need to
26 accommodate her disability were a substantial motivating factor in Defendants' termination of her
27 employment.

28 36. As a proximate result of Defendants' willful, knowing, and intentional

1 discrimination against Plaintiff, Plaintiff has sustained and continues to sustain substantial losses of
2 earnings and other employment benefits.

3 37. As a proximate result of Defendants' willful, knowing, and intentional
4 discrimination against Plaintiff, Plaintiff has suffered and continues to suffer humiliation,
5 emotional distress, and physical and mental pain and anguish, all to her damage in sum according
6 to proof.

7 38. Plaintiff has incurred and continues to incur legal expenses and attorney's fees.
8 Pursuant to Government Code section 12965(b), Plaintiff is entitled to recover reasonable
9 attorney's fees and costs (including expert costs) in an amount according to proof.

10 39. Defendants' misconduct was committed intentionally, in a malicious, despicable,
11 fraudulent, oppressive manner, entitling Plaintiff to punitive damages against Defendants.

12 **SECOND CAUSE OF ACTION**

13 **(Sexual Harassment (Government Code § 12955(a), (d))**

14 (Against All Defendants)

15 40. Plaintiff re-alleges and incorporates by reference each and every allegation in this
16 complaint as though fully set forth herein.

17 41. At all times mentioned herein, FEHA, Government Code section 12955(a) and (d),
18 was in full force and effect and was binding on Defendants. This statute requires Defendants to
19 refrain from sexually harassing their employees. Within the time provided by law, Plaintiff filed a
20 complaint with the DFEH, in full compliance with administrative requirements, and received a
21 right-to-sue letter.

22 42. During Plaintiff's employment with Defendants, Defendants engaged in actions that
23 constituted sexual harassment of Plaintiff.

24 43. The hostility and harassment that Plaintiff suffered included the following:

25 a. On many instances, Defendant Delgado would pass by Plaintiff's workspace and
26 ask her unwanted and inappropriate questions.

27 b. On several instances, Defendant Delgado attempted to and/or did take
28 photographs of Plaintiff as Plaintiff was sitting/working at her desk, without her knowledge and/or

1 consent.

2 44. All of these actions were taken against Plaintiff's will and desire and over her
3 protests.

4 45. As a proximate result of Defendants' willful, knowing, and intentional sexual
5 harassment of Plaintiff, Plaintiff has sustained and continues to sustain damages, including losses
6 of earnings and benefits, according to proof.

7 46. As a proximate result of Defendants' willful, knowing, and intentional sexual
8 harassment of Plaintiff, Plaintiff has suffered and continues to suffer humiliation, emotional
9 distress, and mental and physical pain and anguish, all to her damage in a sum according to proof.

10 47. Defendants' sexual harassment was done intentionally, in a malicious, oppressive,
11 fraudulent manner, entitling Plaintiff to punitive damages.

12 48. Plaintiff has incurred and continues to incur legal expenses and attorneys' fees.
13 Plaintiff is at present unaware of the precise amounts of these expenses and fees and will seek leave
14 of court to amend this Complaint when the amounts are known.

15 **THIRD CAUSE OF ACTION**

16 **(Negligent Hiring, Supervision, and Retention)**

17 (Against All Defendants)

18 49. Plaintiff re-alleges and incorporates by reference each and every allegation in this
19 complaint as though fully set forth herein.

20 50. Defendants owed a duty of care to Plaintiff to appoint, hire, retain, and supervise
21 persons who would not engage in retaliatory, harassing, or discriminatory conduct. Defendants
22 owed a duty of care to Plaintiff not to retain managers or employees who would discriminate
23 against, harass, or retaliate against employees for engaging in protected activities. Defendants
24 owed a duty of care to Plaintiff to supervise their managers and employees closely to ensure that
25 they would refrain from harassing and retaliating against Plaintiff.

26 51. Defendants breached these duties. As a result, Defendants caused damages to
27 Plaintiff. As a proximate result of Defendants' negligent hiring, retention, and supervision of their
28 managers and employees, Plaintiff as suffered and continues to suffer damages, including losses of

1 earnings and benefits, according to proof.

2 **FOURTH CAUSE OF ACTION**

3 **(Wrongful Termination in Violation of Public Policy)**

4 (Against All Defendants)

5 52. Plaintiff re-alleges and incorporates by reference each and every allegation in this
6 complaint as though fully set forth herein.

7 53. The above-described conduct by Defendants, and each of them, was against
8 fundamental public policies of the State of California as evidenced by the enactment of the FEHA
9 (Government Code § 12900, et seq.) ("In enacting the FEHA, the Legislature declared that it is a
10 civil right to seek, obtain, and hold employment without discrimination, and that it is the public
11 policy of this state to protect and safeguard such rights and opportunities.")

12 54. In terminating Plaintiff's employment and/or failing to provide a reasonable
13 accommodation, and retaliating against Plaintiff because she exercised her rights under the FEHA,
14 Defendants, and each of them, violated the Fair Employment and Housing Act.

15 55. As a direct and proximate result of the acts of Defendants, and each of them, as
16 alleged above, Plaintiff has incurred compensatory damages, including lost earnings and other
17 economic damages, and has necessarily expended sums in the treatment of physical and mental
18 injuries, in an amount to be ascertained at the time of trial.

19 56. As a direct and proximate results of Defendants' conduct, and each of them, as
20 alleged above, Plaintiff will necessarily continue to expend sums in the future for the treatment of
21 the physical, emotional and mental injuries sustained by Plaintiff as a result of said Defendants'
22 acts in an amount to be ascertained at the time of trial.

23 57. As a direct and proximate result of Defendants' conduct, as alleged above, Plaintiff
24 has suffered humiliation, mental and physical distress, anxiety and nervousness and has been
25 generally damaged in an amount to be ascertained at the time of trial.

26 58. The conduct of Defendants, through their agents, as described herein was malicious,
27 fraudulent, and oppressive and/or done with knowledge that they were acting in violation of federal
28 and state law, and/or with a willful and conscious disregard for Plaintiff's rights and for the

1 deleterious consequences of their actions. Consequently, Plaintiff is entitled to punitive damages.

2 **PRAYER FOR RELIEF**

3 **WHEREFORE**, Plaintiff prays for judgment against Defendants and DOES 1 through 50,
4 inclusive, as follows:

5 **ON THE FIRST, SECOND, THIRD, AND FOURTH CAUSES OF ACTION**

- 6 1. For all actual, consequential and incidental financial losses, including but not
7 limited to loss of earnings, employment benefits, and employment opportunities according to
8 proof;
- 9 2. For compensatory and general damages according to proof;
- 10 3. For exemplary and punitive damages;
- 11 4. For statutory attorney’s fees and costs;
- 12 5. For costs of suit;
- 13 6. For pre-judgment and post-judgment interest, at the legal rate; and
- 14 7. For such other and further relief as the Court deems just and proper.

15
16 Dated: September 22, 2020

C&B LAW GROUP LLP

17
18
19 By:  _____
20 Jack Bazerkanian, Esq.
21 Attorneys for Plaintiff
22 Laura Ramos
23
24
25
26
27
28

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

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury.

Dated: September 22, 2020

C&B LAW GROUP LLP

By: 

Jack Bazerkanian, Esq.
Attorneys for Plaintiff
Laura Ramos