

Michael J. Curls (SBN 159651)
Nichelle D. Jones (SBN 186308)
LAW OFFICE OF MICHAEL J. CURLS
4340 Leimert Blvd., Suite 200
Los Angeles, CA 90008
Telephone: (323) 293 2314
Facsimile: (323) 293 2350

Attorneys for Plaintiff SHEILIA NOYE

SUPERIOR COURT FOR THE STATE OF CALIFORNIA
COUNTY OF SANTA CLARA

SHEILA NOYE an individual

Case No.:

Plaintiff,

vs.

PLANNED PARENTHOOD MAR MONTE
and DOES 1 through 25, inclusive,

Defendant

PLAINTIFF SHEILA NOYE
COMPLAINT FOR
RETALIATION IN VIOLATION OF
CALIFORNIA LABOR CODE §
1102.5
RETALIATION IN VIOLATION OF
CALIFORNIA GOVERNMENT
CODE § 12940(h);
WRONGFUL TERMINATION
VIOLATION OF CALIFORNIA
GOVERNMENT CODE §
12940(h)
WRONGFUL TERMINATION
VIOLATION OF PUBLIC POLICY
FAILURE TO PREVENT
DISCRIMINATION,
HARASSMENT, AND
RETALIATION GOVERNMENT
CODE § 12940 (k)
NEGLIGENT HIRING,
SUPERVISION AND RETENTION

Plaintiff SHEILA NOYE alleges:

THE PARTIES

At all times relevant herein, Plaintiff SHEILA NOYE ("Plaintiff") was a resident of
the County of Santa Clara

1 2. The true names and capacities, whether individual, corporate, associate or
2 otherwise of Defendants Does 1 through 25, and each of them, are unknown to Plaintiff
3 at this time, and therefore they are sued by such fictitious names.

4 3. Plaintiff is informed and believes and thereon alleges that the Defendants herein,
5 and each of them, are in some manner negligent, or otherwise responsible, for directly
6 and proximately causing the injuries and damages hereinafter set forth.

7 4. At all times herein mentioned, the Defendants, and each of them, were principals
8 and/or agents, servants, or employees of said principals; all the acts performed by each
9 of said Defendants as agents, servants or employees were done within the scope of
10 their agency, employment and/or authority of said agency and employment and with the
11 consent of each co-Defendant.

12 5. At all times relevant hereto, Defendant PLANNED PARENTHOOD MAR
13 MONTE, INC. is a corporation organized to do business in the State of California,
14 County of Santa Clara.

15 6. The acts committed by individual employees of PLANNED PARENTHOOD MAR
16 MONTE, INC. and DOES 1 through 25, and as described in this Complaint were duly
17 authorized and directed by its officers, directors and/or managing agents. In addition,
18 the employers identified herein participated in the acts of its employees and agents as
19 described in this Complaint and ratified or accepted the benefits of such acts.

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

21 7. Plaintiff, SHEILA NOYE ("Plaintiff") an African-American female, over age 45,
22 was hired by Defendant PLANNED PARENTHOOD MAR MONTE in 2008. Plaintiff was
23 a dedicated, hardworking employee that provided over 10 years of service to PLANNED
24 PARENTHOOD MAR MONTE, INC.

25 8. In or about June 2018, Plaintiff began to raise complaints about unethical hiring
26 practices, ageism and discrimination that was taking place at PLANNED
27 PARENTHOOD MAR MONTE. INC. Once the complaints were lodged, Plaintiff's work
28 environment became hostile.

1 9. The hostile work environment included but was not limited to the forgoing:
2 Plaintiff's supervisors began to disproportionately micro-manage her work; Plaintiff was
3 singled out for criticism by her supervisors; Plaintiff was disparately monitored by her
4 supervisors; and Plaintiff's ability to perform her day to day work functions was
5 substantially hindered.

6 10. On or about September 25, 2018, Plaintiff again reported her concerns about
7 unethical hiring practices, ageism and discrimination, as well as her concerns that she
8 believed that she was being retaliated against at PLANNED PARENTHOOD MAR
9 MONTE, INC. for Whistleblowing.

10 11. The very next day after Plaintiff raised her legitimate complaints, she was
11 terminated.

12 12. As an actual and proximate result of the illegal employment actions of Defendant,
13 Plaintiff has suffered and continues to suffer pain, humiliation, and emotional distress.
14 Plaintiff has also lost wages and benefits. Hence, she has suffered economic and non-
15 economic losses. Plaintiff seeks lost wages and compensatory damages for pain and
16 suffering, inconvenience, and mental anguish. Plaintiff also seeks attorney's fees and
17 costs.

18 13. At all times relevant hereto, Plaintiff was performing satisfactory in her position of
19 employment.

20 **FIRST CAUSE OF ACTION**

21 **RETALIATION IN VIOLATION OF CALIFORNIA LABOR CODE § 1102.5**

22 **(Against Defendant PLANNED PARENTHOOD MAR MONTE, INC.)**

23 14. Plaintiff restates and incorporates by this reference as if fully set forth herein
24 paragraphs 1 through 13 of this Complaint.

25 15. At all relevant times, Labor Code section 1102.5 was in effect and was binding
26 on Defendant. This statute prohibits Defendant from retaliating against any employee,
27 including Plaintiff, for raising complaints of illegality.

1 16. Plaintiff raised complaints of illegality while she worked for Defendant, and
2 Defendant retaliated against her by discriminating against her, harassing her, and taking
3 adverse employment actions, including employment termination, against her.

4 17. As a proximate result of Defendant's willful, knowing, and intentional violations of
5 Labor Code § 1102.5, Plaintiff has suffered and continues to suffer humiliation,
6 emotional distress, and mental and physical pain and anguish, all to her damage in a
7 sum according to proof.

8 18. As a result of Defendant's adverse employment actions against Plaintiff, Plaintiff
9 has suffered general and special damages in sums according to proof.

10 19. Defendant's misconduct was committed intentionally, in a malicious, oppressive,
11 fraudulent manner, entitling Plaintiff to punitive damages against Defendant.

12 **SECOND CAUSE OF ACTION**

13 **RETALIATION IN VIOLATION OF**

14 **THE FAIR EMPLOYMENT AND HOUSING ACT**

15 **GOVERNMENT CODE § 12940 (a)**

16 **(Against Defendant PLANNED PARENTHOOD MAR MONTE)**

17 20. Plaintiff restates and incorporates by this reference as if fully set forth herein
18 paragraphs 1 through 19 of this Complaint.

19 21. The actions of Defendant, as described in this Complaint, constitute Retaliation
20 on the basis of Plaintiff's complaints of age, race and gender discrimination.

21 22. The retaliation by the Defendants created a hostile, intimidating, and oppressive
22 work environment for Plaintiff, whereby the conditions of her employment were
23 adversely altered. Moreover, the retaliation impeded Plaintiff's progress and the
24 enjoyment of her employment with PLANNED PARENTHOOD MAR MONTE, INC. The
25 hostile work environment existed on a continuing and ongoing basis up to the time of
26 Plaintiff's termination.

27 23. Defendant knew (or should have known) of the hostile work environment and
28 conduct against Plaintiff but did nothing to prevent or stop the retaliation.

1 24. Defendant's retaliation as described in this Complaint violates the Fair
2 Employment and Housing Act as promulgated in Government Code § 12940 *et. seq.*
3 and other state and federal statutes which prohibit retaliation in employment, including
4 the California Constitution and the Civil Rights Act as amended.

5 25. Plaintiff has exhausted her administrative remedies by timely filing charges of
6 discrimination with the Department of Fair Employment and Housing who have issued
7 to Plaintiff her right to sue letters permitting her to file this lawsuit against Defendants.

8 26. As a direct and proximate result of Defendants' retaliation, Plaintiff has sustained
9 and will continue to suffer damages in an amount within the jurisdiction of this court, the
10 exact amount to be proven at trial. Such damages include:

- 11 a. loss of salary and other valuable employment benefits;
- 12 b. prejudgment interest and interest on the sum of damages at
13 the legal rate; and
- 14 c. other consequential damages, including damages for shame,
15 humiliation, mental anguish and emotional distress caused by
16 Defendants' conduct.

17 27. In addition, Plaintiff is entitled to his attorney's fees in prosecuting this lawsuit,
18 pursuant to Government Code § 12965 (b).

19 **THIRD CAUSE OF ACTION**
20 **WRONGFUL TERMINATION IN VIOLATION OF**
21 **THE FAIR EMPLOYMENT AND HOUSING ACT**
22 **(Against Defendant PLANNED PARENTHOOD MAR MONTE**

23 28. Plaintiff restates and incorporates by this reference as if fully set forth herein
24 paragraphs 1 through 27 of this Complaint.

25 29. As a further act of discrimination and in retaliation for protesting discrimination in
26 the workplace, Defendant terminated Plaintiff's employment.

27 30. Defendant's termination of Plaintiff's employment violates the Fair Employment
28 and Housing Act as set forth in Government Code § 12940 *et seq* which mandates that

1 employees be free from discrimination in the workplace and that employees who
2 oppose such conduct be free from retaliation, intimidation and adverse employment
3 actions.

4 31. Plaintiff has exhausted her administrative remedies by timely a charge of
5 discrimination and harassment with the Department of Fair Employment and Housing.
6 The Department of Fair Employment and Housing issued to Plaintiff a right to letter
7 permitting her to file a private lawsuit against Defendants.

8 32. As a direct and proximate result of Defendant's retaliation and discrimination,
9 Plaintiff has suffered and will continue to suffer damages in an amount within the
10 jurisdiction of this court, the exact amount to be proven at trial. Such damages include:

- 11 a: loss of salary and other valuable employment benefits;
- 12 b: prejudgment interest and interest on the sum of damages for
13 shame, humiliation, mental anguish and emotional distress
14 caused by the conduct of the Defendant;
- 15 c: other consequential damages, including damages for shame,
16 humiliation, mental anguish and emotional distress caused by
17 the conduct of Defendant.

18 33. In addition, Plaintiff is entitled to her Attorney's fees in prosecuting this lawsuit,
19 pursuant to Government Code § 12965(b).

20 34. Further, because the wrongful acts against Plaintiff were carried out, authorized
21 by Defendants' directors, officers and/or managing agents, acting with malice,
22 oppression or fraud, or were deliberate, willful and in conscious disregard of the
23 probability of causing injury to Plaintiff, as reflected by the actions as described earlier in
24 this Complaint, she seeks punitive damages against Defendants, in order to deter them
25 from such and similar conduct in the future.

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1 necessary to prevent discrimination and harassment from occurring.” Prior to filing the
2 instant Complaint , plaintiff filed a timely administrative charge with the DFEH and
3 received a right-to-sue letter.

4 40. During the course of Plaintiff’s employment, Defendant failed to prevent their
5 employees from engaging in intentional actions that resulted in Plaintiff’s being treated
6 less favorably because of Plaintiff’s protected status. During the course of Plaintiff’s
7 employment, Defendants failed to prevent their employees from engaging in unjustified
8 employment practices against employees in such protected classes. During the course
9 of Plaintiff’s employment, defendants failed to prevent a pattern and practice by their
10 employees of intentional discrimination and harassment on the bases of age, race,
11 national origin, color, sexual orientation, marital status, and/or other protected statuses
12 or protected activities.

13 41. Plaintiff believes and, on that basis, alleges that her race, age, gender and
14 complaints of discrimination and harassment were substantial motivating factors in
15 Defendant’s employees’ discrimination, harassment and retaliation against her.

16 42. As a proximate result of Defendant’s willful, knowing, and intentional misconduct,
17 Plaintiff has suffered and continues to suffer humiliation, emotional distress, and
18 physical and mental pain and anguish, all to her damage in a sum according to proof.

19 43. Plaintiff has incurred and continues to incur legal expenses and attorneys’ fees.
20 Pursuant to Government Code § 12965(b), Plaintiff is entitled to recover reasonable
21 attorney’s fees and costs (including expert costs) in an amount according to proof.

22 44. Defendant’s misconduct was committed intentionally, in a malicious, despicable,
23 oppressive, fraudulent manner, entitling Plaintiff to punitive damages against Defendant.

24 **SIXTH CAUSE OF ACTION**

25 **NEGLIGENT HIRING, SUPERVISION AND TRAINING**

26 **(Against Defendant PLANNED PARENTHOOD MAR MONTE)**

27 45. Plaintiff restates and incorporates by this reference as if fully set forth herein
28 paragraphs 1 through 44 of this Complaint.

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2 46. Upon information and belief, PLANNED PARENTHOOD MAR MONTE, INC.
3 knew or reasonably should have known through reasonable investigation of their
4 employees, including but not limited to Tonya Fulton, Tom Motsiff and Stacy Cross
5 propensity for discrimination, harassment and retaliation.

6 47. PLANNED PARENTHOOD MAR MONTE, INC. negligently hired, retained
7 and/or failed to adequately supervise its employees such that they were able to commit
8 the wrongful acts complained of herein by Plaintiff. PLANNED PARENTHOOD MAR
9 MONTE, INC. failed to provide reasonable supervision of its employees despite
10 knowing of their propensities and the complaints made against them

11 48. As a result of the above-described conduct, Plaintiff has suffered and continues
12 to suffer, great pain of mind and body, shock, emotional distress, embarrassment, loss
13 of self-esteem, disgrace, humiliation and loss of enjoyment of life.

14 49. PLANNED PARENTHOOD MAR MONTE, INC. engaged in these acts alleged
15 herein and/or condoned, permitted, authorized, and/or ratified the conduct of its
16 employees and agents and is vicariously liable for the wrongful conduct of its
17 employees and agents for this cause of action.

18 **WHEREFORE, PLAINTIFF SHEILA NOYE PRAYS FOR JUDGMENT**
19 **AGAINST DEFENDANTS AND EACH OF THEM AS FOLLOWS:**

- 20 A. For economic damages according to proof;
21 B. For general, special and incidental damages and amounts for
22 emotional distress according to proof;
23 C. For punitive damages according to proof;
24 D. For prejudgment interest and interest on the sum of damages
25 awarded to the maximum extent permitted by law;
26 E. For an injunction against age, gender and race-based harassment,
27 discrimination and retaliation in the future;
28

- 1 F. Creation of a Court supervised policy against age, gender, disability
2 and race-based harassment, discrimination and retaliation;
3 G. Imposition of periodic reporting requirements on the Company;
4 H. For reasonable attorneys' fees pursuant to Government Code §
5 12965 (b);
6 I. For costs of suit herein incurred; and
7 J. For such other and further relief as the Court deems proper.

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9 DATED: April 30, 2019

LAW OFFICE OF MICHAEL J. CURLS

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11 By: /s/ Nichelle D. Jones
12 Nichelle D. Jones, Attorneys for
13 Plaintiff SHEILA NOYE

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15 **PLAINTIFF SHEILA NOYE DEMANDS A JURY TRIAL.**

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18 DATED: April 30, 2019

LAW OFFICE OF MICHAEL J. CURLS

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23 By: /s/ Nichelle D. Jones
24 Nichelle D. Jones, Attorneys for
25 Plaintiff SHEILA NOYE
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