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10 ARLENE LEONG and VALERIE BITZ OUANO

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 FOR THE COUNTY OF SANTA CLARA
13 UNLIMITED JURISDICTION

14 ARLENE LEONG and VALERIE
15 OUANO BITZ,

16 Plaintiffs,

17 vs.

18 STANFORD UNIVERSITY;
19 STANFORD HEALTH CARE;
20 CHRISTINA ESTRADA-GUIJARRO,
21 and DOES 1 through 50, inclusive,

22 Defendants.

Case No.

17CV312857

COMPLAINT FOR:

1. RETALIATION AND UNLAWFUL EMPLOYMENT PRACTICES BASED ON OPPOSITION, COMPLAINING AND REPORTING DISCRIMINATION AND HARASSMENT AGAINST A THIRD PARTY AFRICAN AMERICAN EMPLOYEE; [Gov't Code § 12940 subds. (a), (h) & (j)];
2. HARASSMENT BASED ON ASSOCIATION WITH AN AFRICAN AMERICAN EMPLOYEE [Gov't Code § 12940 subds. (a), (j) & (k)];
3. FAILURE TO MAINTAIN A DISCRIMINATION AND HOSTILE WORK FREE ENVIRONMENT [Gov't Code § 12940 subds. (j) & (k)];
4. DISCRIMINATION AND UNLAWFUL EMPLOYMENT PRACTICES BASED ON NATIONAL ORIGIN AND RACE (ASIAN) [Gov't Code § 12940 subd. (a)];
5. DISCRIMINATION BASED ON VIOLATION OF CFRA [Gov't Code §§ 12940 subd. (a), 12945.2; Cal. Code of Reg. § 7297.10; and Labor Code §§ 233, 246.5.];
6. VIOLATION OF PUBLIC POLICY RE RETALIATION AND UNLAWFUL EMPLOYMENT PRACTICES BASED ON OPPOSITION, COMPLAINING AND REPORTING DISCRIMINATION AND HARASSMENT AGAINST A THIRD

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CLERK OF THE COURT
SUPERIOR COURT OF CA
COUNTY OF SANTA CLARA
BY FMG DEPUTY

PARTY AFRICAN AMERICAN
EMPLOYEE;
7. VIOLATION OF PUBLIC POLICY RE
HARASSMENT BASED ON
ASSOCIATION WITH AN AFRICAN
AMERICAN EMPLOYEE;
8. BREACH OF THE IMPLIED-IN-FACT
CONTRACT OF EMPLOYMENT;
9. FAILURE TO PAY OVERTIME OVER
EIGHT HOURS DAILY AND REFUSAL
TO PROVIDE MEAL AND REST
PERIODS WITH OR WITHOUT
INTERRUPTION;
10. DEFAMATION (Slander Per-Se); and
11. INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS

DEMAND FOR JURY TRIAL

Plaintiffs, ARLENE LEONG and VALERIE BITZ OUANO alleges as follows:

JURISDICTION, VENUE AND PARTIES

1. During the relevant times herein mentioned, Plaintiff, ARLENE LEONG, was a citizen of the United States and a resident in the City of San Jose, County of Santa Clara, State of California.

2. During the relevant times herein mentioned, Plaintiff, VALERIE BITZ OUANO, was a citizen of the United States and a resident in the City of San Jose, County of Santa Clara, and the City of Newark, County of Alameda, State of California.

3. The conduct and actions as alleged herein, which gave rise to Plaintiffs' damages, were committed within the City of Palo Alto, County of Santa Clara, State of California.

4. Plaintiffs are of the information and belief that during the relevant time period herein, they were jointly employed by Defendants, STANFORD UNIVERSITY, and its affiliates STANFORD Hospital & Clinics; Stanford University Medical Center, and Lucille Packard Children's Hospital at STANFORD (hereinafter collectively referred to as "STANFORD"). STANFORD UNIVERSITY was and is a non-profit corporation with its principal place of business in the City of Palo Alto, County of Santa Clara, State of California.

5. Plaintiffs are of the information and belief that during the relevant time period herein, they were jointly employed by Defendants, STANFORD HEALTH CARE, and its

1 affiliates STANFORD Hospital & Clinics; Stanford University Medical Center, and Lucille
2 Packard Children's Hospital at STANFORD (hereinafter collectively referred to as "SHC").
3 STANFORD HEALTH CARE was and is a non-profit corporation with its principal place of
4 business in the City of Palo Alto, County of Santa Clara, State of California.

5 6. Plaintiffs are of the information and belief that during the relevant time period
6 herein, Defendants, STANFORD and SHC were knowledgeable, ratified, approved and
7 condoned the behavior by CHRISTINA ESTRADA-GUIJARRO, Assistant Clinical Operations
8 Manager (hereinafter "CHRISTINA ESTRADA-GUIJARRO"), and DOES 1 through 50,
9 inclusive. Defendant, STANFORD, is and was responsible for the acts of its employees during
10 all material and relevant times alleged herein.

11 7. Plaintiffs, ARLENE LEONG and VALERIE BITZ OUANO are informed and
12 believe and thereon allege that, at all times herein mentioned, Defendants, CHRISTINA
13 ESTRADA-GUIJARRO and DOES 1 through 50, inclusive, were acting within the course and
14 scope of their employment.

15 8. The true names and/or capacities, whether individual, agent, employee, servant,
16 partner, joint venture, representative, associate, corporate, agency or otherwise, of Defendants
17 named herein as DOES 1 through 50, inclusive, are unknown to Plaintiffs who therefore sues these
18 said Defendants, and each of them, by such fictitious names. Plaintiffs are informed and believe
19 and thereon allege that each of the fictitiously named Defendants are responsible in some manner
20 for the events and happenings herein referred to, and caused injury and damages proximately
21 thereby to the Plaintiffs as herein alleged.

22 9. In doing the things hereinafter alleged, the individual Defendants, whether named
23 or unnamed, were acting in concert with and under the direction, or with the express or implied
24 ratification, of their superiors, supervisors and employer and the named Defendants. Plaintiffs
25 are informed and believe and thereon allege that the conduct of the individually named and
26 unnamed Defendants was known to the other Defendants and such conduct was expressly or
27 impliedly condoned and ratified by the named Defendants. Plaintiffs are further informed and
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1 believe that the named Defendants failed to criticize, censure, terminate, suspend or otherwise
2 take any action against the unnamed Defendants once informed of their conduct.

3 10. Damages in this matter exceed and are greater than \$25,000 for each of the
4 Plaintiffs thereby subject to the Santa Clara County Superior Court's unlimited jurisdiction.

5 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

6 11. Plaintiff fully and completed exhausted all applicable administrative remedies.

7 **FACTUAL ALLEGATIONS**

8 12. On or about **March 19, 2001**, Plaintiff, ARLENE LEONG, a Filipino of Asian
9 ancestry, became employed by both STANFORD and SHC. During the relevant time period herein,
10 ARLENE LEONG was a Surgery Scheduler in the GI Department.

11 13. On or about **June 10, 2013**, Plaintiff, VALERIE BITZ OUANO, a Filipino of Asian
12 ancestry, became employed by both STANFORD and SHC. During the relevant time period herein,
13 ARLENE LEONG was a Surgery Scheduler in the GI Department.

14 14. In or about **August 2015**, CHRISTINA ESTRADA-GUIJARRO, Hispanic, became
15 employed by SHC as an Assistant Clinical Operations Manager.

16 15. In or about **May 2016**, QiQuia Young, an African American co-worker of Plaintiff,
17 VALERIE BITZ OUANO, complained and reported to STANFORD and SHC that she was the
18 target and focus of a Ku Klux Klan-themed Halloween "prank" in 2014. Specifically, two medical
19 assistants circulated a pair of [offensive, deplorable and sickening] photographs depicting a hooded
20 person dressed in KKK-like white sheets and garb; and a patient's disfigured genitalia. The prank
21 and joke for showing the photographs suggested and alluded that this depiction might occur to
22 QiQuia Young. The offending medical assistants and their supervisor were terminated.

23 16. Between **August 2015 and August 2016**, CHRISTINA ESTRADA-GUIJARRO
24 deliberately and purposely disproportionately distributed workload to ARLENE LEONG and
25 VALERIE BITZ OUANO. Specifically, ARLENE LEONG and VALERIE BITZ OUANO were
26 burden with not only producing and completing their respective share of the work assignments but
27 also everyone's' workload given that others (non-Asians) performed the bare minimum
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1 productivity. Moreover, ARLENE LEONG and VALERIE BITZ OUANO were tasked with
2 coverage of co-workers' workloads that failed to report to work or were off on approved time off.
3 As a result, ARLENE LEONG and VALERIE BITZ OUANO were expected to do the work of
4 others, yet when ARLENE LEONG and VALERIE BITZ OUANO took time off, their workloads
5 remained uncompleted waiting for them upon their return to work.

6 17. In or about **late April or early May 2016**, while VALERIE BITZ OUANO and two
7 other co-workers were in the workroom with QiQuia Young, CHRISTINA ESTRADA-
8 GUIJARRO entered the workroom in a very hostile, aggressive and threatening manner and
9 immediately approached and leaned very close into QiQuia Young's face and began in a loud voice
10 and tone. It became very apparent that QiQuia Young was extremely shaken, apprehensive and
11 intimidated by this ordeal caused by CHRISTINA ESTRADA-GUIJARRO. This incident was later
12 reported by VALERIE BITZ OUANO during a human resources investigation. CHRISTINA
13 ESTRADA-GUIJARRO learned that VALERIE BITZ OUANO provided a statement supporting
14 the above facts occurring during the incident because CHRISTINA ESTRADA-GUIJARRO was
15 waiting outside the interview room when VALERIE BITZ OUANO arrived to be interviewed by
16 human resources in order to intimidate VALERIE BITZ OUANO. VALERIE BITZ OUANO
17 learned that the two other witnesses did not provide statements of the incident to human resources
18 due to being frightened and intimidation by CHRISTINA ESTRADA-GUIJARRO. Human
19 resources concluded that it saw no problem with CHRISTINA ESTRADA-GUIJARRO's behavior
20 and blamed QiQuia Young.

21 18. Between **April 2016 and June 2016**, several weeks prior to a scheduled medical
22 appointment, VALERIE BITZ OUANO requested CHRISTINA ESTRADA-GUIJARRO to
23 approve her request for time off for the purpose of taking her seven (7) year old son to his required
24 medical appointments. During said time, while CHRISTINA ESTRADA-GUIJARRO swiftly and
25 promptly approved the requests of other staff (i.e., Mary Arroyo, Eduardo Sudano, Maritza
26 Sanchez, and Jacob Espinoza) within a day, CHRISTINA ESTRADA-GUIJARRO delayed and
27 postponed approving VALERIE BITZ OUANO's requests for time off. In one particular instance
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1 where the day of the medical appointment had arrived and VALERIE BITZ OUANO had not
2 received a response from CHRISTINA ESTRADA-GUIJARRO, VALERIE BITZ OUANO was
3 placed in the compromising position of informing CHRISTINA ESTRADA-GUIJARRO that she
4 [VALERIE BITZ OUANO] had no choice but to leave work to take her son to his medical
5 appointment. CHRISTINA ESTRADA-GUIJARRO then responded she would grant the request
6 for leave. On another occasion, while VALERIE BITZ OUANO was experiencing severe back
7 pain and requested permission from CHRISTINA ESTRADA-GUIJARRO to leave work and go
8 home to recover, CHRISTINA ESTRADA-GUIJARRO summarily denied the request. In another
9 occasion, while at work and having come down with the flu and visibly feverish, VALERIE BITZ
10 OUANO requested permission from CHRISTINA ESTRADA-GUIJARRO to leave work early.
11 CHRISTINA ESTRADA-GUIJARRO summarily denied VALERIE BITZ OUANO request telling
12 VALERIE BITZ OUANO "Can't you take medicine." Recognizing that the remark was insensitive
13 and problematic with her management bedside manners, CHRISTINA ESTRADA-GUIJARRO
14 then stated, "If you have go, just go ahead and go." Furthermore, CHRISTINA ESTRADA-
15 GUIJARRO summarily denied VALERIE BITZ OUANO's request to attend her son's parent /
16 teacher conference and Mother's Night at Montessori during the daytime even though VALERIE
17 BITZ OUANO had given notice and requested the time off three weeks earlier. In other cases when
18 other non-Asians requested similar time off for school functions or activities, CHRISTINA
19 ESTRADA-GUIJARRO would immediately grant and approve the requests.

20 19. On or about **June 15, 2016**, VALERIE BITZ OUANO informed and advised
21 CHRISTINA ESTRADA-GUIJARRO and Matthew Burke, supervisor, early in the morning via an
22 internal email that she would be leaving work at 3:30 p.m. due to a medical appointment for herself
23 in Redwood City. Specifically, VALERIE BITZ OUANO wrote, "I was on the phone yesterday for
24 over an hour trying to find after hour clinics for Kaiser as you recommended. There were none.
25 After speaking with the advice nurse and receiving a phone call from my Doctor, I was told I
26 needed to be seen today in Redwood City. I made you aware yesterday about the pain that I was in
27 and stayed because you would not let me leave. I am still currently in pain but was given some
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1 medication to help ease my pain until I see my Doctor today. Let me know if you have any
2 questions.” CHRISTINA ESTRADA-GUIJARRO replied, “If you need to go to the doctors today,
3 please be advised this will be an unplanned absence and will be unpaid without the use of PTO. I
4 am sorry you felt I would not let you leave early yesterday, however that was not the case. As I
5 expressed we need all the staff on deck right now due to our high volume of new patients in our
6 queue, current state is 66 in GI and since our volume for both Sarcoma and Phase 1 is minimal we
7 could use your assistance. Just to clarify our conversation yesterday, I simply asked if you could
8 look at other possibilities to address your need such as urgent care, which is typically available
9 afterhours or a weekend appointment. I feel I have been more than accommodating with your
10 requests which can be at time a bit excessive.”

11 20. Between approximately **May 2016 and July 2016**, on two separate occasions and
12 while operating her automobile and traveling home from work on one of the two occasions,
13 ARLENE LEONG was struck from behind and rear-ended by two at-fault drivers. Despite
14 ARLENE LEONG’ s efforts to be medically seen by a healthcare professional (i.e., chiropractor)
15 due to the traumatic events and make arrangements for alternative transportation because of her
16 disabled vehicle, CHRISTINA ESTRADA-GUIJARRO was not accommodating and simply made
17 it difficult for ARLENE LEONG to take care of these matters. In contrast to other non-Asian
18 employees whom experienced similar issues for taking time off to attend medical appointments,
19 CHRISTINA ESTRADA-GUIJARRO was invariably gracious and accommodating to them.

20 21. Between **early April 2016 and August 2016**, when VALERIE BITZ OUANO
21 requested vacation time despite having seniority, CHRISTINA ESTRADA-GUIJARRO would
22 invariably deny her requests. In contrast to other non-Asian employees whom requested vacation
23 time, CHRISTINA ESTRADA-GUIJARRO would invariably be gracious and accommodating to
24 the requests by others.

25 22. On or about **July 14, 2016**, CHRISTINA ESTRADA-GUIJARRO and supervisor
26 Matthew Burke informed and accused ARLENE LEONG and VALERIE BITZ OUANO of time-
27 card violations occurring on July 13, 2016 and July 14, 2016 while taking their lunch breaks
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1 together. Specifically, after working and skipping scheduled breaks earlier in the day due to being
2 overwhelmed with patient care and other related demands, ARLENE LEONG and VALERIE BITZ
3 OUANO explained to CHRISTINA ESTRADA-GUIJARRO and Matthew Burke that they did not
4 take their morning 15-minute rest period and simply combined it with the 30-minute meal period
5 and afternoon 15-minute break for a total of roughly one hour lunch. ARLENE LEONG and
6 VALERIE BITZ OUANO were never warned, counseled or otherwise told not to repeat combining
7 rest and meal periods, albeit a common practice in the unit condoned and approved by management.
8 ARLENE LEONG and VALERIE BITZ OUANO expressed that combining rest and meal periods
9 or taking them out of order was commonplace in the unit.

10 23. Between **June 2016 and August 2016**, when ARLENE LEONG requested vacation
11 time despite having seniority, CHRISTINA ESTRADA-GUIJARRO would invariably deny her
12 requests. In contrast to other non-Asian employees whom requested vacation time, CHRISTINA
13 ESTRADA-GUIJARRO would invariably be gracious and accommodating to the requests by
14 others.

15 24. In the **preceding four (4) years through and August 1, 2016**, CHRISTINA
16 ESTRADA-GUIJARRO and other supervising nurses having knowledge that staff invariably
17 performed work during breaks and meals periods and worked prior to the start of the scheduled shift
18 as well as after the end of the scheduled shift, ARLENE LEONG and VALERIE BITZ OUANO
19 regularly worked extra hours to meet the patient care demands and supporting approximately ten
20 (10) physicians. During said time, CHRISTINA ESTRADA-GUIJARRO expressed to Plaintiffs
21 that she [CHRISTINA ESTRADA-GUIJARRO] was fine with them working the extra hours
22 however they would not receive monetary compensation. As a result of working extra non-
23 compensated hours, ARLENE LEONG and VALERIE BITZ OUANO and other staff were allowed
24 and permitted flexibility to take extended breaks and meal periods or combining these periods, a
25 very common practice.

26 25. Between **May 2016 and August 1, 2016**, Plaintiff, ARLENE LEONG became
27 aware and perceived that supervisors, managers, and administrators, CHRISTINA ESTRADA-
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1 GUIJARRO and Patricia Falconer, harassed QiQuia Young by portraying QiQuia Young as a
2 disgruntled troublemaker with no merits to her complaints of discrimination. CHRISTINA
3 ESTRADA-GUIJARRO learned that ARLENE LEONG personally hosted QiQuia Young's bridal
4 shower; that ARLENE LEONG was very close friends with QiQuia Young, and that ARLENE
5 LEONG was supportive of QiQuia Young's efforts to seek redress for the unfair discriminatory
6 treatment. During this relevant time period, CHRISTINA ESTRADA-GUIJARRO's demeanor and
7 character changed toward ARLENE LEONG by becoming distant, disconnected, and noticeably
8 colder.

9 26. On or about **August 1, 2016**, staff and faculty, including ARLENE LEONG and
10 VALERIE BITZ OUANO, in the GI Oncology clinic, received a mass email prepared and authored
11 by Angeline Covey [STANFORD / SHC Office of General Counsel] and distributed by Patricia
12 Falconer, MBA Administrator Director for the Cancer Care Programs, announcing an investigation
13 by an independent outside legal counsel [Euphemia Thomopulous] and a senior faculty member
14 [Prof. Ewart Thomas] concerning allegations of racial discrimination [and hostile working
15 environment] in the clinic. Specifically, the email stated, "In an effort to ensure that all staff and
16 faculty are provided a respectful and safe work environment, we have asked an investigator to
17 interview faculty and staff in the GI CCP of the cancer center as part of a climate survey. The focus
18 of the survey will be whether faculty and/or staff believe they are being treated differently because
19 of their race or have witnessed others being treated differently because of their race. We sincerely
20 appreciate your cooperation with this review and we will treat this review as confidential to the
21 greatest extent possible. The information provided will be shared only on a need-to-know basis.
22 We appreciate your time and candor. Any further questions regarding process may be directed to
23 the investigator, Euphemia Thomopulous at ethomopulos@hkemploymentlaw.com." Accordingly,
24 ARLENE LEONG and VALERIE BITZ OUANO provided their observations, comments and
25 statements of unfair discriminatory behavior to the investigators; as did other victims including
26 QiQuia Young and various faculty members who were compelled to resign. ARLENE LEONG,
27 VALERIE BITZ OUANO and QiQuia Young were instructed not to discuss or share their
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1 observations with other staff because the investigation was “hush hush”. ARLENE LEONG and
2 VALERIE BITZ OUANO learned that the investigative report and findings concerning the
3 allegations of racial discrimination [and hostile working environment] in the clinic was provided to
4 SHC Provost John Etchemedy.

5 27. On or about **August 3, 2016**, at approximately 8:00 a.m. after reporting to work,
6 ARLENE LEONG and VALERIE BITZ OUANO were unexpectedly greeted by CHRISTINA
7 ESTRADA-GUIJARRO, Assistant Clinical Operations Manager, and supervisor Matthew Burke.
8 ARLENE LEONG and VALERIE BITZ OUANO were then separately served with a notice of
9 “Termination of Employment – Gross Misconduct” by CHRISTINA ESTRADA-GUIJARRO and
10 provided packing boxes and ordered to “pack your stuff” in their cubicle work stations nearby each
11 other. CHRISTINA ESTRADA-GUIJARRO, while staff and nurses stared and watched as the
12 scene unfolded, then announced to the staff and nurses, approximately forty (40), to step out of the
13 unit while ARLENE LEONG and VALERIE BITZ OUANO packed their desks. While ARLENE
14 LEONG began packing her personal belongings, she was closely watched by CHRISTINA
15 ESTRADA-GUIJARRO. Likewise, while VALERIE BITZ OUANO packed her personal
16 belongings, she was closely watched by Matthew Burke. ARLENE LEONG and VALERIE BITZ
17 OUANO each filled three boxes with their personal belongings they accumulated over the years
18 while working at STANFORD and SHC. As other staff and nurses became emotional and teared
19 up, CHRISTINA ESTRADA-GUIJARRO and Matthew Burke escorted and marched ARLENE
20 LEONG and VALERIE BITZ OUANO out of the clinic. The notice of termination stated that
21 ARLENE LEONG and VALERIE BITZ OUANO were being accused of taking an extended
22 amount of time during their lunch and falsifying their time sheets. Upon concluding the meeting,
23 and in the presence of other staff looking on, CHRISTINA ESTRADA-GUIJARRO and Matthew
24 Burke escorted and marched ARLENE LEONG and VALERIE BITZ OUANO out of the clinic.

25 28. Immediately following their termination, on at least four occasions in efforts to
26 explore a good faith resolution, ARLENE LEONG and VALERIE BITZ OUANO met with
27 STANFORD’s and SHC’s Ombudsperson and administrators to describe, grieve and plea the
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1 pretextual excuses provided by STANFORD and SHC. However, Angeline Covey, Office of
2 General Counsel, refused to process said grievances on the basis of being untimely albeit no such
3 policy existed.

4 29. Plaintiffs allege that the unfair treatment was pretextual and not based on legitimate
5 business reasons. Notwithstanding the fact that Plaintiffs were able and competent to perform their
6 functions and job duties regardless of their Asian ancestry, STANFORD and SHC refused to
7 continue with Plaintiffs employment simply due to being Filipinos. The excuses given by
8 STANFORD and SHC and its management concerning the reasons for termination, was unlawful
9 and pretextual because CHRISTINA ESTRADA-GUIJARRO routinely allowed other staff to
10 combine rest and meal periods and/or take rest and meal breaks out of order in the unit. In fact,
11 CHRISTINA ESTRADA-GUIJARRO routinely and invariably changed and modified other non-
12 Asian employees' timecards on the unit when they combined rest and meal periods and/or took rest
13 and meal breaks out of order in the unit. In fact, CHRISTINA ESTRADA-GUIJARRO regularly
14 changed Medical Assistant Eduardo Sudano's and Medical Assistant Breeanna Kent's timecard
15 every time they were late to reflect that they were on time and not late. Moreover, ARLENE
16 LEONG and VALERIE BITZ OUANO have learned that STANFORD, SHC and CHRISTINA
17 ESTRADA-GUIJARRO replaced them following their termination with non-Asian employees.

18 30. Between **August 3, 2016 and continuing to the present date**, ARLENE LEONG
19 and VALERIE BITZ OUANO were contacted by current employees of STANFORD and SHC and
20 informed that CHRISTINA ESTRADA-GUIJARRO was spreading and circulating rumors and
21 went around telling everyone that ARLENE LEONG and VALERIE BITZ OUANO were fired.
22 Given the swift adverse action taken by STANFORD, SHC and CHRISTINA ESTRADA-
23 GUIJARRO to terminate ARLENE LEONG and VALERIE BITZ OUANO without progressive
24 discipline or placing them on administrative leave pending an investigation, employees suspected
25 and believed that ARLENE LEONG and VALERIE BITZ OUANO were summarily terminated for
26 serious misconduct.

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FIRST CAUSE OF ACTION
RETALIATION AND UNLAWFUL EMPLOYMENT PRACTICES BASED ON
OPPOSITION, COMPLAINING AND REPORTING DISCRIMINATION AND
HARASSMENT AGAINST A THIRD PARTY AFRICAN AMERICAN EMPLOYEE
(ARLENE LEONG and VALERIE BITZ OUANO vs.
STANFORD UNIVERSITY and STANFORD HEALTH CARE)

31. Plaintiffs repeat and reallege paragraphs 1 through 29, inclusive and incorporates the same as though fully set forth at length.

32. This is an action at law to recover damages for retaliation based on opposition, complaining and reporting discrimination and harassment against a third party African American employee. Jurisdiction in this Court is invoked pursuant to California Government Code §§ 12900, 12920, 12921, 12926(a), 12940, and 12965 (b).

33. Plaintiffs allege that Defendants, STANFORD and SHC are not exempt by any local, state or federal statutes. Plaintiffs allege that this includes, but is not limited to, Bona Fide Occupational Qualification, etc.

34. Plaintiffs allege that Defendants, STANFORD and SHC are employers regularly employing five or more persons within the definition of § 12926 (c) of the California Government Code.

35. Plaintiffs allege that they are persons protected by the California Fair Employment and Housing Act and Government Code §§ 12900, et seq., in that Plaintiffs were subjected to retaliation.

36. Plaintiffs allege that they are exempt from exhausting any internal or external administrative remedies (see *Lloyd v. County of Los Angeles* (2009) 172 Cal.App.4th 320; and *Schifando v. City of Los Angeles* (2003) 31 Cal.4th 1074).

37. Defendants, STANFORD and SHC designed a campaign to systematically retaliate against Plaintiffs by denying them equal employment opportunities, terms, conditions or privileges of employment that must be provided to all employees notwithstanding their fundamental right to assert and protect the rights of victims whom oppose, complain and report discrimination and harassment against a third party African American employee.

1 38. Plaintiffs believe that the evidence adduced in the investigation, and such evidence
2 as they will develop through discovery and present at trial herein, indicates and will indicate that
3 Defendants, STANFORD and SHC retaliated and continue to retaliate and discriminate against
4 Plaintiffs and other employees whom elect to assert and protect the rights of victims of racial
5 discrimination and harassment. Plaintiffs are of the information and belief, however, uncertain if
6 the form of retaliation, disparate impact and/or desperate treatment, is prevalent throughout
7 STANFORD and SHC, or if it is an isolated "ad hoc" situation adversely affecting and impacting a
8 protected class and group of which Plaintiffs are members. Because of the uncertainty, an
9 individual member of the affected group may bring an individual claim based on these theories.

10 39. Said retaliation by STANFORD and SHC was brought to the attention of
11 STANFORD and SHC and its management officials, however STANFORD and SHC and its
12 management officials refused to take remedial action to prevent and cease said retaliation and
13 instead joined and participated in the retaliation.

14 40. As a proximate result of said retaliation by Defendants, STANFORD and SHC,
15 Plaintiffs were held up to great derision all because of their right to seek relief and redress on behalf
16 of third parties being discriminated and harassed in violation of their fundamental rights. Plaintiffs
17 allege that they were denied the opportunity to continue in their respective positions without
18 reprisal, harassment and retaliation although Plaintiffs accomplished their duties and responsibilities
19 in a competent, superior, efficient, and professional manner.

20 41. Plaintiffs were further held up to great derision and embarrassment with fellow co-
21 workers, colleagues, friends, members of the community and family and suffered emotional distress
22 because Defendants demonstrated to Plaintiffs that they would not recognize nor accept Plaintiffs'
23 right to complain about discrimination and harassment directed against a third party [African
24 American] and oppose the discrimination and harassment directed against the third party [African
25 American]. The Defendants further acted intentionally and unreasonably with the recognition that
26 their conduct was likely to result in damages through mental distress.

1 42. Plaintiffs made several attempts, prior to separation and following separation, to
2 discuss with Defendants' supervisors, officials and hierarchy in order to retain their employment
3 free of retaliation and seek redress for the retaliation and other illegal conduct practiced upon
4 Plaintiffs by Defendants, and each of them, but said officials and/or administration personnel were
5 not responsive to their petitions. In fact, Plaintiffs and others cautioned management that they
6 feared harassment and retaliation for reporting such behavior. Said officials, personnel management
7 and others declined to censure, criticize, terminate, suspend, reverse any decisions, or otherwise take
8 any action even after having been informed of their conduct. Instead, STANFORD and SHC and
9 their officials joined in the systematic campaign to terminate Plaintiffs. As a consequence, Plaintiffs
10 were forced to complain against the Defendants, STANFORD and SHC, before the Department of
11 Fair Employment and Housing.

12 43. By reason of the wrongful acts of the Defendants as hereinabove alleged, Plaintiffs
13 may be required to and may employ physicians and surgeons to examine, treat and care for them
14 and may incur additional medical expenses in an amount to be proven at the time of trial.

15 44. As a further proximate result of the conduct of the Defendants, and each of them,
16 Plaintiffs' medical conditions have been aggravated and have suffered great emotional distress.
17 Plaintiffs are informed and believe and thereon allege that said injuries are not compensable under
18 the Workers' Compensation Act and are not a risk or condition of their employment. Because of
19 the cold, callous and indifferent manner in which Plaintiffs' terminations were carried out; the
20 deliberate and intentional refusal to follow recognized local and state statutes; Defendants,
21 encouraging the unlawful practices, Plaintiffs became distressed and upset and were caused to
22 experience severe emotional suffering and seek damages for such mental and emotional distress in a
23 sum according to proof at time of trial.

24 45. By reason of the aforementioned acts, Plaintiffs were prevented from attending to
25 their usual occupation for a period in the future, which they cannot ascertain and will thereby
26 sustain further loss of earnings. Plaintiffs further maintain that they will have difficulty finding
27 comparable employment in the healthcare field and industry due to their blemished records that
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1 they were terminated. Plaintiffs will therefore request leave of the court to amend this Complaint
2 to state the amount of all such damages when they have been ascertained or upon proof at the
3 time of trial.

4 46. In doing the acts set forth above, Defendants, STANFORD and SHC, knew that
5 their conduct was willful, wanton, despicable, malicious and cruel in conscious disregard of
6 Plaintiffs' rights to be free from retaliation and violations of public policy. Defendants coddled and
7 protected employees known by it to be misogynist and vicious, thus exposing Plaintiffs to risk of
8 harm. Plaintiffs' demand thereby warrants the assessment of punitive damages against Defendants,
9 STANFORD and SHC, in a sum according to proof. Plaintiffs will pray leave of the Court to
10 amend this Complaint to state such amounts at the time they are ascertained, or according to proof
11 at trial.

12 47. In bringing this action, Plaintiffs have had to retain the services of the Law Offices
13 of Joseph L. Alioto and Angela Alioto. Government Code § 12965(b) provides that the court may
14 award reasonable attorney's fees and Plaintiffs request such fees to be ordered at the time of
15 arbitration, trial or hearing thereafter.

16 **SECOND CAUSE OF ACTION**
17 **HARASSMENT BASED ON ASSOCIATION WITH**
18 **AN AFRICAN AMERICAN EMPLOYEE**
19 **(ARLENE LEONG and VALERIE BITZ OUANO vs.**
20 **STANFORD UNIVERSITY, STANFORD HEALTH CARE,**
21 **and CHRISTINA ESTRADA-GUIJARRO)**

22 48. Plaintiffs repeat and reallege paragraphs 1 through 29, inclusive and incorporates the
23 same as though fully set forth at length.

24 49. This is an action at law to recover damages for harassment based on association with
25 an African American employee. Jurisdiction in this Court is invoked pursuant to California
26 Government Code §§ 12900, 12920, 12921, 12926(a), 12940, and 12965 (b).

27 50. Plaintiffs allege that Defendants, STANFORD and SHC are not exempt by any
28 local, state or federal statutes. Plaintiffs allege that this includes, but is not limited to, Bona Fide
Occupational Qualification, etc.

1 51. Plaintiffs allege that Defendants, STANFORD and SHC are employers regularly
2 employing five or more persons within the definition of § 12926 (c) of the California Government
3 Code.

4 52. Plaintiffs allege that they are persons protected by the California Fair Employment
5 and Housing Act and Government Code §§ 12900, et seq., in that Plaintiffs were subjected to
6 harassment.

7 53. Plaintiffs allege that they are exempt from exhausting any internal or external
8 administrative remedies (see *Lloyd v. County of Los Angeles* (2009) 172 Cal.App.4th 320; and
9 *Schifando v. City of Los Angeles* (2003) 31 Cal.4th 1074).

10 54. Defendants, STANFORD, SHC and CHRISTINA ESTRADA-GUIJARRO
11 designed a campaign to systematically harass Plaintiffs by denying them equal employment
12 opportunities, terms, conditions or privileges of employment that must be provided to all employees
13 notwithstanding their fundamental right to assert and protect the rights of victims whom oppose,
14 complain and report discrimination and harassment against a third party African American
15 employee.

16 55. Plaintiffs believe that the evidence adduced in the investigation, and such evidence
17 as they will develop through discovery and present at trial herein, indicates and will indicate that
18 Defendants, STANFORD, SHC and CHRISTINA ESTRADA-GUIJARRO harassed and continue
19 to harass Plaintiffs and other employees whom elect to assert and protect the rights of victims of
20 racial discrimination and harassment. Plaintiffs are of the information and belief, however,
21 uncertain if the form of harassment, disparate impact and/or desperate treatment, is prevalent
22 throughout STANFORD and SHC, or if it is an isolated "ad hoc" situation adversely affecting and
23 impacting a protected class and group of which Plaintiffs are members. Because of the uncertainty,
24 an individual member of the affected group may bring an individual claim based on these theories.

25 56. Said harassment by STANFORD, SHC and CHRISTINA ESTRADA-GUIJARRO
26 was brought to the attention of STANFORD and SHC and its management officials, however
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1 STANFORD and SHC and its management officials refused to take remedial action to prevent and
2 cease said harassment and instead joined and participated in the harassment.

3 57. As a proximate result of said harassment by Defendants, STANFORD, SHC and
4 CHRISTINA ESTRADA-GUIJARRO, Plaintiffs were held up to great derision all because of their
5 right to seek relief and redress on behalf of third parties being discriminated and harassed in
6 violation of their fundamental rights. Plaintiffs allege that they were denied the opportunity to
7 continue in their respective positions without harassment although Plaintiffs accomplished their
8 duties and responsibilities in a competent, superior, efficient, and professional manner.

9 58. Plaintiffs were further held up to great derision and embarrassment with fellow co-
10 workers, colleagues, friends, members of the community and family and suffered emotional distress
11 because Defendants demonstrated to Plaintiffs that they would not recognize nor accept Plaintiffs'
12 right to complain about discrimination and harassment directed against a third party [African
13 American] and oppose the discrimination and harassment directed against the third party [African
14 American]. The Defendants further acted intentionally and unreasonably with the recognition that
15 their conduct was likely to result in damages through mental distress.

16 59. Plaintiffs made several attempts, prior to separation and following separation, to
17 discuss with Defendants' supervisors, officials and hierarchy in order to retain their employment
18 free of harassment and seek redress for the harassment and other illegal conduct practiced upon
19 Plaintiffs by Defendants, and each of them, but said officials and/or administration personnel were
20 not responsive to their petitions. In fact, Plaintiffs and others cautioned management that they
21 feared harassment and retaliation for reporting such behavior. Said officials, personnel management
22 and others declined to censure, criticize, terminate, suspend, reverse any decisions, or otherwise take
23 any action even after having been informed of their conduct. Instead, STANFORD, SHC and
24 CHRISTINA ESTRADA-GUIJARRO and their officials joined in the systematic campaign to
25 terminate Plaintiffs. As a consequence, Plaintiffs were forced to complain against the Defendants,
26 STANFORD, SHC and CHRISTINA ESTRADA-GUIJARRO, before the Department of Fair
27 Employment and Housing.
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1 60. By reason of the wrongful acts of the Defendants as hereinabove alleged, Plaintiffs
2 may be required to and may employ physicians and surgeons to examine, treat and care for them
3 and may incur additional medical expenses in an amount to be proven at the time of trial.

4 61. As a further proximate result of the conduct of the Defendants, and each of them,
5 Plaintiffs' medical conditions have been aggravated and have suffered great emotional distress.
6 Plaintiffs are informed and believe and thereon allege that said injuries are not compensable under
7 the Workers' Compensation Act and are not a risk or condition of their employment. Because of
8 the cold, callous and indifferent manner in which Plaintiffs' terminations were carried out; the
9 deliberate and intentional refusal to follow recognized local and state statutes; Defendants,
10 encouraging the unlawful practices, Plaintiffs became distressed and upset and were caused to
11 experience severe emotional suffering and seek damages for such mental and emotional distress in a
12 sum according to proof at time of trial.

13 62. By reason of the aforementioned acts, Plaintiffs were prevented from attending to
14 their usual occupation for a period in the future, which they cannot ascertain and will thereby
15 sustain further loss of earnings. Plaintiffs further maintain that they will have difficulty finding
16 comparable employment in the healthcare field and industry due to their blemished records that
17 they were terminated. Plaintiffs will therefore request leave of the court to amend this Complaint
18 to state the amount of all such damages when they have been ascertained or upon proof at the
19 time of trial.

20 63. In doing the acts set forth above, Defendants, STANFORD, SHC and CHRISTINA
21 ESTRADA-GUIJARRO, knew that their conduct was willful, wanton, despicable, malicious and
22 cruel in conscious disregard of Plaintiffs' rights to be free from harassment and violations of public
23 policy. Defendants coddled and protected employees known by it to be misogynist and vicious,
24 thus exposing Plaintiffs to risk of harm. Plaintiffs' demand thereby warrants the assessment of
25 punitive damages against Defendants, STANFORD, SHC and CHRISTINA ESTRADA-
26 GUIJARRO, in a sum according to proof. Plaintiffs will pray leave of the Court to amend this
27 Complaint to state such amounts at the time they are ascertained, or according to proof at trial.
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64. In bringing this action, Plaintiffs have had to retain the services of the Law Offices of Joseph L. Alioto and Angela Alioto. Government Code § 12965(b) provides that the court may award reasonable attorney's fees and Plaintiffs request such fees to be ordered at the time of arbitration, trial or hearing thereafter.

THIRD CAUSE OF ACTION
FAILURE TO MAINTAIN A DISCRIMINATION AND
HOSTILE WORK FREE ENVIRONMENT
(ARLENE LEONG and VALERIE BITZ OUANO vs.
STANFORD UNIVERSITY and STANFORD HEALTH CARE)

65. Plaintiffs repeat and reallege paragraphs 1 through 29, inclusive and incorporates the same as though fully set forth at length.

66. This is an action at law to recover damages for failure to maintain a discrimination and hostile work free environment. Jurisdiction in this Court is invoked pursuant to California Government Code §§ 12900, 12920, 12921, 12926(a), 12940, and 12965 (b).

67. Plaintiffs allege that Defendants, STANFORD and SHC are not exempt by any local, state or federal statutes. Plaintiffs allege that this includes, but is not limited to, Bona Fide Occupational Qualification, etc.

68. Plaintiffs allege that Defendants, STANFORD and SHC are employers regularly employing five or more persons within the definition of § 12926 (c) of the California Government Code.

69. Plaintiffs allege that they are persons protected by the California Fair Employment and Housing Act and Government Code §§ 12900, et seq., in that Defendants failed to maintain a discrimination and hostile work free environment.

70. Plaintiffs allege that they are exempt from exhausting any internal or external administrative remedies (see *Lloyd v. County of Los Angeles* (2009) 172 Cal.App.4th 320; and *Schifando v. City of Los Angeles* (2003) 31 Cal.4th 1074).

71. Defendants, STANFORD and SHC failed to maintain a discrimination and hostile work free environment by denying Plaintiffs equal employment opportunities, terms, conditions or privileges of employment that must be provided to all employees notwithstanding their fundamental

1 right to assert and protect the rights of victims whom oppose, complain and report discrimination
2 and harassment against a third party African American employee.

3 72. Plaintiffs believe that the evidence adduced in the investigation, and such evidence
4 as they will develop through discovery and present at trial herein, indicates and will indicate that
5 Defendants, STANFORD and SHC failed to maintain a discrimination and hostile work free
6 environment against Plaintiffs and other employees whom elect to assert and protect the rights of
7 victims of racial discrimination and harassment. Plaintiffs are of the information and belief,
8 however, uncertain if the form of environment, disparate impact and/or desperate treatment, is
9 prevalent throughout STANFORD and SHC, or if it is an isolated "ad hoc" situation adversely
10 affecting and impacting a protected class and group of which Plaintiffs are members. Because of
11 the uncertainty, an individual member of the affected group may bring an individual claim based on
12 these theories.

13 73. Said failure to maintain a discrimination and hostile work free environment by
14 STANFORD and SHC was brought to the attention of STANFORD and SHC and its management
15 officials, however STANFORD and SHC and its management officials refused to take remedial
16 action to prevent and cease said toxic hostile environment and instead joined and participated in the
17 failure to maintain a discrimination and hostile work free environment.

18 74. As a proximate result of said failure to maintain a discrimination and hostile work
19 free environment by Defendants, STANFORD and SHC, Plaintiffs were held up to great derision
20 all because of their right to seek relief and redress to maintain a discrimination and hostile work free
21 environment in violation of their fundamental rights. Plaintiffs allege that they were denied the
22 opportunity to continue in their respective positions without retaliation and harassment although
23 Plaintiffs accomplished their duties and responsibilities in a competent, superior, efficient, and
24 professional manner.

25 75. Plaintiffs were further held up to great derision and embarrassment with fellow co-
26 workers, colleagues, friends, members of the community and family and suffered emotional distress
27 because Defendants demonstrated to Plaintiffs that they would not recognize nor accept Plaintiffs'
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1 right to seek relief and redress to maintain a discrimination and hostile work free environment
2 directed against them for complaining about discrimination and harassment directed against a third
3 party [African American]. The Defendants further acted intentionally and unreasonably with the
4 recognition that their conduct was likely to result in damages through mental distress.

5 76. Plaintiffs made several attempts, prior to separation and following separation, to
6 discuss with Defendants' supervisors, officials and hierarchy in order to retain their employment
7 free of a toxic hostile work environment and other illegal conduct practiced upon Plaintiffs by
8 Defendants, and each of them, but said officials and/or administration personnel were not
9 responsive to their petitions. In fact, Plaintiffs and others cautioned management that they feared
10 harassment and retaliation for reporting such behavior. Said officials, personnel management and
11 others declined to censure, criticize, terminate, suspend, reverse any decisions, or otherwise take any
12 action even after having been informed of their conduct. Instead, STANFORD and SHC and their
13 officials joined in the systematic campaign to terminate Plaintiffs. As a consequence, Plaintiffs
14 were forced to complain against the Defendants, STANFORD and SHC, before the Department of
15 Fair Employment and Housing.

16 77. By reason of the wrongful acts of the Defendants as hereinabove alleged, Plaintiffs
17 may be required to and may employ physicians and surgeons to examine, treat and care for them
18 and may incur additional medical expenses in an amount to be proven at the time of trial.

19 78. As a further proximate result of the conduct of the Defendants, and each of them,
20 Plaintiffs' medical conditions have been aggravated and have suffered great emotional distress.
21 Plaintiffs are informed and believe and thereon allege that said injuries are not compensable under
22 the Workers' Compensation Act and are not a risk or condition of their employment. Because of
23 the cold, callous and indifferent manner in which Plaintiffs' terminations were carried out; the
24 deliberate and intentional refusal to follow recognized local and state statutes; Defendants,
25 encouraging the unlawful practices, Plaintiffs became distressed and upset and were caused to
26 experience severe emotional suffering and seek damages for such mental and emotional distress in a
27 sum according to proof at time of trial.
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1 79. By reason of the aforementioned acts, Plaintiffs were prevented from attending to
2 their usual occupation for a period in the future, which they cannot ascertain and will thereby
3 sustain further loss of earnings. Plaintiffs further maintain that they will have difficulty finding
4 comparable employment in the healthcare field and industry due to their blemished records that
5 they were terminated. Plaintiffs will therefore request leave of the court to amend this Complaint
6 to state the amount of all such damages when they have been ascertained or upon proof at the
7 time of trial.

8 80. In doing the acts set forth above, Defendants, STANFORD and SHC, knew that
9 their conduct was willful, wanton, despicable, malicious and cruel in conscious disregard of
10 Plaintiffs' rights to be free from being exposed and subjected to a hostile work free environment and
11 violations of public policy. Defendants coddled and protected employees known by it to be
12 misogynist and vicious, thus exposing Plaintiffs to risk of harm. Plaintiffs' demand thereby
13 warrants the assessment of punitive damages against Defendants, STANFORD and SHC, in a sum
14 according to proof. Plaintiffs will pray leave of the Court to amend this Complaint to state such
15 amounts at the time they are ascertained, or according to proof at trial.

16 81. In bringing this action, Plaintiffs have had to retain the services of the Law Offices
17 of Joseph L. Alioto and Angela Alioto. Government Code § 12965(b) provides that the court may
18 award reasonable attorney's fees and Plaintiffs request such fees to be ordered at the time of
19 arbitration, trial or hearing thereafter.

20 **FOURTH CAUSE OF ACTION**
21 **DISCRIMINATION AND UNLAWFUL EMPLOYMENT PRACTICES**
22 **BASED ON NATIONAL ORIGIN AND RACE (ASIAN)**
23 **(ARLENE LEONG and VALERIE BITZ OUANO vs.**
24 **STANFORD UNIVERSITY and STANFORD HEALTH CARE)**

25 82. Plaintiffs repeat and reallege paragraphs 1 through 29, inclusive and incorporates the
26 same as though fully set forth at length.

27 83. This is an action at law to recover damages for discrimination and unlawful
28 employment practices based on national origin, race and ancestry (Filipino – Asian). Jurisdiction in

1 this Court is invoked pursuant to California Government Code §§ 12900, 12920, 12921, 12926(a),
2 12940, and 12965 (b).

3 84. Plaintiffs allege that Defendants, STANFORD and SHC are not exempt by any
4 local, state or federal statutes. Plaintiffs allege that this includes, but is not limited to, Bona Fide
5 Occupational Qualification, etc.

6 85. Plaintiffs allege that Defendants, STANFORD and SHC are employers regularly
7 employing five or more persons within the definition of § 12926 (c) of the California Government
8 Code.

9 86. Plaintiffs allege that they are persons protected by the California Fair Employment
10 and Housing Act and Government Code §§ 12900, et seq., in that Plaintiffs were subjected to
11 discrimination and unlawful employment practices based on national origin, race and ancestry
12 (Filipino – Asian).

13 87. Plaintiffs allege that they are exempt from exhausting any internal or external
14 administrative remedies (see *Lloyd v. County of Los Angeles* (2009) 172 Cal.App.4th 320; and
15 *Schifando v. City of Los Angeles* (2003) 31 Cal.4th 1074).

16 88. Defendants, STANFORD and SHC designed a campaign to systematically
17 discriminate against Plaintiffs based on national origin, race and ancestry (Filipino – Asian) by
18 denying them equal employment opportunities, terms, conditions or privileges of employment that
19 must be provided to all employees notwithstanding regardless of national origin, race and ancestry.
20 Plaintiffs allege that STANFORD and SHC discriminated against Plaintiffs simply due to
21 Plaintiffs' race and heritage, Filipino / Asian. Plaintiffs base said allegations on the facts
22 described above; and the fact that the majority of administration, staff and instructors are
23 Caucasian and promote and encourage discriminatory practices against Asian employees.
24 Likewise, Plaintiffs base their beliefs on the fact that STANFORD and SHC has a pattern and
25 practice of providing preferential treatment to non-Asian employees with respect to, including
26 without limitation, job assignments, promotions, compensation, benefits, leave of absences, meal
27 and rest periods, etc. Plaintiffs are informed and believe that Caucasian (non-Asians) employees
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1 whom were similarly situated as Plaintiffs were given preferential treatment based on the fact
2 that they were not of Asian descent, ancestry, origin, or succession. Plaintiffs are further
3 informed and believe that a significant imbalance, a disproportionate ratio and disparity exist
4 concerning the employment of Asian employees compared to other races.

5 89. Plaintiffs believe that the evidence adduced in the investigation, and such evidence
6 as they will develop through discovery and present at trial herein, indicates and will indicate that
7 Defendants, STANFORD and SHC discriminated against Plaintiffs and others based on their
8 national origin, race and ancestry and continue to discriminate based on national origin, race and
9 ancestry against Plaintiffs and other employees for being Filipino and of Asian descent and
10 ancestry. Plaintiffs are of the information and belief, however, uncertain if the form of
11 discrimination, disparate impact and/or desperate treatment, is prevalent throughout STANFORD
12 and SHC, or if it is an isolated "ad hoc" situation adversely affecting and impacting a protected
13 class and group of which Plaintiffs are members. Because of the uncertainty, an individual member
14 of the affected group may bring an individual claim based on these theories.

15 90. Said discrimination by STANFORD and SHC was brought to the attention of
16 STANFORD and SHC and its management officials, however STANFORD and SHC and its
17 management officials refused to take remedial action to prevent, cease and eliminate said
18 discrimination and instead joined and participated in the discrimination.

19 91. As a proximate result of said discrimination by Defendants, STANFORD and SHC,
20 Plaintiffs were held up to great derision all because of their national origin, race and ancestry
21 (Filipino – Asian). Plaintiffs allege that they were denied the opportunity to continue in their
22 respective positions without discrimination although Plaintiffs accomplished their duties and
23 responsibilities in a competent, superior, efficient, and professional manner.

24 92. Plaintiffs were further held up to great derision and embarrassment with fellow co-
25 workers, colleagues, friends, members of the community and family and suffered emotional distress
26 because Defendants demonstrated to Plaintiffs that they would not recognize nor accept Plaintiffs'
27 national origin, race and ancestry (Filipino – Asian). The Defendants further acted intentionally and
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1 unreasonably with the recognition that their conduct was likely to result in damages through mental
2 distress.

3 93. Plaintiffs made several attempts, prior to separation and following separation, to
4 discuss with Defendants' supervisors, officials and hierarchy in order to retain their employment
5 free of discrimination and seek redress for the discrimination and other illegal conduct practiced
6 upon Plaintiffs by Defendants, and each of them, but said officials and/or administration personnel
7 were not responsive to their petitions. In fact, Plaintiffs and others cautioned management that they
8 feared harassment and retaliation for reporting such behavior. Said officials, personnel management
9 and others declined to censure, criticize, terminate, suspend, reverse any decisions, or otherwise take
10 any action even after having been informed of their conduct. Instead, STANFORD and SHC and
11 their officials joined in the systematic campaign to terminate Plaintiffs. As a consequence, Plaintiffs
12 were forced to complain against the Defendants, STANFORD and SHC, before the Department of
13 Fair Employment and Housing.

14 94. By reason of the wrongful acts of the Defendants as hereinabove alleged, Plaintiffs
15 may be required to and may employ physicians and surgeons to examine, treat and care for them
16 and may incur additional medical expenses in an amount to be proven at the time of trial.

17 95. As a further proximate result of the conduct of the Defendants, and each of them,
18 Plaintiffs' medical conditions have been aggravated and have suffered great emotional distress.
19 Plaintiffs are informed and believe and thereon allege that said injuries are not compensable under
20 the Workers' Compensation Act and are not a risk or condition of their employment. Because of
21 the cold, callous and indifferent manner in which Plaintiffs' terminations were carried out; the
22 deliberate and intentional refusal to follow recognized local and state statutes; Defendants,
23 encouraging the unlawful practices, Plaintiffs became distressed and upset and were caused to
24 experience severe emotional suffering and seek damages for such mental and emotional distress in a
25 sum according to proof at time of trial.

26 96. By reason of the aforementioned acts, Plaintiffs were prevented from attending to
27 their usual occupation for a period in the future, which they cannot ascertain and will thereby
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1 sustain further loss of earnings. Plaintiffs further maintain that they will have difficulty finding
2 comparable employment in the healthcare field and industry due to their blemished records that
3 they were terminated. Plaintiffs will therefore request leave of the court to amend this Complaint
4 to state the amount of all such damages when they have been ascertained or upon proof at the
5 time of trial.

6 97. In doing the acts set forth above, Defendants, STANFORD and SHC, knew that
7 their conduct was willful, wanton, despicable, malicious and cruel in conscious disregard of
8 Plaintiffs' rights to be free from discrimination and violations of public policy. Defendants coddled
9 and protected employees known by it to be misogynist and vicious, thus exposing Plaintiffs to risk
10 of harm. Plaintiffs' demand thereby warrants the assessment of punitive damages against
11 Defendants, STANFORD and SHC, in a sum according to proof. Plaintiffs will pray leave of the
12 Court to amend this Complaint to state such amounts at the time they are ascertained, or according
13 to proof at trial.

14 98. In bringing this action, Plaintiffs have had to retain the services of the Law Offices
15 of Joseph L. Alioto and Angela Alioto. Government Code § 12965(b) provides that the court may
16 award reasonable attorney's fees and Plaintiffs request such fees to be ordered at the time of
17 arbitration, trial or hearing thereafter.

18 **FIFTH CAUSE OF ACTION**
19 **DISCRIMINATION BASED ON VIOLATION OF CFRA**
20 **(VALERIE BITZ OUANO vs.**
21 **STANFORD UNIVERSITY and STANFORD HEALTH CARE)**

22 99. Plaintiff, VALERIE BITZ OUANO repeats and realleges paragraphs 2 through
23 11, 13, 14, 18 through 21, and 27 and 28, inclusive and incorporates the same as though fully set
24 forth at length.

25 100. This is an action at law to recover damages for discrimination and unlawful
26 employment practices on the basis of violations of the California Family Rights Act ("CFRA").
27 Jurisdiction in this Court is invoked pursuant to California Government Code §§ 12900, 12920,
28 12921, 12926, 12926.1, 12940, 12945.2 and 12965(b); Cal. Code of Reg. § 7297.10; and Labor
Code §§ 233 and 246.5.

1 101. Plaintiff, VALERIE BITZ OUANO alleges that Defendants, STANFORD and SHC
2 is not exempt by any local, state or federal statutes. Plaintiff alleges that this includes, but is not
3 limited to, Bona Fide Occupational Qualification, etc.

4 102. Plaintiff alleges that she is a person protected by the California Fair Employment
5 and Housing Act and Government Code §§ 12900, 12920, 12921, 12926, 12926.1, 12940, 12945.2
6 and 12965(b); Cal. Code of Reg. § 7297.10; and Labor Code §§ 233 and 246.5, in that Plaintiff has
7 worked more than 1,250 hours in the preceding twelve months and her need for medical leave of
8 absence was scheduled medical appointments for herself and minor son.

9 103. Plaintiff alleges that Defendants, STANFORD and SHC are employers regularly
10 employing fifty or more persons within the definition of § 12926 of the California Government
11 Code.

12 104. Defendants, STANFORD and SHC discriminated against Plaintiff due to being
13 denied or harassed regarding medical leave of absence as it relates to her scheduled medical
14 appointments for herself and minor son.

15 105. Plaintiff believes that the evidence adduced in the investigation, and such evidence
16 as she will develop through discovery and present at trial herein, indicates and will indicate that
17 Defendants, STANFORD and SHC discriminated and continue to discriminate against Plaintiff and
18 other employees whom elect to request family care leave for themselves and family. Plaintiff is of
19 the information and belief, however, uncertain if the form of discrimination, disparate impact and/or
20 desperate treatment, is prevalent throughout STANFORD and SHC, or if it is an isolated “ad hoc”
21 situation adversely affecting and impacting a protected class and group of which Plaintiff is a
22 member. Because of the uncertainty, an individual member of the affected group may bring an
23 individual claim based on these theories.

24 106. As a proximate result of the interference with her substantive protections to take
25 medical leave, Plaintiff was held up to great derision, all because of her right to take medical leave
26 without interference. Plaintiff alleges that she was denied the opportunity to be treated equally and
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1 fairly and employed by Defendants in the position she held, on account of bias, prejudice and
2 differential treatment against Plaintiff.

3 107. Plaintiff was further held up to great derision and embarrassment with fellow co-
4 workers, colleagues, friends, members of the community and family and suffered emotional distress
5 because Defendants demonstrated to Plaintiff that they would not recognize her request for medical
6 leave without interference. The Defendants further acted intentionally and unreasonably with the
7 recognition that their conduct was likely to result in damages through mental distress.

8 108. Plaintiff attempted to discuss with Defendants' supervisors and officials in order to
9 retain her employment free of discrimination and seek redress for the discrimination and other
10 illegal conduct practiced upon Plaintiff by Defendants, and each of them, but said officials and/or
11 administration personnel were not responsive to her petitions and instead terminated her
12 employment based on pretextual. Said officials, personnel management and others declined to
13 censure, criticize, terminate, suspend, reverse any decisions, or otherwise take any action even after
14 having been informed of their conduct. As a consequence, Plaintiff was forced to complain against
15 the Defendants, STANFORD and SHC before the Department of Fair Employment and Housing.

16 109. By reason of the wrongful acts of the Defendants as hereinabove alleged, Plaintiff
17 may be required to and may employ physicians and surgeons to examine, treat and care for her and
18 may incur additional medical expenses in an amount to be proven at the time of trial.

19 110. As a further proximate result of the conduct of the Defendants, and each of them,
20 Plaintiff's medical conditions has been aggravated and has suffered great emotional distress.
21 Plaintiff is informed and believes and thereon alleges that said injuries are not compensable under
22 the Workers' Compensation Act and are not a risk or condition of her employment. Because of the
23 cold, callous and indifferent manner in which Plaintiff's terminations was carried out; the deliberate
24 and intentional refusal to follow recognized local and state statutes; Defendants, encouraging the
25 unlawful practices, Plaintiff became distressed and upset and was caused to experience severe
26 emotional suffering and seek damages for such mental and emotional distress in a sum according to
27 proof at time of trial.
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111. By reason of the aforementioned acts, Plaintiff was prevented from attending to her usual occupation for a period in the future, which they cannot ascertain and will thereby sustain further loss of earnings. Plaintiff further maintains that she will have difficulty finding comparable employment in the healthcare field and industry due to her blemished record that she was terminated. Plaintiff will therefore request leave of the court to amend this Complaint to state the amount of all such damages when they have been ascertained or upon proof at the time of trial.

112. In doing the acts set forth above, Defendants, STANFORD and SHC, knew that their conduct was willful, wanton, despicable, malicious and cruel in conscious disregard of Plaintiff's rights to be free from discrimination and violations of public policy. Defendants coddled and protected employees known by it to be misogynist and vicious, thus exposing Plaintiffs to risk of harm. Plaintiff's demand thereby warrants the assessment of punitive damages against Defendants, STANFORD and SHC, in a sum according to proof. Plaintiff will pray leave of the Court to amend this Complaint to state such amounts at the time they are ascertained, or according to proof at trial.

113. In bringing this action, Plaintiff has had to retain the services of the Law Offices of Joseph L. Alioto and Angela Alioto. Government Code § 12965(b) provides that the court may award reasonable attorney's fees and Plaintiffs request such fees to be ordered at the time of arbitration, trial or hearing thereafter.

SIXTH CAUSE OF ACTION
VIOLATION OF PUBLIC POLICY RE RETALIATION AND UNLAWFUL
EMPLOYMENT PRACTICES BASED ON OPPOSITION, COMPLAINING AND
REPORTING DISCRIMINATION AND HARASSMENT AGAINST A THIRD
PARTY AFRICAN AMERICAN EMPLOYEE
(ARLENE LEONG and VALERIE BITZ OUANO vs.
STANFORD UNIVERSITY and STANFORD HEALTH CARE)

114. Plaintiffs repeat and reallege paragraphs 1 through 29, inclusive and incorporates the same as though fully set forth at length.

115. This is an action at law to recover damages for violation of public policy based on retaliation for opposition, complaining and reporting discrimination and harassment against a third

1 party African American employee. Jurisdiction in this court is invoked pursuant to, including, but
2 without limitation, California Constitution Article I, § 8; *Rojo v. Kliger* (1990) 52 Cal.3d 65;
3 *Foley v. Interactive Data Corp.* (1988) 2 Cal.3d 654; and *Gantt v. Sentry Insurance* (1992) 1
4 Cal.4th 1083.

5 116. Defendants, STANFORD and SHC designed a campaign to systematically retaliate
6 against Plaintiffs by denying them equal employment opportunities, terms, conditions or privileges
7 of employment that must be provided to all employees notwithstanding their fundamental right to
8 assert and protect the rights of victims whom oppose, complain and report discrimination and
9 harassment against a third party African American employee.

10 117. Plaintiffs allege that the unfair treatment was pretextual and not based on legitimate
11 business reasons. The excuses given by STANFORD and SHC and its management concerning the
12 reasons for termination, was unlawful and pretextual in violation of public policy.

13 118. Said retaliation by STANFORD and SHC was brought to the attention of
14 STANFORD and SHC and its management officials, however STANFORD and SHC and its
15 management officials refused to take remedial action to prevent and cease said retaliation and
16 instead joined and participated in the retaliation.

17 119. As a proximate result of said retaliation by Defendants, STANFORD and SHC,
18 Plaintiffs were held up to great derision all because of their right to seek relief and redress on behalf
19 of third parties being discriminated and harassed in violation of their fundamental rights. Plaintiffs
20 allege that they were denied the opportunity to continue in their respective positions without
21 reprisal, harassment and retaliation although Plaintiffs accomplished their duties and responsibilities
22 in a competent, superior, efficient, and professional manner.

23 120. Plaintiffs were further held up to great derision and embarrassment with fellow co-
24 workers, colleagues, friends, members of the community and family and suffered emotional distress
25 because Defendants demonstrated to Plaintiffs that they would not recognize nor accept Plaintiffs'
26 right to complain about discrimination and harassment directed against a third party [African
27 American] and oppose the discrimination and harassment directed against the third party [African
28

1 American]. The Defendants further acted intentionally and unreasonably with the recognition that
2 their conduct was likely to result in damages through mental distress.

3 121. Plaintiffs made several attempts, prior to separation and following separation, to
4 discuss with Defendants' supervisors, officials and hierarchy in order to retain their employment
5 free of retaliation and seek redress for the retaliation and other illegal conduct practiced upon
6 Plaintiffs by Defendants, and each of them, but said officials and/or administration personnel were
7 not responsive to their petitions. In fact, Plaintiffs and others cautioned management that they
8 feared harassment and retaliation for reporting such behavior. Said officials, personnel management
9 and others declined to censure, criticize, terminate, suspend, reverse any decisions, or otherwise take
10 any action even after having been informed of their conduct. Instead, STANFORD and SHC and
11 their officials joined in the systematic campaign to terminate Plaintiffs.

12 122. By reason of the wrongful acts of the Defendants as hereinabove alleged, Plaintiffs
13 may be required to and may employ physicians and surgeons to examine, treat and care for them
14 and may incur additional medical expenses in an amount to be proven at the time of trial.

15 123. As a further proximate result of the conduct of the Defendants, and each of them,
16 Plaintiffs' medical conditions have been aggravated and have suffered great emotional distress.
17 Plaintiffs are informed and believe and thereon allege that said injuries are not compensable under
18 the Workers' Compensation Act and are not a risk or condition of their employment. Because of
19 the cold, callous and indifferent manner in which Plaintiffs' terminations were carried out; the
20 deliberate and intentional refusal to follow recognized local and state statutes; Defendants,
21 encouraging the unlawful practices, Plaintiffs became distressed and upset and were caused to
22 experience severe emotional suffering and seek damages for such mental and emotional distress in a
23 sum according to proof at time of trial.

24 124. By reason of the aforementioned acts, Plaintiffs were prevented from attending to
25 their usual occupation for a period in the future, which they cannot ascertain and will thereby
26 sustain further loss of earnings. Plaintiffs further maintain that they will have difficulty finding
27 comparable employment in the healthcare field and industry due to their blemished records that
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1 they were terminated. Plaintiffs will therefore request leave of the court to amend this Complaint
2 to state the amount of all such damages when they have been ascertained or upon proof at the
3 time of trial.

4 125. In doing the acts set forth above, Defendants, STANFORD and SHC, knew that
5 their conduct was willful, wanton, despicable, malicious and cruel in conscious disregard of
6 Plaintiffs' rights to be free from retaliation and violations of public policy. Defendants coddled and
7 protected employees known by it to be misogynist and vicious, thus exposing Plaintiffs to risk of
8 harm. Plaintiffs' demand thereby warrants the assessment of punitive damages against Defendants,
9 STANFORD and SHC, in a sum according to proof. Plaintiffs will pray leave of the Court to
10 amend this Complaint to state such amounts at the time they are ascertained, or according to proof
11 at trial.

12 **SEVENTH CAUSE OF ACTION**
13 **VIOLATION OF PUBLIC POLICY RE HARASSMENT BASED ON**
14 **ASSOCIATION WITH AN AFRICAN AMERICAN EMPLOYEE**
15 **(ARLENE LEONG and VALERIE BITZ OUANO vs.**
16 **STANFORD UNIVERSITY, STANFORD HEALTH CARE,**
17 **and CHRISTINA ESTRADA-GUIJARRO)**

18 126. Plaintiffs repeat and reallege paragraphs 1 through 29, inclusive and incorporates the
19 same as though fully set forth at length.

20 127. This is an action at law to recover damages for violation of public policy based on
21 harassment based on association with an African American employee. Jurisdiction in this court is
22 invoked pursuant to, including, but without limitation, California Constitution Article I, § 8; *Rojo*
23 *v. Kliger* (1990) 52 Cal.3d 65; *Foley v. Interactive Data Corp.* (1988) 2 Cal.3d 654; and *Gantt v.*
24 *Sentry Insurance* (1992) 1 Cal.4th 1083.

25 128. Defendants, STANFORD, SHC and CHRISTINA ESTRADA-GUIJARRO
26 designed a campaign to systematically harass Plaintiffs by denying them equal employment
27 opportunities, terms, conditions or privileges of employment that must be provided to all employees
28 notwithstanding their fundamental right to assert and protect the rights of victims whom oppose,
complain and report discrimination and harassment against a third party African American
employee.

1 129. Plaintiffs allege that the unfair treatment was pretextual and not based on legitimate
2 business reasons. The excuses given by STANFORD and SHC and its management concerning the
3 reasons for termination, was unlawful and pretextual in violation of public policy.

4 130. Said harassment by STANFORD, SHC and CHRISTINA ESTRADA-GUIJARRO
5 was brought to the attention of STANFORD and SHC and its management officials, however
6 STANFORD and SHC and its management officials refused to take remedial action to prevent and
7 cease said harassment and instead joined and participated in the harassment.

8 131. As a proximate result of said harassment by Defendants, STANFORD, SHC and
9 CHRISTINA ESTRADA-GUIJARRO, Plaintiffs were held up to great derision all because of their
10 right to seek relief and redress on behalf of third parties being discriminated and harassed in
11 violation of their fundamental rights. Plaintiffs allege that they were denied the opportunity to
12 continue in their respective positions without harassment although Plaintiffs accomplished their
13 duties and responsibilities in a competent, superior, efficient, and professional manner.

14 132. Plaintiffs were further held up to great derision and embarrassment with fellow co-
15 workers, colleagues, friends, members of the community and family and suffered emotional distress
16 because Defendants demonstrated to Plaintiffs that they would not recognize nor accept Plaintiffs'
17 right to complain about discrimination and harassment directed against a third party [African
18 American] and oppose the discrimination and harassment directed against the third party [African
19 American]. The Defendants further acted intentionally and unreasonably with the recognition that
20 their conduct was likely to result in damages through mental distress.

21 133. Plaintiffs made several attempts, prior to separation and following separation, to
22 discuss with Defendants' supervisors, officials and hierarchy in order to retain their employment
23 free of harassment and seek redress for the harassment and other illegal conduct practiced upon
24 Plaintiffs by Defendants, and each of them, but said officials and/or administration personnel were
25 not responsive to their petitions. In fact, Plaintiffs and others cautioned management that they
26 feared harassment and retaliation for reporting such behavior. Said officials, personnel management
27 and others declined to censure, criticize, terminate, suspend, reverse any decisions, or otherwise take
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1 any action even after having been informed of their conduct. Instead, STANFORD, SHC and
2 CHRISTINA ESTRADA-GUIJARRO and their officials joined in the systematic campaign to
3 terminate Plaintiffs.

4 134. By reason of the wrongful acts of the Defendants as hereinabove alleged, Plaintiffs
5 may be required to and may employ physicians and surgeons to examine, treat and care for them
6 and may incur additional medical expenses in an amount to be proven at the time of trial.

7 135. As a further proximate result of the conduct of the Defendants, and each of them,
8 Plaintiffs' medical conditions have been aggravated and have suffered great emotional distress.
9 Plaintiffs are informed and believe and thereon allege that said injuries are not compensable under
10 the Workers' Compensation Act and are not a risk or condition of their employment. Because of
11 the cold, callous and indifferent manner in which Plaintiffs' terminations were carried out; the
12 deliberate and intentional refusal to follow recognized local and state statutes; Defendants,
13 encouraging the unlawful practices, Plaintiffs became distressed and upset and were caused to
14 experience severe emotional suffering and seek damages for such mental and emotional distress in a
15 sum according to proof at time of trial.

16 136. By reason of the aforementioned acts, Plaintiffs were prevented from attending to
17 their usual occupation for a period in the future, which they cannot ascertain and will thereby
18 sustain further loss of earnings. Plaintiffs further maintain that they will have difficulty finding
19 comparable employment in the healthcare field and industry due to their blemished records that
20 they were terminated. Plaintiffs will therefore request leave of the court to amend this Complaint
21 to state the amount of all such damages when they have been ascertained or upon proof at the
22 time of trial.

23 137. In doing the acts set forth above, Defendants, STANFORD, SHC and CHRISTINA
24 ESTRADA-GUIJARRO, knew that their conduct was willful, wanton, despicable, malicious and
25 cruel in conscious disregard of Plaintiffs' rights to be free from harassment and violations of public
26 policy. Defendants coddled and protected employees known by it to be misogynist and vicious,
27 thus exposing Plaintiffs to risk of harm. Plaintiffs' demand thereby warrants the assessment of
28

1 punitive damages against Defendants, STANFORD, SHC and CHRISTINA ESTRADA-
2 GUIJARRO, in a sum according to proof. Plaintiffs will pray leave of the Court to amend this
3 Complaint to state such amounts at the time they are ascertained, or according to proof at trial.

4 **EIGHT CAUSE OF ACTION**
5 **BREACH OF THE IMPLIED-IN-FACT CONTRACT OF EMPLOYMENT**
6 **(ARLENE LEONG vs. STANFORD UNIVERSITY and STANFORD HEALTH CARE)**

7 138. Plaintiff, ARLENE LEONG repeats and realleges paragraphs 1, 3 through 12, and 14
8 through 29, inclusive and incorporates the same as though fully set forth therein.

9 139. During the entire course of Plaintiff's employment with STANFORD and SHC,
10 there existed an implied-in-fact employment contract between Plaintiff and STANFORD and
11 SHC, which were based on and include, but not limited to, the following terms and conditions:

12 a) Plaintiff, ARLENE LEONG had fifteen and one half (15.5) years of service with
13 STANFORD and SHC, approximately 20 years total in the field, and reasonably intended and
14 expected continued long term employment supported by the countless promises and representations
15 made to her by upper management that she was invaluable and a great asset.

16 b) Plaintiff performed competently, efficiently, and professionally. Plaintiff's
17 performance is supported by the promotions, numerous accolades and awards, and the monetary
18 c.i.care Rewards for Merchant Redemption issued by STANFORD and SHC, management and
19 colleagues; the positive and superior performance evaluations issued to her; and the repeated
20 assurances of lifetime continued employment.

21 c) Defendant, STANFORD and SHC employed certain written policies, practices,
22 assurances and other statements, that Plaintiff had a contract of employment for an indefinite
23 term so long as she performed and carried out her duties in a proper and competent manner.
24 Moreover, Plaintiff neither agreed nor acknowledged that she was an "at-will" employee subject
25 to summary termination with or without cause.

26 d) STANFORD and SHC would not evaluate Plaintiff's performance in an arbitrary,
27 unfair or capricious manner.
28

1 e) STANFORD and SHC would not summarily terminate Plaintiff unless based on
2 serious misconduct and after a good faith reasonable investigation.

3 f) STANFORD and SHC would, not unilaterally and materially change terms and
4 conditions and benefits of Plaintiff's employment without applying the same standards and rules to
5 other employees.

6 g) That Plaintiff would not be summarily demoted, discharged, or otherwise disciplined
7 other than for good cause without notice, warnings, counseling, progressive discipline, or due
8 process. With regard to progressive discipline, Plaintiff was personally involved in the process of
9 issuing progressive discipline to subordinate employees when necessary and/or personally observed
10 being implemented by management in counseling employees.

11 h) If grievances or complaints were lodged regarding Plaintiff's performance, she
12 would be entitled to adequate notice and a meaningful opportunity to respond and/or improve, and a
13 thorough investigation.

14 140. Plaintiff alleges that the Defendant, STANFORD and SHC breached the implied-
15 in-fact contract because STANFORD and SHC terminated Plaintiff on pretextual grounds.
16 Specifically, CHRISTINA ESTRADA-GUIJARRO allowed other staff to combine rest and meal
17 periods and/or take rest and meal breaks out of order in the unit. In fact, CHRISTINA
18 ESTRADA-GUIJARRO routinely and invariably changed and modified other non-Asian
19 employees' timecards on the unit when they combined rest and meal periods and/or took rest and
20 meal breaks out of order in the unit. Moreover, ARLENE LEONG and VALERIE BITZ
21 OUANO have learned that SHC and CHRISTINA ESTRADA-GUIJARRO replaced them with
22 non-Asian employees. Plaintiff had an expectation of continued employment with termination
23 only for good cause proven based upon the causes identified in the policies and not on pretextual
24 excuses.

25 141. Plaintiff further alleges that Defendants, STANFORD and SHC was required by the
26 implied-in-fact employment contract to refrain from violating written promises and representations
27 it had made to Plaintiff and its employees consisting of its own regulations and the assurances stated
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1 herein. The above said acts of STANFORD and SHC constituted a breach of the implied-in-fact
2 employment contract in that Plaintiff was summarily terminated from her employment with
3 STANFORD and SHC based on pretextual excuses in that STANFORD and SHC was motivated to
4 take adverse action against Plaintiff because of her complaining and reporting of unfair treatment;
5 and because STANFORD and SHC ignored the implied-in-fact contract of employment.

6 142. As a result of the aforesaid acts of STANFORD and SHC, Plaintiff was prevented
7 from attending to her usual position and thereby will have lost earnings and wages, seniority, denied
8 merit raises, and other pay and benefits in an amount as yet unascertained and in a sum according to
9 proof at trial. Plaintiff is informed and believes and thereon alleges that she will thereby be
10 prevented from performing or attending to her usual occupation for an indefinite period in the
11 future. Plaintiff is unable to estimate and is uncertain as to her future loss of earnings. Plaintiff will
12 therefore request leave of the court to amend this Complaint to state the amount of all such damages
13 when ascertained, or upon proof at the time of trial.

14 **NINTH CAUSE OF ACTION**
15 **FAILURE TO PAY OVERTIME OVER EIGHT HOURS DAILY AND REFUSAL TO**
16 **PROVIDE MEAL AND REST PERIODS WITH OR WITHOUT INTERRUPTION**
(ARLENE LEONG and VALERIE BITZ OUANO vs.
STANFORD UNIVERSITY and STANFORD HEALTH CARE)

17 143. Plaintiffs repeat and reallege paragraphs 1 through 14, and 24, inclusive and
18 incorporates the same as though fully set forth therein.

19 144. This is an action at law to recover unpaid earnings and overtime wages earned for
20 exceeding eight hours per day and while working during meal and rest periods or denied and/or
21 interrupted. Jurisdiction in this Court is invoked pursuant to California Labor Code §§ 98.2, 200,
22 202, 216, 218, 218.5, 218.6, 226.7, 229, 510, 1194, 1198; Unfair Competition Law Business &
23 Professions Code § 17200; 8 California Code Regulations Title 8, §§ 11010-11130; California
24 Industrial Wage Order No. 4-2001 [Professional, Technical, Clerical, Mechanical and Similar
25 Occupations], *Ramirez v. Yosemite Water Co.* (1999) 20 Cal.4th 785; and *Janik v. Rudy, Exelrod &*
26 *Zieff* (2004) 119 Cal.App.4th 930; *Brinker Restaurant Corp. v. Superior Court* (2012) 53 Cal.4th
27
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1 1004; and *Rodriguez v. E.M.E., Inc.* (2016) 246 Cal. App.4th 1027. At all times herein set forth, the
2 IWC Wage Order applicable to Plaintiffs' employment by Defendants provides as follows:

3 **"3. HOURS AND DAYS OF WORK**

4 (A) Daily Overtime - General Provisions

5 (1) The following overtime provisions are applicable to employees 18 years of
6 age or over and to employees 16 or 17 years of age who are not required by law to attend school and
7 are not otherwise prohibited by law from engaging in the subject work. Such employees shall not
8 be employed more than eight (8) hours in any workday or more than 40 hours in any workweek
9 unless the employee receives one and one-half (1 1/2) times such employee's regular rate of pay for
10 all hours worked over 40 hours in the workweek. Eight (8) hours of labor constitutes a day's work.
11 Employment beyond eight (8) hours in any workday or more than six (6) days in any workweek is
12 permissible provided the employee is compensated for such overtime at not less than:

13 (a) One and one-half (1 1/2) times the employee's regular rate of pay for all
14 hours worked in excess of eight (8) hours up to and including 12 hours in any workday, and for the
15 first eight (8) hours worked on the seventh (7th) consecutive day of work in a workweek; and

16 (b) Double the employee's regular rate of pay for all hours worked in excess of
17 12 hours in any workday and for all hours worked in excess of eight (8) hours on the seventh (7th)
18 consecutive day of work in a workweek.

19 (c) The overtime rate of compensation required to be paid to a nonexempt full-
20 time salaried employee shall be computed by using the employee's regular hourly salary as one-
21 fortieth (1/40) of the employee's weekly salary. "

22 **"11. MEAL PERIODS**

23 (A) No employer shall employ any person for a work period of more than five (5) hours
24 without a meal period of not less than 30minutes, except that when a work period of not more than
25 six (6) hours will complete the day's work the meal period may be waived by mutual consent of the
26 employer and the employee. Unless the employee is relieved of all duty during a 30 minute meal
27 period, the meal period shall be considered an — on duty meal period and counted as time worked.
28

1 An — on duty meal period shall be permitted only when the nature of the work prevents an
2 employee from being relieved of all duty and when by written agreement between the parties an on-
3 the-job paid meal period is agreed to. The written agreement shall state that the employee may, in
4 writing, revoke the agreement at any time.

5 (B) If an employer fails to provide an employee a meal period in accordance with the
6 applicable provisions of this order, the employer shall pay the employee one (1) hour of pay at the
7 employee's regular rate of compensation for each workday that the meal period is not provided.

8 (C) In all places of employment where employees are required to eat on the premises, a
9 suitable place for that purpose shall be designated.

10 (D) Notwithstanding any other provision of this order, employees in the health care
11 industry who work shifts in excess of eight (8) total hours in a workday may voluntarily waive their
12 right to one of their two meal periods. In order to be valid, any such waiver must be documented in
13 a written agreement that is voluntarily signed by both the employee and the employer. The
14 employee may revoke the waiver at any time by providing the employer at least one (1) day's
15 written notice. The employee shall be fully compensated for all working time, including any on-the-
16 job meal period, while such a waiver is in effect."

17 **"12. REST PERIODS**

18 (A) Every employer shall authorize and permit all employees to take rest periods, which
19 insofar as practicable shall be in the middle of each work period. The authorized rest period time
20 shall be based on the total hours worked daily at the rate of ten (10) minutes net rest time per four
21 (4) hours or major fraction thereof. However, a rest period need not be authorized for employees
22 whose total daily work time is less than three and one-half (3 1/2) hours. Authorized rest period time
23 shall be counted as hours worked for which there shall be no deduction from wages.

24 (B) If an employer fails to provide an employee a rest period in accordance with the
25 applicable provisions of this order, the employer shall pay the employee one (1) hour of pay at the
26 employee's regular rate of compensation for each workday that the rest period is not provided."

1 145. In the preceding three (3) years prior to the filing of this Complaint, Plaintiffs,
2 ARLENE LEONG and VALERIE BITZ OUANO, invariably and consistently worked two hours
3 daily at least three (3) times a week daily, off the clock [before and after their scheduled shift],
4 earning an hourly rate of \$33.77 [ARLENE LEONG] and \$28.82 [VALERIE BITZ OUANO]
5 respectively, in their non-management non-exempt healthcare position, and with management's
6 knowledge. During said timeframe, Plaintiffs were required to clock out for thirty (30) minute
7 lunch during every shift however were rarely ever provided relief to assume responsibility for their
8 patients due to under staffing and instead Plaintiffs used said thirty minutes to patient chart.
9 Furthermore, Plaintiffs worked daily during their rest periods or said periods were interrupted by
10 being summoned to attend to patients or other matters. During said period while working in their
11 respective positions, STANFORD and SHC violated Plaintiffs' rights to take and enjoy their rest
12 and meal periods without being denied or interrupted. Specifically, during the relevant time period
13 referenced above, Plaintiffs invariably or never took one or two of their required daily rest periods
14 and/or were interrupted. Furthermore, Plaintiffs consistently and invariably had their lunch periods
15 either denied and/or interrupted because Plaintiffs were not relieved of their patient duties and
16 responsibilities. Plaintiffs also frequently consumed their meals at their work desk or stations so
17 that they were either prepared to attend to patients in the queue or perform other work.

18 146. While the working conditions were practical and feasible for non-exempt employees
19 to take rest and meal periods had STANFORD and SHC provided relief, STANFORD and SHC
20 failed and refused to make a good faith effort to either hire adequate staffing or implement a
21 preferred schedule which would allow employees to properly time their rest and meal periods
22 and avoid combining. As a result, STANFORD and SHC perpetuated and allowed for the practice
23 of combining rest and meal periods because it was solely and exclusively advantages to
24 STANFORD and SHC. Furthermore, while STANFORD's and SHC's "Work Schedules and
25 Attendance" policy (revised October 2012) provides that Supervisors have a duty to provide (i.e.,
26 make available) employees with a meal period of 30 minutes; that Supervisors are responsible for
27 ensuring that employees have been relieved of all duty (i.e., relinquish control of employee), are
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1 free from work-related interference, including non-emergency calls or paging; and Supervisors are
2 responsible for ensuring that employees are permitted to take their rest periods and should make
3 every effort to ensure that these breaks are taken in the middle of each work period or as near to that
4 period as is consistent with maintaining departmental efficiency, said policy does not prohibit
5 combining rest and meal periods. In fact, CHRISTINA ESTRADA-GUIJARRO frequently
6 commented to ARLENE LEONG and VALERIE BITZ OUANO that "We appreciate your work"
7 when they were compelled to work through their scheduled rest and meal periods.

8 147. Plaintiffs allege that they were not exempt employees within the definition of
9 California Code of Regulations, Title 8, section 11070, subdivision 1(A), because their duties
10 and responsibilities did not involve the management of the enterprise in which they were
11 employed; because they did not have the authority to hire and fire other employees or whose
12 suggestions and recommendations as to the hiring and firing and as to the advancement and
13 promotion or any other change of status of employees would be given particular weight; because
14 they did not customarily and regularly exercise independent judgment and discretion to bind the
15 Company; and because they were not primarily engaged in duties that met the test of exemption
16 under the Fair Labor Standards Act.

17 148. During the relevant time herein, despite working during rest and lunch periods,
18 Defendant willfully, in bad faith, and in knowing violation of the California Labor Code, failed
19 and refused to pay Plaintiffs said straight time and overtime pursuant to the Division of Labor
20 Standards Enforcement ("DLSE") and California Labor Code.

21 149. As a proximate result of said refusal to pay Plaintiffs' straight time and overtime
22 wages, Plaintiffs are entitled to straight time and overtime wages in a sum according to proof
23 pursuant to Labor Code Section 203. As a further proximate result of said refusal to pay Plaintiffs'
24 straight time and overtime wages, Plaintiffs are entitled to an award of waiting time penalties plus
25 interest pursuant to Labor Code Section 218.6.

26 150. In bringing this action, Plaintiffs have had to retain the services of the Law Offices
27 of Joseph L. Alioto and Angela Alioto. This pleading shall serve as notice that Plaintiffs intend on
28

1 seeking and recovering reasonable attorney's fees pursuant to Labor Code §§ 98.2, and 218.5 which
2 provides that the court may award reasonable attorney's fees and costs and Plaintiffs requests such
3 fees to be ordered at the time of arbitration, trial or hearing thereafter.

4 **TENTH CAUSE OF ACTION**
5 **DEFAMATION (Slander Per-Se)**
6 **(ARLENE LEONG and VALERIE BITZ OUANO vs.**
7 **STANFORD UNIVERSITY, STANFORD HEALTH CARE,**
8 **and CHRISTINA ESTRADA-GUIJARRO)**

9 151. Plaintiffs repeat and reallege paragraphs 1 through 14, 22, 24, and 27 through 30,
10 inclusive and incorporates the same as though fully set forth at length.

11 152. The wrongful and false accusations by Defendants, STANFORD, SHC and
12 CHRISTINA ESTRADA-GUIJARRO contained in said notices of termination, are the basis for
13 this claim. Specifically, said verbal publications, verbal statements and communications, verbal
14 accusations, verbal allegations, and written adverse actions by STANFORD, SHC and
15 CHRISTINA ESTRADA-GUIJARRO, were false, manufactured, unprivileged and were
16 malicious. These false publications, statements, accusations, and allegations by STANFORD,
17 SHC and CHRISTINA ESTRADA-GUIJARRO regarding "gross misconduct" in connection
18 with implications of fraudulent behavior of cheating the employer[s] by taking extended breaks
19 while on the clock formed the basis for this cause of action in that the unprivileged publications,
20 statements, accusations, and allegations were unjustified, false, manufactured, malicious, and
21 despicable. Moreover, Plaintiffs denied any wrongdoing because it was common practice in the
22 unit condoned and approved by management. ARLENE LEONG and VALERIE BITZ OUANO
23 expressed to management that combining rest and meal periods or taking them out of order was
24 commonplace in the unit. ARLENE LEONG and VALERIE BITZ OUANO denied any
25 wrongdoing or misconduct, and no evidence was developed to support the accusations and
26 charges by Defendants.

27 153. Said unprivileged and false statements, comments, publications, accusations, and
28 allegation referred to above, became accessible and known to Plaintiffs' co-workers,
management employees, colleagues, professionals, peers, supervisors, friends, and family as a

1 result of the dissemination by Defendants of the false accusations and charges and their summary
2 termination. Said individuals gained knowledge of the alleged wrongdoing because
3 CHRISTINA ESTRADA-GUIJARRO publically communicated and spoke of the confidential
4 reasons for the adverse action to all personnel which later Plaintiffs learned of because they were
5 contacted and questioned about the reasons for termination by said individuals.

6 154. Said published words by STANFORD, SHC and CHRISTINA ESTRADA-
7 GUIJARRO were not privileged because the statements were maliciously made to persons who
8 had no litigation interest in the subject of the comments and it was not reasonably calculated to
9 protect or further the common interest, because the published words were false, fabricated and
10 manufactured in order to justify the adverse action against ARLENE LEONG and VALERIE
11 BITZ OUANO. Defendants knew that unless they made serious accusations against ARLENE
12 LEONG and VALERIE BITZ OUANO concerning their professional integrity and the
13 accusations were endorsed, supported and perpetuated by other management, Defendants would
14 not be credible in their charges against ARLENE LEONG and VALERIE BITZ OUANO after
15 many years of service working for STANFORD and SHC. Furthermore, said published words
16 by Defendants were not privileged because Defendants did not have any managerial authority to
17 make such malicious publications of said false statements and were not motivated by any
18 legitimate and proper motive to benefit STANFORD and SHC but only motivated by purely self-
19 serving pretextual reasons. Furthermore, Defendants' behavior were not privileged because they
20 had no reasonable belief that the accusations and statements were true and in the best interest of
21 STANFORD and SHC but rather was motivated by the malicious intent to injure Plaintiffs and
22 with a conscious disregard to Plaintiffs' rights. Said words were intended, when said words were
23 published, that management employees, subordinate management employees, co-workers,
24 colleagues, professionals, peers, supervisors, friends, family, readers, listeners, and witnesses, as
25 described above, believed that Plaintiffs did in fact commit gross misconduct of cheating and
26 defrauding STANFORD and SHC by taking extended breaks while on the clock. The
27 management employees, subordinate management employees, co-workers, colleagues,
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1 professionals, peers, supervisors, friends, family, readers, listeners, and witnesses, as described
2 above, further believed that Plaintiffs did in fact commit gross misconduct because Plaintiffs
3 were terminated. Said published words were understood by management employees,
4 subordinate management employees, co-workers, colleagues, professionals, peers, supervisors,
5 friends, family, readers, listeners, witnesses, and the public, to mean exactly what they were
6 accused of. Said belief and understanding on the part of said readers and listeners was
7 reasonably drawn from the rumors and accusations because Plaintiffs were accused and
8 summarily terminated. Since the alleged incidents, Plaintiffs have experienced, including but not
9 limited to, questioning their professional integrity and reputation, veracity and honesty.

10 155. Said publication has exposed Plaintiffs to hatred, contempt, ridicule, and obloquy
11 and has caused Plaintiffs to be injured in their professional occupation all to their general
12 damages in a sum according to proof at trial.

13 156. As a direct and proximate result of the aforementioned behavior of the
14 Defendants, Plaintiffs have been defamed and Defendants have ruined Plaintiffs' professional
15 career and reputation in this field because such industry requires integrity, character and honesty
16 which are placed in issue in this matter. By reason of the aforementioned acts, Plaintiffs thereby
17 sustained loss of earnings and wages, seniority, denied merit raises, and other pay and benefits in
18 an amount as yet unascertained and in a sum according to proof at trial. Plaintiffs are unable to
19 estimate and are uncertain as to their future losses of earnings. Plaintiffs will therefore request
20 leave of the court to amend this Complaint to state the amount of all such damages when
21 ascertained or upon proof at the time of trial.

22 157. By reason of the wrongful acts of the Defendant as hereinabove alleged, Plaintiffs
23 will be required to and will employ physicians and surgeons to examine, treat and care for them
24 and will incur additional medical expenses in an amount to be proven at the time of trial.

25 158. As a further proximate result of the conduct of the Defendant, Plaintiffs have
26 suffered great emotional distress. Plaintiffs are informed and believe and thereon allege that said
27 injuries are not compensable under the Workers' Compensation Act and are not a risk or
28

1 condition of their employment. Because of the cold, callous and indifferent manner in which
2 Plaintiffs were treated; the deliberate and intentional refusal to follow recognized local and state
3 statutes; Defendants, encouraging the unlawful practices, Plaintiffs became distressed and upset
4 and were caused to experience severe emotional suffering and thereby seek damages for such
5 mental and emotional distress in a sum according to proof at time of trial.

6 159. In doing the acts set forth above, Defendants knew that the systematic campaign,
7 conspiracy and scheme to target Plaintiffs was unlawful, illegal, malicious, without justification,
8 unauthorized, unprivileged, wanton, despicable, with reckless disregard, oppressive, and with a
9 conscious disregard for Plaintiffs' rights motivated by pretextual reasons stated above, in
10 violation of Plaintiffs' fundamental and inherent rights. Defendants acted with malice because
11 Defendants had no reasonable belief that their accusations were true but were motivated to
12 disparage Plaintiffs based on pretextual reasons. Plaintiffs' demand thereby warrants the
13 assessment of punitive damages against Defendants, STANFORD, SHC and CHRISTINA
14 ESTRADA-GUIJARRO, in a sum according to proof. Plaintiffs will pray leave of the Court to
15 amend this Complaint to state such amounts at the time they are ascertained, or according to
16 proof at trial.

17 **ELEVENTH CAUSE OF ACTION**
18 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**
19 **(ARLENE LEONG and VALERIE BITZ OUANO vs.**
20 **STANFORD UNIVERSITY, STANFORD HEALTH CARE,**
21 **and CHRISTINA ESTRADA-GUIJARRO)**

22 160. Plaintiff repeats and realleges paragraphs 1 through 30, the First, Second, Third,
23 Fourth, Fifth, Sixth, Seventh, and Tenth Causes of Action, inclusive and incorporates the same as
24 though fully set forth therein.

25 161. Defendants, STANFORD, SHC and CHRISTINA ESTRADA-GUIJARRO, and
26 each of their conduct, as set forth in the First, Second, Third, Fourth, Fifth, Sixth, Seventh, and
27 Tenth Causes of Action constitutes outrageous conduct. Said conduct was outrageous because
28 the Defendants violated Plaintiffs' rights to be free from retaliation for opposing, complaining
and reporting unfair treatment and harassment directed at a third party [African American

1 employee]; harassment based on association with an African American employee; failure to
2 maintain a discrimination and hostile work free environment; discrimination based on national
3 origin and race; discrimination based on medical leave; violations of public policy; and
4 defamation. Defendants' conduct constitutes outrageous conduct because while the Defendants
5 knew that Plaintiff was entitled to be from said unlawful treatment, Defendants schemed,
6 planned and colluded to terminate them based on pretextual excuses not having anything to do
7 with their performance or productivity. The acts of the Defendants were done with the intention
8 to cause or with reckless disregard of the probability of causing serious emotional distress to the
9 Plaintiffs and as a direct and proximate result of the aforementioned behavior of the Defendants,
10 Plaintiffs suffered humiliation, embarrassment, mortification, anxiety, consternation, insomnia,
11 severe emotional distress and great and emotional suffering. Plaintiffs are informed and believe
12 and thereon alleges that such injuries are not compensable under the Workers' Compensation
13 Act and that the Defendants, and each of them, acted deliberately for the purposes of injuring the
14 Plaintiffs. Plaintiffs thereon allege that the great emotional distress and suffering that were
15 brought upon them by the acts of the Defendants, and each of them, were not a risk or condition
16 of their employment and resulted from the positive and decisive misconduct of the Defendants,
17 and each of them. In addition, the injuries were not incidents of the employment relationship and
18 were occasioned by the intentional acts of the Defendants, those act of which were done with
19 reckless disregard and the probability of causing severe emotional distress and such infliction
20 was a substantial factor in causing damage and injury to Plaintiff as set forth above.

21 162. As a result of the aforesaid acts of STANFORD, SHC and CHRISTINA
22 ESTRADA-GUIJARRO, Plaintiffs were prevented from attending to their usual position and
23 thereby lost earnings and wages, seniority, denied merit raises, and other pay and benefits in an
24 amount as yet unascertained and in a sum according to proof at trial. Plaintiffs are informed and
25 believe and thereon alleges that they will thereby be prevented from performing or attending to their
26 usual occupation for an indefinite period in the future. Plaintiffs are unable to estimate and are
27 uncertain as to their future loss of earnings. Plaintiffs will therefore request leave of the court to
28

1 amend this Complaint to state the amount of all such damages when ascertained, or upon proof at
2 the time of trial.

3 163. By reason of the aforementioned acts and behavior, Plaintiffs were denied
4 opportunities and promotions for a period in the future, which amount is not readily ascertainable
5 and will thereby sustain further loss of earnings. Plaintiffs further maintains that they will have
6 difficulty finding comparable employment in their field and industry due to their blemished record
7 that they were was terminated. Plaintiffs will therefore request leave of the court to amend this
8 Complaint to state the amount of all such damages when they have been ascertained or upon proof
9 at the time of trial.

10 164. As a direct and proximate result of the willful misconduct and reckless disregard
11 for Plaintiffs' rights by Defendants, Plaintiffs suffered shock and serious mental and emotional
12 distress which have caused and continue to cause Plaintiffs to become embarrassed, mortified,
13 frightened, upset, humiliated, disappointed, worried and subjected to highly unpleasant mental
14 reactions and to suffer extreme and serious mental suffering and distress all to her general
15 damages in an amount according to proof at time of trial.

16 165. In doing the acts set forth above, Defendants knew that the conduct was willful,
17 wanton, despicable, malicious and cruel in conscious disregard of Plaintiffs' rights to be free from
18 retaliation for opposing, complaining and reporting unfair treatment and harassment directed at a
19 third party [African American employee]; harassment based on association with an African
20 American employee; failure to maintain a discrimination and hostile work free environment;
21 discrimination based on national origin and race; discrimination based on medical leave; and
22 violations of public policy. Defendants coddled and protected employees known by it to be
23 misogynist and vicious, thus exposing Plaintiffs to risk of harm. Plaintiffs' demand thereby
24 warrants the assessment of punitive damages against Defendant, STANFORD, SHC and
25 CHRISTINA ESTRADA-GUIJARRO, in a sum according to proof. Plaintiff will pray leave of the
26 Court to amend this Complaint to state such amounts at the time they are ascertained, or according
27 to proof at trial.
28

1 WHEREFORE, Plaintiffs pray for judgment against STANFORD, SHC and
2 CHRISTINA ESTRADA-GUIJARRO as follows:

3 **AS TO THE FIRST CAUSE OF ACTION:**

- 4 1. For general damages in a sum according to proof;
5 2. For special damages in a sum according to proof;
6 3. For punitive and exemplary damages in a sum according to proof; and
7 4. For reasonable attorney's fees in a sum according to proof.

8 **AS TO THE SECOND CAUSE OF ACTION:**

- 9 1. For general damages in a sum according to proof;
10 2. For special damages in a sum according to proof;
11 3. For punitive and exemplary damages in a sum according to proof; and
12 4. For reasonable attorney's fees in a sum according to proof.

13 **AS TO THE THIRD CAUSE OF ACTION:**

- 14 1. For general damages in a sum according to proof;
15 2. For special damages in a sum according to proof;
16 3. For punitive and exemplary damages in a sum according to proof; and
17 4. For reasonable attorney's fees in a sum according to proof.

18 **AS TO THE FOURTH CAUSE OF ACTION:**

- 19 1. For general damages in a sum according to proof;
20 2. For special damages in a sum according to proof;
21 3. For punitive and exemplary damages in a sum according to proof; and
22 4. For reasonable attorney's fees in a sum according to proof.

23 **AS TO THE FIFTH CAUSE OF ACTION:**

- 24 1. For general damages in a sum according to proof;
25 2. For special damages in a sum according to proof;
26 3. For punitive and exemplary damages in a sum according to proof; and
27 4. For reasonable attorney's fees in a sum according to proof.
28

1 **AS TO THE SIXTH CAUSE OF ACTION:**

- 2 1. For general damages in a sum according to proof;
- 3 2. For special damages in a sum according to proof;
- 4 3. For punitive and exemplary damages in a sum according to proof; and
- 5 4. For reasonable attorney's fees in a sum according to proof.

6 **AS TO THE SEVENTH CAUSE OF ACTION:**

- 7 1. For general damages in a sum according to proof;
- 8 2. For special damages in a sum according to proof;
- 9 3. For punitive and exemplary damages in a sum according to proof; and
- 10 4. For reasonable attorney's fees in a sum according to proof.

11 **AS TO THE EIGHT CAUSE OF ACTION:**

- 12 1. For general damages in a sum according to proof.

13 **AS TO THE NINTH CAUSE OF ACTION:**

- 14 1. For general unpaid overtime representing unpaid time and one half for hours worked
- 15 in excess of eight hours daily in a sum according to proof;
- 16 2. For general unpaid straight time representing loss of meal and rest periods in a sum
- 17 according to proof;
- 18 3. For waiting time penalties in a sum according to proof;
- 19 4. For pre-judgment interest on any unpaid overtime wages due from the day such
- 20 amounts were due; and
- 21 5. For reasonable attorney's fees in a sum according to proof.

22 **AS TO THE TENTH CAUSE OF ACTION:**

- 23 1. For general damages in a sum according to proof;
- 24 2. For special damages in a sum according to proof; and
- 25 3. For punitive and exemplary damages in a sum according to proof.

26 **AS TO THE ELEVENTH CAUSE OF ACTION:**

- 27 1. For general damages in a sum according to proof;
- 28

2. For special damages in a sum according to proof; and
3. For punitive and exemplary damages in a sum according to proof.

AS TO ALL CAUSES OF ACTION:

1. For cost of suit herein incurred;
2. For such other and further relief as the Court may deem just and proper; and
3. Plaintiff hereby demands a jury trial in the above-entitled action.

LAW OFFICES OF MAYOR JOSEPH L. ALIOTO
AND ANGELA ALIOTO

DATED: July 11, 2017



STEVEN L. ROBINSON
ATTORNEYS FOR PLAINTIFF,
ARLENE LEONG AND VALERIE BITZ OUANO