



By Fax

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 7
 8 Attorneys for Defendant
 STANFORD HEALTH CARE

FILED
ALAMEDA COUNTY
 OCT 17 2017

CLERK OF THE SUPERIOR COURT
 By

SUPERIOR COURT OF THE STATE OF CALIFORNIA
 IN AND FOR THE COUNTY OF ALAMEDA

11 QIQIUIA YOUNG, an individual
 12
 13 Plaintiff,
 14
 15 vs.
 16 THE LELAND STANFORD JUNIOR
 UNIVERSITY; STANFORD HEALTH CARE;
 17 STANFORD HOSPITAL AND CLINICS;
 CHANRATH FLORES; and DOES 1 through
 18 10, inclusive,
 19 Defendants.
 20
 21
 22

CASE NO. RG17877051
**DECLARATION OF PAMELA NG IN
 SUPPORT OF DEFENDANT'S
 MOTION TO TRANSFER VENUE AND
 MOTION FOR SANCTIONS**
*Accompanying papers: Notice of Motion
 and Motion; Memorandum of Points and
 Authorities; Request for Judicial Notice;
 Declaration of Suzanne Harris; Proposed
 Order*
 Date: November 28, 2017
 Time: 3:00 p.m.
 Dept.: 23
 Judge: Brad Seligman
 Reservation No.: R-1899966
 Complaint Filed: September 28, 2017

I, Pamela Y. Ng, declare as follows:

1. I am an attorney at law licensed to practice before all courts of the State of California and am a Senior Counsel in the law firm of Gordon Rees Scully Mansukhani, LLP, attorneys for the defendant Stanford Health Care ("Defendant"). I have personal knowledge of the matters contained in this declaration and if called to testify to them could and would do so competently.

Gordon Rees Scully Mansukhani, LLP
 275 Battery Street, Suite 2000
 San Francisco, CA 94111

1 2. My office represents Defendant in connection with the present matter filed by
2 Plaintiff Qiquia Young ("Plaintiff").

3 3. On September 28, 2017, Plaintiff filed the present matter with the Alameda
4 County Superior Court.

5 4. Attached hereto as Exhibit 1 is a true and correct copy of an email dated October
6 4, 2017, wherein counsel for Defendant Michael Bruno contacted Plaintiff's counsel, Lara
7 Hutner, and offered to stipulate to the change of venue from Alameda County to Santa Clara
8 County. Mr. Bruno detailed the pertinent factual and legal support for the stipulation. Mr.
9 Bruno requested Ms. Hutner's response to the stipulation by October 9, 2017. Exhibit 1 also
10 includes Ms. Hutner's reply email dated October 9, 2017, stating that she will provide a response
11 by October 10, 2017.

12 5. On October 10, 2017, instead of a response to the stipulation, Ms. Hutner replied
13 that she filed Plaintiff's First Amended Complaint ("FAC") and requested Defendant's
14 reconsideration regarding their motion to transfer venue. Ms. Hutner provided a conformed copy
15 of the FAC on October 11, 2017. After review of Plaintiff's FAC, we determined that venue was
16 still not proper in Alameda County. On October 12, 2017, Mr. Bruno made another offer to
17 stipulate to the change of venue to Santa Clara County. He requested Ms. Hutner's response by
18 October 16, 2017. On October 16, 2017, Ms. Hutner rejected the offer to stipulate to the change
19 of venue. The true and correct copies of these emails are attached to this declaration as Exhibit
20 2.

21 6. On October 12, 2017, I reviewed a KTVU article regarding the filing of Plaintiff's
22 Complaint <[http://www.ktvu.com/news/stanford-health-care-worker-alleges-racism-safety-](http://www.ktvu.com/news/stanford-health-care-worker-alleges-racism-safety-violations-after-co-worker-dresses-as-kkk)
23 [violations-after-co-worker-dresses-as-kkk](http://www.ktvu.com/news/stanford-health-care-worker-alleges-racism-safety-violations-after-co-worker-dresses-as-kkk)>. I printed a complete and accurate copy of the
24 KTVU article I reviewed and attached it to this declaration as Exhibit 3.

25 7. I spent in excess of 10 hours preparing the motion to transfer of venue and motion
26 for sanctions. Partner Alyson Cabrera also spent in excess of 10 hours preparing the motion to
27 transfer of venue and motion for sanctions. Our work included preparation of the motion,
28 memorandum of points and authorities (including review of pertinent case law), declarations in

1 support of the motion, request for judicial notice with supporting declaration and proposed order.
2 Based on my rate of \$310 and the partners' rate of \$325, we seek a total of \$6,350 in sanctions
3 against Plaintiff's counsel. This amount does not include time spent preparing and drafting the
4 reply brief, preparing for oral argument or appearing at the hearing of this motion.

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

7 Executed this 17th day of October, 2017 at San Francisco, California.

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9 _____
10 Pamela Y. Ng

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Gordon Rees Scully Mansukhani, LLP
275 Battery Street, Suite 2000
San Francisco, CA 94111

EXHIBIT 1

From: Lara Villarreal Hutner <LHutner@vhattorneys.com>
Sent: Monday, October 09, 2017 9:02 AM
To: Michael Bruno; Lauren Cooper; Timothy Reed; James Riley
Cc: Christopher Whelan (Chris@WhelanLawOffices.com) (Chris@WhelanLawOffices.com); Alyson Cabrera; Pamela Ng
Subject: Re: Young v. SHC

Michael - I'm not sure why you didn't cc Lauren Cooper or Tim Reed on your email. (I have copied them here. In the future please make sure all correspondence from your firm goes to them as well as to Jim Riley - also copied here - to ensure nothing falls through the cracks.) In any event, we have a summary judgment motion due today in a JAMS arbitration - which, as I'm sure you know, means we will be working on it until COB, but I will be back in touch to respond to your email as soon as I can tomorrow.

Best,
Lara

Sent from my iPhone

On Oct 4, 2017, at 2:48 PM, Michael Bruno <mbruno@grsm.com> wrote:

Dear Lara:

I write with respect to the filing of the Young v. SHC case in Alameda County Superior Court. As you are aware, it is my client's position that this is not the proper venue for this case. As the Complaint asserts several causes of action for violation of the Fair Employment and Housing Act ("FEHA"), this action should have been filed in Santa Clara County Superior Court, the location where the "unlawful practices" alleged under FEHA purportedly occurred.

It is well established that a defendant is entitled to have an action tried in the county of his or her residence unless the action falls within some exception to the general venue rule. (Cal. Code of Civ. Proc. 395, *Brown v. Superior Court* (1984) 37 Cal.3d 477, 483 (citing *Kaluzok v. Brisson* (1946) 27 Cal. 2d 760, 763-764; *Mosby v. Superior Court*, 43 (1974) Cal.App.3d at pp. 223-224; *Holstein v. Superior Court* (1969) 275 Cal.App.2d 708, 710).) *Brown v. Superior Court* established that the FEHA venue provision under Government Code section 12965 controls over the general venue rule as to the FEHA causes of actions and also to related claims pled under alternative theories but based on the same set of facts. *Brown v. Superior Court*, *supra*, 37 Cal. 3d at 487, 488.

Government Code section 12965(b) states, in relevant part:

An action may be brought in any county in the state in which the unlawful practice is alleged to have been committed, in the county in which the records relevant to the practice are maintained and administered, or in the county in which the aggrieved person would have worked or would have had access to the public accommodation but for the alleged unlawful practice, but if the defendant is not found within any of these counties, an action may be brought within the county of the defendant's residence or principal office.

The term "unlawful practice" refers to conduct in violation of Government Code section 12940 et seq., namely discrimination, harassment, and retaliation on the basis of enumerated characteristics, including race. Under this section, the proper venue should be Santa Clara County Superior Court because the unlawful practices claimed, i.e. the alleged discrimination, harassment, and retaliation, allegedly occurred in SHC's Cancer Center located in Palo Alto. None of the alleged "unlawful practices" occurred in Alameda County.

Further, while Ms. Young vaguely alleges that the relevant "records" are maintained in Alameda County, this could only be true regarding Ms. Young's records related to her non-FEHA claims. Alleged conduct related to the non-FEHA claims does not constitute "unlawful practices" under Government Code section 12940 et seq., nor are such claims alternative theories based on the same set of facts as the FEHA claims. In reality, the records related to Ms. Young's FEHA claims are maintained by the employer, SHC, which is located in Palo Alto. Thus, the FEHA venue provision requires that Ms. Young's claims are properly heard in Santa Clara County Superior Court, not in Alameda County Superior Court.

Further, this is a true "mixed action" case, which is a lawsuit with at least two causes of action, each governed by a different statute. *Gallin v. Superior Court* (1991) 230 Cal.App.3d 541, 545. Under the mixed action rule, a lawsuit must be transferred in its entirety when any alleged claim warrants adjudication in a different court. *Id.* Otherwise, plaintiffs could assert frivolous causes of action merely to forum shop. *Jhirmack Enterprises, Inc. v. Superior Court* (1979) 96 Cal.App.3d 715, 720. Here, the mixed action rule requires a transfer of venue for the entire lawsuit to the venue in which the FEHA claims are properly heard.

Finally, pursuant to Code of Civil Procedure section 397(c), the court has discretion to transfer the case to another proper county "when the convenience of witnesses and the ends of justice would be promoted by the change." (See also Cal. Civ. Code Proc. 396b(a), 397(a).) This test is met here. The alleged FEHA violations purportedly occurred in, and the relevant records are located in, Palo Alto. Further, the relevant witnesses work in or near Palo Alto. Lastly, the transfer would not inconvenience Ms. Young because she still currently works for SHC in or near Palo Alto.

For all of these reasons, I am requesting that you let me know **by the close of business on Monday October 9th** whether you will stipulate to transfer this case to Santa Clara County Superior Court. Alternatively, we may be willing to stipulate to transfer this case to San Mateo County Superior Court, given that your client currently works at a SHC location in Redwood City and seems to allege that at least some purported "unlawful practices" under FEHA occurred there.

If you are not agreeable to either option, we will have no choice but to file a motion for transfer of venue. Pursuant to Code of Civil Procedure section 396b(b), we will also move for our reasonable expenses and attorney's fees incurred in making the motion to transfer. As you are surely aware, under that section, those expenses and fees shall be the personal liability of the attorney, not the party.

I look forward to your response by October 9th.

All the best,

Michael

MICHAEL D. BRUNO | Partner

GORDON & REES

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<http://www.grsm.com>

EXHIBIT 2

Pamela Ng

From: Lara Villarreal Hutner <LHutner@vhattorneys.com>
Sent: Monday, October 16, 2017 3:33 PM
To: Michael Bruno; Christopher Whelan (Chris@WhelanLawOffices.com) (Chris@WhelanLawOffices.com); Lauren Cooper; Timothy Reed
Cc: Alyson Cabrera; Pamela Ng; James Riley
Subject: RE: Qiquia Young v. Chanrath Flores, Stanford University, Stanford Health Care

Michael,

The absolute nature of your statement that "[v]enue still is not proper under the FEHA statute" caused me to go back and re-read the case law you cited (which is the same case law I read in doing my due diligence before ever drafting the Complaint). Not surprisingly, the cases no more support your assertion now than they did when I initially read them.

Moreover, your Stanford clients' threat of sanctions directed at me personally for not acquiescing to their distorted view of the law is precisely the kind of bullying and intimidation tactics that underscore why justice requires Ms. Young's lawsuit remain in Alameda County, the venue she was entitled to select, and selected, as the plaintiff in this action.

Best regards,
Lara

Lara Villarreal Hutner, Esq.
Villarreal Hutner PC
575 Market Street, 17th Floor
San Francisco, California 94105
Direct 415.632.4101 Fax 415.512.7674
www.vhattorneys.com

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From: Michael Bruno [mailto:mbruno@grsm.com]
Sent: Thursday, October 12, 2017 11:23 AM
To: Lara Villarreal Hutner; Christopher Whelan (Chris@WhelanLawOffices.com) (Chris@WhelanLawOffices.com); Lauren Cooper; Timothy Reed
Cc: Alyson Cabrera; Pamela Ng; James Riley
Subject: RE: Qiquia Young v. Chanrath Flores, Stanford University, Stanford Health Care

Dear Lara:

We have reviewed the FAC. Venue is still not proper under the FEHA venue statute (Government Code section 12965(b)). As noted in my prior meet and confer email, the "unlawful practices" (i.e., practices that form the basis of the FEHA claims) have to occur in Alameda County for the case to be properly venued in Alameda County. The facts in the FAC regarding events that allegedly occurred in Alameda County or about

records that are allegedly maintained there are not pled in support of the FEHA claims. The FAC still makes clear that the "unlawful practices" under FEHA occurred at SHC, which is located in Santa Clara County. The records related to the FEHA claims are also located in Santa Clara County. Therefore, transfer to Santa Clara County is mandatory. Further, and as noted in my prior letter, "mixed action" cases (asserting claims that have conflicting venue provisions) such as this one must still be transferred in their entirety to the same venue where the FEHA claims are required to be heard (i.e., to Santa Clara County).

For these reasons, I am requesting that you let me know by the close of business on Monday October 16th whether you will stipulate to transfer this case to Santa Clara County Superior Court.

If you are not agreeable, we will move forward with filing a motion for transfer of venue. Pursuant to Code of Civil Procedure section 396b(b), we will also move for our reasonable expenses and attorney's fees incurred in making the motion to transfer. As noted previously, under that section, those expenses and fees shall be the personal liability of the attorney, not the party.

All the best,

Michael

MICHAEL D. BRUNO | Partner

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From: Lara Villarreal Hutner [mailto:LHutner@vhattorneys.com]

Sent: Wednesday, October 11, 2017 10:30 AM

To: Michael Bruno; Christopher Whelan (Chris@WhelanLawOffices.com) (Chris@WhelanLawOffices.com); Lauren Cooper; Timothy Reed

Cc: Alyson Cabrera; Pamela Ng; James Riley

Subject: RE: Qiquia Young v. Chanrath Flores, Stanford University, Stanford Health Care

Michael,

I apologize for the delay – we just got back the conformed copy of the attached First Amended Complaint filed yesterday.

Best regards,

Lara

Lara Villarreal Hutner, Esq.
Villarreal Hutner PC
575 Market Street, 17th Floor

San Francisco, California 94105
Direct 415.632.4101 Fax 415.512.7674
www.vhattorneys.com

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From: Lara Villarreal Hutner
Sent: Tuesday, October 10, 2017 4:36 PM
To: 'Michael Bruno'; Christopher Whelan (Chris@WhelanLawOffices.com) (Chris@WhelanLawOffices.com); Lauren Cooper; Timothy Reed
Cc: Alyson Cabrera; Pamela Ng
Subject: RE: Qiqiua Young v. Chanrath Flores, Stanford University, Stanford Health Care

Michael,

First, we have filed a First Amended Complaint in this action and will provide you with a copy of it shortly. After you and your clients review and consider the overwhelming facts supporting venue in Alameda County, please let us know of their decision regarding whether they will in fact attempt to transfer venue. As you know, the Complaint - and now First Amended Complaint - lists multiple grounds for proper venue in Alameda County, under the Code of Civil Procedure and the Fair Employment and Housing Act - which provides a "wide choice of venue afforded plaintiffs ... by permitting venue in a county which plaintiffs deem the most appropriate and convenient." *Brown v. Superior Court*, 37 Cal. 3d 478, 486 (1984).

Here, the elephant in the room is your Stanford clients' transparent desire to transfer this case to Santa Clara County, where they are the 800-pound gorilla. If your clients choose to proceed with such a specious attempt at forum-shopping - in this case in which Stanford's chickens are finally coming home to roost (in Alameda, not down at "The Farm") - we will seek reimbursement for our time and costs. I sincerely hope that will not be necessary.

Best regards,
Lara

Lara Villarreal Hutner, Esq.
Villarreal Hutner PC
575 Market Street, 17th Floor
San Francisco, California 94105
Direct 415.632.4101 Fax 415.512.7674
www.vhattorneys.com

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From: Michael Bruno [mailto:mbruno@grsm.com]
Sent: Wednesday, October 04, 2017 2:48 PM
To: Lara Villarreal Hutner; Christopher Whelan (Chris@WhelanLawOffices.com) (Chris@WhelanLawOffices.com)
Cc: Alyson Cabrera; Pamela Ng
Subject: Young v. SHC

Dear Lara:

I write with respect to the filing of the Young v. SHC case in Alameda County Superior Court. As you are aware, it is my client's position that this is not the proper venue for this case. As the Complaint asserts several causes of action for violation of the Fair Employment and Housing Act ("FEHA"), this action should have been filed in Santa Clara County Superior Court, the location where the "unlawful practices" alleged under FEHA purportedly occurred.

It is well established that a defendant is entitled to have an action tried in the county of his or her residence unless the action falls within some exception to the general venue rule. (Cal. Code of Civ. Proc. 395, *Brown v. Superior Court* (1984) 37 Cal.3d 477, 483 (citing *Kaluzok v. Brisson* (1946) 27 Cal. 2d 760, 763-764; *Mosby v. Superior Court*, 43 (1974) Cal.App.3d at pp. 223-224; *Holstein v. Superior Court* (1969) 275 Cal.App.2d 708, 710).) *Brown v. Superior Court* established that the FEHA venue provision under Government Code section 12965 controls over the general venue rule as to the FEHA causes of actions and also to related claims pled under alternative theories but based on the same set of facts. *Brown v. Superior Court, supra*, 37 Cal. 3d at 487, 488.

Government Code section 12965(b) states, in relevant part:

An action may be brought in any county in the state in which the unlawful practice is alleged to have been committed, in the county in which the records relevant to the practice are maintained and administered, or in the county in which the aggrieved person would have worked or would have had access to the public accommodation but for the alleged unlawful practice, but if the defendant is not found within any of these counties, an action may be brought within the county of the defendant's residence or principal office.

The term "unlawful practice" refers to conduct in violation of Government Code section 12940 et seq., namely discrimination, harassment, and retaliation on the basis of enumerated characteristics, including race. Under this section, the proper venue should be Santa Clara County Superior Court because the unlawful practices claimed, i.e. the alleged discrimination, harassment, and retaliation, allegedly occurred in SHC's Cancer Center located in Palo Alto. None of the alleged "unlawful practices" occurred in Alameda County.

Further, while Ms. Young vaguely alleges that the relevant "records" are maintained in Alameda County, this could only be true regarding Ms. Young's records related to her non-FEHA claims. Alleged conduct related to the non-FEHA claims does not constitute "unlawful practices" under Government Code section 12940 et seq., nor are such claims alternative theories based on the same set of facts as the FEHA claims. In reality, the records related to Ms. Young's FEHA claims are maintained by the employer, SHC, which is located in Palo Alto. Thus, the FEHA venue provision requires that Ms. Young's claims are properly heard in Santa Clara County Superior Court, not in Alameda County Superior Court.

Further, this is a true "mixed action" case, which is a lawsuit with at least two causes of action, each governed by a different statute. *Gallin v. Superior Court* (1991) 230 Cal.App.3d 541, 545. Under the mixed action rule, a lawsuit must be transferred in its entirety when any alleged claim warrants adjudication in a different court. *Id.* Otherwise, plaintiffs could assert frivolous causes of action merely to forum

shop. *Jhirmack Enterprises, Inc. v. Superior Court* (1979) 96 Cal.App.3d 715, 720. Here, the mixed action rule requires a transfer of venue for the entire lawsuit to the venue in which the FEHA claims are properly heard.

Finally, pursuant to Code of Civil Procedure section 397(c), the court has discretion to transfer the case to another proper county "when the convenience of witnesses and the ends of justice would be promoted by the change." (See also Cal. Civ. Code Proc. 396b(a), 397(a).) This test is met here. The alleged FEHA violations purportedly occurred in, and the relevant records are located in, Palo Alto. Further, the relevant witnesses work in or near Palo Alto. Lastly, the transfer would not inconvenience Ms. Young because she still currently works for SHC in or near Palo Alto.

For all of these reasons, I am requesting that you let me know by the close of business on Monday October 9th whether you will stipulate to transfer this case to Santa Clara County Superior Court. Alternatively, we may be willing to stipulate to transfer this case to San Mateo County Superior Court, given that your client currently works at a SHC location in Redwood City and seems to allege that at least some purported "unlawful practices" under FEHA occurred there.

If you are not agreeable to either option, we will have no choice but to file a motion for transfer of venue. Pursuant to Code of Civil Procedure section 396b(b), we will also move for our reasonable expenses and attorney's fees incurred in making the motion to transfer. As you are surely aware, under that section, those expenses and fees shall be the personal liability of the attorney, not the party.

I look forward to your response by October 9th.

All the best,

Michael

MICHAEL D. BRUNO | Partner

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EXHIBIT 3

Stanford health care worker alleges racism, safety violations after co-worker dresses as KKK

www.ktvu.com/news/stanford-health-care-worker-alleges-racism-safety-violations-after-co-worker-dresses-as-kkk

Image Gallery 4 PHOTOS

An employee dressed as the KKK in October 2014 at Stanford Health Care. Photo: Lara Hutner

PALO ALTO, Calif. - Qiquia Young was more than shocked when a colleague at Stanford Health Care dressed in a white sheet on Halloween, pretending to be a member of the KKK.

As an African-American woman with Cherokee roots whose family fled Oklahoma to escape racism, she couldn't believe what she saw.

That was three years ago, and the racism Young has witnessed firsthand at Stanford has only gotten worse, according to a 125-page lawsuit she and her attorney, Lara Villarreal Hutner of San Francisco filed Thursday in Alameda County Superior Court.

"She was singled out and harassed based on her race," Hutner said Friday. "And when she reports it to management, they blame her for not reporting anything sooner. The KKK incident was the seed, but far from the whole thing."

In fact, right after the Nazi rally in Charlottesville, Virginia this summer, Stanford held a town hall meeting. Young, who is the technician in Stanford's Pelvic Floor Clinic, heard several medical students say they too have experienced racism and retaliation, including seeing their grades drop when they complain about it to superiors.

That KKK incident opened up a Pandora's box at Stanford exposing both racism and safety violations, the lawsuit claims, which was filed when a cancer surgeon inspired Young she couldn't keep quiet any longer.

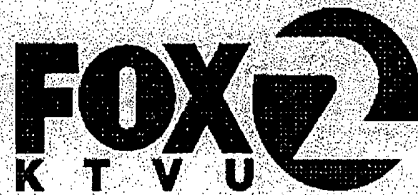
Stanford on the one hand acknowledged the KKK incident because the health care center terminated everyone involved. Yet in the same breath, Stanford Health Care vigorously denied the claims and sent a statement on Friday to KTVU saying in part, "there is no question that the lawsuit contains many untruths and exaggerations.... SHC has zero tolerance for harassment, discrimination, retaliation or disrespectful conduct."

The statement continued: "Contrary to Ms. Young's allegations, SHC has been extremely proactive in addressing all of Ms. Young's concerns."

That is not how Young sees it.

Each time she reported the behavior, Young alleges, she was blamed, bullied and made to feel like she was crazy. Instead of investigating the claims, the suit alleges that the managers denied any wrongdoing, failed to promote her, excluded her from meetings, trumped up false accusations against her, moved her to an isolated location with worse and drastically reduced work hours, and stripped her of her more advanced job responsibilities. Young is suing Stanford University and Stanford Health Care claiming unlawful retaliation, failure to prevent unlawful harassment and assault and battery, among other allegations.

Her lawyer also said that Stanford Health Care did not have diversity training sessions in place, which resulted in this hostile work environment for her client.



Stanford responded that the health care center "has never retaliated against Ms. Young, she continues to work for SHC and has even been promoted since her complaints began." Hutner acknowledged that Young was "technically" promoted but removed her from the Cancer Center to a remote location, which she alleges is improperly staffed and gives her no room for advancement.

Some of Young's complaints cited in the lawsuit include:

1. Colleagues used the N- word in her presence and she was accused of lying about it. After reporting further instances of co-workers using the "N" word at work, Young's manager sent two racist videos to her, both of which repeat the "N" word and one of which "joked" about the racist stereotype about black women loving fried chicken," the suit claims.
2. Discovery of fecal-covered rubber bands on medical equipment that had been inserted into surgery patients.
3. Learning that a co-worker had muttered "Go pray in your own f---ing country!" to a Muslim patient praying in the waiting room in November 2016. Young's husband is Muslim.
4. A supervisor allegedly shoved furniture into Young in the hallway and followed her to New Park Mall in Newark after she reported her co-workers continuing to use the N- word at work.
5. Hearing a colleague "explain" to an African-American patient that an anal catheter was accidentally inserted into her vagina because the patient's skin was too "dark down there."

Young's disillusionment with Stanford came to a head when a colleague in the GI oncology team told her she was going to dress as the KKK on Halloween in 2014, another colleague ended up doing it, and yet another colleague photographed it and circulated the picture.

That photograph was submitted to the court as evidence. Though the employee is not wearing a pointed hat, the lawsuit alleges that the employee with a pillowcase was meant to create a "hostile work environment." Young told the director of the department about it, and managers "took no action," the suit claims. The suit claims that on previous Halloweens, staff had come dressed in "blackface," and nothing was done either.

On top of that, the suit alleges that the colleague who took a photo of the medical assistant with a pillowcase over her head, also had taken a photo of a patient's disfigured "perineum, the area between the genitalia and anus, joking that the KKK was going to do the same thing to Qiquia [MS. YOUNG], an African-American/Cherokee medical assistant." That event was reported to Stanford's president.

Stanford specifically addressed the KKK incident acknowledging to KTVU that it happened. But Stanford said those involved were let go: "SHC denounced such abhorrent conduct and terminated all of the employees involved ...including those who merely saw the photo and did not to report it to management and the supervisor. SHC also terminated the employee who Ms. Young claims took an inappropriate picture of a patient."

Hutner said she decided to file the complaint in Alameda County Superior Court, which she believes is a more favorable jurisdiction than Santa Clara County, for her client, who lives in the East Bay.

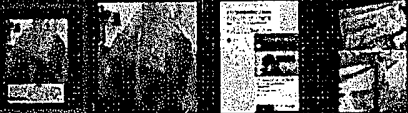
"Racism is endemic at Stanford," Hutner said, "and she wants the public to know."

2014



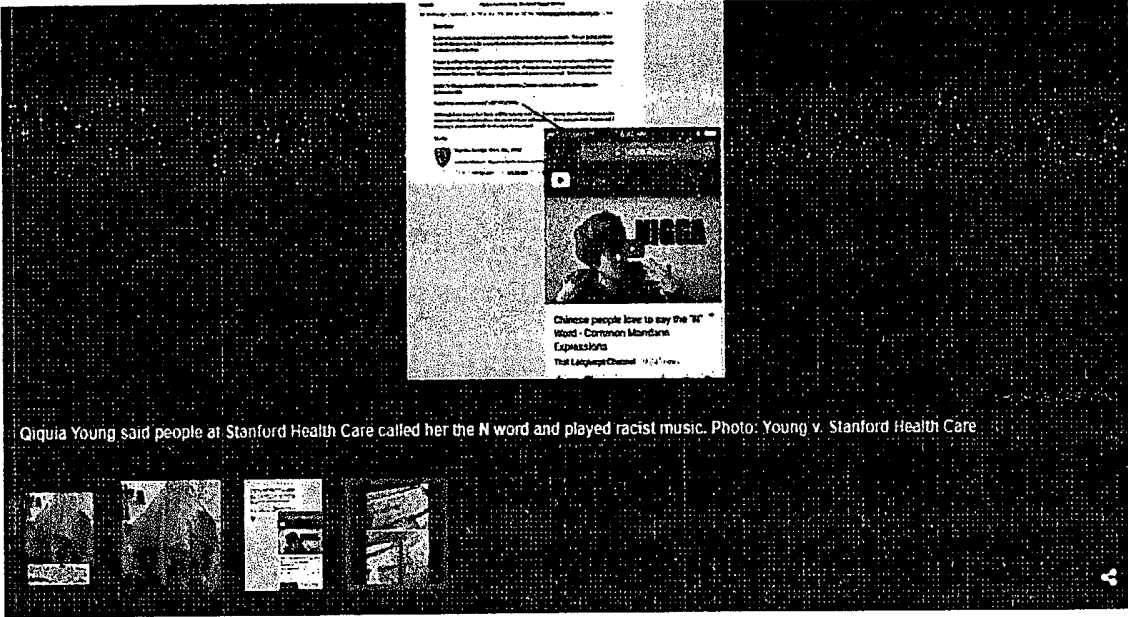
Stanford University, a leading university, has a policy of a neutral campus with a diverse student body. In 2014, a member of the KKK, who dressed as a KKK member, was a guest at a private party. The photo shows the person in the hooded robe and pointed hat, the symbol of the KKK.

An employee dressed as the KKK in October 2014 at Stanford Health Care. Photo: Lara Hulner

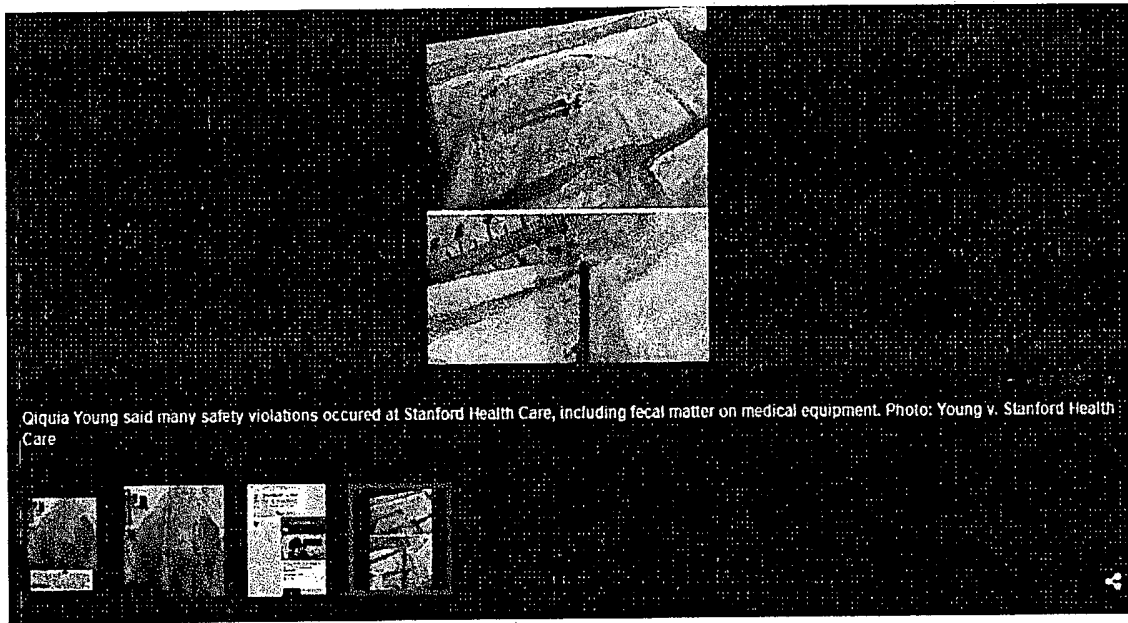


Ciquia Young said an employee dressed as a KKK member in October 2014 at work. Photo: Young v. Stanford Health Care





Qiquia Young said people at Stanford Health Care called her the N word and played racist music. Photo: Young v. Stanford Health Care





20502604

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FILED
ALAMEDA COUNTY

OCT 17 2017

CLERK OF THE SUPERIOR COURT

7 Attorneys for Defendant
8 STANFORD HEALTH CARE

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 IN AND FOR THE COUNTY OF ALAMEDA

11 QIQIUA YOUNG,
 12 Plaintiff,
 13 vs.
 14 THE LELAND STANFORD JUNIOR
 15 UNIVERSITY; STANFORD HEALTH
 16 CARE, STANFORD HOSPITAL AND
 17 CLINICS, CHANRATH FLORES, and DOES
 18 1 through 50, inclusive,
 19 Defendants.

Case No. RG17877051

**DECLARATION OF SUZANNE
HARRIS IN SUPPORT OF
DEFENDANT'S MOTION FOR
TRANSFER OF VENUE AND MOTION
FOR SANCTIONS**

*Accompanying papers: Notice of Motion and
Motion; Memorandum of Points and
Authorities; Request for Judicial Notice;
Declaration of Pamela Ng; Proposed Order*

Date: November 28, 2017
Time: 3:00 p.m.
Dept.: 23
Judge: Brad Seligman
Reservation No.: R-1899966
Complaint Filed: September 28, 2017

22 I, Suzanne Harris, declare as follows:

23 1. I am the Director of Employee & Labor Relations for Stanford Health Care. I
24 have personal knowledge of the matters contained herein, and could and would, if called upon to
25 do so, competently testify as to such matters.

26 2. The Employee & Labor Relations ("ELR") Office is located in Stanford,
27 California. The ELR Office maintains Stanford Health Care's administrative policies, complaint
28

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275 Battery Street, Suite 2000
San Francisco, CA 94111

1 procedures and complaints submitted to the ELR Office through such procedures, as well as
2 records of investigations conducted by the ELR Office in relation to such complaints.

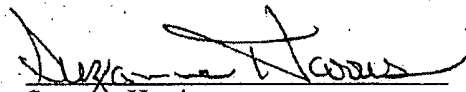
3 3. The Office of Human Resources for Stanford Health Care is located in Palo Alto,
4 California. Personnel files for Stanford Health Care employees are maintained by the Office of
5 Human Resources.

6 4. In my position, I have access to employment status records for Stanford Health
7 Care employees. Based upon my review of same, I have determined that the following
8 individuals are currently employed by Stanford Health Care: 1) Qiquia Young, Pelvic Health
9 Center, Patient Testing Technician III; 2) Mary Gaines, Office of Employee Labor Relations,
10 Administrative Director; 3) Chanrath Flores, Blake Wilbur Multispecialty Clinic, Clinic Clerical
11 Coordinator; 4) Christina Guijarro, Cancer Center, Assistant Clinical Operations Manager; 5)
12 Sridhar Seshadri, Cancer Center, Administrative Director; 6) Patricia Falconer, Cancer Center,
13 Administrative Director; 7) Martha Berrier, Cancer Center, Assistant Director; 8) David
14 Entwistle, Main Hospital, Chief Executive Officer; 9) Quinn McKenna, Main Hospital, Chief
15 Operating Officer; 10) Linda Hoff, Main Hospital, Chief Financial Officer.

16 5. Stanford Health Care's Main Hospital is located in Stanford, California. The
17 Cancer Center is located in Palo Alto, California. The Pelvic Health Center is located in
18 Redwood City, California.

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

21 Executed this 16th day of October 2017 at Palo Alto, California.

22 
23 Suzanne Harris
24

25
26
27
28



20502605

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FILED
ALAMEDA COUNTY

OCT 17 2017

CLERK OF THE SUPERIOR COURT
By

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 11 IN AND FOR THE COUNTY OF ALAMEDA

12 QIQUIA YOUNG, an individual
 13
 14 Plaintiff,

15 vs.

16 THE LELAND STANFORD JUNIOR
 17 UNIVERSITY; STANFORD HEALTH
 18 CARE; STANFORD HOSPITAL AND
 19 CLINICS; CHANRATH FLORES; and
 20 DOES 1 through 10, inclusive,
 21 Defendants.

) CASE NO. RG17877051

) MEMORANDUM OF POINTS AND
) AUTHORITIES IN SUPPORT OF
) DEFENDANT'S MOTION TO
) TRANSFER VENUE AND MOTION
) FOR SANCTIONS

) *Accompanying papers: Notice of Motion
) and Motion; Request for Judicial Notice;
) Declarations of Suzanne Harris and
) Pamela Ng; Proposed Order*

) Date: November 28, 2017
) Time: 3:00 p.m.
) Dept.: 23
) Judge: Brad Seligman
) Reservation No.: R-1899966

) Complaint Filed: September 28, 2017

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1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I. INTRODUCTION

3 Forum shopping refers to the practice of deliberately searching through multiple courts or
4 jurisdictions in order to file the case in the one that is most likely to give a party the result he or
5 she wants. In this action brought under the Fair Employment and Housing Act ("FEHA"),
6 Plaintiff Qiquia Young ("Plaintiff") spells out in her 102-page First Amended Complaint
7 ("FAC"), a number of incendiary allegations of racial discrimination and harassment that include
8 being subjected to alleged "KKK" imagery, use of the "N-word" and other racially offensive
9 remarks in the workplace. In a press release to a KTVU reporter, Plaintiff's counsel stated that
10 she selected the current venue of Alameda County because she believes it is the venue most
11 "favorable" to her client. Venue in Alameda County is not proper, however, because the
12 "unlawful practices" that have been alleged to violate *FEHA* all purportedly took place at
13 Stanford Health Care, which is located in Santa Clara County. In fact, none of the "unlawful
14 practices" alleged *under FEHA* occurred in Alameda County, nor are any of the relevant
15 personnel or investigatory records related to the *FEHA claims* maintained there.

16 Pursuant to the special FEHA venue statute (California Government Code section
17 12965(b)), which controls over California's general venue statutes (California Code of Civil
18 Procedure sections 392 et seq.), this action must be transferred to Santa Clara County. This is so
19 whether or not Plaintiff has trumped up non-FEHA causes of action in an attempt to establish
20 jurisdiction in Alameda County. It is well-settled that such "mixed actions" must still be heard
21 in the venue mandated by FEHA, as otherwise, plaintiffs could do what Plaintiff's counsel
22 attempts to do here, which is assert frivolous causes of action merely to forum shop.

23 Alternatively, this Court should transfer this action to Santa Clara County because
24 Plaintiff's FAC identifies, by name, no less than 10 current employees of SHC that Plaintiff will
25 potentially call to testify at trial as adverse witnesses. As each of these employees are engaged in
26 the business of administering or providing patient care, both the convenience of these witnesses
27 and the ends of justice are served by holding the trial of this action in Santa Clara County
28 Superior Court, which is the venue that is closest to their place of employment. Further, as

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1 Plaintiff is *still currently employed at Stanford Health Care*, she can make no credible showing
2 of personal inconvenience.

3 Finally, Defendant Stanford Health Care (“SHC”)¹ should be awarded its attorneys’ fees
4 and costs incurred in bringing the instant motion because it could have, and should have, been
5 avoided. Plaintiff’s counsel had knowledge of FEHA’s special venue statute, yet deliberately
6 attempted to circumvent its clear mandate. Such tactics included manufacturing a non-FEHA
7 cause of action for failure to reimburse time allegedly worked “off the clock” in Alameda
8 County and vaguely pleading the “venue” allegations so as to avoid scrutiny by this Court. Even
9 after filing the FAC, and having received explicit notice (not once but twice) that “mixed
10 actions” such as this one are still controlled by FEHA’s special venue statute, Plaintiff’s counsel
11 refused to stipulate to a change of venue. As it simply cannot be concluded that Plaintiff’s
12 counsel selected the current venue, or refused to stipulate to a change of venue based on sound
13 principles of jurisdiction, sanctions against Plaintiff’s counsel are warranted.

14 **II. FACTUAL BACKGROUND**

15 Plaintiff alleges five causes of action under FEHA including race discrimination,
16 associational discrimination, hostile work environment harassment, retaliation (for complaining
17 about race and religious discrimination), and failure to prevent harassment, discrimination and
18 retaliation. In support of these causes of action, Plaintiff *alleges* the following facts:

19 In 2011, Stanford University and SHC (collectively referenced herein as, “Stanford
20 Defendants”) hired Plaintiff as a medical assistant in SHC’s Cancer Center in Palo Alto,
21 California. (FAC at ¶54.) Plaintiff alleges that on October 30, 2014, a member of the GI
22 Oncology staff threatened Plaintiff by saying that “she was going to dress up as the Ku Klux
23 Klan (“KKK”) for Halloween.” (*Id.* at ¶60.) Plaintiff alleges that on October 31, 2014, Natalie
24 Buranzon (a now former SHC employee) took a photograph of Elizabeth Dobbins (also a former
25 SHC employee) dressed like the KKK in the Cancer Center exam room. (*Id.* at ¶¶2, 61, 69.)
26 Plaintiff alleges that although Assistant Manager, Tim Svozil, and Director of Clinical
27 Operations of the Cancer Center, Katherine Bailey, knew about the conduct, they took no action

28 ¹Stanford Health Care was formerly named “Stanford Hospital and Clinics.”

1 in response. (*Id.* at ¶¶61-63.) Plaintiff also allegedly reported the conduct to Kim Ko of SHC's
2 Human Resources department. (*Id.* at ¶70.) After reporting these incidents, Plaintiff allegedly
3 suffered harassment and retaliation. (*Id.* at ¶¶17, 70.)

4 Around November 2014, Plaintiff alleges that Ms. Buranzone took a picture of a patient's
5 disfigured genitals. (*Id.* at ¶¶2, 67.) A tenured Stanford Oncologist allegedly informed Stanford
6 University's then-President that Ms. Buranzone circulated the patient's photograph to other staff
7 and joked that the KKK was going to do the same thing to Plaintiff. (*Id.*)

8 As a medical assistant, Plaintiff worked with an African American surgeon (hereinafter,
9 "Surgeon") who ran the Stanford Defendants' Pelvic Floor Clinic. (*Id.* at ¶¶55, 71.) Plaintiff
10 alleges that she turned to Surgeon for support when she faced alleged racist behavior at work.
11 (*Id.* at ¶¶6-7, 71.) After Surgeon allegedly supported Plaintiff's report of race harassment,
12 Stanford Defendants allegedly retaliated against Surgeon and closed the Pelvic Floor Clinic. (*Id.*
13 at ¶¶71-72.) While the Pelvic Floor Clinic was closed in Spring and Summer 2015, Plaintiff
14 applied for its open Patient Testing Technician position. (*Id.* at ¶73.) Although Surgeon
15 allegedly recommended Plaintiff for the position, Stanford Defendants allegedly offered the
16 position to others in retaliation for Plaintiff making a complaint. (*Id.*)

17 In August 2015, Stanford Defendants promoted Plaintiff to the Patient Testing
18 Technician position, but allegedly "tried to deny her pay commensurate with the title." (*Id.* at
19 ¶76.) When the Pelvic Floor Clinic reopened and Plaintiff worked with Surgeon, Plaintiff
20 allegedly "was not scheduled to take meal periods, and often was denied meal periods entirely."
21 (*Id.* at ¶77.) Surgeon allegedly reported racism and retaliation that she and Plaintiff experienced
22 to Stanford Defendants, including several Stanford University officers. (*Id.* at ¶97.) Plaintiff
23 alleges that as a result of Stanford Defendants' "campaign of retaliation," Surgeon "had no
24 choice but to resign from her employment with" Stanford Defendants. (*Id.* at ¶¶12, 100.)

25 Plaintiff alleges that at the end of December 2016,² she witnessed a co-worker use the
26 "N" word at work in the presence of another co-worker, Breeana Kent. (*Id.* at ¶¶2, 90.) Plaintiff
27

28 ²Plaintiff's Department of Fair Employment and Housing ("DFEH") complaint dated January 15, 2016 alleges that
this event occurred in 2015. (Declaration in support of Request for Judicial Notice ["RJN Dec."] at Exhibit B.)

1 allegedly reported this incident to Ms. Ko. (*Id.* at ¶91.) Stanford Defendants assigned the
2 investigation to an African-American woman, Denise Bailey (an Employee Labor Relations
3 Specialist at SHC) to allegedly appear unbiased. (*Id.* at ¶92.) Plaintiff alleges that although Ms.
4 Kent corroborated Plaintiff's account, Stanford Defendants took no action. (*Id.* at ¶94.)

5 On April 8, 2016, Plaintiff's supervisor at SHC, Christina Guijarro, allegedly assaulted
6 Plaintiff by "lunging at her and standing menacingly over" her. (*Id.* at ¶122.) Plaintiff allegedly
7 reported the assault to Ms. Ko, but Ms. Ko allegedly did not respond until almost two weeks
8 later. (*Id.* at ¶¶123-24.) Ms. Ko allegedly copied her manager, Suzanne Harris, Director of
9 Employee and Labor Relations for Defendant SHC. (*Id.* at ¶126.) Ms. Harris allegedly
10 dismissed Plaintiff's report and informed Plaintiff that she was under investigation. (*Id.* at ¶127.)
11 Stanford Defendants then allegedly issued a disciplinary write up to Plaintiff as a result of the
12 investigation. (*Id.* at ¶¶120, 131-32.) All of this action was allegedly in furtherance of Stanford
13 Defendants' "agenda of racism, retaliation, and oppression." (*Id.* at ¶133.)

14 Shortly after issuance of the written warning, Stanford Defendants allegedly "made the
15 retaliatory decision to move the entire Pelvic Floor Clinic out of the Cancer Center" to a new
16 location in Redwood City. (*Id.* at ¶¶119, 134, 171.) Plaintiff alleges she was the only member of
17 the Pelvic Floor Clinic that was made to move. (*Id.* at ¶134.) Stanford Defendants allegedly
18 required Plaintiff to reapply for her job, for which it had enhanced the educational requirements
19 to disqualify Plaintiff. (*Id.* at ¶¶121, 135.) Plaintiff asked Cancer Center Director, Patricia
20 Falconer, about the job requisition, but she allegedly had no explanation. (*Id.* at ¶136.) When
21 asked for reassurance, Ms. Falconer allegedly warned Plaintiff that she needed to behave in order
22 to keep her job. (*Id.*) Plaintiff then allegedly inquired with Freida Acu, the employee who
23 created the enhanced educational requirements. (*Id.* at ¶137.) Ms. Acu allegedly denied creating
24 the job requisition and told Plaintiff she did not need to reapply. (*Id.* at ¶¶137-38.)

25 Plaintiff alleges that (on a date not specified) she heard her co-workers playing a song
26 that used the "N" word. (*Id.* at ¶¶127, 145.) She allegedly reported her co-workers to SHC
27 management but management failed to respond. (*Id.*) One of the same co-workers then
28 allegedly used the "N" word again, this time under the guise of "imitating" someone speaking

1 Mandarin Chinese. (*Id.* at ¶¶28, 146.) Plaintiff alleges that instead of investigating and
2 disciplining the accused co-worker, Martha Berrier (an Assistant Director for several of SHC’s
3 clinics) repeated the offensive language in an email. (*Id.* at ¶¶2, 28, 146-47.) Plaintiff alleges
4 that when she reported Ms. Berrier, no one at SHC investigated. (*Id.* at ¶¶28, 149.)

5 Plaintiff alleges that in early November 2016, Plaintiff heard from a co-worker that
6 another employee made a derogatory comment about a Muslim patient that she had observed
7 praying. (*Id.* at ¶¶2, 31, 150.) Plaintiff allegedly reported this to SHC management, which
8 allegedly failed to implement mandatory anti-harassment training. (*Id.* at ¶151.)

9 Plaintiff alleges that on November 18, 2016, she reported an incident wherein a nurse
10 attributed a medical error to the lack of visibility resulting from a patient’s dark skin color. (*Id.*
11 at ¶¶2, 33, 155.)

12 III. PROCEDURAL HISTORY

13 Plaintiff filed complaints with the DFEH on December 14, 2015, January 15, 2016 and
14 September 2, 2016. None of the DFEH complaints reference the individual defendant, Ms.
15 Flores. (RJN Dec. at Exhibits A, B, C.)

16 On September 28, 2017, Plaintiff filed suit in Alameda County Superior Court alleging
17 violations of FEHA. On October 11, 2017, Plaintiff filed a FAC, again alleging violations of
18 FEHA. (FAC at ¶¶186-195, 213-264.) The FAC also asserts non-FEHA causes of action
19 including assault and battery, whistleblower retaliation, and wage and hour violations. (*Id.* at ¶¶
20 196-212, 265-340.) Plaintiff is not suing Ms. Flores for violation of FEHA.

21 IV. LEGAL ARGUMENT

22 A. Defendant May Move This Court for a Transfer of Venue

23 The term “venue” denotes the particular county within the state where a case is to be
24 heard. (*See Milliken v. Gray* (1969) 276 Cal.App.2d 595, 600.) Generally, venue statutes in the
25 Code of Civil Procedure determine the county that constitutes the proper venue in a particular
26 case. (*See Code Civ. Proc.*, § 392 et seq.) Code of Civil Procedure section 396b(a), provides:

27
28 Upon the hearing of the motion [to transfer venue] the court *shall*,
if it appears that the action or proceeding was not commenced in

1 the proper court, order the action or proceeding transferred to the
2 proper court. [Emphasis added.]

3 Thus, a court *must* transfer an action to a proper venue when a defendant sufficiently
4 demonstrates on a motion that the action is improperly venued. (Code Civ. Proc., § 396b(a).)

5 B. Santa Clara County Is the Proper Venue Under Government Code Section
6 12965(b)

7 Generally, a plaintiff may file a complaint against a defendant in the county of the
8 defendant's residence unless the action falls within some exception to the general venue statutes.
9 (Code Civ. Proc., § 395; *Brown v. Superior Court* (1984) 37 Cal.3d 477, 483.) One exception is
10 an action brought under FEHA. The California Supreme Court has held that, "the special
11 provisions of the FEHA venue statute control [over general venue statutes] in cases involving
12 FEHA claims" even when the FEHA claims are joined with related claims pled under alternative
13 theories. (*Brown v. Superior Court, supra*, 37 Cal.3d at 487.)

14 The FEHA venue statute, Government Code section 12965(b), provides venue rules for
15 actions brought under the FEHA and states in pertinent part:

16 . . . An action may be brought in any county in the state [1] in
17 which the unlawful practice is alleged to have been committed,
18 [2] in the county in which the records relevant to the practice are
19 maintained and administered, or [3] in the county in which the
20 aggrieved person would have worked or would have had access to
21 the public accommodation but for the alleged unlawful practice,
22 but if the defendant is not found within any of these counties, an
23 action may be brought within the county of the defendant's
24 residence or principal office . . . (Gov. Code, § 12965(b).)

25 The term "unlawful practice" plainly refers to conduct in violation of FEHA, namely, the alleged
26 discrimination and harassment on the basis of protected classes, including race, and retaliation
27 for making complaints about such discrimination and harassment.

28 Under Government Code section 12965(b), the proper venue for this action is Santa Clara
County because the "unlawful practices" that form the basis of Plaintiff's FEHA causes of action
occurred at her place of employment, SHC. There are 65 paragraphs in the FAC that refer
explicitly to events that occurred in Santa Clara County in alleged violation of FEHA. These

1 events include the alleged “KKK” incidents, the closure and later relocation of the Pelvic Floor
2 Clinic and the alleged use of the “N” word by Plaintiff’s co-workers. Moreover, Plaintiff
3 allegedly reported all of these incidents to SHC’s Human Resources or Employee & Labor
4 Relations Offices, which are located in Santa Clara County. (Declaration of Suzanne Harris
5 [“Harris Dec.”] at ¶¶2-3.) Further, SHC maintains all records relevant to Plaintiff’s FEHA
6 allegations in Santa Clara County, including policies and procedures, personnel files, and records
7 of Plaintiff’s complaints and investigations. (*Id.*)

8 This matter is similar to *Ford Motor Credit Co. v. Superior Court* (1996) 50 Cal.App.4th
9 306. Plaintiffs in *Ford Motor* filed their complaint in Los Angeles County, where they resided,
10 alleging violations of the FEHA based on their employment with defendant in Sacramento
11 County. (*Id.* at p. 308.) Defendant sought to overturn the trial court’s denial of its motion for
12 change of venue to Sacramento County, where plaintiffs were employed. (*Id.*) The Court held
13 that per Government Code section 12965(b), “venue was *mandatory* in Sacramento County
14 under at least two of the three enumerated criteria,” namely that the unlawful practices allegedly
15 occurred in Sacramento County and the “‘records relevant to the practice’ were maintained
16 there.” (*Id.* at p. 310 [emphasis added].) The Court further held that the “action was not
17 properly brought in Los Angeles County.” (*Id.*) Similarly here, Plaintiff filed her FAC in
18 Alameda County where she resides. However, at least two of the three enumerated criteria under
19 Government Code section 12965(b) are satisfied in that the “unlawful practices” allegedly
20 occurred in Santa Clara County and the records relevant to those practices are also maintained
21 there. As a result, venue in Santa Clara County is *mandatory*.

22 Plaintiff may erroneously argue that venue is nevertheless proper in Alameda County
23 because: (1) her unpaid wage and business reimbursement claims are based on activity in
24 Alameda County; (2) Ms. Flores, who Plaintiff is suing for assault and battery, is a resident of
25 Alameda County; (3) “on information and belief,” copies of falsified “crash cart” reports are
26 located in Surgeon’s residence in Alameda County; and (4) bills for Plaintiff’s personal cell
27 phone are maintained in her home in Alameda County. (FAC at ¶¶10, 49-51, 307-08.)

28 As to the first two arguments, the recovery of a “penalty or forfeiture” for Plaintiff’s

1 unpaid wages and reimbursement of business expenses and Defendant Flores' place of residence
2 are irrelevant because, per *Brown*, the FEHA venue statute controls over the Code of Civil
3 Procedure's general venue statute. (*See Brown v. Superior Court, supra*, 37 Cal.3d at p. 487.)

4 The third and fourth arguments also do not establish that venue in Alameda County is
5 proper. The term "unlawful practice" refers to conduct *in violation of FEHA*, i.e. race
6 discrimination, harassment, and retaliation. (Gov. Code, §12940.) In the "Venue" section of the
7 FAC, Plaintiff does not allege that any "unlawful practices" occurred in Alameda County.
8 Plaintiff merely alleges that unspecified "records" are maintained in her and Surgeon's
9 residences in Alameda County. (FAC at ¶51.) These "records" however are identified
10 specifically in other portions of the FAC and consist of "crash cart" reports that Plaintiff alleges
11 Defendants "whited out" and bills for her personal cell phone that Plaintiff alleges she used for
12 work without reimbursement. (FAC at ¶¶10, 307, 333.) These records do not relate to "unlawful
13 practices" *under FEHA* but rather to Plaintiff's non-FEHA causes of action for wage and hour
14 violations and whistleblower retaliation under the Health and Safety Code.

15 Plaintiff also asserts that because SHC has a facility in Emeryville, California, venue is
16 proper in Alameda County. (FAC at ¶¶52-53.) Plaintiff, however, *does not allege that she ever*
17 *worked in the Emeryville facility or that she was subjected to any "unlawful practice" there.*

18 Finally, Plaintiff may argue that this case should be heard in Alameda County because
19 the public policy behind Government Code section 12965(b) is to give plaintiffs a wide choice of
20 venue in FEHA actions to make it easier for a financially stressed litigant to bring an action in a
21 location where travel and other costs "including the costs of securing important witnesses for
22 trial" would be minimized. (*Brown v. Superior Court, supra*, 37 Cal.3d at p. 486.) However, it
23 is well settled that a plaintiff's choice of venue under the FEHA is not an opportunity for
24 "plaintiff to forum shop or to impose an unreasonable burden on witnesses and the defendant."
25 (*Richfield Hotel Management, Inc. v. Superior Court* (1994) 22 Cal.App.4th 222, 226.)

26 In reality, the public policy behind the special FEHA venue statute is not served in this
27 case by being adjudicated in Alameda County. In discussing why the wide choice of venue
28 matters in FEHA cases, the California Supreme Court recognized that "victims of employment

1 discrimination are frequently unemployed -- many times as the result of the alleged
2 discrimination” such that “they often lack financial resources.” Plaintiff alludes that the Court
3 should give her “wide choice of venue” by allowing her to file suit where she deems “the most
4 appropriate and convenient.” (FAC at ¶51.) Plaintiffs in *Ford Motor* made a similar argument,
5 but the Court found it unavailing because their choice of venue did not satisfy any of the criteria
6 under Government Code section 12965(b). (*Ford Motor Credit Co., supra*, 50 Cal.App.4th at
7 pp. 309-10.) So, too, is the argument unavailing here. Not only does Plaintiff’s choice of venue
8 fail to satisfy the criteria under Government Code section 12965(b), but she still works for SHC.
9 (Harris Dec. at ¶4; FAC at ¶55.) Plaintiff is not a “financially stressed litigant” who would have
10 difficulty litigating in Santa Clara County.

11 Plainly, Plaintiff does not assert that any violation of *FEHA* occurred in Alameda County
12 or that records related to the *FEHA* claims are maintained there. Thus, per Government Code
13 section 12965(b), Alameda County is not the proper venue for this action.

14 C. This “Mixed Action” Must Be Transferred in Its Entirety to Santa Clara
15 County

16 This matter is a “mixed action” case, defined as a lawsuit with at least two causes of
17 action, each governed by a different venue statute, or two or more defendants, who are subject to
18 different venue standards. (*See Brown v. Superior Court, supra*, 37 Cal.3d at p. 488.) Under the
19 mixed action rule, “where the defendant is entitled to a change of venue as to one cause of
20 action, the entire action is transferred.” (*Jhirmack Enterprises, Inc. v. Superior Court* (1979) 96
21 Cal.App.3d 715, 720.) Otherwise, plaintiffs could assert frivolous, non-genuine causes of action
22 merely to forum shop. (*Ah Fong v. Sternes* (1889) 79 Cal. 30, 33.)

23 As discussed above, the venue for Plaintiff’s *FEHA* claims is governed by Government
24 Code section 12965. Plaintiff, however, alleges that her causes of action for unpaid wages and
25 failure to reimburse for business expenses arose in Alameda County and are subject to the venue
26 statute under Code of Civil Procedure section 393. (FAC at ¶50.) Thus, those claims and the
27 *FEHA* claims are governed by different statutes. Further, she asserts that Defendant Flores is
28

1 subject to the general venue statute, Code of Civil Procedure section 395, while SHC is subject
2 to the FEHA venue statute. (FAC at ¶¶48-49.) Thus, this is a textbook “mixed action” case.

3 When a complaint alleges FEHA and non-FEHA causes of action, the FEHA’s special
4 venue provision controls over the conflicting general venue provisions. (*Brown v. Superior*
5 *Court, supra*, 37 Cal.3d at pp. 486-487.) Here, because Defendant is entitled to a *mandatory*
6 change of venue under the FEHA, the entire action must be transferred to Santa Clara County.

7 **D. Alternatively, the Court Should Transfer this Action to Santa Clara County**
8 **to Promote the Convenience of Witnesses and the Ends of Justice**

9 The California Code of Civil Procedure section 397, subdivision 3, empowers a trial
10 court to change the place of trial when the convenience of witnesses and the ends of justice
11 would be promoted by the change. A change of venue made pursuant to this section lies
12 essentially within the sound discretion of the trial judge. (*J.C. Millett Co. v. Latchford-Marble*
13 *Glass Co.* (1959) 167 Cal.App.2d 218, 224.) While generally the convenience of the employees
14 of either party will not be considered, when such employees are being called by an adverse party,
15 the court may properly consider their convenience. (*Id.* at p. 227; *Harden v. Skinner &*
16 *Hammond* (1955) 130 Cal.App.2d 750, 757 [“... these (employee) witnesses are not being
17 called by their employer to testify for such employer. They are being called by the adverse party
18 and so are, as to him, ordinary witnesses.”]; *Lieberman v. Superior Court* (1987) 194 Cal.App.3d
19 396, 401-402 [“Likewise, a limited exception has arisen allowing a court to consider the
20 convenience of witnesses who are employees of a party. That exception obtains when the
21 employees are called as witnesses by the adverse party rather than on behalf of their
22 employer.”].)

23 The case of *Richfield Hotel Management, Inc. v. Superior Court, supra*, 22 Cal.App.4th
24 222, a sexual harassment suit brought under FEHA, is illustrative. There, the appellate court
25 held that the trial court had abused its discretion in denying the hotel’s motion for a change of
26 venue to promote the convenience of witnesses from San Mateo County to Tulare County. (*Id.*
27 at 227.) The court held that a transfer of venue to Tulare County was proper because all of the
28 designated witnesses lived or worked in the area around Tulare County, all of the relevant events

1 allegedly took place there, all of the relevant documents would be there, and plaintiffs made no
2 showing that their witnesses would be inconvenienced by the change. (*Id.*)

3 Here, the Court has an additional sound basis for transferring this case to Santa Clara
4 County because the convenience of witnesses and the ends of justice would be promoted by the
5 change. The FAC identifies by name, the following *current employees* of SHC: 1) Mary
6 Gaines, Office of Employee Labor Relations, Administrative Director; 2) Suzanne Harris, Office
7 of Employee Labor Relations, Director; 3) Chanrath Flores, Blake Wilbur Multispecialty Clinic,
8 Clinic Clerical Coordinator; 4) Christina Guijarro, Palo Alto Cancer Center, Assistant Clinical
9 Operations Manager; 5) Sridhar Seshadri, Palo Alto Cancer Center, Administrative Director; 6)
10 David Entwistle, Main SHC Hospital, Chief Executive Officer; 7) Quinn McKenna, Main SHC
11 Hospital, Chief Operating Officer; 8) Patricia Falconer, Palo Alto Cancer Center, Administrative
12 Director; 9) Linda Hoff, Main SHC Hospital, Chief Financial Officer; and 10) Martha Berrier,
13 Palo Alto Cancer Center, Assistant Director. (Harris Dec. at ¶1, 4.)

14 Each of these SHC employees has been identified in the FAC as persons that have
15 knowledge regarding alleged incidents relevant to the claims asserted and/or that took actions
16 adverse to Plaintiff. For example, Plaintiff alleges that Seshadri, Entwistle and McKenna had
17 knowledge of Plaintiff's complaints regarding alleged incidents of race discrimination but "failed
18 to investigate." (FAC at ¶¶ 3, 8.) Plaintiff alleges that Gaines had knowledge of Plaintiff's
19 reports regarding patient safety and that she "scrutinized" Plaintiff thereby allegedly putting her
20 employment at risk. (*Id.* at ¶14.) Plaintiff alleges that Seshadri engaged in numerous actions
21 against her including conduct that "had the desired effect of intimidating her and instilling fear of
22 retaliation." (*Id.* at ¶14, 16.) Plaintiff alleges that Guijarro and Falconer endangered patient
23 safety either by falsifying documents or failing to take action in response to Plaintiff's alleged
24 complaints relating to patient safety. (*Id.* at ¶112(1), 112(8).) Plaintiff alleges that Berrier sent
25 her a racially hostile email. (*Id.* at ¶29.) Plaintiff alleges that Flores assaulted and battered her.
26 (*Id.* at ¶31.) She alleges that Entwistle, Hoff and McKenna endangered patient safety or failed to
27 take action in response to Plaintiff's alleged complaints relating to patient safety. (*Id.* at ¶171.)
28

1 Based on these allegations, it is only fair to assume that Plaintiff may call these
2 individuals to testify as adverse witnesses at trial. As such, the convenience of the venue in
3 relation to such witnesses is properly considered. All of these potential witnesses work in either
4 Stanford, or Palo Alto, California. (Harris Dec. at ¶¶4-5.) As a result, the convenience of the
5 venue to the witnesses weighs in favor of holding the trial of this action in Santa Clara County.
6 The ends of justice are further promoted by a change of venue because the potential witnesses
7 are in the business of administering or providing patient care at SHC. Should any or all of these
8 potential witnesses be required to attend trial during their working hours, they are more easily
9 able to serve the needs of the hospital's patients and families, and to provide continuity of care to
10 patients, by attending trial in a location that is close to their place of work.

11 Additionally, as discussed above, all of the events which form the basis of the FEHA
12 claims allegedly took place at SHC or Stanford's Cancer Center in Palo Alto. Further, all of the
13 records relevant to the FEHA claims (including personnel files, administrative policies and
14 investigatory records) are maintained SHC's Office of Human Resources and Employee & Labor
15 Relations, both in Stanford or Palo Alto. (Harris Dec. at ¶¶2-3.) Finally, Plaintiff would not be
16 inconvenienced by the change of venue to Santa Clara County because she is a current employee
17 of SHC and works nearby in Redwood City. (Harris Dec. at ¶¶ 4-5; FAC at ¶¶ 55, 171.)
18 Pursuant to *Richfield Hotel Management*, transferring this action to Santa Clara County pursuant
19 to California Code of Civil Procedure section 397, subdivision 3, is proper. (See *Richfield Hotel*
20 *Management, Inc. v. Superior Court*, supra, 22 Cal.App.4th at 227.)

21 **E. The Court Should Award Defendant SHC Its Expenses and Attorneys' Fees**
22 **Incurred in Bringing this Motion**

23 California Code of Civil Procedure section 396b(b) provides:

24 In its discretion, the court may order the payment to the prevailing
25 party of reasonable expenses and attorney's fees incurred in
26 making or resisting the motion to transfer . . . the court shall take
27 into consideration (1) whether an offer to stipulate to change of
28 venue was reasonably made and rejected, and (2) whether the
motion or selection of venue was made in good faith given the
facts and law the party making the motion or selecting the venue
knew or should have known. As between the party and his or her
attorney, those expenses and fees shall be the personal liability of
the attorney not chargeable to the party.

1 Here, the Court should exercise its discretion and award defense counsel its attorneys'
2 fees and costs incurred in bringing the instant motion. Defense counsel, Michael Bruno,
3 contacted Plaintiff's counsel, Lara Hutner, both after the filing of the initial Complaint and the
4 FAC, and offered to stipulate to a change of venue from Alameda County to Santa Clara County.
5 (See Declaration of Pamela Y. Ng ["Ng Dec.,"] at Exhibits 1, 2.) In doing so, Mr. Bruno detailed
6 the reasons and pertinent legal authorities supporting the proposed change of venue. (*Id.*) Ms.
7 Hutner, however, twice refused to so stipulate. (*Id.*) Thus, the first condition for awarding
8 sanctions has been met.

9 The second condition for awarding sanctions has also been met because it cannot
10 reasonably be concluded that Ms. Hutner selected the current venue in good faith. Ms. Hutner
11 has stated in the press, to KTVU, that she decided to file suit in Alameda County because she
12 believes it is "a more favorable jurisdiction than Santa Clara County." (See Ng Dec. at Exhibit
13 3.)

14 Quite consistently, this improper motive for selecting the current venue is evident from
15 the face of the FAC. As discussed above, none of the facts pled in support of the FEHA causes
16 of action occurred in Alameda County. Moreover, Ms. Hutner acknowledged explicitly in the
17 "Venue" section of the FAC that she had knowledge of FEHA's special venue provision. (FAC
18 at ¶51.)³ Nonetheless, she did not, and could not have alleged, that any of the facts pled in
19 support of the alleged "unlawful practices" under the FEHA occurred in Alameda County. She
20 merely asserted, vaguely, that "records" relevant to Plaintiff's "claims" are maintained at her
21 home and in Surgeon's possession in Alameda County. (*Id.*) It is obvious that Ms. Hutner
22 deliberately pled these "venue-related" allegations in a vague fashion for the purpose of
23 preventing the Court (and Defendant SHC) from determining what precisely what kind of
24 "records" and what specific "claims" are being referenced. This is evident, because Ms. Hutner
25 was able to specifically plead in the other (non-venue specific) portions of the FAC that these
26 "records" consist of alleged falsified "crash cart" records and cell phone bills that were not
27 reimbursed. (*Id.* at ¶¶5, 9-12, 79, 83-84, 87-88, 307-308, 333.) As noted above, these records do

28 ³ Plaintiff's initial Complaint also specifically identified FEHA's special venue provision.

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1 not relate to Plaintiff's FEHA claims, but rather, to her *non-FEHA* claims for whistleblower
2 retaliation and wage and hour violations. (*Id.* at ¶¶196-199, 205-208, 305-306.)

3 Finally, even if Ms. Hutner did not have knowledge that she selected the wrong venue at
4 the time that she filed the initial Complaint, she certainly knew by the time that she filed the
5 FAC, as defense counsel had already offered to stipulate to a change of venue and provided the
6 reasons for the proposal. Yet, to date, Ms. Hutner still will not stipulate to transfer the case to
7 Santa Clara County, where the alleged "unlawful practices" under FEHA occurred. As Ms.
8 Hutner had no reasonable basis to reject the offer to stipulate, and could have prevented the filing
9 of this motion and its associated costs, an award of sanctions against Ms. Hutner in the amount
10 of \$6,350 is proper. (See Ng Dec. at ¶7.)

11 **V. CONCLUSION**

12 Pursuant to Government Code section 12965(b), Defendant SHC respectfully requests
13 that this Court transfer venue of this action to Santa Clara County Superior Court.

14 Dated: October 17, 2017

GORDON REES SCULLY MANSUKHANI,
LLP

15
16
17 By: 

MICHAEL D. BRUNO
ALYSON S. CABRERA
PAMELA Y. NG

Attorneys for Defendant
STANFORD HEALTH CARE



By Fax

OCT 17 2017

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 15 STANFORD HEALTH CARE

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 10 IN AND FOR THE COUNTY OF ALAMEDA

Gordon & Rees LLP
 275 Battery Street, Suite 2000
 San Francisco, CA 94111

12 QIQIUIA YOUNG, an individual
 13
 14 Plaintiff,
 15
 16 vs.
 17 THE LELAND STANFORD JUNIOR
 18 UNIVERSITY; STANFORD HEALTH
 19 CARE; STANFORD HOSPITAL AND
 20 CLINICS; CHANRATH FLORES; and
 21 DOES 1 through 10, inclusive,
 22
 23 Defendants.

) CASE NO. RG17877051
)
) **[PROPOSED] ORDER GRANTING**
) **DEFENDANT'S MOTION TO**
) **TRANSFER VENUE AND MOTION**
) **FOR SANCTIONS**
)
) *Accompanying papers: Notice of Motion*
) *and Motion; Memorandum of Points and*
) *Authorities; Request for Judicial Notice;*
) *Declarations of Suzanne Harris and*
) *Pamela Ng*
) Date: November 28, 2017
) Time: 3:00 p.m.
) Dept.: 23
) Judge: Brad Seligman
) Reservation No.: R-1899966
) Complaint Filed: September 28, 2017
)
)

24 The Motions of Defendant STANFORD HEALTH CARE for an Order transferring this
 25 matter to the Superior Court of California for the County of Santa Clara and for an Order
 26 granting sanctions came on for hearing in Department 23 of this Court located 1221 Oak Street,
 27 Oakland, California, the Honorable Brad Seligman, presiding.

28 Having read and considered the moving and opposition papers, and having heard the

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1 arguments of counsel, the Court finds that the motion to transfer venue is proper under
2 Government Code section 12965(b) because the alleged FEHA-related conduct occurred at
3 Stanford Health Care which is located in Santa Clara County, and because the records relating to
4 the causes of action alleged under FEHA are also maintained with Plaintiff's employer, SHC, in
5 Santa Clara County.

6 In addition, the Court finds that Defendant reasonably offered to stipulate to transfer
7 venue to Santa Clara County, but Plaintiff's counsel unreasonably rejected the offer not once but
8 twice. The Court further finds that Plaintiff's selection of venue was not made in good faith
9 given the facts and law which were known, or should have known, by Plaintiff's counsel.

10 **THEREFORE, IT IS ORDERED** that Defendant's motion to transfer venue is
11 **GRANTED**. This action shall be transferred to the Superior Court of California for the County
12 of Santa Clara for all further proceedings.

13 It is further **ORDERED** that Plaintiff's counsel is sanctioned in the amount of \$6,350.00,
14 payable to Defendant's counsel in Trust for Stanford Health Care within fifteen (15) days of the
15 date of this Order, based upon the amount of fees and costs Defendant reasonably incurred in
16 bringing the instant motion.

17 **IT IS SO ORDERED.**

18
19 Dated: _____, 2017

Honorable Brad Seligman
Judge of the Superior Court



By Fax

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FILED
ALAMEDA COUNTY
 OCT 17 2017

CLERK OF THE SUPERIOR COURT
 By _____

7 Attorneys for Defendant
 8 STANFORD HEALTH CARE

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 11 IN AND FOR THE COUNTY OF ALAMEDA

Gordon & Rees LLP
 655 University Avenue, Suite 200
 Sacramento, CA 95825

12 QIQIUIA YOUNG, an individual,
 13 Plaintiff,
 14 vs.
 15 THE LELAND STANFORD JUNIOR
 UNIVERSITY; STANFORD HEALTH CARE;
 16 STANFORD HOSPITAL AND CLINICS;
 CHANRATH FLORES; and DOES 1 through
 17 10, inclusive,
 18 Defendants.

CASE NO. RG17877051
**REQUEST FOR JUDICIAL NOTICE IN
 SUPPORT OF DEFENDANT'S MOTION
 TO TRANSFER VENUE AND MOTION
 FOR SANCTIONS; MEMORANDUM
 OF POINTS AND AUTHORITIES;
 DECLARATION OF ALYSON
 CABRERA**
*Accompanying papers: Notice of Motion and
 Motion; Memorandum of Points and
 Authorities; Declarations of Suzanne Harris
 and Pamela Ng; Proposed Order*
 Date: November 28, 2017
 Time: 3:00 p.m.
 Dept.: 23
 Judge: Brad Seligman
 Reservation No.: R-1899966
 Complaint Filed: September 28, 2017

Gordon & Rees LLP
655 University Avenue, Suite 200
Sacramento, CA 95825

1 REQUEST FOR JUDICIAL NOTICE

2 Pursuant to Evidence Code sections 452 and Rule of Court, rule 3.1306, subdivision (c),
3 Defendant Stanford Health Care ("Defendant"), by and through its attorneys, hereby request the
4 Court to take judicial notice of the following documents:

- 5 1. Plaintiff's Department of Fair Employment and Housing ("DFEH") complaint
6 filed on December 14, 2015. See **Exhibit A** to the Declaration of Alyson Cabrera.
7 2. Plaintiff's amended DFEH complaint filed on January 15, 2016. See **Exhibit B** to
8 the Declaration of Alyson Cabrera.
9 3. Plaintiff's DFEH complaint filed on September 2, 2016. See **Exhibit C** to the
10 Declaration of Alyson Cabrera.

11 II. MEMORANDUM OF POINTS AND AUTHORITIES

12 Evidence Code section 452(c) permits the Court to take judicial notice of "official acts"
13 of a state agency. This provision has been invoked routinely to take judicial notice of reports of
14 public agencies. (See *Fowler v. Howell* (1996) 42 Cal.App.4th 1746, 1750 [court can take
15 judicial notice of records and files of state administrative agencies]; *C.R. v. Tenet Healthcare*
16 *Corp.* (2009) 169 Cal.App.4th 1094, 1102; *Hogen v. Valley Hospital* (1983) 147 Cal.App.3d
17 119, 125-26.) The Court of Appeal has specifically taken judicial notice of DFEH complaints.
18 (*Harris v. Civil Serv. Com.* (1998) 65 Cal.App.4th 1356, 1371, n. 4 [taking judicial notice of
19 DFEH complaint]; *Medix Ambulance Service, Inc. v. Superior Court of Orange County* (2002)
20 97 Cal.App.4th 109, 113 [noting trial court took judicial notice of DFEH complaint and using the
21 complaint to form the basis of its decision].)

22 Here, the Court may take judicial notice of the filing date of the DFEH complaints and
23 the allegations made therein. Defendant does not ask the Court to take judicial notice of the truth
24 of any facts contained within the DFEH complaints. This evidence is relevant to the motion to
25 transfer venue as it shows that the allegations in the FAC asserted against the individual
26 defendant, Chanrath Flores, and which allegedly occurred in Alameda County, are not referenced
27 in the DFEH complaints. Therefore, it is evident that such allegations are not related to the
28 alleged "unlawful practices" comprising the Fair Employment and Housing Act claims asserted

1 in the FAC.

2 In accordance with the foregoing authority, Defendant's Request for Judicial Notice in
3 support of its Motion to Transfer Venue and Motion for Sanctions should be granted.
4

5 Dated: October 17, 2017

GORDON REES SCULLY MANSUKHANI,
LLP



By: _____
MICHAEL D. BRUNO
ALYSON S. CABRERA
PAMELA Y. NG
Attorneys for Defendant
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1 **DECLARATION OF ALYSON CABRERA IN SUPPORT OF DEFENDANTS'**
2 **REQUEST FOR JUDICIAL NOTICE**

3 I, Alyson S. Cabrera, declare as follows:

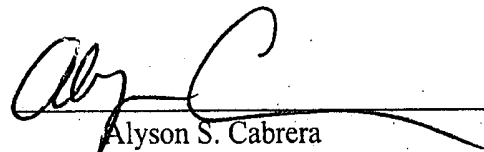
4 1. I am a Partner in the law firm of Gordon Rees Scully Mansukhani, LLP counsel
5 of record for Defendant, Stanford Health Care in this action. I have personal knowledge of the
6 matters set forth in this Declaration and if called as a witness, I could and would testify
7 competently to the matters set forth in this Declaration.

8 2. Attached hereto as **Exhibit A** is a true and correct copy of Plaintiff's Department
9 of Fair Employment and Housing ("DFEH") complaint filed on December 14, 2015.

10 3. Attached hereto as **Exhibit B** is a true and correct copy of Plaintiff's amended
11 DFEH complaint filed on January 15, 2016.

12 4. Attached hereto as **Exhibit C** is a true and correct copy of Plaintiff's DFEH
13 complaint filed on September 2, 2016.

14 I declare under penalty of perjury under the laws of the State of California that the
15 foregoing is true and correct. Executed this 17 day of October 2017.

16
17
18 
19 Alyson S. Cabrera

Gordon & Rees LLP
655 University Avenue, Suite 200
Sacramento, CA 95825

EXHIBIT A

1 **COMPLAINT OF EMPLOYMENT DISCRIMINATION**
2 **BEFORE THE STATE OF CALIFORNIA**
3 **DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING**
4 **Under the California Fair Employment and Housing Act**
5 **(Gov. Code, § 12900 et seq.)**

6 In the Matter of the Complaint of DFEH No. 622147-199503
7 Qiquia Young, Complainant.
8 4973 Central Avenue Apt. 246
9 Fremont, California 94536

10 vs.

11 The Leland Stanford Junior University,
12 Respondent.
13 Office Of The President Building 10 Stanford
14 University
15 Stanford, California 94305

16 Complainant alleges:

- 17 1. Respondent **The Leland Stanford Junior University** is a **Private College/University** subject to suit under
18 the California Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.). Complainant believes
19 respondent is subject to the FEHA.
- 20 2. On or around **December 11, 2015**, complainant alleges that respondent took the following adverse actions
21 against complainant: **Discrimination, Harassment, Retaliation Denied a work environment free of**
22 **discrimination and/or retaliation, Denied equal pay, Denied promotion, .** Complainant believes respondent
23 committed these actions because of their: **Association with a member of a protected class, Color,**
24 **Engagement in Protected Activity, Race, Sex- Gender, Other (reporting patient health, safety and**
25 **privacy concerns).**
- 26 3. Complainant **Qiquia Young** resides in the City of **Fremont, State of California**. If complaint includes co-
27 respondents please see below.

1
2 **Co-Respondents:**

3 Stanford Hospital And Clinics

4 300 Pasteur Dr.
5 Stanford California 94305

6 Stanford Health Care

7 300 Pasteur Dr.
8 Stanford California 94305

9 Natalie Burazon
10 173 Fairmont Avenue
11 San Carlos California 94707

12 Elizabeth Dobbins
13 1600 Villa Street Apt. 288
14 Mountain View California 94041

15 Tim Svozil
16 1442 Gordon Street Apt. 8
17 Redwood City California 94061

18 Kathryn Bailey
19 25673 Paul Court
20 Hayward California 94541
21
22

Date Filed: December 14, 2015

Date Amended: December 15, 2015

1
2 **Additional Complaint Details:**

3 I have been subjected to an ongoing pattern and practice of harassment, discrimination,
4 and retaliation as a result of my protected status as a woman of color (African-
5 American) and protected activities. I have further been subjected to disparate impact
6 discrimination as the result of my protected status. On December 15, 2014, a co-worker
7 informed me that my co-workers, Stanford employees Elizabeth Dobbins and Natalie
8 Burazon were "not (my) friends" and had dressed like the Klu Klux Klan while in the
9 Stanford Cancer Clinic and circulated a photograph of the same. On information and
10 belief, this conduct was known and sanctioned by my supervisor, Stanford Assistant
11 Clinic Manager, Tim Svozil. I felt threatened and subject to a hostile work environment
12 as a result of being an African-American woman and reported the same to Kim Ko of
13 Human Resources and Stanford Cancer Center Director of Clinical Operations, Kathryn
14 Bailey. Almost immediately, I was subjected to increased discrimination, harassment
15 and retaliation, including, but not limited to, heightened scrutiny of my performance and
16 attendance, increased performance expectations, increased responsibilities (coupled
17 with denial of support in execution of my duties), denial of promotional opportunities,
18 denial of pay commensurate with my experience, denial of pay increases, denial of title,
19 denial of overtime pay for hours worked, denial of meal and rest periods, and
20 defamation. In addition, when Dr. Kim Rhoads, an African-American woman surgeon,
21 supported me in making my complaint, Stanford altered the terms and conditions of my
22 employment (and hers) by closing the clinic of Dr. Rhoads, where I worked, and now
when I work with Dr. Rhoads, I am not scheduled to take a lunch and often cannot do
so. I also brought to the attention of management that I was not being paid for overtime
I was due, which resulted in further discrimination, harassment and retaliation. I also
voiced my complaints to Sri Seshadri, Vice President of Stanford Cancer Care Service,
but nothing improved, and, instead, things worsened. In fact, following my protected
complaints, my concerns about patient safety, including, but not limited to, my concerns
that our immune-compromised cancer patients were being exposed to active
tuberculosis and scabies in the Stanford Cancer Clinic, went unheeded and
unremedied, and led to further discrimination, harassment and retaliation, including, but
not limited to, being forced to keep quiet about patient health and safety concerns,
heightened scrutiny of my performance and attendance, increased performance
expectations, increased responsibilities (coupled with denial of support in execution of
my duties), denial of promotional opportunities, denial of pay commensurate with my
experience, denial of pay increases, denial of title, denial of overtime pay for hours
worked, denial of meal and rest periods, and defamation. Moreover, I expressed
concern that - in response to a co-worker photographing the genitals of a Stanford
patient for personal use and circulating the photograph without patient knowledge or
consent (constituting a gross violation of privacy and HIPAA rights) - whereas Stanford

provided HIPAA training in response to that incident, Stanford failed to provide any anti-harassment training or take other measures to prevent future incidents of harassment or hate-based activity in the workplace. After expressing this concern, I was subject to further discrimination, harassment and retaliation, including, but not limited to, heightened scrutiny of my performance and attendance, increased performance expectations, increased responsibilities (coupled with denial of support in execution of my duties), denial of promotional opportunities, denial of pay commensurate with my experience, denial of pay increases, denial of title, denial of overtime pay for hours worked, denial of meal and rest periods, and defamation. On information and belief, in addition to those named above, the Stanford employees responsible for the ongoing pattern and practice of discrimination, retaliation, harassment and defamation I have suffered include Sri Seshadri, Patty Falconer, Director of Clinical Operations, Matthew Burke, GI Oncology Nurse Manager, Jennifer Landes, GI Oncology Nurse Manager, Nina Nand, Assistant Clinic Manager, and Christina Guijarro, Assistant Clinic Manager and various male surgeons.

Date Filed: December 14, 2015

Date Amended: December 15, 2015

1 VERIFICATION

2 I, **Lara Villarreal Hutner**, am the Attorney for Complainant in the above-entitled complaint. I have read the
3 foregoing complaint and know the contents thereof. The same is true of my own knowledge, except as to those
4 matters which are therein alleged on information and belief, and as to those matters, I believe it to be true.

5 On December 14, 2015, I declare under penalty of perjury under the laws of the State of California that the
6 foregoing is true and correct.

7 **San Francisco, California**
8 **Lara Villarreal Hutner**

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EXHIBIT B

1 **COMPLAINT OF EMPLOYMENT DISCRIMINATION**

2 **BEFORE THE STATE OF CALIFORNIA**

3 **DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING**

4 **Under the California Fair Employment and Housing Act**
5 **(Gov. Code, § 12900 et seq.)**

6 In the Matter of the Complaint of
7 Qiquia Young, Complainant.
8 4973 Central Avenue Apt. 246
9 Fremont, California 94536

DFEH No. 622147-204131

9 vs.

10 The Leland Stanford Junior University,
11 Respondent.
12 Office Of The President Building 10 Stanford
13 University
14 Stanford, California 94305

15 Complainant alleges:

16 1. Respondent **The Leland Stanford Junior University** is a **Private College/University** subject to suit under
17 the California Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.). Complainant believes
respondent is subject to the FEHA.

18 2. On or around **January 15, 2016**, complainant alleges that respondent took the following adverse actions
19 against complainant: **Discrimination, Harassment, Retaliation Denied a work environment free of**
20 **discrimination and/or retaliation, Other, Overworked, defamed, bullied, retaliated against, and harassed**
21 **by my managers, Christina Guijarro and Matt Burke.** Complainant believes respondent committed these
22 actions because of their: **Association with a member of a protected class, Color, Engagement in Protected**
Activity, Race, Sex- Gender, Other (reporting a co-workers use of the N-word in my presence at work,
reporting Stanfords patient health, safety and privacy concerns, and reporting wage and hour
violations).

3. Complainant **Qiquia Young** resides in the City of **Fremont, State of California**. If complaint includes co-
respondents please see below.

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Co-Respondents:

Stanford Hospital And Clinics

300 Pasteur Drive
Stanford California 94305

Stanford Health Care

300 Pasteur Dr.
Stanford California 94305

Matthew Burke
875 Blake Wilbur Drive
Stanford California 94305

Christina Gujjarro
875 Blake Wilbur Drive
Stanford California 94305

Date Filed: January 15, 2016

Date Amended: January 15, 2016

1
2 **Additional Complaint Details:**

3 On December 16, 2015, I gave Stanford notice of my DFEH Complaint resulting from
4 the ongoing pattern and practice of harassment, discrimination, and retaliation that I
5 have experienced as a result of my protected status as a woman of color (African-
6 American), my association with Dr. Kim Rhoads (an African-American woman surgeon),
7 my complaint regarding my co-worker dressing like the Klu Klux Klan at work and the
8 handling by Stanford of the same, as well as my complaints to management, including
9 Sri Seshadri, Vice President of Stanford Cancer Care Service, regarding patient health
10 and safety concerns, complaints regarding discrimination, harassment, and retaliation,
11 including being forced to keep quiet about patient health and safety concerns,
12 heightened scrutiny of my performance and attendance, increased performance
13 expectations, increased responsibilities (coupled with denial of support in execution of
14 my duties), denial of promotional opportunities, denial of pay commensurate with my
15 experience, denial of pay increases, denial of title, denial of overtime pay for hours
16 worked, denial of meal and rest periods, defamation, and my concern that - in response
17 to a co-worker photographing the genitals of a Stanford patient for personal use and
18 circulating the photograph without patient knowledge or consent (constituting a gross
19 violation of privacy and HIPAA rights) - whereas Stanford provided HIPAA training in
20 response to that incident, Stanford failed to provide any anti-harassment training or take
21 other measures to prevent future incidents of harassment or hate-based activity in the
22 workplace. On January 4, 2016, I reported to Human Resources that, among other
things, after Christmas my co-worker used the N-word in my presence at work. Also, on
information and belief, Dr. Kim Rhoads supported me by castigating management for
not promptly investigating my complaint regarding use of the N-word at work. After my
complaint and those of Dr. Rhoads, and after putting Stanford on notice of my
DFEH Complaint on December 16, 2015, I have been subjected to further and
increased discrimination, retaliation, bullying, and harassment based on my race,
gender, association with Dr. Rhoads, and protected activities. For example, on
Wednesday, January 13, 2016, I was bullied, intimidated and falsely imprisoned by my
managers Christina Guijarro and Matt Burke when they reprimanded me and, when I
told them I did not feel safe in the room with them and was going to leave, Burke
refused to let me leave and instead told me "You are not going to leave." I continued,
and continue, to be subjected to bullying and harassment by Guijarro and Burke,
including their false statements regarding my professionalism, accusations of
insubordination, defamation, and unequal treatment of those who are not in my
protected categories. On information and belief, Dr. Rhoads has raised the issue of their
ongoing harassment and bullying of me to upper management, including Sri Seshadri,
Patty Falconer, Director of Clinical Operations, Eben Rosenthal, Medical Director of the
Cancer Center, and Brendan Visser, Medical Director, Cancer Center GI Clinical Care

Program, but rather than remedying the harassment by Guijarro and Burke, it has only increased.

Date Filed: January 15, 2016

Date Amended: January 15, 2016

1 VERIFICATION

2 I, **Lara Villarreal Hutner**, am the Attorney for Complainant in the above-entitled complaint. I have read the
3 foregoing complaint and know the contents thereof. The same is true of my own knowledge, except as to those
4 matters which are therein alleged on information and belief, and as to those matters, I believe it to be true.

5 On January 15, 2016, I declare under penalty of perjury under the laws of the State of California that the
6 foregoing is true and correct.

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San Francisco, California
Lara Villarreal Hutner

1 PROOF OF SERVICE

2 STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO

3 At the time of service, I was over 18 years of age and not a party to this action. I am
4 employed in the County of San Francisco, State of California. My business address is 575 Market
Street, Suite 1700, San Francisco, CA 94105.

5 On January 15, 2016, I served true copies of the following document(s) described as

- 6 • **AMENDED DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING
7 (DFEH) COMPLAINT**

8 on the interested parties in this action as follows:

9 The Leland Stanford Junior University
10 Office of the President, Bldg. 10 Main Quad
Stanford, CA 94305

11 **BY MAIL:** I enclosed the document(s) in a sealed envelope or package addressed to the
12 persons at the addresses listed in the Service List and placed the envelope for collection and
13 mailing, following our ordinary business practices. I am readily familiar with the practice of
14 Villarreal Hutner PC for collecting and processing correspondence for mailing. On the same day
15 that correspondence is placed for collection and mailing, it is deposited in the ordinary course of
business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I
am a resident or employed in the county where the mailing occurred. The envelope was placed in
the mail at San Francisco, California.

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

18 Executed on January 15, 2016, at San Francisco, California.

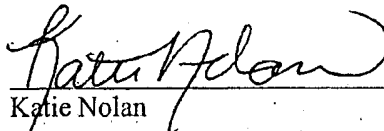
19 
20 Katie Nolan

EXHIBIT C

1 COMPLAINANT OF EMPLOYMENT DISCRIMINATION
2 BEFORE THE STATE OF CALIFORNIA
3 DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING
4 Under the California Fair Employment and Housing Act
(Gov. Code, § 12900 et seq.)
5

6 In the Matter of the Complaint of
7 Qiqunia Young, Complainant.
8 4973 Central Avenue, Apt. 246
9 Fremont, California 94536

DFEH No. 807960-249028

9 vs.

10 The Leland Stanford Junior University,
11 Respondent.
12 Office Of The President Building 10 Stanford
13 University
Stanford, California 94305

14
15 Complainant alleges:

16 1. Respondent The Leland Stanford Junior University is a Private College/University subject to suit under
17 the California Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.). Complainant believes
respondent is subject to the FEHA.

18 2. On or around September 02, 2016, complainant alleges that respondent took the following adverse actions
19 against complainant: **Discrimination, Harassment, Retaliation Demoted, Denied a work environment free
20 of discrimination and/or retaliation, Denied or forced to transfer, Other, I have been subjected to a witch
21 hunt. I have received caustic, harassing, and retaliatory emails from Stanford management, including
22 Patricia Falconer, Matthew Burke, and Christina Guijarro, while off work and in my home in Fremont,
trumping up false allegations against me and baseless investigations into these false allegations. In the
end, I received a false disciplinary write up for conduct that others similarly engage in, and have engaged
in, for years without issue. In addition, instead of investigating any of my complaints, management began
including Stanford's employment attorney in emails expressing my concerns as an intimidation tactic to
silence me. Stanford removed me from the Cancer Center then tried to deny me employment.
Specifically, management forced me to reapply for my position, but then posted my position as one with
greater education and experience requirements than previously required and than I had. When I told
management, they professed to have no knowledge of the requirements, and claimed that my new**

DFEH 802-1

-5-

Complaint - DFEH No. 807960-249028

Date Filed: September 02, 2016

Date Amended: September 06, 2016

manager had drafted the job posting. When I spoke to that manager, she informed me that, not only had she not drafted the job posting, she did not know of it, and in fact she had told my Stanford Cancer Center managers that I did not need to reapply for the position, but only needed to let Human Resources know of my transfer to another location.

I continue to be defamed, and Stanford returned the employee who used the word "nigga" in my presence to the Cancer Center after I was removed. I was transferred to a location further from my home, and as a result I am forced to drive to work as opposed to being able to use the free Stanford shuttle that I previously used. The transfer to a new location requires that I set up the new Pelvic Floor Clinic as if I were a manager (yet does not compensate me for that work), requires that I train new employees (though I am not a trainer), requires that I work with others who, through lack of training with the equipment, put Stanford patients at risk during procedures on which I am the technician (such as recently exploding a balloon inside the rectum of a Stanford patient). Since my transfer I have had the egregious errors of others (such as the recent explosion of a balloon in the anus of a Stanford patient) ascribed, in part, to me. I have been forced to put my hand in the toilet and sift through patient feces. I have been forced to lie to patients about why Stanford is cancelling their appointments following the explosion of a balloon in the anus of a Stanford patient. I am forced to work without guidance from a qualified professional, effectively ending any potential for upward mobility. Stanford employees have been referring Pelvic Floor Clinic patients to UCSF in an effort to eliminate the Pelvic Floor Clinic and, as a result, my job. I am being told by my manager that I need to find work elsewhere in order to have any job security. I am being forced to work in a new department that changes my hours such that I am now required to commute during peak traffic such that I spend more of my days driving in traffic and have my child in day care longer. I am being forced to work with employees at the new location who do not wash their hands and throw away Patient Health Information in the trash, a clear HIPAA violation, yet I feel forced to stay silent because I fear for my job and I fear for increased harassment and retaliation. Complainant believes respondent committed these actions because of their: Association with a member of a protected class, Color, Engagement in Protected Activity, Race, Sex - Gender, Other reporting use of the word "nigga" in the Stanford Cancer Center, reporting Stanford Cancer Center patient health and safety concerns, including, but not limited to, reuse of feces covered rubber bands and feces left dripping on the floor during a patient wound care procedure, reporting threatening behavior directed at me, and gang ties of, manager Christina Guijarro, reporting wage and hour violations, filing prior DFEH charges, reporting Stanford patient health and safety violations to the Joint Commission and the California Department of Public Health, and because Dr. Gilbert Chu of Stanford has brought the discrimination, harassment and retaliation of me to the attention of Stanford managing agents, including, on information and belief, to Stanford President John Hennessey and former CEO of Stanford HealthCare, Mariann Byerwalter.

3. Complainant Qiquia Young resides in the City of Fremont, State of California. If complaint includes co-respondents please see below.

Date Filed: September 02, 2016

Date Amended: September 06, 2016

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Co-Respondents:

Stanford Hospital And Clinics

300 Pasteur Drive
Stanford California 94305

Stanford Health Care

300 Pasteur Dr.
Stanford California 94305

Date Filed: September 02, 2016

Date Amended: September 06, 2016

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Additional Complaint Details:

The continuing harassment, discrimination, defamation and retaliation occurred after and has continued since I filed the prior DFEH Charges in December of 2015 and January of 2016, and reported use of the word "nigga" in the Stanford Cancer Center, reported Stanford Cancer Center patient health and safety concerns, including, but not limited to, reuse of feces covered rubber bands and feces left dripping on the floor during a patient wound care procedure, reported threatening behavior directed at me, and gang ties of manager Christina Guijarro, reported wage and hour violations, reported Stanford patient health and safety violations to the Joint Commission and the California Department of Public Health, and following Dr. Chu bringing the discrimination, harassment and retaliation of me to the attention of Stanford managing agents, including, on information and belief, to Stanford President John Hennessey and former CEO of Stanford HealthCare, Mariann Byerwalter.

1 VERIFICATION

2 I, **Lara Villarreal Hutner**, am the Attorney for Complainant in the above-entitled complaint. I have read the
3 foregoing complaint and know the contents thereof. The same is true of my own knowledge, except as to those
4 matters which are therein alleged on information and belief, and as to those matters, I believe it to be true.

5 On September 02, 2016, I declare under penalty of perjury under the laws of the State of California that the
6 foregoing is true and correct.

7 **San Francisco, California**
8 **Lara Villarreal Hutner**
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By Fax

1 MICHAEL D. BRUNO (SBN 166805)
 2 mbruno@gordonrees.com
 3 ALYSON S. CABRERA (SBN 222717)
 4 acabrera@gordonrees.com
 5 PAMELA Y. NG (SBN 273036)
 6 png@gordonrees.com
 7 GORDON REES SCULLY MANSUKHANI LLP
 8 Embarcadero Center West
 9 275 Battery Street, Suite 2000
 10 San Francisco, CA 94111
 11 Telephone: (415) 986-5900
 12 Facsimile: (415) 986-8054

FILED
ALAMEDA COUNTY

OCT 17 2017

CLERK OF THE SUPERIOR COURT

By

Attorneys for Defendant
STANFORD HEALTH CARE

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF ALAMEDA

Gordon & Rees LLP
275 Battery Street, Suite 2000
San Francisco, CA 94111

13 QIQUIA YOUNG, an individual
14
15 Plaintiff,

16 vs.

17 THE LELAND STANFORD JUNIOR
18 UNIVERSITY; STANFORD HEALTH
19 CARE; STANFORD HOSPITAL AND
20 CLINICS; CHANRATH FLORES; and
21 DOES 1 through 10, inclusive,
22 Defendants.

) CASE NO. RG17877051
)
) **DEFENDANT'S NOTICE OF**
) **MOTION AND MOTION TO**
) **TRANSFER VENUE AND MOTION**
) **FOR SANCTIONS**
)
) *Accompanying papers: Memorandum of*
) *Points and Authorities; Request for*
) *Judicial Notice; Declarations of Suzanne*
) *Harris and Pamela Ng; Proposed Order*
)
) Date: November 28, 2017
) Time: 3:00 p.m.
) Dept.: 23
) Judge: Brad Seligman
) Reservation No.: R-1899966
) Complaint Filed: September 28, 2017

23 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

24 PLEASE TAKE NOTICE THAT on November 28, 2017 at 3:00 p.m. Department 23
 25 before the Honorable Brad Seligman of the Alameda Superior Court located at 1221 Oak Street,
 26 Oakland, California, Defendant STANFORD HEALTH CARE ("Defendant") will and hereby do
 27 move this Court for an Order granting this Motion to Transfer Venue and transferring this case
 28 from this Court to the Santa Clara County Superior Court and for an Order granting this Motion

1 for Sanctions, pursuant to Government Code section 12965(b), Code of Civil Procedure sections
2 396b(a) and (b), and 397(a) and (c).

3 In making these Motions, Defendant makes a special appearance in Department 23
4 because Plaintiff requested that the court designate the action as a complex case in her Civil Case
5 Cover Sheet. Defendant reserves the right to file a counter Civil Case Cover Sheet designating
6 the action as not a complex case.

7 Defendant's Motion for Transfer of Venue is made pursuant to Government Code section
8 12965(b), Code of Civil Procedure sections 396b(a) and 397(a) and (c), and on the grounds that
9 the Alameda County Superior Court is not the proper venue because: (1) Plaintiff QIQUIA
10 YOUNG'S ("Plaintiff") First Amended Complaint ("FAC") does not allege facts demonstrating
11 that the alleged "unlawful practices" under FEHA occurred in Alameda County; and (2) the FAC
12 does not contain facts demonstrating that records related to the alleged "unlawful practices"
13 under FEHA are maintained in Alameda County.

14 To the contrary, pursuant to Government Code section 12965(b), Code of Civil Procedure
15 sections 396b(a) and 397(a) and (c), venue in Santa Clara County is proper because: (1) the
16 allegations related to Plaintiff's FEHA claims arose at Plaintiff's place of employment, Stanford
17 Health Care, which is located in Santa Clara County; (2) the records relevant to Plaintiff's FEHA
18 claims are maintained in Santa Clara County; and (3) the convenience of witnesses and the ends
19 of justice would be promoted by having the trial of this matter in Santa Clara County. Therefore,
20 this matter should be transferred to the Santa Clara County Superior Court, where venue is
21 proper.

22 Defendant's Motion for Sanctions is made pursuant to Code of Civil Procedure section
23 396b(b), and on the grounds that: (1) Defendant reasonably made an offer to stipulate to change
24 of venue to Santa Clara County based on the facts and law discussed above; (2) Plaintiff rejected
25 the offer; and (3) Plaintiff's counsel had express knowledge of FEHA's special venue statute
26 (Government Code section 12965(b)) as identified in the FAC and either did, or should have
27 known, based on the controlling authorities and parties' meet and confer exchanges that she
28 selected the wrong venue. Pursuant to Code of Civil Procedure section 396b(b), which states

Gordon & Rees LLP
275 Battery Street, Suite 2000
San Francisco, CA 94111

1 that the prevailing party's reasonable expenses and attorney's fees incurred in making the motion
2 "shall be the personal liability of the attorney," Defendant requests that Ms. Hutner to pay for
3 their attorneys' fees and costs incurred in bringing the instant Motions in the amount of
4 \$6,350.00.

5 These Motions are based upon this Notice; the attached Memorandum of Points and
6 Authorities; the Declarations of counsel and witnesses; any exhibits submitted in support of these
7 Motions; all pleadings, exhibits, and records on file with the Court in this action; all papers
8 lodged with the Court in this action; any matter of which this Court may take judicial notice; any
9 further oral or documentary evidence which may be presented at the hearing of the Motion to
10 Transfer Venue and Motion for Sanctions; and other or further matters or evidence which this
11 Court may consider.

12 Dated: October 17, 2017

GORDON REES SCULLY MANSUKHANI,
LLP

13
14
15 By:



MICHAEL D. BRUNO
ALYSON S. CABRERA
PAMELA Y. NG

Attorneys for Defendant
STANFORD HEALTH CARE

Gordon & Rees LLP
275 Battery Street, Suite 2000
San Francisco, CA 94111

1 PROOF OF SERVICE

2 *Qiguiua Young v. The Leland Stanford Junior University, et al.*
3 Alameda County Superior Court, Case No. RG17877051

4 I am a resident of the State of California, over the age of eighteen years, and not a party
5 to the within action. My business address is: Gordon Rees Scully Mansukhani, LLP 275 Battery
6 Street, Suite 2000, San Francisco, CA 94111. On the below-mentioned date, I served the within
7 documents:

8 **DEFENDANT'S NOTICE OF MOTION AND MOTION TO TRANSFER VENUE AND
9 MOTION FOR SANCTIONS**

10 **MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF DEFENDANT'S
11 MOTION TO TRANSFER VENUE AND MOTIONS FOR SANCTIONS**

12 **DECLARATION OF PAMELA NG IN SUPPORT OF DEFENDANT'S MOTION TO
13 TRANSFER VENUE AND MOTION FOR SANCTIONS**

14 **DECLARATION OF SUZANNE HARRIS IN SUPPORT OF DEFENDANT'S MOTION
15 FOR TRANSFER OF VENUE AND MOTION FOR SANCTIONS**

16 **REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF DEFENDANT'S MOTION TO
17 TRANSFER VENUE AND MOTION FOR SANCTIONS; MEMORANDUM OF POINTS
18 AND AUTHORITIES; DECLARATION OF ALYSON CABRERA**

19 **[PROPOSED] ORDER GRANTING DEFENDANT'S MOTION TO TRANSFER VENUE
20 AND MOTION FOR SANCTIONS**

21 by placing the document(s) listed above in a sealed envelope with postage thereon
22 fully prepaid, in United States mail in the State of California at San Francisco,
23 addressed as set forth below.

24 Lara Villarreal Hutner
25 Lauren M. Cooper
26 Timothy L. Reed
27 VILLARREAL HUNTER PC
28 575 Market Street, Suite 1700
San Francisco, CA 94105
Telephone: 415-453-4200
Facsimile: 415-512-7674
Email: lhutner@vhattorneys.com
Email: lcooper@vhattorneys.com
Email: treed@vhattorneys.com
Attorneys for Plaintiffs

Christopher H. Whelan
CHRISTOPHER H. WHELAN, INC.
11246 Gold Express Drive, Suite 100
Gold River, CA 95670
Telephone: 916-635-5577
Facsimile: 916-635-9159
Email: chris@whelanlawoffices.com
Attorneys for Plaintiff

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage

1 meter date is more than one day after the date of deposit for mailing in affidavit. I declare
2 under penalty of perjury under the laws of the State of California that the above is true and
correct.

3 Executed on October 17, 2017 at San Francisco, California.

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5 Vanessa Santellan
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12 Gordon & Rees LLP
13 275 Battery Street, Suite 2000
14 San Francisco, CA 94111
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