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8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF LOS ANGELES, NORTH CENTRAL DISTRICT

10
11 JUDY FRANKLIN

12 Plaintiff,

13 vs.

14 ACME MEDICAL CORPORATION, and
15 Does 1 through 20, inclusive

16 Defendants
17

Case No.:

**COMPLAINT FOR DAMAGES:
STATUTORY CLAIM FOR
PREGNANCY DISCRIMINATION;
COMMON LAW CLAIM FOR
PREGNANCY DISCRIMINATION;
TORTIOUS DISCHARGE IN
VIOLATION OF PUBLIC POLICY;
PUNITIVE DAMAGES**

JURY TRIAL DEMANDED

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19 **COMES NOW** plaintiff JUDY FRANKLIN and alleges as follows:

20 1. Defendants Doe 1 through Doe 20, inclusive, are sued herein under fictitious names.
21 Their true names and capacities are unknown to plaintiff. When their true names and capacities
22 are ascertained, plaintiff will amend this complaint by inserting their true names and capacities
23 herein. Plaintiff is informed and believes and thereon alleges that each of the fictitiously named
24 defendants is responsible in some manner for the occurrences herein alleged, and that plaintiff's
25 damages as herein alleged were proximately caused by those defendants. Each reference in this
26 complaint to "defendant," "defendants," or a specifically named defendant refers also to all
27 defendants sued under fictitious names.

28 2. Plaintiff is informed and believes, and alleges on the basis of that information and

1 belief, that defendant ACME MEDICAL CORPORATION is a business entity whose form
2 currently is unknown to plaintiff, doing business in the City of North Hollywood, County of Los
3 Angeles, State of California.

4 3. At all pertinent times mentioned herein, defendant ACME MEDICAL
5 CORPORATION regularly employed 5 or more persons, bringing defendant employer within the
6 provisions of §12900 et seq. of the Government Code, which prohibits employers or their agents
7 from discriminating against employees on the basis of their sex, or because an employee is
8 pregnant.

9 4. Plaintiff is informed and believes and thereon alleges that at all times herein mentioned
10 defendants, and each of them, were the agents, servants and employees each of the other, acting
11 within the course and scope of said agency and employment.

12 5. Plaintiff further alleges that the employment relationship that gave rise to the
13 allegations set forth herein was entered into in California, and that the subject of said
14 employment relationship was performed in the City of North Hollywood, County of Los
15 Angeles.

16 6. During the course of her employment with defendants, plaintiff performed each and
17 every condition and covenant required on her part to be performed pursuant to said employment
18 agreement and in particular was continuously employed by defendant from on or about March
19 14, 2005, to on or about May 20, 2005.

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21 **FIRST CAUSE OF ACTION**

22 (Statutory Claim for Pregnancy Discrimination)

23 (California Government Code §12945(a))

24 7. Plaintiff realleges and incorporates the allegations of Paragraphs 1 through 6 of this
25 amended complaint, as though fully set forth herein.

26 8. The laws of the State of California, as declared by its constitution and statutory
27 schemes, prohibit, among other things, employment discrimination because of sex and/or
28 pregnancy.

1 9. At all times herein mentioned, plaintiff was employed by defendant ACME MEDICAL
2 CORPORATION, who was plaintiff's employer pursuant to 2 Cal. Code Regs. §7286.5(a).

3 10. On or about May 16, 2005, plaintiff informed her immediate supervisor, Henry Marks,
4 that she was pregnant. Approximately four days later, plaintiff was terminated.

5 11. Plaintiff alleges that at all times pertinent herein, she was a good employee who
6 performed her work duties in a conscientious and professional manner. Accordingly, it hereby
7 is alleged that defendants had no good cause or justification to discipline plaintiff or terminate
8 her employment, and that her termination was motivated by and was the result of unlawful
9 discrimination by defendants against plaintiff because of her pregnancy.

10 12. After her termination, plaintiff filed a complaint against the named defendant with the
11 Department of Fair Employment and Housing and subsequently was issued a Right-to-Sue letter.
12 A true and correct copy of said letter is attached hereto, marked as Exhibit "A," and incorporated
13 herein by reference.

14 13. As a direct, foreseeable and proximate result of defendants' wrongful acts, plaintiff has
15 suffered, and continues to suffer, losses of earnings and employment benefits, and has suffered
16 humiliation, embarrassment, mental and emotional distress and discomfort, all to her damage in
17 an amount according to proof.

18 14. Defendant's acts as herein before described were carried out by officers, directors
19 and/or managing agents of defendant, and were committed fraudulently, maliciously or
20 oppressively with the intent of injuring plaintiffs, and/or with a willful and conscious disregard
21 of plaintiff's right to work in an environment free from discrimination. Because these acts were
22 carried out by officers, directors and/or managing agents of defendant in a despicable, deliberate
23 and intentional manner, plaintiffs are entitled to recover punitive damages in a sum sufficient to
24 punish and deter future such conduct.

25 15. Plaintiff requests an award of attorney fees against defendants, and each of them.

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1 **SECOND CAUSE OF ACTION**

2 (Common Law Claim for Pregnancy Discrimination)

3 (Article I, section 8 of the California Constitution)

4 16. Plaintiff realleges and incorporates the allegations of Paragraphs 1 through 6 of this
5 amended complaint, as well as plaintiff's First Cause of Action as if set forth fully herein.

6 17. Pregnancy discrimination is a form of sex discrimination under article I, section 8 of
7 the California Constitution.

8 18. Defendants discriminated against plaintiff by terminating her employment because she
9 was pregnant.

10 19. As a direct, foreseeable and proximate result of defendants' wrongful acts, plaintiff has
11 suffered, and continues to suffer, substantial losses of earnings and employment benefits, and has
12 suffered humiliation, embarrassment, mental and emotional distress and discomfort, all to her
13 damage in an amount according to proof.

14 20. Defendant's acts as herein before described were carried out by officers, directors
15 and/or managing agents of defendant, and were committed fraudulently, maliciously or
16 oppressively with the intent of injuring plaintiffs, and/or with a willful and conscious disregard
17 of plaintiff's right to work in an environment free from discrimination. Because these acts were
18 carried out by officers, directors and/or managing agents of defendant in a despicable, deliberate
19 and intentional manner, plaintiffs are entitled to recover punitive damages in a sum sufficient to
20 punish and deter future such conduct.

21 **THIRD CAUSE OF ACTION**

22 (Tortious Discharge in Violation of Public Policy)

23 21. Plaintiff realleges and incorporates the allegations of Paragraphs 1 through 6 of this
24 complaint as well as plaintiff's First and Second Causes of Action as if set forth fully herein.

25 22. As set forth in the foregoing, on or about May 20, 2005, plaintiff was discharged from
26 her employment with defendant ACME MEDICAL CORPORATION because of her pregnancy.

27 23. Accordingly, plaintiff alleges that her employment termination was in contravention of
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1 the substantial public policy embodied in codes, statues and regulations such as Government
2 Code §12945(a) et. seq. and California Code of Regulations, title 2, §7291 et.seq., which prohibit
3 an employer from discriminating or retaliating against an employee on the basis of pregnancy.

4 24. As a direct, foreseeable and proximate result of defendants' wrongful acts, plaintiff has
5 suffered, and continues to suffer, substantial losses of earnings and employment benefits, and has
6 suffered humiliation, embarrassment, mental and emotional distress and discomfort, all to her
7 damage in an amount according to proof.

8 25. Defendant's acts as herein before described were carried out by officers, directors
9 and/or managing agents of defendant, and were committed fraudulently, maliciously or
10 oppressively with the intent of injuring plaintiffs, and/or with a willful and conscious disregard
11 of plaintiff's right to work in an environment free from discrimination. Because these acts were
12 carried out by officers, directors and/or managing agents of defendant in a despicable, deliberate
13 and intentional manner, plaintiffs are entitled to recover punitive damages in a sum sufficient to
14 punish and deter future such conduct.

15 **WHEREFORE**, based on the foregoing, plaintiff prays for relief against defendants, and
16 each of them, as follows:

17 **FIRST CAUSE OF ACTION**

- 18 1. For special damages including lost wages, lost employee benefits, bonuses, vacation
19 benefits, and general damages in an amount in excess of the minimal jurisdictional limits of this
20 court;
- 21 2. For punitive damages in a sum sufficient to deter;
- 22 3. For attorney fees as authorized by law;

23 **SECOND CAUSE OF ACTION**

- 24 4. For special damages including lost wages, lost employee benefits, bonuses, vacation
25 benefits, and general damages in an amount in excess of the minimum jurisdictional limits of this
26 court;
- 27 5. For punitive damages in a sum sufficient to deter;

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THIRD CAUSE OF ACTION

6. For special damages including lost wages, lost employee benefits, bonuses, vacation benefits, and general damages in an amount in excess of the minimum jurisdictional limits of this court;

7. For punitive damages in a sum sufficient to deter;

AS TO ALL CAUSES OF ACTION

8. For costs of suit incurred;

9. For prejudgment interest:

10. For such other and further relief as this court may deem just and proper.

Dated: October 5, 2005

JAMES W. JOHNSTON
Attorney for Plaintiff,
JUDY FRANKLIN

Plaintiff hereby demands a jury trial on all issues.

Dated: October 5, 2005

JAMES W. JOHNSTON
Attorney for Plaintiff,
JUDY FRANKLIN