

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

THE PERMANENTE FEDERATION, LLC, a corporation; Additional Parties Attachment form is attached

YOU ARE BEING SUED BY PLAINTIFF: (LO ESTÁ DEMANDANDO EL DEMANDANTE):

RICHARD DELLA PENNA

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

CONFIRMED COPY
Superior Court of California
County of Los Angeles

OCT 07 2010

John A. Clarke, Executive Officer/Clerk
By RUGENA LOPEZ Deputy

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es): Los Angeles County Superior Court

111 N. Hill Street
Los Angeles, California 90012

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Charles T. Mathews, Esq., (SBN 055889) - 2596 Mission Street, Suite 204, San Marino, CA 91108

CASE NUMBER:
(Número del Caso):

BC447015

DATE: OCT 07 2010
(Fecha)

Clerk, by
(Secretario)

, Deputy
(Adjunto)

RUGENA LOPEZ

(For proof of service of this summons, use Proof of Service of Summons (Form POS-010).)
(Para prueba de entrega de esta citación, use formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

- ☐ as an individual defendant.
- ☐ as the person sued under the fictitious name of (specify):

- ☐ on behalf of (specify):

- | | |
|--|---|
| under: <input type="checkbox"/> CCP 416.10 (corporation) | <input type="checkbox"/> CCP 416.60 (minor) |
| <input type="checkbox"/> CCP 416.20 (defunct corporation) | <input type="checkbox"/> CCP 416.70 (conservatee) |
| <input type="checkbox"/> CCP 416.40 (association or partnership) | <input type="checkbox"/> CCP 416.90 (authorized person) |
| <input type="checkbox"/> other (specify): | |

- ☐ by personal delivery on (date):

SHORT TITLE: DELLA PENNA v. KFHP, et al.	CASE NUMBER:
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INSTRUCTIONS FOR USE

- This form may be used as an attachment to any summons if space does not permit the listing of all parties on the summons.
- If this attachment is used, insert the following statement in the plaintiff or defendant box on the summons: "Additional Parties Attachment form is attached."

List additional parties (Check only one box. Use a separate page for each type of party.):

☐ Plaintiff ☒ Defendant ☐ Cross-Complainant ☐ Cross-Defendant

KAISER FOUNDATION HEALTH PLAN, INC. a corporation, KAISER FOUNDATION HOSPITALS, a corporation, SCOTT YOUNG, an individual, and Does 1 through 10, inclusive

CONFIRMED COPY

Superior Court of California
County of Los Angeles

OCT 07 2010

John A. Clarke, Executive Officer/Clerk
By RUGENA LOPEZ, Deputy

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Attorneys for Plaintiff,
RICHARD DELLA PENNA, M.D.

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

BC447015

RICHARD DELLA PENNA,

CASE NO.

COMPLAINT:

Plaintiff,

vs.

THE PERMANENTE FEDERATION, LLC,
a corporation, KAISER FOUNDATION)
HEALTH PLAN, INC. a corporation, KAISER)
FOUNDATION HOSPITALS, a corporation,)
SCOTT YOUNG, an individual, and)
Does 1 through 10, inclusive,

Defendants.

- (1) RETALIATORY TERMINATION IN VIOLATION OF PUBLIC POLICY;
- (2) RETALIATION IN VIOLATION OF BUS. & PROF. CODE § 2056;
- (3) RETALIATORY HARASSMENT IN VIOLATION OF PUBLIC POLICY [BUS. & PROF. CODE § 2056];
- (4) RETALIATORY TERMINATION IN VIOLATION OF PUBLIC POLICY [IN VIOLATION OF LABOR CODE SECTION 2856];
- (5) RETALIATORY TERMINATION IN VIOLATION OF PUBLIC POLICY [INTERNAL WHISTLEBLOWING];
- (6) WRONGFUL TERMINATION IN VIOLATION OF FEHA (AGE);
- (7) WRONGFUL TERMINATION IN VIOLATION OF PUBLIC POLICY (AGE);
- (8) AGE HARASSMENT (FEHA);
- (9) FAILURE TO REMEDY AND/OR PREVENT DISCRIMINATION AND HARASSMENT (FEHA);
- (10) DEFAMATION;
- (11) INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS;
- (12) VIOLATION OF BUSINESS AND PROFESSIONS CODE SECTION 17200

1
2 Plaintiff complains and alleges as follows:

- 3 1. Plaintiff, RICHARD DELLA PENNA, at all times relevant hereto, was a medical doctor, duly
4 licensed by the State of California to practice medicine in this State, and employed by the
5 Defendants. He was born on December 12, 1940, and is currently sixty-nine years of age.
6 2. At all times herein relevant plaintiff was a resident of the State of California, County of San
7 Diego.
8 3. Plaintiff is informed and believes and thereon alleges that defendants, THE PERMANENTE
9 FEDERATION, LLC, KAISER FOUNDATION HEALTH PLAN, INC., and KAISER
10 FOUNDATION HOSPITALS (collectively "KAISER") are corporations organized and existing
11 under the laws of California with their principal place of business located at 393 East Walnut
12 Street, Pasadena, CA 91188.
13 4. Plaintiff is informed and believes that defendant, SCOTT YOUNG is, and has at all times
14 relevant, been an individual residing in the County of Oakland, State of California.
15 5. The true names and capacities of the defendants named herein as Does 1 through 10, inclusive,
16 whether individual, corporate, associate or otherwise, are unknown to plaintiff who therefore
17 sues such defendants by fictitious names pursuant to California Code Civil Procedure section
18 474. Plaintiff is informed and believes that all of the Doe defendants are California residents.
19 Plaintiff will amend this Complaint to show such true names and capacities when they have been
20 determined.
21 6. Plaintiff is informed and believes, and thereby alleges that each of the defendants herein was at
22 all times relevant hereto the agent, employee or representative of the remaining defendants and
23 was acting at least in part, within the course and scope of such relationship in doing the things
24 herein alleged.
25 7. Plaintiff is informed and believes, and thereby alleges that each of the defendants was acting in
26 a single or joint employer, co-employee, and/or alter ego capacity such that they are liable for the
27 acts of their agents and/or employees.

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BACKGROUND FACTS COMMON TO ALL CAUSES OF ACTION

8. Richard Della Penna graduated from Tufts University School of Medicine in Boston, Massachusetts in 1969. He then was an Intern and Resident with Harvard Medical Service in Boston City Hospital.
9. He was Board-Certified in Family Practice and Geriatrics.
10. In July 1977, Dr. Della Penna began his career with Kaiser/Southern California Permanente Medical Group as a staff physician.
11. In 1987, Dr. Della Penna was selected by Maurice Alfaro, M.D., San Diego Medical Director, to be in charge of San Diego's Continuing Care and Geriatrics Department. The scope of work included the set up of the physician nursing home rounding program, geriatric case management services, and supporting hospice care. During this period, Dr. Della Penna secured funding for innovative approaches to geriatric care including geriatric interdisciplinary team training (Hartford Foundation), geriatric assessment (Garfield Foundation) and adult depression care (Hartford Foundation).
12. In 1991, Dr. Della Penna was selected to be the Regional Elder Care Coordinator. He represented SCPMG on Kaiser Permanente's national Interregional Committee on Aging and developed national stature and reputation in care of older adults. One of the goals of the Interregional Committee on Aging was to foster collaboration between the Permanente Medical Groups and KHP with the goals of aligning businesses and clinical programs and priorities. As the Regional Elder Care Coordinator, Dr. Della Penna devoted his time to developing organizational structures, systems and processes, and raising awareness of the quality and care gaps of older adults.
13. In 1999, Dr. Della Penna became Kaiser Foundation Health Plan, Inc./Care Management Institute's National Clinical Leader for Elder Care.
14. In 2001, the Kaiser Permanente Aging Network was established. Dr. Della Penna was the founding Medical Director of the Kaiser Permanente Aging Network (KPAN). KPAN's goals included bringing into alignment Medicare business and clinical strategies and goals.
15. Dr. Della Penna was also the national clinical lead charged with developing a model of care for KP's approximately 57,000 Medicare-Medicaid members in Special Needs Plans. The

- 1 requirement to develop the model was legislative and was regulated by the Centers for Medicare
2 and Medicaid Services.
- 3 16. In April 2002, Dr. Della Penna became a full-time employee of Kaiser/The Permanente
4 Federation. Dr. Della Penna job titles included Care Management Institute's (CMI) National
5 Clinical Leader for Elder Care and the Medical Director of the Kaiser Permanente Aging
6 Network. He reported to Jed Weissberg, M.D., the Associate Executive Director for Quality at
7 the Permanente Federation.
- 8 17. In 2003, Special Needs Plans (SNPs) were created by Congress in the Medicare Modernization
9 Act (MMA) as a new type of Medicare managed care plan focused on certain vulnerable groups
10 of Medicare beneficiaries: the institutionalized, dual-eligibles and beneficiaries with severe or
11 disabling chronic conditions. These beneficiaries are typically older, with multiple co-morbid
12 conditions, and thus are more challenging and costly to treat. The "Medicare Improvements for
13 Patients and Providers Act of 2008" (MIPPA) extended the SNP program through December 31,
14 2010.
- 15 18. MIPPA called for a model of care that among other things required an initial and annual physical,
16 functional and psychosocial assessment of each SNP member by an interdisciplinary team
17 comprised of a physician, social worker and behavioral health specialist. The team was required
18 to develop a plan after the assessment with the participation of the member.
- 19 19. Dr. Della Penna set out to make sure Kaiser complied with these laws. In the beginning, the
20 goals established by Dr. Della Penna were progressing.
- 21 20. However, over time it became clear that Kaiser did not want to spend the money required to
22 comply with the new laws.
- 23 21. Kaiser had approximately 57,0000 members in 4 SNP's (Northern California, Southern
24 California, Colorado, and Georgia). Medicare generated \$13 billion in revenue annually or
25 approximately 30% of Kaiser's revenue. However, the two California regions expressed that
26 they would not invest in meeting the requirements of developing a healthcare plan for each SNP
27 member. They decided to only concentrate on the 5% of the SNP members that were the
28 costliest. Dr. Della Penna objected to this and complained that Kaiser was not compliant with
the law. Moreover, they were not providing the appropriate care to a vulnerable population by

- 1 failing to comply with these laws.
- 2 22. In 2005/2006, Scott Young, M.D. and Carolyn Mustille, R.N., both of whom were considerably
3 younger than Plaintiff, became the new Executive Medical Directors at CMI. Instantly, they
4 began to marginalize and retaliate against Dr. Della Penna and diminish his role. He was labeled
5 as unproductive.
- 6 23. As a result, Dr. Della Penna complained about this to Jed Weissberg, M.D. Thereafter, Scott
7 Young, M.D. excluded Dr. Della Penna from a new project from KHP's National Department
8 of Quality.
- 9 24. In the Spring of 2007, Dr. Della Penna complained to Jed Weissberg, M.D. that the hospital
10 palliative care teams were not adequately trained. He stated that it was unethical to have staff
11 that lacked the appropriate training, competencies and credentials consulting with clients with
12 advanced illnesses and their families. Kaiser did not want to invest the money necessary to have
13 these persons appropriately trained. Dr. Della Penna was further isolated and marginalized after
14 making these complaints.
- 15 25. Jed Weissberg, M.D. then began asking Dr. Della Penna if he was going to "retire." Dr. Della
16 Penna told Dr. Weissberg that these inquiries were ageist.
- 17 26. Jed Weissberg, M.D. also began making disparaging comments about his age including that Dr.
18 Della Penna was getting "Alzheimer's."
- 19 27. These comments about Dr. Della Penna's age, and the increasing marginalization of Plaintiff,
20 lead to depression, insomnia, and decreasing confidence.
- 21 28. Notwithstanding, Dr. Della Penna did not stop voicing his concerns about patient care. From
22 2007-2009, Dr. Della Penna complained to Jack Cochran, M.D., the Executive Medical Director
23 of the Permanente Federation that Kaiser was not investing the appropriate amount of money in
24 elder care to properly comply with the law.
- 25 29. Thereafter Jed Weissberg, M.D. engaged Agnes Strandberg, VP of Medicare, to assist him in
26 forcing Dr. Della Penna to retire. Ms. Strandberg met with Dr. Della Penna, and stated directly
27 to him that he should retire.
- 28 30. Dr. Della Penna, having been retaliated against, ignored, isolated, and marginalized, could no
longer resist the calls for his retirement. As a result, he was forced to resign on November 27,

1 2009.

2 FIRST CAUSE OF ACTION

3 RETALIATORY TERMINATION IN VIOLATION OF PUBLIC POLICY

4 [IN VIOLATION OF BUSINESS & PROFESSION CODE SECTION 2056]

5 (Against KAISER and Does 1 through 10)

6 31. Plaintiff repeats and realleges paragraphs 1 to 30 of the Complaint as if the same were fully set
7 forth herein and with the same full force and effect.

8 32. In retaliation for his patient advocacy, the Defendants constructively terminated Plaintiff. This
9 retaliation for patient advocacy was in violation of Business and Professions code section 2056.

10 As stated in Business and Professions code section 2056, it is against California Public Policy
11 to retaliate against a physician for patient advocacy.

12 33. A motivating reason for his constructive termination was his patient advocacy.

13 34. Defendants have a pattern and practice of retaliating against physicians who advocate on behalf
14 of their patients including but not limited to Dr. Mark Woods, Dr. Michael Martinucci, Dr.
15 Gilbert Moran, Dr. Edgar Lueg.

16 35. As a proximate result of defendants' retaliation against plaintiff, plaintiff has suffered and
17 continues to suffer substantial losses in earnings, and other employment and retirement benefits
18 and has suffered and continues to suffer embarrassment, humiliation and mental anguish all to
19 his damage in an amount according to proof.

20 36. Defendants committed the acts alleged herein maliciously, fraudulently and oppressively, with
21 the wrongful intention of injuring plaintiff, from an improper and evil motive amounting to
22 despicable conduct, and in conscious disregard of plaintiff's rights. Plaintiff is thus entitled to
23 recover punitive damages from defendants in an amount according to proof.

24 37. Plaintiff also requests injunctive relief compelling Defendants to provide member patients the
25 care required by the applicable laws.

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1 SECOND CAUSE OF ACTION
2 RETALIATORY TERMINATION IN VIOLATION OF
3 BUSINESS & PROFESSION CODE SECTION 2056

4 (Against KAISER and Does 1 through 10)

5 38. Plaintiff repeats and realleges paragraphs 1 to 37 of the Complaint as if the same were fully set
6 forth herein and with the same full force and effect.

7 39. In retaliation for his patient advocacy, the Defendants constructively terminated Plaintiff. This
8 retaliation for patient advocacy was in violation of Business and Professions code section 2056.

9 40. A motivating reason for his constructive termination was his patient advocacy.

10 41. Defendants have a pattern and practice of retaliating against physicians who advocate on behalf
11 of their patients including but not limited to Dr. Mark Woods, Dr. Michael Martinucci, Dr.
12 Gilbert Moran, Dr. Edgar Lueg.

13 42. As a proximate result of defendants' retaliation against plaintiff, plaintiff has suffered and
14 continues to suffer substantial losses in earnings, and other employment and retirement benefits
15 and has suffered and continues to suffer embarrassment, humiliation and mental anguish all to
16 his damage in an amount according to proof.

17 43. Defendants committed the acts alleged herein maliciously, fraudulently and oppressively, with
18 the wrongful intention of injuring plaintiff, from an improper and evil motive amounting to
19 despicable conduct, and in conscious disregard of plaintiff's rights. Plaintiff is thus entitled to
20 recover punitive damages from defendants in an amount according to proof.

21 44. Plaintiff also requests injunctive relief compelling Defendants to provide member patients the
22 care required by the applicable laws.

23 THIRD CAUSE OF ACTION
24 RETALIATORY HARASSMENT IN VIOLATION OF PUBLIC POLICY
25 [IN VIOLATION OF BUSINESS & PROFESSION CODE SECTION 2056]

26 (Against KAISER and Does 1 through 10)

27 45. Plaintiff repeats and realleges paragraphs 1 to 44 of the Complaint as if the same were fully set
28 forth herein and with the same full force and effect.

46. After advocating on behalf of patients, Plaintiff was subjected to a course of conduct that

1 constituted severe and/or pervasive harassment such that it altered the conditions of his
2 employment. Plaintiff was constructively terminated when he tendered his resignation in
3 response to this harassment. This harassment for patient advocacy was in violation of Business
4 and Professions code section 2056 and California Public Policy.

5 47. Defendants have a pattern and practice of retaliating against physicians who advocate on behalf
6 of their patients including but not limited to Dr. Mark Woods, Dr. Michael Martinucci, Dr.
7 Gilbert Moran, Dr. Edgar Lueg.

8 48. As a proximate result of defendants' harassment against plaintiff, plaintiff has suffered and
9 continues to suffer substantial losses in earnings, and other employment and retirement benefits
10 and has suffered and continues to suffer embarrassment, humiliation and mental anguish all to
11 his damage in an amount according to proof.

12 49. Defendants committed the acts alleged herein maliciously, fraudulently and oppressively, with
13 the wrongful intention of injuring plaintiff, from an improper and evil motive amounting to
14 despicable conduct, and in conscious disregard of plaintiff's rights. Plaintiff is thus entitled to
15 recover punitive damages from defendants in an amount according to proof.

16 50. Plaintiff also requests injunctive relief compelling Defendants to provide member patients the
17 care required by the applicable laws.

18 FOURTH CAUSE OF ACTION

19 RETALIATORY TERMINATION IN VIOLATION OF PUBLIC POLICY

20 [IN VIOLATION OF LABOR CODE SECTION 2856]

21 (Against KAISER and Does 1 through 10)

22 51. Plaintiff repeats and realleges paragraphs 1 to 50 of the Complaint as if the same were fully set
23 forth herein and with the same full force and effect.

24 52. It is against public policy to retaliate against an employee for refusing to engage in an illegal act.
25 Dr. Della Penna's refusal to acquiesce and/or participate in Defendants' violations of the law
26 were a motivating reason for his constructive termination.

27 53. Defendants have a pattern and practice of retaliating against those who refuse to engage in illegal
28 conduct.

54. As a proximate result of defendants' retaliation against plaintiff, plaintiff has suffered and

1 continues to suffer substantial losses in earnings, and other employment and retirement benefits
2 and has suffered and continues to suffer embarrassment, humiliation and mental anguish all to
3 his damage in an amount according to proof.

4 55. Defendants committed the acts alleged herein maliciously, fraudulently and oppressively, with
5 the wrongful intention of injuring plaintiff, from an improper and evil motive amounting to
6 despicable conduct, and in conscious disregard of plaintiff's rights. Plaintiff is thus entitled to
7 recover punitive damages from defendants in an amount according to proof.

8 56. Plaintiff also requests injunctive relief compelling Defendants to cease and desist in their
9 violation of the applicable laws.

10 FIFTH CAUSE OF ACTION

11 RETALIATORY TERMINATION IN VIOLATION OF PUBLIC POLICY

12 [INTERNAL WHISTLEBLOWING]

13 (Against KAISER and Does 1 through 10)

14 57. Plaintiff repeats and realleges paragraphs 1 to 56 of the Complaint as if the same were fully set
15 forth herein and with the same full force and effect.

16 58. It is against public policy to retaliate against an employee for internal whistleblowing of illegal
17 activities. (*Green v. Ralee Eng'g Co.* (1998) 19 Cal.4th 66; *Holmes v. General Dynamics Corp.*
18 (1993) 17 Cal.4th 1418, 1434.) Dr. Della Penna's internal whistleblowing was a motivating
19 reason for his constructive termination.

20 59. Defendants have a pattern and practice of retaliating against whistleblowers.

21 60. As a proximate result of defendants' retaliation against plaintiff, plaintiff has suffered and
22 continues to suffer substantial losses in earnings, and other employment and retirement benefits
23 and has suffered and continues to suffer embarrassment, humiliation and mental anguish all to
24 his damage in an amount according to proof.

25 61. Defendants committed the acts alleged herein maliciously, fraudulently and oppressively, with
26 the wrongful intention of injuring plaintiff, from an improper and evil motive amounting to
27 despicable conduct, and in conscious disregard of plaintiff's rights. Plaintiff is thus entitled to
28 recover punitive damages from defendants in an amount according to proof.

62. Plaintiff also requests injunctive relief compelling Defendants to cease and desist in their

1 violation of the applicable laws.

2 SIXTH CAUSE OF ACTION

3 AGE DISCRIMINATION IN VIOLATION OF FEHA - WRONGFUL TERMINATION

4 (Govt. Code, § 12940 et seq.)

5 (Against KAISER, and Does 1 through 10)

6 63. Plaintiff repeats and realleges paragraphs 1 to 62 of the Complaint as if the same were fully set
7 forth herein and with the same full force and effect.

8 64. At all times herein relevant, there was an employer/employee, agency, or other qualified
9 relationship between plaintiff and the defendants. California Government Code §12940 et seq.
10 prohibits discrimination in employment on the basis of age.

11 65. Plaintiff is over the age of forty.

12 66. Defendants' constructively discharged plaintiff. A motivating reason for the constructive
13 discharge was plaintiff's age.

14 67. Defendants have a pattern and practice of discriminating against workers over the age of forty.

15 68. Moreover, defendants' facially neutral policy of nondiscrimination in employment decisions has
16 an unfavorable impact on those employees who are in a similar position to plaintiff.

17 69. As a proximate result of defendants' discrimination against plaintiff, plaintiff has suffered and
18 continues to suffer substantial losses in earnings, and other employment and retirement benefits
19 and has suffered and continues to suffer embarrassment, humiliation and mental anguish all to
20 his damage in an amount according to proof.

21 70. Defendants did the acts herein alleged maliciously, fraudulently and oppressively, amounting to
22 despicable conduct, and in conscious disregard of plaintiff's rights. The acts alleged herein were
23 known to, authorized and ratified by defendant. Plaintiff is thus entitled to recover punitive
24 damages from defendants, and each of them, in an amount according to proof.

25 71. As a result of defendants' discriminatory acts as alleged herein, plaintiff is entitled to reasonable
26 attorneys' fees and costs of said suit as provided by California Government Code section 12965,
27 subsection (b).

28 72. Plaintiff also requests injunctive relief compelling Defendants to cease this discrimination.

73. Plaintiff filed a timely charge of discrimination and harassment with the California Department

1 of Fair Employment and Housing ("DFEH") and received a Notice of Case Closure informing
2 him of his right to sue. Therefore, plaintiff has exhausted all of his administrative remedies.
3 (See Exhibit A hereto.)

4 SEVENTH CAUSE OF ACTION

5 VIOLATION OF PUBLIC POLICY

6 (Against KAISER, and Does 1 through 10)

7 74. Plaintiff repeats and realleges paragraphs 1 to 73 of the Complaint as if the same were fully set
8 forth herein and with the same full force and effect.

9 75. At all times herein relevant, there was an employer/employee, agency, or other qualified
10 relationship between plaintiff and the defendants.

11 76. Plaintiff's was constructively terminated as a result of the defendants' violation of fundamental
12 public policies. It is against California Public Policy to discriminate on the basis of age. This
13 discrimination was a motivating reason for the constructive discharge of the plaintiff.

14 77. Defendants have a pattern and practice of discriminating against workers over the age of forty.

15 78. Moreover, defendants' facially neutral policy of nondiscrimination in employment decisions has
16 an unfavorable impact on those employees who are in a similar position to plaintiff.

17 79. As a proximate result of defendants' actions, plaintiff has suffered and continues to suffer
18 substantial losses incurred in earnings, bonuses, deferred compensation and other employment
19 benefits.

20 80. As a further proximate result of defendants' actions, plaintiff has suffered and continue to suffer
21 emotional distress, mental anguish, embarrassment, humiliation and anxiety all to his damage
22 in an amount in excess of the minimum jurisdictional limits of this court. Plaintiff will seek
23 leave of court to amend his complaint to allege the correct amount at the time of trial or
24 according to proof at trial.

25 81. Defendant, and each of them, did the acts herein alleged maliciously, fraudulently and
26 oppressively, amounting to despicable conduct, and in conscious disregard of plaintiff's rights.
27 The acts alleged herein were known to, authorized and ratified by defendants. Plaintiff is thus
28 entitled to recover punitive damages from defendants, and each of them, in an amount according
to proof.

EIGHTH CAUSE OF ACTION

AGE HARASSMENT IN VIOLATION OF FEHA

(Against All Defendants)

82. Plaintiff repeats and realleges paragraphs 1 to 81 of the Complaint as if the same were fully set forth herein and with the same full force and effect.

83. At all times herein relevant, there was an employer/employee, agency, or other qualified relationship between plaintiff and the defendants.

84. It is illegal to harass an individual based upon his age pursuant to California Government Code section 12940 et seq.

85. Defendants harassed plaintiff on the basis of his age.

86. As a proximate result of defendants' harassment of plaintiff, plaintiff has suffered and continues to suffer substantial losses in earnings, and other employment and retirement benefits and has suffered and continues to suffer embarrassment, humiliation and mental anguish all to his damage in an amount according to proof.

87. Defendants committed the acts alleged herein maliciously, fraudulently and oppressively, with the wrongful intention of injuring plaintiff, from an improper and evil motive amounting to despicable conduct, and in conscious disregard of plaintiff's rights. Plaintiff is thus entitled to recover punitive damages from a defendant in an amount according to proof.

88. As a result of defendants' harassing acts as alleged herein, plaintiff is entitled to reasonable attorneys' fees and costs of said suit as provided by California Government Code section 12965, section (b).

89. Plaintiff filed a timely charge of harassment with the California Department of Fair Employment and Housing ("DFEH") and received a Notice of Case Closure informing him of his right to sue. Therefore, plaintiff has exhausted all of his administrative remedies. (See Exhibit A hereto.)

NINTH CAUSE OF ACTION

FAILURE TO REMEDY AND/OR PREVENT DISCRIMINATION AND HARASSMENT

IN VIOLATION OF FEHA

(Against KAISER and Does 1 through 10)

90. Plaintiff repeats and realleges paragraphs 1 to 89 of the Complaint as if the same were fully set

1 forth herein and with the same full force and effect.

2 91. At all times herein relevant, there was an employer/employee, agency, or other qualified
3 relationship between plaintiff and the defendants.

4 92. It is illegal to discriminate and harass an individual based upon age pursuant to California
5 Government Code section 12940 et seq.

6 93. Defendants discriminated against and harassed plaintiff on the basis of his age. Defendants'
7 knew of this harassment and/or reasonably should have known of the harassment, and failed to
8 act to prevent and/or remedy it in violation of Govt. Code, § 12940, subd. (j)(1). Further,
9 defendants failed to take all reasonable measures to prevent harassment and discrimination from
10 occurring it in violation of Government Code, § 12940, subd. (k).)

11 94. As a proximate result of defendants' discrimination and harassment of plaintiff, plaintiff has
12 suffered and continues to suffer substantial losses in earnings, and other employment and
13 retirement benefits and has suffered and continues to suffer embarrassment, humiliation and
14 mental anguish all to his damage in an amount according to proof.

15 95. Defendants committed the acts alleged herein maliciously, fraudulently and oppressively, with
16 the wrongful intention of injuring plaintiff, from an improper and evil motive amounting to
17 despicable conduct, and in conscious disregard of plaintiff's rights. Plaintiff is thus entitled to
18 recover punitive damages from defendants in an amount according to proof.

19 96. As a result of defendants' harassing acts as alleged herein, plaintiff is entitled to reasonable
20 attorneys' fees and costs of said suit as provided by California Government Code section 12965,
21 section (b).

22 97. Plaintiff also requests injunctive relief compelling Defendants to prevent this harassment and
23 discrimination.

24 98. Plaintiff filed a timely charge of discrimination and harassment with the California Department
25 of Fair Employment and Housing ("DFEH") and received a Notice of Case Closure informing
26 him of his right to sue. Therefore, plaintiff has exhausted all of his administrative remedies.
27 (See Exhibit A hereto.)

28 ///

///

1 TENTH CAUSE OF ACTION

2 DEFAMATION

3 (Against all Defendants)

4 99. Plaintiff repeats and realleges paragraphs 1 to 98 of the Complaint as if the same were fully set
5 forth herein and with the same full force and effect.

6 100. (1) Defendants falsely accused plaintiff of getting "Alzheimer's."; (2) being incompetent and
7 unproductive. The false accusations were disseminated to others.

8 101. These aforementioned accusations constitute defamation per se.

9 102. As a proximate result of defendants' conduct, Plaintiff has been damaged and continues to suffer
10 substantial losses incurred in earnings, bonuses, deferred compensation and other employment
11 benefits.

12 103. As a further proximate result of defendants' actions, plaintiff has suffered and continues to suffer
13 emotional distress, mental anguish, embarrassment, humiliation and anxiety all to his damage
14 in an amount in excess of the minimum jurisdictional limits of this court. Plaintiff will seek
15 leave of court to amend his complaint to allege the correct amount at the time of trial or
16 according to proof at trial.

17 104. Defendants, and each of them, did the acts herein alleged maliciously, fraudulently and
18 oppressively, amounting to despicable conduct, and in conscious disregard of plaintiff's rights.
19 The acts alleged herein were known to, authorized and ratified by defendants. Plaintiff is thus
20 entitled to recover punitive damages from defendants, and each of them, in an amount according
21 to proof.

22 ELEVENTH CAUSE OF ACTION

23 INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

24 (Against All Defendants)

25 105. Plaintiff repeats and incorporates all paragraphs contained in this complaint as if the same were
26 fully set forth herein and with the same full force and effect.

27 106. The aforementioned acts were outrageous, extreme, and uncivilized.

28 107. The acts described above have been intentional and malicious, and done for the purpose of
causing Plaintiff to suffer humiliation, anguish and emotional distress. All of the same

1 defendants' actions were authorized or ratified by said defendants with knowledge that Plaintiff's
2 emotional distress would increase and done with wanton and reckless disregard for the
3 consequences to Plaintiff and were uncivilized.

4 108. As a proximate result of defendants' actions, Plaintiff has suffered and continues to suffer
5 substantial losses incurred in earnings, bonuses, deferred compensation and other employment
6 benefits.

7 109. As a further proximate result of defendants' actions, Plaintiff has suffered and continues to suffer
8 emotional distress, mental anguish, embarrassment, humiliation and anxiety all to his damage
9 in an amount in excess of the minimum jurisdictional limits of this court.

10 110. Defendants, and each of them, did the acts herein alleged maliciously, fraudulently and
11 oppressively, amounting to despicable conduct, and in conscious disregard of Plaintiff's rights.
12 The acts alleged herein were known to, authorized and ratified by defendants. Plaintiff is thus
13 entitled to recover punitive damages from defendants, and each of them, in an amount according
14 to proof.

15 TWELFTH CAUSE OF ACTION
16 UNFAIR BUSINESS PRACTICES IN VIOLATION
17 OF BUSINESS AND PROFESSIONS CODE SECTION 17200 et seq.

18 (Against KAISER and Does 1 to 10)

19 111. Plaintiff repeats and realleges paragraphs 1 to 110 of the complaint as if the same were fully set
20 forth herein and with the same full force and effect.

21 112. The conduct mentioned in this Complaint are unfair business practices within the meaning of
22 California Business and Professions Code Section 17200, 17204, 17500 and 17535 et seq.

23 113. As alleged herein above, Plaintiff relied on these false and fraudulent business practices and as
24 a direct and proximate result thereof, he has suffered injury in fact and has lost money, as a result
25 of these unfair business practices.

26 114. The aforementioned conduct of the defendants constituted unlawful, unfair and fraudulent
27 business practices and are prohibited under California Business and Professions Code Section
28 17200 et seq.

115. As a result, Plaintiff is entitled to restitution and injunctive relief.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests relief as follows:

1. For compensatory economic damages according to proof including losses incurred in seeking substitute employment and loss of earnings, and other employment benefits;
2. For compensatory non-economic damages for losses resulting from humiliation, mental anguish, and emotional distress according to proof;
3. For interest on the amount of losses incurred in earnings, deferred compensation and other employee benefits at the prevailing legal rate;
4. For punitive damages according to proof;
5. For costs incurred by plaintiff, including reasonable attorneys' fees;
6. For injunctive relief and restitution;
7. For such other and further relief as the Court may deem proper.

Dated: October 7, 2010

CHARLES T. MATHEWS & ASSOCIATES
THE RAGER LAW FIRM

By:



Charles T. Mathews
Jeffrey A. Rager
Attorney for Plaintiff,
RICHARD DELLA PENNA, M.D.

EXHIBIT A

***** EMPLOYMENT *****

**COMPLAINT OF DISCRIMINATION UNDER
THE PROVISIONS OF THE CALIFORNIA
FAIR EMPLOYMENT AND HOUSING ACT**

DFEH # E201011S5138-00

DFEH USE ONLY

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

YOUR NAME (indicate Mr. or Ms.)

TELEPHONE NUMBER (INCLUDE AREA CODE)

DELLA PENNA, M.D., RICHARD

(619)232-0044

ADDRESS

700 FRONT ST., SUITE 2003

CITY/STATE/ZIP

SAN DIEGO, CA 92101

COUNTY

SAN DIEGO

COUNTY CODE

073

NAMED IS THE EMPLOYER, PERSON, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, OR STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME:

NAME

TELEPHONE NUMBER (Include Area Code)

KFHP, TPF LLC, TPC LLC

(626)405-5000

ADDRESS

300 E.WALNUT ST.

CITY/STATE/ZIP

PASADENA, CA 91101

COUNTY

LOS ANGELES

COUNTY CODE

037

NO. OF EMPLOYEES/MEMBERS (if known)

9000+

DATE MOST RECENT OR CONTINUING DISCRIMINATION
TOOK PLACE (month, day, and year)

11/27/2009

RESPONDENT CODE

00

THE PARTICULARS ARE:

**I allege that on about or before
11/27/2009, the following
conduct occurred:**

☐ termination

☐ laid off

☐ demotion

☐ harassment

☐ genetic characteristics testing

☒ constructive discharge (forced to quit)

☐ impermissible non-job-related inquiry

☐ denial of employment

☐ denial of promotion

☐ denial of transfer

☐ denial of accommodation

☒ failure to prevent discrimination or retaliation

☒ retaliation

☐ other (specify) _____

☐ denial of family or medical leave

☐ denial of pregnancy leave

☐ denial of equal pay

☐ denial of right to wear pants

☐ denial of pregnancy accommodation

by **KFHP, TPF LLC, TPC LLC**

because of :

Name of Person

Job Title (supervisor/manager/personnel director/etc.)

☐ sex

☒ age

☐ religion

☐ race/color

☐ national origin/ancestry

☐ marital status

☐ sexual orientation

☐ association

☐ disability (physical or mental)

☐ medical condition (cancer or

generic characteristic

☐ other (specify) _____

☒ retaliation for engaging in protected

activity or requesting a protected

leave or accommodation

State of what you
believe to be the
reason(s) for
discrimination

MY PATIENT ADVOCACY AND REFUSAL TO BE SILENT ABOUT KAISER'S NON-COMPLIANCE.

I wish to pursue this matter in court. I hereby request that the Department of Fair Employment and Housing provide a right-to-sue. I understand that if I want a federal notice of right-to-sue, I must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of the DFEH "Notice of Case Closure," or within 300 days of the alleged discriminatory act, whichever is earlier.

I have not been coerced into making this request, nor do I make it based on fear of retaliation if I do not do so. I understand it is the Department of Fair Employment and Housing's policy to not process or reopen a complaint once the complaint has been closed on the basis of "Complainant Elected Court Action."

By submitting this complaint I am declaring under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated 07/26/2010

At San Marino

DATE FILED: 07/26/2010

DFEH-300-03o (02/08)
DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

STATE OF CALIFORNIA

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

1055 WEST 7TH STREET, SUITE 1400, LOS ANGELES, CA 90017
(213) 439-6700
www.dfeh.ca.gov



July 26, 2010

RE: E201011S5138-00
DELLA PENNA, M.D./KFHP, TPF LLC, TPC LLC

NOTICE TO COMPLAINANT'S ATTORNEY

Enclosed is a copy of your client's complaint of discrimination filed with the Department of Fair Employment and Housing (DFEH) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also enclosed is a copy of your client's Notice of Case Closure, which constitutes your client's right-to-sue notice. Pursuant to Government Code section 12962, DFEH will not serve these documents on the employer.

Please refer to the enclosed Notice of Case Closure for information regarding filing a private lawsuit in the State of California.

Sincerely,

A handwritten signature in cursive script, reading "Lottie Woodruff", is positioned below the "Sincerely," text.

Lottie Woodruff
District Administrator

Enclosure: Complaint of Discrimination
Notice of Case Closure

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

1055 WEST 7TH STREET, SUITE 1400, LOS ANGELES, CA 90017

(213) 439-6700

www.dfeh.ca.gov



July 26, 2010

DELLA PENNA, M.D., RICHARD
700 FRONT ST., SUITE 2003
SAN DIEGO, CA 92101

RE: E201011S5138-00
DELLA PENNA, M.D./KFHP, TPF LLC, TPC LLC

Dear DELLA PENNA, M.D., RICHARD:

NOTICE OF CASE CLOSURE

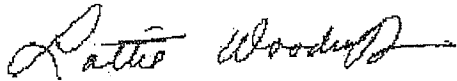
This letter informs that the above-referenced complaint that was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective July 26, 2010 because an immediate right-to-sue notice was requested. DFEH will take no further action on the complaint.

This letter is also the Right-To-Sue Notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

If a federal notice of Right-To-Sue is wanted, the U.S. Equal Employment Opportunity Commission (EEOC) must be visited to file a complaint within 30 days of receipt of this DFEH *Notice of Case Closure* or within 300 days of the alleged discriminatory act, whichever is earlier.

DFEH does not retain case files beyond three years after a complaint is filed, unless the case is still open at the end of the three-year period.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lottie Woodruff", with a horizontal line extending from the end of the signature.

Lottie Woodruff
District Administrator

cc: Case File

SCOTT YOUNG
EXECUTIVE MEDICAL DIRECTOR
KFHP, TPF LLC, TPC LLC
300 E. WALNUT ST.
PASADENA, CA 91101

***** EMPLOYMENT *****

**COMPLAINT OF DISCRIMINATION UNDER
THE PROVISIONS OF THE CALIFORNIA
FAIR EMPLOYMENT AND HOUSING ACT**

DFEH # E201011S5138-01

DFEH USE ONLY

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

YOUR NAME (indicate Mr. or Ms.)

DELLA PENNA, M.D., RICHARD

TELEPHONE NUMBER (INCLUDE AREA CODE)

(619)232-0044

ADDRESS

700 FRONT ST., SUITE 2003

CITY/STATE/ZIP

SAN DIEGO, CA, 92101

COUNTY

SAN DIEGO

COUNTY CODE

073

NAMED IS THE EMPLOYER, PERSON, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, OR STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME:

NAME

YOUNG, SCOTT

TELEPHONE NUMBER (Include Area Code)

(626)405-5000

ADDRESS

300 E. WALNUT ST.

DFEH USE ONLY

CITY/STATE/ZIP

PASADENA, CA 91101

COUNTY

COUNTY CODE

NO. OF EMPLOYEES/MEMBERS (if known)

9000+

DATE MOST RECENT OR CONTINUING DISCRIMINATION
TOOK PLACE (month, day, and year)

11/27/2009

RESPONDENT CODE

01

THE PARTICULARS ARE:

**I allege that on about or before
11/27/2009, the following
conduct occurred:**

☐ termination

☐ laid off

☐ demotion

☐ harassment

☐ genetic characteristics testing

☒ constructive discharge (forced to quit)

☐ impermissible non-job-related inquiry

☐ denial of employment

☐ denial of promotion

☐ denial of transfer

☐ denial of accommodation

☒ failure to prevent discrimination or retaliation

☒ retaliation

☐ other (specify) _____

☐ denial of family or medical leave

☐ denial of pregnancy leave

☐ denial of equal pay

☐ denial of right to wear pants

☐ denial of pregnancy accommodation

by **YOUNG, SCOTT**

EXECUTIVE MEDICAL DIRECTOR

because of :

Name of Person

Job Title (supervisor/manager/personnel director/etc.)

☐ sex

☒ age

☐ religion

☐ race/color

☐ national origin/ancestry

☐ marital status

☐ sexual orientation

☐ association

☐ disability (physical or mental)

☐ medical condition (cancer or

generic characteristic

☐ other (specify) _____

☒ retaliation for engaging in protected

activity or requesting a protected

leave or accommodation

State of what you
believe to be the
reason(s) for
discrimination

MY PATIENT ADVOCACY AND REFUSAL TO BE SILENT ABOUT KAISER'S NON-COMPLIANCE.

I wish to pursue this matter in court. I hereby request that the Department of Fair Employment and Housing provide a right-to-sue. I understand that if I want a federal notice of right-to-sue, I must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of the DFEH "Notice of Case Closure," or within 300 days of the alleged discriminatory act, whichever is earlier.

I have not been coerced into making this request, nor do I make it based on fear of retaliation if I do not do so. I understand it is the Department of Fair Employment and Housing's policy to not process or reopen a complaint once the complaint has been closed on the basis of "Complainant Elected Court Action."

By submitting this complaint I am declaring under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated **07/26/2010**

At **San Marino**

DATE FILED: **07/26/2010**

DFEH-300-030 (02/08)
DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

STATE OF CALIFORNIA

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

1055 WEST 7TH STREET, SUITE 1400, LOS ANGELES, CA 90017
(213) 439-6700
www.dfeh.ca.gov



July 26, 2010

RE: E201011S5138-01
DELLA PENNA, M.D./YOUNG, SCOTT, AS AN INDIVIDUAL

NOTICE TO COMPLAINANT'S ATTORNEY

Enclosed is a copy of your client's complaint of discrimination filed with the Department of Fair Employment and Housing (DFEH) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also enclosed is a copy of your client's Notice of Case Closure, which constitutes your client's right-to-sue notice. Pursuant to Government Code section 12962, DFEH will not serve these documents on the employer.

Please refer to the enclosed Notice of Case Closure for information regarding filing a private lawsuit in the State of California.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Lottie Woodruff'.

Lottie Woodruff
District Administrator

Enclosure: Complaint of Discrimination
Notice of Case Closure

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

1055 WEST 7TH STREET, SUITE 1400, LOS ANGELES, CA 90017

(213) 439-6700

www.dfeh.ca.gov



July 26, 2010

DELLA PENNA, M.D., RICHARD
700 FRONT ST., SUITE 2003
SAN DIEGO, CA, 92101

RE: E201011S5138-01

DELLA PENNA, M.D./YOUNG, SCOTT, AS AN INDIVIDUAL

Dear DELLA PENNA, M.D., RICHARD:

NOTICE OF CASE CLOSURE

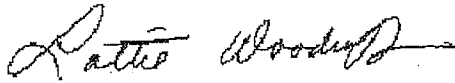
This letter informs that the above-referenced complaint that was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective July 26, 2010 because an immediate right-to-sue notice was requested. DFEH will take no further action on the complaint.

This letter is also the Right-To-Sue Notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

If a federal notice of Right-To-Sue is wanted, the U.S. Equal Employment Opportunity Commission (EEOC) must be visited to file a complaint within 30 days of receipt of this DFEH *Notice of Case Closure* or within 300 days of the alleged discriminatory act, whichever is earlier.

DFEH does not retain case files beyond three years after a complaint is filed, unless the case is still open at the end of the three-year period.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lottie Woodruff".

Lottie Woodruff
District Administrator

cc: Case File

SCOTT YOUNG
EXECUTIVE MEDICAL DIRECTOR
KFHP, TPF LLC, TPC LLC
300 E. WALNUT ST.
PASADENA, CA 91101

***** EMPLOYMENT *****

**COMPLAINT OF DISCRIMINATION UNDER
THE PROVISIONS OF THE CALIFORNIA
FAIR EMPLOYMENT AND HOUSING ACT**

DFEH # E201011R5492-00

DFEH USE ONLY

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

YOUR NAME (indicate Mr. or Ms.)

DELLA PENNA, RICHARD

TELEPHONE NUMBER (INCLUDE AREA CODE)

(619)232-0044

ADDRESS

700 FRONT ST., SUITE 2003

CITY/STATE/ZIP

SAN DIEGO, CA 92101

COUNTY

SAN DIEGO

COUNTY CODE

073

NAMED IS THE EMPLOYER, PERSON, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, OR STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME:

NAME

KFHP/THE PERMANENTE FEDERATION LLC/TPC LLC

TELEPHONE NUMBER (Include Area Code)

(626)405-5000

ADDRESS

300 E. WALNUT ST.

DFEH USE ONLY

CITY/STATE/ZIP

PASADENA, CA 91101

COUNTY

LOS ANGELES

COUNTY CODE

037

NO. OF EMPLOYEES/MEMBERS (if known)

9000+

DATE MOST RECENT OR CONTINUING DISCRIMINATION
TOOK PLACE (month, day, and year)

11/27/2009

RESPONDENT CODE

00

THE PARTICULARS ARE:

**I allege that on about or before
11/27/2009, the following
conduct occurred:**

☐ termination

☐ denial of employment

☐ denial of family or medical leave

☐ laid off

☐ denial of promotion

☐ denial of pregnancy leave

☐ demotion

☐ denial of transfer

☐ denial of equal pay

☒ harassment

☐ denial of accommodation

☐ denial of right to wear pants

☐ genetic characteristics testing

☒ failure to prevent discrimination or retaliation

☐ denial of pregnancy accommodation

☒ constructive discharge (forced to quit)

☒ retaliation

☐ impermissible non-job-related inquiry

☐ other (specify) _____

by **KFHP/THE PERMANENTE FEDERATION LLC/TPC LLC**

Name of Person

Job Title (supervisor/manager/personnel director/etc.)

because of :

☐ sex

☐ national origin/ancestry

☐ disability (physical or mental)

☒ retaliation for engaging in protected

☒ age

☐ marital status

☐ medical condition (cancer or

activity or requesting a protected

☐ religion

☐ sexual orientation

generic characteristic

leave or accommodation

☐ race/color

☐ association

☒ other (specify) Retaliation for Patient Advocacy

State of what you
believe to be the
reason(s) for
discrimination

THE REAL REASONS ARE STATED ABOVE.

I wish to pursue this matter in court. I hereby request that the Department of Fair Employment and Housing provide a right-to-sue. I understand that if I want a federal notice of right-to-sue, I must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of the DFEH "Notice of Case Closure," or within 300 days of the alleged discriminatory act, whichever is earlier.

I have not been coerced into making this request, nor do I make it based on fear of retaliation if I do not do so. I understand it is the Department of Fair Employment and Housing's policy to not process or reopen a complaint once the complaint has been closed on the basis of "Complainant Elected Court Action."

By submitting this complaint I am declaring under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated **09/29/2010**

At **San Marino**

DATE FILED: **09/29/2010**

DFEH-300-030 (02/08)

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

STATE OF CALIFORNIA



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

Phyllis W. Cheng, Director

1055 WEST 7TH STREET, SUITE 1400, LOS ANGELES, CA 90017

(213) 439-6770

www.dfeh.ca.gov

September 29, 2010

RE: E201011R5492-00

DELLA PENNA/KFHP/THE PERMANENTE FEDERATION LLC/TPC LLC

NOTICE TO COMPLAINANT'S ATTORNEY

Enclosed is a copy of your client's complaint of discrimination filed with the Department of Fair Employment and Housing (DFEH) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also enclosed is a copy of your client's Notice of Case Closure, which constitutes your client's right-to-sue notice. Pursuant to Government Code section 12962, DFEH will not serve these documents on the employer.

Please refer to the enclosed Notice of Case Closure for information regarding filing a private lawsuit in the State of California.

Sincerely,

Tina Walker
District Administrator

Enclosure: Complaint of Discrimination
Notice of Case Closure



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

Phyllis W. Cheng, Director

1055 WEST 7TH STREET, SUITE 1400, LOS ANGELES, CA 90017
(213) 439-6770
www.dfeh.ca.gov

September 29, 2010

DELLA PENNA, RICHARD
700 FRONT ST., SUITE 2003
SAN DIEGO, CA 92101

RE: E201011R5492-00
DELLA PENNA/KFHP/THE PERMANENTE FEDERATION LLC/TPC LLC

Dear DELLA PENNA, RICHARD:

NOTICE OF CASE CLOSURE

This letter informs that the above-referenced complaint that was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective September 29, 2010 because an immediate right-to-sue notice was requested. DFEH will take no further action on the complaint.


This letter is also the Right-To-Sue Notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

If a federal notice of Right-To-Sue is wanted, the U.S. Equal Employment Opportunity Commission (EEOC) must be visited to file a complaint within 30 days of receipt of this DFEH *Notice of Case Closure* or within 300 days of the alleged discriminatory act, whichever is earlier.

Notice of Case Closure
Page Two

DFEH does not retain case files beyond three years after a complaint is filed, unless the case is still open at the end of the three-year period.

Sincerely,

A handwritten signature in cursive script that reads "Tina Walker".

Tina Walker
District Administrator

cc: Case File

DAVID LERMAN
ATTORNEY
KAISER
300 E. WALNUT STREET
PASADENA, CA 91101

*** EMPLOYMENT ***

COMPLAINT OF DISCRIMINATION UNDER
THE PROVISIONS OF THE CALIFORNIA
FAIR EMPLOYMENT AND HOUSING ACT

DFEH # E201011R5511-00

DFEH USE ONLY

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

YOUR NAME (Indicate Mr. or Ms.) DELLA PENNA, RICHARD TELEPHONE NUMBER (INCLUDE AREA CODE) (619)232-0044

ADDRESS

700 FRONT ST., SUITE 2003

CITY/STATE/ZIP

SAN DIEGO, CA 92101

COUNTY

SAN DIEGO

COUNTY CODE

073

NAMED IS THE EMPLOYER, PERSON, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, OR STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME:

NAME KAISER FOUNDATION HOSPITALS TELEPHONE NUMBER (Include Area Code) (626)405-5000

ADDRESS

300 E. WALNUT ST.

DFEH USE ONLY

CITY/STATE/ZIP

PASADENA, CA 91101

COUNTY

LOS ANGELES

COUNTY CODE

037

NO. OF EMPLOYEES/MEMBERS (if known)

9000+

DATE MOST RECENT OR CONTINUING DISCRIMINATION
TOOK PLACE (month, day, and year)

11/27/2009

RESPONDENT CODE

00

THE PARTICULARS ARE:

I allege that on about or before
11/27/2009, the following
conduct occurred:

<input type="checkbox"/> termination	<input type="checkbox"/> denial of employment	<input type="checkbox"/> denial of family or medical leave
<input type="checkbox"/> laid off	<input type="checkbox"/> denial of promotion	<input type="checkbox"/> denial of pregnancy leave
<input type="checkbox"/> demotion	<input type="checkbox"/> denial of transfer	<input type="checkbox"/> denial of equal pay
<input checked="" type="checkbox"/> harassment	<input type="checkbox"/> denial of accommodation	<input type="checkbox"/> denial of right to wear pants
<input type="checkbox"/> genetic characteristics testing	<input checked="" type="checkbox"/> failure to prevent discrimination or retaliation	<input type="checkbox"/> denial of pregnancy accommodation
<input checked="" type="checkbox"/> constructive discharge (forced to quit)	<input checked="" type="checkbox"/> retaliation	
<input type="checkbox"/> impermissible non-job-related inquiry	<input type="checkbox"/> other (specify) _____	

by KAISER FOUNDATION HOSPITALS

Name of Person

Job Title (supervisor/manager/personnel director/etc.)

because of :

<input type="checkbox"/> sex	<input type="checkbox"/> national origin/ancestry	<input type="checkbox"/> disability (physical or mental)	<input checked="" type="checkbox"/> retaliation for engaging in protected
<input checked="" type="checkbox"/> age	<input type="checkbox"/> marital status	<input type="checkbox"/> medical condition (cancer or	activity or requesting a protected
<input type="checkbox"/> religion	<input type="checkbox"/> sexual orientation	generic characteristic	leave or accommodation
<input type="checkbox"/> race/color	<input type="checkbox"/> association	<input checked="" type="checkbox"/> other (specify) <u>Retaliation for Patient Advocacy</u>	

State of what you
believe to be the
reason(s) for
discrimination

THE REAL REASONS ARE STATED ABOVE.

I wish to pursue this matter in court. I hereby request that the Department of Fair Employment and Housing provide a right-to-sue. I understand that if I want a federal notice of right-to-sue, I must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of the DFEH "Notice of Case Closure," or within 300 days of the alleged discriminatory act, whichever is earlier.

I have not been coerced into making this request, nor do I make it based on fear of retaliation if I do not do so. I understand it is the Department of Fair Employment and Housing's policy to not process or reopen a complaint once the complaint has been closed on the basis of "Complainant Elected Court Action."

By submitting this complaint I am declaring under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated 10/06/2010

At San Marino

DATE FILED: 10/06/2010

DFEH-300-030 (02/08)
DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

STATE OF CALIFORNIA



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

Phyllis W. Cheng, Director

1055 WEST 7TH STREET, SUITE 1400, LOS ANGELES, CA 90017
(213) 439-6770
www.dfeh.ca.gov

October 06, 2010

RE: E201011R5511-00
DELLA PENNA/KAISER FOUNDATION HOSPITALS

NOTICE TO COMPLAINANT'S ATTORNEY

Enclosed is a copy of your client's complaint of discrimination filed with the Department of Fair Employment and Housing (DFEH) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also enclosed is a copy of your client's Notice of Case Closure, which constitutes your client's right-to-sue notice. Pursuant to Government Code section 12962, DFEH will not serve these documents on the employer.

Please refer to the enclosed Notice of Case Closure for information regarding filing a private lawsuit in the State of California.

Sincerely,

Tina Walker
District Administrator

Enclosure: Complaint of Discrimination
Notice of Case Closure



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

1055 WEST 7TH STREET, SUITE 1400, LOS ANGELES, CA 90017
(213) 439-6770
www.dfeh.ca.gov

October 06, 2010

DELLA PENNA, RICHARD
700 FRONT ST., SUITE 2003
SAN DIEGO, CA 92101

RE: E201011R5511-00
DELLA PENNA/KAISER FOUNDATION HOSPITALS

Dear DELLA PENNA, RICHARD:

NOTICE OF CASE CLOSURE

This letter informs that the above-referenced complaint that was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective October 06, 2010 because an immediate right-to-sue notice was requested. DFEH will take no further action on the complaint.

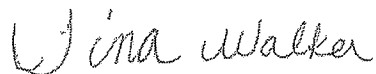
This letter is also the Right-To-Sue Notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

If a federal notice of Right-To-Sue is wanted, the U.S. Equal Employment Opportunity Commission (EEOC) must be visited to file a complaint within 30 days of receipt of this DFEH *Notice of Case Closure* or within 300 days of the alleged discriminatory act, whichever is earlier.

Notice of Case Closure
Page Two

DFEH does not retain case files beyond three years after a complaint is filed, unless the case is still open at the end of the three-year period.

Sincerely,

A handwritten signature in cursive script that reads "Tina Walker".

Tina Walker
District Administrator

cc: Case File

DAVID LERMAN
ATTORNEY
KAISER
300 E. WALNUT ST.
PASADENA, CA 91101

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Charles T. Mathews, Esq. (SBN 055889) CHARLES T. MATHEWS & ASSOCIATES 2596 Mission Street, Suite 204 San Marino, California 91108 TELEPHONE NO.: 626.683.8291 FAX NO.: 626.683.8295 ATTORNEY FOR (Name): Plaintiff, RICHARD DELLA PENNA, MD		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 N. Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, California 90012 BRANCH NAME: Central District		
CASE NAME: DELLA PENNA v. KFHP, et al.		
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	

Items 1–6 below must be completed (see instructions on page 2).

1. Check **one** box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input checked="" type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400–3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties
b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
c. <input type="checkbox"/> Substantial amount of documentary evidence | d. <input type="checkbox"/> Large number of witnesses
e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
|--|--|
3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☒ punitive
4. Number of causes of action (specify): **12**
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: **October 7, 2010**
Charles T. Mathews, Esq.

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on **all** other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

SHORT TITLE:

DELLA PENNA v. KFHP, et al.

CASE NUMBER

**CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to LASC Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? ☒ YES CLASS ACTION? ☐ YES LIMITED CASE? ☐ YES TIME ESTIMATED FOR TRIAL 7-10 ☐ HOURS/☒ DAYS.

Item II. Select the correct district and courthouse location (4 steps – If you checked “Limited Case”, skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet Form, find the main civil case cover sheet heading for your case in the left margin below, and, to the right in Column **A**, the Civil Case Cover Sheet case type you selected.

Step 2: Check one Superior Court type of action in Column **B** below which best describes the nature of this case.

Step 3: In Column **C**, circle the reason for the court location choice that applies to the type of action you have checked.
For any exception to the court location, see Los Angeles Superior Court Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (see Column C below)

- | | |
|---|--|
| 1. Class Actions must be filed in the County Courthouse, Central District. | 6. Location of property or permanently garaged vehicle. |
| 2. May be filed in Central (Other county, or no Bodily Injury/Property Damage). | 7. Location where petitioner resides. |
| 3. Location where cause of action arose. | 8. Location wherein defendant/respondent functions wholly. |
| 4. Location where bodily injury, death or damage occurred. | 9. Location where one or more of the parties reside. |
| 5. Location where performance required or defendant resides. | 10. Location of Labor Commissioner Office. |

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
Other Personal Injury/Property Damage/Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 2., 4. 1., 2., 4.
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1., 2., 4.
		<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1., 2., 4.
<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress		1., 2., 3.	
<input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death		1., 2., 4.	
Non-Personal Injury/Property Damage/Wrongful Death Tort	Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 2., 3.
	Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.
	Intellectual Property (19)	<input type="checkbox"/> A6016 Intellectual Property	2., 3.

Non-Personal Injury/Property Damage/
Wrongful Death Tort (Cont'd.)

Employment

Contract

Real Property

Judicial Review Unlawful Detainer

SHORT TITLE: DELLA PENNA v. KFHP, et al.	CASE NUMBER
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A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons -See Step 3 Above
Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
Wrongful Termination (36)	<input checked="" type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not Unlawful Detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5., 6. 2., 5.
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2.
Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property(not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
Unlawful Detainer- Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer- Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer- Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.
Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.

SHORT TITLE: DELLA PENNA v. KFHP, et al.	CASE NUMBER
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Judicial Review (Cont'd.)

Provisionally Complex Litigation

Enforcement of Judgment

Miscellaneous Civil Complaints

Miscellaneous Civil Petitions

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus	2., 8.
	<input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter	2.
	<input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2.
Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2., 8.
Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
Construction Defect (10)	<input type="checkbox"/> A6007 Construction defect	1., 2., 3.
Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.
Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.
Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment	2., 9.
	<input type="checkbox"/> A6160 Abstract of Judgment	2., 6.
	<input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations)	2., 9.
	<input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes)	2., 8.
	<input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax	2., 8.
	<input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 8., 9.
RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only	1., 2., 8.
	<input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment)	2., 8.
	<input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex)	1., 2., 8.
	<input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8.
Partnership Corporation Governance(21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment	2., 3., 9.
	<input type="checkbox"/> A6123 Workplace Harassment	2., 3., 9.
	<input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case	2., 3., 9.
	<input type="checkbox"/> A6190 Election Contest	2.
	<input type="checkbox"/> A6110 Petition for Change of Name	2., 7.
	<input type="checkbox"/> A6170 Petition for Relief from Late Claim Law	2., 3., 4., 8.
	<input type="checkbox"/> A6100 Other Civil Petition	2., 9.

SHORT TITLE: DELLA PENNA v. KFHP, et al.	CASE NUMBER
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Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: CHECK THE NUMBER UNDER COLUMN C WHICH APPLIES IN THIS CASE <input type="checkbox"/> 1. <input checked="" type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.		ADDRESS: 393 E. Walnut Street	
CITY: Pasadena	STATE: CA	ZIP CODE: 91188	

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Stanley Mosk courthouse in the Central District of the Los Angeles Superior Court (Code Civ. Proc., § 392 et seq., and LASC Local Rule 2.0, subds. (b), (c) and (d)).

Dated: October 7, 2010


(SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet form JC 982.2(b)(1).
4. Complete Addendum to Civil Case Cover Sheet form CIV 109 03-09 (eff. Date).
5. Payment in full of the filing fee, unless fees have been waived.
6. Signed order appointing the Guardian ad Litem, JC form 982(a)(27), if the plaintiff or petitioner is a minor under 18 years of age, or if required by Court.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.