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

10 SARAH JONES

11 Plaintiff,

12 vs.

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

15 Defendants

Case No.:

**GENERAL CIVIL**

**COMPLAINT FOR DAMAGES:  
SEXUAL ORIENTATION  
DISCRIMINATION; TORTIOUS  
DISCHARGE IN VIOLATION OF  
PUBLIC POLICY; PUNITIVE  
DAMAGES**

**JURY TRIAL DEMANDED**

16 **COMES NOW** plaintiff SARAH JONES and alleges as follows:

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

25 2. Plaintiff is informed and believes, and alleges on the basis of that information and  
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1 belief, that defendant ACME MEDICAL CORPORATION is a business entity whose form is  
2 unknown to plaintiff, doing business in the City of North Hollywood, County of Los Angeles,  
3 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 or harassing employees on the basis of their race.

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

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

15 6. During the course of her employment with defendants, plaintiff performed each and  
16 every condition and covenant required on her part to be performed pursuant to said employment  
17 agreement and in particular was continuously employed by defendant from in or around August  
18 of 1986, to on or about April 9, 2001.

19  
20 **FIRST CAUSE OF ACTION**

21 (Sexual Orientation Discrimination)

22 7. Plaintiff realleges and incorporates the allegations of Paragraphs 1 through 7 of this  
23 complaint, as though fully set forth herein.

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

26 9. The laws of the State of California, as declared by its constitution and statutory  
27 schemes, prohibit, among other things, employment discrimination and harassment because of  
28 sexual orientation.

1           10. For more than 13 years plaintiff worked at defendant's medical facility without  
2 incident, until her sexual orientation became common knowledge amongst the employees.  
3 Thereafter, she became the target of inappropriate office gossip and innuendo.

4           11. Despite being victimized in this manner, plaintiff continued to concentrate on doing her  
5 job. However, her co-workers' fixation about her sexual orientation, and the ensuing gossip and  
6 innuendos escalated over the period of about a year until finally, during her annual evaluation in  
7 February of 2001, she complained to defendant's management about this problem.

8           12. Instead of taking steps to rectify what had become a hostile work environment for  
9 plaintiff, defendant responded to these complaints by retaliating against plaintiff. For example,  
10 after making the complaints at her annual performance evaluation about her co-worker's conduct  
11 towards her, she received the first sub-par performance appraisal during her long career as  
12 defendant's employee. One of the comments listed on this appraisal noted that her "personal life"  
13 had "interfered" with her relationship with her co-workers, causing plaintiff to become "moody"  
14 and not a "team player."

15           13. On April 9, 2001, plaintiff was terminated because of her sexual orientation, and  
16 because she had complained to defendant about the harassment she had endured from her co-  
17 workers because of her sexual orientation.

18           14. It further is alleged that the alleged work performance deficiencies set forth in the sub-  
19 par performance evaluation given to plaintiff in February 2001, after she had complained about  
20 her co-workers conduct, were false and created for the sole purpose of providing defendant with  
21 a pretext to cover up what was in reality a discriminatory and retaliatory termination of plaintiff  
22 because of her sexual orientation.

23           15. In that regard, plaintiff alleges that at all times pertinent herein, she was a good  
24 employee who performed her work duties in a conscientious and professional manner.  
25 Accordingly, it hereby is alleged that defendants had no good cause or justification to discipline  
26 plaintiff or terminate her employment, and that her termination was motivated by and was the  
27 result of unlawful discrimination by defendants against plaintiff because of her sexual  
28 orientation.



1 orientation.

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

6 24. Defendants' acts as herein before described were committed maliciously, fraudulently  
7 and oppressively with the intent of injuring plaintiff. Defendants acted with improper and evil  
8 motive, and acted with a conscious disregard of plaintiff's right to work in an environment free  
9 from retaliation. Because these acts were carried out in a despicable, deliberate and intentional  
10 manner, plaintiff is entitled to recover punitive damages in a sum sufficient to punish and deter  
11 future such conduct.

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

14 **FIRST CAUSE OF ACTION**

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

20 **SECOND CAUSE OF ACTION**

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

25 **AS TO ALL CAUSES OF ACTION**

- 26 6. For costs of suit incurred;
- 27 7. For prejudgment interest:
- 28

1           8. For such other and further relief as this court may deem just and proper, including  
2 attorney fees as authorized by law.

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4  
5 Dated: August 27, 2001

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7 **JAMES W. JOHNSTON**  
8 Attorney for Plaintiff,  
9 SARAH JONES

10           Plaintiff hereby demands a jury trial on all issues.

11  
12 Dated: August 27, 2001

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14 **JAMES W. JOHNSTON**  
15 Attorney for Plaintiff,  
16 SARAH JONES  
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