

Assigned for all purposes to: Stanley Mosk Courthouse, Judicial Officer: Teresa Beaudet

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Attorneys for Plaintiff,
TAKESHA ESSOMBE

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES – UNLIMITED JURISDICTION

TAKESHA ESSOMBE, an individual,

Plaintiff,

v.

THE REGENTS OF THE UNIVERSITY OF
CALIFORNIA, KATHLEEN SALVESON, an
individual, and DOES 1 through 50, Inclusive,

Defendants.

Case No.: **20STCV13204**

**PLAINTIFF’S VERIFIED COMPLAINT
FOR DAMAGES**

- 1. Race Discrimination and Wrongful Termination in Violation of FEHA;**
- 2. Harassment and Hostile Work Environment in Violation of FEHA;**
- 3. Retaliation in Violation of FEHA;**
- 4. Retaliation in Violation of Health & Safety Code Section 1278.5;**
- 5. Failure to Prevent Discrimination, Harassment, and Retaliation in Violation of FEHA;**
- 6. Violation of Labor Code Section 1102.5**
- 7. Violation of California Civil Code Section 43;**
- 8. Intentional Infliction of Emotional Distress; and**
- 9. Negligent Infliction of Emotional Distress.**

DEMAND FOR JURY TRIAL

PLAINTIFF TAKESHA ESSOMBE, on information and belief, makes the following allegations to support this Complaint:

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1 **NATURE OF ACTION**

2 1. PLAINTIFF TAKESHA ESSOMBE (hereinafter “PLAINTIFF” or
3 “MS. ESSOMBE”) brings this action against DEFENDANT REGENTS OF THE UNIVERSITY
4 OF CALIFORNIA (hereinafter “DEFENDANTS” or “UC REGENTS”) and DOES 1 through 50,
5 inclusive, seeking, among other things, statutory and compensatory damages arising out of
6 DEFENDANTS’ violation of California’s Fair Employment & Housing Act (“FEHA”) (Gov.
7 Code, § 12900 et seq.), California Civil Code section 43, various California Labor Code sections,
8 retaliation, discrimination and wrongful termination on basis of race, and failure to prevent
9 discrimination and harassment.

10 2. PLAINTIFF was at all times relevant to this action an employee of UC REGENTS.
11 DEFENDANT UC REGENTS was at all times relevant to this action, a publicly-created,
12 privately-operated entity of the state of California, with its principal office located at 1111
13 Franklin Street, 8th Floor, Oakland, California 94607. DEFENDANTS were, at all times relevant
14 to this action, engaged in higher education and medical services in the State of California.
15 DEFENDANTS operate UCLA Health (hereinafter “UCLA”) located in Los Angeles, California.
16 UC REGENTS owns and operates UCLA Hospital, a hospital located in the County of Los
17 Angeles. The majority of events, occurrences, and transactions relative to this action transpired
18 at UCLA.

19 3. On or about December 4, 2018, UCLA wrongfully terminated PLAINTIFF from
20 employment, in violation of public policy. UCLA never gave MS. ESSOMBE a reason for her
21 termination, she was just told she was taken off the schedule. However, a week prior to her
22 termination, PLAINTIFF had a meeting with ANTHONY JOHNSON (hereinafter “JOHNSON”),
23 the Phlebotomy Laboratory Director, regarding her complaints of harassment and discrimination.
24 Consequentially, MS. ESSOMBE was devastated when she was terminated a week after their
25 conversation, because at the end of the meeting, JOHNSON assured her he would look into her
26 complaints, ESSOMBE worked diligently and competently and preformed her job duties in an
27 exemplary manner, and wanted only to work in an environment free from discrimination and
28 harassment.

4. Shortly after MS. ESSOMBE began working with UCLA as a phlebotomist, she experienced racially motivated discrimination, harassment, and bullying from co-workers and immediate supervisors. Though she was hailed as an exemplary employee by her immediate supervisors and was consistently requested by patients as their preferred phlebotomist, MS. ESSOMBE experienced a work environment littered with racial slurs against her and in her presence by co-workers, supervisors that turned a blind eye to her complaints about such inappropriate and wrongful behavior, and those very same supervisors not only participated in the racial discrimination and harassment but also emulated, condoned and ratified the racism perpetrated by her co-workers by retaliating against MS. ESSOMBE and wrongfully terminating her.

PARTIES AND THEIR AGENTS

5. MS. ESSOMBE is a 39-year-old African-American woman and, at all times mentioned herein was, a resident of the State of California and, at the time of her termination, was working at UCLA, at both the Westwood and Santa Monica location, on a registry basis. UCLA, at all times mentioned herein is a public college/university doing business in Los Angeles County, California. MS. ESSOMBE was the victim of wrongful termination in violation of public policy, including violations of FEHA, and DEFENDANTS’ failure to take corrective action regarding MS. ESSOMBE’S complaints of being racially discriminated against, and thus brings this action against DEFENDANTS. Moreover, when the UC Regents, after being placed on notice of her claims and being held liable for harassment of an African-American phlebotomist in the Santa Monica location, hired her back as a per diem employee, its supervisors and other employees subjected Ms. ESSOMBE to harassment and discrimination as detailed below.

6. During her employment at UCLA, MS. ESSOMBE was subjected to frequent discriminatory and harassing comments and behavior from UCLA’s employees and MS. ESSOMBE’s co-workers, OSCAR TORRES (hereinafter “TORRES”), BRIAN ANDRADE (hereinafter “ANDRADE”), MARIA CONTRERAS (hereinafter “CONTRERAS”), and MAYRA RIVERS (hereinafter “RIVERS”). UCLA’s employees and MS. ESSOMBE’s supervisors, Phlebotomy Supervisor, KATHY SALVESON, and JOHNSON ignored MS.

1 ESSOMBE's numerous complaints and allowed the discriminatory and harassing comments and
2 behavior to continue and also participated in the discriminatory, and harassing conduct. In turn,
3 DEFENDANTS retaliated against MS. ESSOMBE by wrongfully terminating MS. ESSOMBE
4 within a week of her most recent complaint of discrimination, harassment and unfair treatment.

5 7. DEFENDANTS UC REGENTS owns and operates UCLA. UCLA is and was at
6 all times herein mentioned, a public college/university, doing business at 757 Westwood Plaza,
7 Los Angeles, California 90095 and at 1245 16th Street, Santa Monica, California 90404. In doing
8 the acts herein alleged, its employees, including their supervisors and managers, acted within the
9 course and scope of their employment with UC REGENTS, engaged in the acts alleged herein
10 and/or UC REGENTS condoned, permitted, authorized, and/or ratified the conduct of its
11 employees, failed to take all reasonable steps to prevent and correct discrimination and
12 harassment, and is vicariously liable for the wrongful conduct of its employees.

13 8. Defendant SALVESON is an adult female and California resident. At all times
14 herein mentioned SALVESON was an employee and managing agent of U.C. REGENTS and
15 DOES 1 through 50. At all times herein mentioned, the DEFENDANTS UC REGENTS and
16 DOES 1 through 50 were negligent and/or reckless in that they knew or should have known about
17 SALEVESON's acts of and propensity to commit acts of discrimination, harassment and
18 retaliation and failed to take immediate and appropriate corrective action. At all times herein
19 mentioned SALVESON was a supervisor under the Fair Employment and Housing Act.

20 9. In doing the acts complained of herein, SALVESON acted individually and as an
21 agent of UC REGENTS and DOES 1 through 50 and, as such, UC REGENTS and DOES 1
22 through 50 are liable for SALVESON's acts of unlawful discrimination, harassment and
23 retaliation. SALVESON is personally liable for her acts of unlawful harassment pursuant to
24 Government Code section 12940, subdivision (j)(3).

25 10. MS. ESSOMBE is informed and believes, and thereon alleges, that at all relevant
26 times DOES 1 through 50 were duly authorized UC REGENTS and/or employees and agents,
27 acting within the course and scope of their employment. The true names of DOES 1-50 are
28 unknown to MS. ESSOMBE. At all relevant times, DEFENDANTS DOES 1 through 50 were

1 under the direct supervision, employ, and control of DEFENDANTS UC REGENTS. In doing
2 the acts alleged herein, DEFENDANTS DOES 1 through 50 were acting within the course and
3 scope of their employment and agency with DEFENDANTS UC REGENTS.

4 11. The true names and capacities of DEFENDANTS named herein as DOES 1
5 through 50, inclusive, is unknown to MS. ESSOMBE who therefore sues such DEFENDANTS
6 by such fictitious names pursuant to Code of Civil Procedure section 474. MS. ESSOMBE is
7 informed and believes that the DOE DEFENDANTS are California residents. MS. ESSOMBE
8 will seek leave of Court to amend this Complaint to allege their true names and capacities when
9 they have been ascertained. Each of the DEFENDANTS designated herein as a DOE is
10 responsible in some manner for the events and happenings herein alleged and MS. ESSOMBE's
11 damages as herein alleged were proximately caused by those DEFENDANTS. At all times herein
12 mentioned, DEFENDANTS DOES 1 through 50, inclusive, were the agents, servants, or
13 employees of their CO-DEFENDANTS and in doing the things hereinafter alleged, were acting
14 within the course and scope of their authority as those agents, servants, or employees, and with
15 the permission and consent of their CO-DEFENDANTS.

16 12. MS. ESSOMBE is informed and believes, and based thereon alleges, that at all
17 relevant times the DEFENDANTS were the agents of DEFENDANTS UC REGENTS, and in
18 doing the things herein alleged, each DEFENDANT was acting in the course and scope of such
19 agency, with the consent, notification, and permission of each of the DEFENDANTS.
20 DEFENDANTS ratified the actions of the other DEFENDANTS and named employees as alleged
21 herein.

22 **JURISDICTION AND VENUE**

23 13. PLAINTIFF brings this action pursuant to and under the provisions of the Fair
24 Employment and Housing Act, California Government Code sections 12940, *et. seq.* (hereinafter
25 referred to as "FEHA") Article I, section 1 of the California Constitution and other common and
26 statutory laws.

27 14. The amount in controversy exceeds the minimum jurisdictional threshold of this
28 Court.

1 15. Defendant is, and at all times relevant hereto has been, an “employer” as defined
2 by FEHA. At all times set forth herein, Defendant employed five (5) or more employees for each
3 working day in each of twenty or more calendar weeks in the current or preceding calendar year
4 and is otherwise subject to the provisions of FEHA and other applicable laws.

5 16. State policy favors jurisdiction and venue in the County of Los Angeles, California
6 because the State of California has a policy of protecting California residents and ensuring the
7 applicability of FEHA, and other applicable California laws.

8 17. This court has personal jurisdiction over the DEFENDANTS because they are
9 residents of and/or doing business in the State of California.

10 18. Venue is proper in this county in accordance with Section 395 (a) of the California
11 Code of Civil Procedure because (a) the DEFENDANTS, or some of them, reside in Los Angeles
12 County and (b) the injury occurred in Los Angeles County.

13 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

14 19. Within the time provided by law, PLAINTIFF filed charges with the California
15 Department of Fair Employment and Housing (“FEHA”) alleging race discrimination,
16 harassment, and retaliation against DEFENDANTS. PLAINTIFF has received notice of “right to
17 sue” letters to sue in California Superior Court pursuant to California Government Code section
18 12965, subdivision (b). PLAINTIFF files this action within one year of receipt of his “right to
19 sue” letter from the FEHA, and has, therefore, properly exhausted his administrative remedies
20 and has timely filed this complaint. MS. ESSOMBE received a Right to Sue on April 8, 2019.
21 This action is being filed within one year from the date MS. ESSOMBE was issued a Right to
22 Sue. A true and correct copy of same is attached hereto as **Exhibit “A.”**

23 **FACTS COMMON TO ALL CAUSES OF ACTION**

24 20. ‘On or about June of 2015, MS. ESSOMBE began working at UCLA at the
25 Westwood location on a registry basis as a phlebotomist, in a CPT II position. Up until this date,
26 MS. ESSOMBE had seven years of extensive experience as a phlebotomist. MS. ESSOMBE
27 applied for numerous in house positions for per diem and career employment at both the
28 Westwood and Santa Monica location from approximately 2011 to 2018 and never received an

1 interview for any of these positions despite the fact that those with inferior experience were
2 interviewed and hired.

3 21. From June 2015 to 2018, MS. ESSOMBE applied to many per diem and career
4 positions. SALVESON interviewed and hired candidates with less experience from other races
5 and rejected qualified African American candidates. MS. ESSOMBE complained about
6 SALVESON's disparate treatment, however, DEFENDANTS ratified SALVESON's
7 discriminatory animus towards African Americans as MS. ESSOMBE's complaints were never
8 investigated or corrected.

9 22. DEFENDANTS refusal to provide per diem or career status relegated MS.
10 ESSOMBE and similarly situated African American phlebotomists to an inferior second class
11 status as compared to other phlebotomists. According to the University of California and
12 AFSCME handbook, "nondiscrimination in employment "Article 22 (A) (1) General Provisions,
13 states that, "As required by law and University regulations, the University will not discriminate
14 against employees in the Unit on the basis of race..." Yet, the UC Regents violated that policy
15 with impunity.

16 23. Shortly after MS. ESSOMBE began her employment, she experienced racially
17 motivated discrimination, harassment, and bullying from co-workers and supervisory personnel.

18 24. In 2015, MS. ESSOMBE addressed her concerns regarding applying for open
19 positions and not being offered any to her then supervisor, Mr. Odeh El Hamarneh (hereinafter
20 "Odeh"), and SALVESON, who at the time was the Director in the Westwood location. Odeh
21 told MS. ESSOMBE he would advise SALVESON of her complaint and she would look into it.
22 Unfortunately, nothing was ever done, and MS. ESSOMBE never received any response from
23 either Odeh or SALVESON.

24 25. Then shortly after MS. ESSOMBE started working in the Santa Monica location,
25 in or around May of 2018, she again complained to SALVESON, who was her immediate
26 supervisor at the time, concerning applying for open positions and not being offered any and that
27 she felt that she was being discriminated against because of her race as an African American.
28 SALVESON responded that she was aware that MS. ESSOMBE was applying for these positions,

1 however, SALVESON never addressed her complaint, nor did she enlist the assistance of Human
2 Resources.

3 26. Throughout her employment with UCLA, MS. ESSOMBE enjoyed an exemplary
4 professional reputation among her peers and patients. In fact, patients would often request MS.
5 ESSOMBE as she was known to be patient, caring and pleasant. Additionally, MS. ESSOMBE
6 never received any complaints from patients, doctors or nurses. Moreover, MS. ESSOMBE was
7 never reprimanded, written up, or had received any kind of disciplinary action against her.

8 27. MS. ESSOMBE experienced discrimination in both Westwood and at the Santa
9 Monica location, in that she had more draws assigned to her while working in the inpatient labs
10 as compared to other phlebotomists who were not African American. The unfair number of draws
11 impacted her ability to take breaks, so often she was unable to take breaks. Odeh, SALVESON
12 and JOHNSON were fully aware of the unfair number of draws assigned to MS. ESSOMBE as
13 she complained to all of them.

14 28. When dispatching at the Santa Monica location, dispatchers TORRES, RIVERS,
15 CONTRERAS, REYES and ANDRADE would overload MS. ESSOMBE with blood draws
16 while there were other phlebotomists available to do the blood draws who were just hanging out
17 in the lab. Additionally, when these dispatchers wanted to assign MS. ESSOMBE a blood draw,
18 they would call her phone nonstop until she picked up the phone. During these instances, MS.
19 ESSOMBE was in the process of drawing a patient, so she was unable to answer the phone.
20 Furthermore, the dispatchers had access to the “rover,” handheld device, which indicated which
21 draws were assigned to each phlebotomist and when the draws were completed. As such, the
22 dispatchers knew MS. ESSOMBE was busy doing her assigned draws, but continuously called
23 her until she picked up to assign her more draws. The manner in which these assignments were
24 communicated were harassing in that a phlebotomist cannot answer the phone while drawing
25 blood and repetitive, accusatory phone calls would interfere in the performance of her job duties.

26 29. As a confirmation of these discriminatory practices of the dispatchers, in or around
27 May of 2018, SALVESON approached MS. ESSOMBE and asked her why she had so many
28 draws on a particular day and MS. ESSOMBE informed her of the disparate blood draw

1 assignments and that she was working more than non-African American phlebotomists. Although
2 SALVESON responded that she would look into it, however no corrective action was taken
3 because the overloading of blood draws continued.

4 30. Likewise, dispatchers TORRES, RIVERS, CONTREARAS, ANDRADE and
5 REYES constantly jeopardized patient care by assigning MS. ESSOMBE STAT (draws that had
6 to be done as soon as possible) and routine blood draws while she was on break or unavailable as
7 she was in the process of drawing a patient. Also, at times, if a STAT draw came in, they would
8 wait approximately thirty minutes to assign the draw to MS. ESSOMBE to give the appearance
9 that MS. ESSOMBE was not making the STAT draw a priority when in reality, the dispatchers
10 were not making it a priority. Further, there were times when this delay assigning a STAT draw
11 occurred and there were other phlebotomists available in the lab, however the draw was assigned
12 to MS. ESSOMBE.

13 31. MS. ESSOMBE informed SALVESON about the disparate treatment and the
14 deliberate patient care neglect as well as the fact that other phlebotomists would be hanging out
15 in the lab and instead of the dispatchers assigning those blood draws to them, the additional draws
16 were assigned to her. Again, SALVESON replied “I will look into it,” and took no corrective
17 action as this abuse and patient care neglect continued.

18 32. MS. ESSOMBE also complained about this disparate treatment and the patient
19 care neglect to JOHNSON and he replied, “I’ll look into it.” However, JOHNSON did not
20 investigate, nor did he take any corrective action as this abusive behavior and patient neglect
21 continued.

22 33. In or around July of 2018, MS. ESSOMBE made another complaint to
23 SALVESON in regard to the unfair number of draws assigned to her as compared to others and
24 she again stated that she would look into it. However, again nothing was ever done because MS.
25 ESSOMBE continued to get excessive blood draws.

26 34. MS. ESSOMBE was also subjected to being called derogatory names in Spanish
27 like “Morena” which means “black girl,” and refers to the color of her skin and “perezoso” which
28 means “lazy.” Whenever MS. ESSOMBE would enter the lab she would be referred to in this

1 manner by TORRES, RIVERS, CONTRERAS, ELIZABETH REYES (hereinafter “REYES”),
2 and ANDRADE. Although RIVERS, CONTRERAS, REYES and ANDRADE are all
3 phlebotomists, CPT II, which is the same position as MS. ESSOMBE, they treated MS.
4 ESSOMBE like she was inferior to them.

5 35. MS. ESSOMBE complained to both SALVESON and JOHNSON how when she
6 entered the lab and these Spanish words were spoken, she felt singled out and mocked, however,
7 neither one of them took any corrective action. Therefore, this discriminatory behavior continued
8 throughout her employment and up until MS. ESSOMBE’s termination.

9 36. Co-worker, ANDRADE addressed MS. ESSOMBE as “My Nigga” and would use
10 the word “Nigga” when referring to African Americans in the lab in front of co-workers and
11 SALVESON, her supervisor. MS. ESSOMBE asked ANDRADE in front of SALVESON not to
12 use the “N” word in the workplace because it offended her and both ANDRADE and SALVESON
13 ignored her. Hence, since his behavior was sanctioned by SALVESON, Andrade continued to
14 use the “N” word in the lab.

15 37. Additionally, often when MS. ESSOMBE worked with ANDRADE, he would
16 play music in which offensive words like, “Nigga,” “bitch,” and “hoes” was used profusely. MS.
17 ESSOMBE complained to both SALVESON and JOHNSON, but they never addressed MS.
18 ESSOMBE’s complaint, nor did they take any corrective action. Predictably, with both
19 SALVESON and JOHNSON condoning his behavior, ANDRADE continued playing this
20 offensive music.

21 38. MS. ESSOMBE diligently performed her job duties. However, when RIVERS and
22 CONTRERAS were dispatching, they would also call MS. ESSOMBE nonstop just to harass her
23 and ask her in an aggressive tone, “Where are you?” or “What are you doing?” when they were
24 fully aware of her whereabouts as they were the ones assigning her the draws and had access to
25 the Rover, handheld system to see when she completed her draws.

26 39. Moreover, RIVERS, CONTRERAS, and TORRES would not only assign MS.
27 ESSOMBE draws consecutively in different parts of the hospital, but they would also assign her
28 the harder sticks, which are the blood draws that are more difficult to draw. When MS. ESSOMBE

1 would request to take a break, these dispatchers would reply, “you can go on break afterwards, I
2 have other draws for you.” However, these other draws would be all over the hospital and many
3 times include hard sticks, so sometimes, she was often deprived of taking a break in a timely
4 fashion.

5 40. MS. ESSOMBE concerned for patient care, complained to SALVESON that her
6 blood specimens were being thrown away and that she suspected TORRES. Ms. SALVESON
7 responded, “I will look into it,” however she did not investigate, nor did she take corrective action
8 because TORRES continued to throw away her blood draws. TORRES had a history of disposing
9 of blood draws and had been previously terminated for this conduct but was rehired back.
10 Therefore, MS. ESSOMBE confronted TORRES who laughed and pretended to be unaware at
11 first, but then later that day, he said he was sorry. MS. ESSOMBE’s priority was patient care and
12 knowing that TORRES would continue to throw away her blood samples, consequently from that
13 point on, she hand-delivered her blood specimens. TORRES retaliated against MS. ESSOMBE
14 for complaining by increasing his discrimination and harassment against her. TORRES increased
15 his hostility towards MS. ESSOMBE and when she came down with her blood draws, he would
16 give her antagonizing stares and spoke to her in a hostile manner. Additionally, he increased his
17 disparate treatment regarding the blood draw assignments.

18 41. MS. ESSOMBE was an exemplary employee and always completed her tasks
19 efficiently and competently. However, CONTRERAS and RIVERS made the performance of her
20 job duties extremely difficult for MS. ESSOMBE by creating a hostile, predatory and bullying
21 atmosphere. For example, in an aggressive tone, CONTRERAS and RIVERS would regularly
22 assign draws to MS. ESSOMBE at the end of her shift when she was supposed to be restocking
23 her cart for the next shift.

24 42. SALVESON also engaged racially charged behavior. Specifically, on one
25 occasion, SALVESON, made a comment about MS. ESSOMBE’s children going to school in a
26 Pacific Palisades neighborhood and stated, “there’s not too many of you there (referring to
27 African Americans), how do your kids go to school there?” MS. ESSOMBE was in shock and
28 disbelief and said that her husband lived there.

1 43. On another occasion, SALVESON made remarks about another female African
2 American employee’s hairstyle, calling her “Pickaninny,” a racial slur used to refer to African
3 Americans in the slavery era. MS. ESSOMBE told SALVESON that she felt very uncomfortable
4 about these racially motivated remarks.

5 44. SALVESON would also harass MS. ESSOMBE whenever she requested to
6 change her scheduling hours. MS. ESSOMBE felt SALVESON treated the African American
7 employees differently and would always create problems when they wanted to switch their
8 scheduling hours, as this was not the case for other races.

9 45. SALVESON also asked MS. ESSOMBE about her last name, which is originated
10 from Central Africa and make fun of it because it is associated with African origin. SALVESON
11 said, “What kind of name is that?” then before MS. ESSOMBE could respond, SALVESON
12 added in a condescending tone, “It must be African.” MS. ESSOMBE felt very offended by this
13 rude and offensive conduct.

14 46. When MS. ESSOMBE was hired, SALVESON told her that she could not show
15 her the floors because she stays in her office and rarely goes to the floors. Therefore, MS.
16 ESSOMBE was surprised when she looked up from drawing one of her regular patients and saw
17 SALVESON standing there. This patient later told MS. ESSOMBE that SALVESON asked
18 questions regarding how she did on the draw. MS. ESSOMBE again realizing that this was
19 unusual, asked other non-African American phlebotomists if SALVESON had ever shown up to
20 their draws and they responded, “no.” SALVESON had a history of harassing other African
21 American phlebotomists by following them in a surreptitious manner.

22 47. In or around July 30, 2018, SALVESON offered MS. ESSOMBE a per diem
23 position. SALVESON told MS. ESSOMBE she would submit the paperwork to Human
24 Resources to facilitate the hiring process, however Human Resources informed her they never
25 received any information regarding SALVESON’s submitting her paperwork for a job position.

26 48. In or around late August 2018, MS. ESSOMBE emailed SALVESON and inquired
27 about the position, but, SALVESON did not give her any clear explanation as to why Human
28 Resources was not informed about the position she was offered.

1 49. In or around late November of 2018, MS. ESSOMBE complained to JOHNSON,
2 regarding the racially discriminatory and harassing behavior she was subjected to as well as the
3 numerous complaints she made to SALVESON.

4 50. MS. ESSOMBE also expressed to JOHNSON her frustrations regarding not being
5 offered the positions she had applied for and the fact that SALVESON retaliated against her by
6 not finalizing the job offer she had initially offered her. MS. ESSOMBE specifically told Mr.
7 JOHNSON that she felt she was subjected to this discriminatory behavior because she was
8 African American.

9 51. JOHNSON did not investigate MS. ESSOMBE's complaints and chose to dismiss
10 them. Even when MS. ESSOMBE again reiterated to him that other races had been offered the
11 same positions with less experience and she was being treated differently because of her race and
12 due to her numerous complaints, JOHNSON continued to turn a blind eye and took no corrective
13 action.

14 52. MS. ESSOMBE also complained to JOHNSON about the unfair number of draws
15 assigned to her, her previous complaints to SALVESON, and the fact that she did not take any
16 corrective action. And again, JOHNSON dismissed her complaints and took no corrective action.

17 53. Further DEFENDANTS did not involve Human Resources in response to MS.
18 ESSOMBE's complaints, instead, JOHNSON responded by racially stereotyping and said, "you
19 guys are lazy," referring to African Americans.

20 54. In or around November 27, 2018, JOHNSON sent MS. ESSOMBE an email in
21 response to MS. ESSOMBE requesting a meeting to discuss SALVESON offering her a per diem
22 position, then rescinding. MS. ESSOMBE met with Mr. JOHNSON in his office shortly thereafter
23 and addressed Ms. SALVESON's job offer as well as her unfair discriminatory treatment.

24 55. The next day after MS. ESSOMBE's meeting with JOHNSON on or around
25 December 4, 2018, DEFENDANTS took MS. ESSOMBE off the schedule, thereby terminating
26 her from employment. DEFEDANTS did not give MS. ESSOMBE any reason for the wrongful
27 termination.

28 ///

1 56. MS. ESSOMBE was devastated at the unwarranted termination as she is a single
2 mother of two children and was worried about providing food and shelter for her children.

3 57. MS. ESSOMBE immediately tried to mitigate her damages and applied for
4 numerous jobs, including applying for positions at UCLA Santa Monica and Westwood.
5 Eventually, for approximately a month, the UCLA system locked her out and she was not able to
6 apply for any positions. Once MS. ESSOMBE was able to apply again, she did so, however she
7 was not offered a position from December 2018 to July 2019. Ultimately, Ms. ESSOMBE was
8 able to secure a part time phlebotomist position, which allowed her to provide for the bare
9 necessities for her family.

10 58. On or about August 6, 2019, in the case of *Birden v UC Regents, et al*, a Los
11 Angeles jury awarded Ms. Birden, who was an African American phlebotomist at UCLA Santa
12 Monica, \$1,576,145.92 due to her being subjected to a racially charged and hostile work
13 environment. Similarly, although MS. ESSOMBE began her employment at UCLA Santa Monica
14 approximately nine months after Ms. Birden’s employment, she was subjected to the same type
15 of racially charged hostile work environment by some of the same UCLA employees.

16 59. Approximately two days after the *Birden v UC Regent’s et al.* verdict, MS.
17 ESSOMBE wrote an email to Nicholas Ruhe (hereinafter “RUHE”), UCLA phlebotomy recruiter,
18 reminding him of her past complaint to him regarding being passed over for a per diem position
19 and the fact that she continues to apply for positions and to date she has not been interviewed for
20 any positions. Coincidentally, within approximately a week of the email to RUHE and the verdict,
21 SALVESON contacted MS. ESSOMBE and offered her a per diem position.

22 60. MS. ESSOMBE received an offer letter on September 5, 2019 which stated in part,
23 “We were very impressed with your qualifications, your interview and you. And we’re excited to
24 see all UCan do with us. That’s why we’re pleased to extend an offer of employment with UCLA
25 Health.” MS ESSOMBE accepted the position as up until then she was only able to secure a part
26 time position and began working at UCLA Santa Monica on September 30, 2019.

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1 61. However, upon returning, MS. ESSOMBE continued to be subjected to disparate
2 treatment which she has complained to management about. The UC Regents provide her with
3 inferior work assignments, work hours, conditions of employment, pay and job benefits as
4 compared to non-African American phlebotomists.

5 62. DEFENDANTS did not take corrective action regarding MS. ESSOMBE's
6 complaints, instead, UC REGENTS terminated MS. ESSOMBE in retaliation for her complaints
7 of harassment and discrimination thereby condoning the racially discriminatory and harassing
8 behavior by co-workers and her supervisors.

9 63. DEFENDANTS discriminated against MS. ESSOMBE on the basis of her race
10 (African American) which violates the California Fair Employment and Housing Act. The UC
11 REGENTS ratifies this type of treatment, therefore, SALVESON, and JOHNSON are
12 accustomed to harassing and discriminating against African American employees.

13 64. MS. ESSOMBE was retaliated against for engaging in protected activity which
14 also violates the California Fair Employment and Housing Act.

15 65. MS. ESSOMBE's complaints were neither acknowledged nor addressed. Rather,
16 UCLA responded by terminating her in retaliation for said complaints of harassment and
17 discrimination. UCLA's blatant disregard to remedy such wrongful conduct by its employees
18 underscores their acceptance of racial discrimination and harassment.

19 **FIRST CAUSE OF ACTION**

20 **RACE DISCRIMINATION AND WRONGFUL TERMINATION IN VIOLATION OF**
21 **THE FAIR EMPLOYMENT AND HOUSING ACT**

22 **(GOV. CODE, § 12940)**

23 **[AGAINST DEFENDANTS UC REGENTS and DOES 1-50]**

24 66. PLAINTIFF restates and incorporates by reference, as though fully set forth
25 herein, each and every allegation set forth in the paragraphs above.

26 67. DEFENDANTS' conduct, as alleged, violated FEHA, Government Code section
27 12900, *et seq.*, and DEFENDANTS committed unlawful employment practices, including by the
28 following bases for liability:

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- a. Government Code section 12940, subdivision (a) prohibits an employer from. Discharging, barring, refusing to transfer, retain, hire, select, and/or employ, and/or otherwise discriminating against PLAINTIFF, in whole or in part on the basis of PLAINTIFF’s race, national origin, and/or color;
- b. Harassing PLAINTIFF and/or creating a hostile work environment, in whole or in part on the basis of PLAINTIFF’s race, national origin, and/or color..., in violation of Government Code section 12940, subdivision (j);
- c. Failing to take all reasonable steps to prevent discrimination and harassment based on race, in violation of Government Code section 12940, subdivision (k); and
- d. Retaliating against PLAINTIFF for seeking to exercise rights guaranteed under FEHA and/or opposing DEFENDANTS’ failure to provide such rights, in violation of Government Code section 12940, subdivision (h).
- e. Wrongfully terminating Plaintiff for discriminatory and retaliatory reasons.
- f. Subjecting Plaintiff to inferior work assignments, working hours, job conditions, pay and benefits.

68. Defendant employer was at all relevant times an employer within the meaning of the California Government Code section 12926, subdivision (d) which states that, “An employer who regularly employs five (5) or more persons, is subject to the FEHA. Further, “An employee of an entity subject to this subdivision is personally liable for any harassment prohibited by this section that is perpetrated by the employee, regardless of whether the employer or covered entity knows or should have known of the conduct and fails to take immediate and appropriate corrective action. (Gov. Code, § 12940, subd. (j)(3); *Roby v. McKesson Corp.* (2009) 47 Cal.4th 686, 709.)

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1 69. Additionally, the FEHA protects not just employees, but also “an applicant, an
2 unpaid intern or volunteer, or a person providing services pursuant to a contract.” (Gov. Code, §
3 12940, subd. (j)(1).)

4 70. MS. ESSOMBE is an African-American female, and thus part of a protected class
5 as defined by the FEHA.

6 71. Through the acts described fully above, Defendant violated Government Code
7 section 12940, subdivision (a), by discriminating against PLAINTIFF on the basis of race and
8 despite a period of wholly satisfactory, competent, and diligent performance to the benefit of
9 Defendant, in the course and scope of her employment with the UCLA.

10 72. Further, DEFENDANTS subjected MS. ESSOMBE to adverse employment
11 actions, including but not limited to, harassment, disparate job treatment, undue scrutiny, sabotage
12 of MS. ESSOMBE’s job duties and wrongful termination.

13 73. Defendant failed to comply with their statutory duty to take all reasonable steps
14 necessary to prevent discrimination due to race from occurring in the workplace and to prevent it
15 from occurring in the future in violation of Government Code section 12940.

16 74. MS. ESSOMBE was harmed by DEFENDANTS’ actions.

17 75. DEFENDANTS’ act of subjecting MS. ESSOMBE to adverse employment
18 actions based on her race is a substantial factor in causing MS. ESSOMBE’s harm.

19 76. MS. ESSOMBE’s protected status as an African-American female was a
20 motivating reason(s) for the adverse employment actions, in violation of FEHA.

21 77. As a result of DEFENDANTS’ actions, MS. ESSOMBE sustained economic
22 harms and losses in an amount according to proof at the time of trial. These amounts included
23 but are not limited to lost wages, and benefits that exceed the jurisdictional requirements of this
24 Court.

25 78. As a further result of DEFENDANTS’ actions, MS. ESSOMBE suffered severe
26 physical sickness or injury, emotional and mental distress, depression anguish, humiliation,
27 shame, embarrassment, fright, shock, pain, discomfort and anxiety. These amounts exceed the
28 jurisdictional requirements of this Court.

1 79. As a result of DEFENDANTS’ conduct as alleged herein, PLAINTIFF has
2 incurred and continues to incur legal expenses and attorneys’ fees. Pursuant to Government Code
3 section 12965, subdivision (b), PLAINTIFF is entitled to recover reasonable attorneys’ fees and
4 costs (including expert costs) in an amount according to proof.

5 **SECOND CAUSE OF ACTION**

6 **HARASSMENT AND HOSTILE WORK ENVIRONMENT IN VIOLATION OF THE**
7 **FAIR EMPLOYMENT AND HOUSING ACT**

8 **(GOV. CODE, § 12940, SUBD. (j)(1))**

9 **[AGAINST ALL DEFENDANTS]**

10 80. PLAINTIFF restates and incorporates by reference, as though fully set forth
11 herein, each and every allegation set forth in the paragraphs above.

12 81. This action is brought pursuant to the California Fair Employment and Practices
13 Act, section 12940, subdivision (j)(1) of the Government Code, which prohibits harassment
14 against a person on the basis of the person’s ...race, national origin, and/or color..., and the
15 corresponding regulations of the California Fair Employment and Housing Commission.

16 82. At all times mentioned in this Complaint, Defendant employer regularly employed
17 at least one employee bringing the Defendant employer within the provision of section 12940, *et*
18 *seq.* of the Government Code prohibiting employers or their agents from harassing employees on
19 the basis of “...race, national origin, and/or color...”.

20 83. During PLAINTIFF’s employment as alleged herein, DEFENDANTS repeatedly
21 engaged in unwelcome, harassing behavior that was derogatory on the basis of PLAINTIFF’s
22 race, national origin and color.

23 84. As described above, all of this conduct constituted severe and pervasive
24 harassment.

25 85. PLAINTIFF alleges that the conduct as described in this Complaint was
26 unwelcome and offensive to PLAINTIFF and would have been offensive to any reasonable person
27 in PLAINTIFF’s position.

28 86. PLAINTIFF did not consent to this conduct.

1 93. PLAINTIFF has exhausted her administrative remedies by timely filing charges
2 of discrimination with the Department of Fair Employment and Housing, who have issued to
3 PLAINTIFF her right to sue letter permitting her to file this lawsuit.

4 94. As a direct and proximate result of DEFENDANTS' retaliatory conduct,
5 PLAINTIFF has sustained and will continue to suffer damages in an amount that exceeds the
6 jurisdiction of this Court, the exact amount to be proven at trial. Such damages include loss of
7 valuable employment benefits; prejudgment interest and interest on the sum of damages at the
8 legal rate; and other consequential damages, including damages for physical pain and suffering,
9 shame, humiliation, mental anguish and emotional distress caused by the conduct of
10 DEFENDANTS.

11 95. DEFENDANTS committed the acts herein alleged maliciously, fraudulently and
12 oppressively, with the wrongful intention of injuring PLAINTIFF from an improper and evil
13 motive amounting to malice, and in conscious disregard of Plaintiff's rights. Such conduct was
14 also authorized and/or ratified by an officer, director or managing agent of DEFENDANTS U.C.
15 REGENTS and DOES 1 through 50.

16 96. In addition, PLAINTIFF is entitled to her attorneys' fees in prosecuting this
17 lawsuit, pursuant to Government Code Section 12965, subdivision (b).

18 **FOURTH CAUSE OF ACTION**

19 **RETALIATION IN VIOLATION OF HEALTH & SAFETY CODE SECTION 1278.5**

20 **[AGAINST ALL DEFENDANTS and DOES 1-50]**

21 97. PLAINTIFF restates and incorporates by reference, as though fully set forth
22 herein, each and every allegation set forth in the paragraphs above.

23 98. DEFENDANTS retaliated against MS. ESSOMBE because she reported to
24 management regarding the unsafe patient practices of tampering and compromising patient blood
25 samples, and delaying patient blood draws, including STAT draws unnecessarily in violation of
26 California Health & Safety Code Sections 1278.5, subdivision (a)(b)(1)(A), 1278.5, subdivision
27 (d)(1), and 1278.5 subdivision (d)(2).

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1 99. As alleged above, MS. ESSOMBE was subsequently terminated by
2 DEFENDANTS after making said reports.

3 100. As a direct and proximate result of DEFENDANTS' retaliatory conduct,
4 PLAINTIFF has sustained and will continue to suffer damages in an amount that exceeds the
5 jurisdiction of this Court, the exact amount to be proven at trial. Such damages include loss of
6 valuable employment benefits; prejudgment interest and interest on the sum of damages at the
7 legal rate; and other consequential damages, including damages for physical pain and suffering,
8 shame, humiliation, mental anguish and emotional distress caused by the conduct of
9 DEFENDANTS. MS. ESSOMBE is thereby entitled to general and compensatory damages in
10 amounts to be proven at trial.

11 101. MS. ESSOMBE is informed and believes and thereon alleges that the outrageous
12 conduct of DEFENDANTS described above was done with malice, fraud, and oppression and
13 with conscious disregard for her rights and with the intent, design, and purpose of injuring her.
14 By reason thereof, MS. ESSOMBE is entitled to punitive or exemplary damages from
15 DEFENDANTS DOE 1-50 in a sum to be proven at trial.

16 **FIFTH CAUSE OF ACTION**

17 **FAILURE TO PREVENT DISCRIMINATION, HARASSMENT, AND RETALIATION**

18 **IN VIOLATION OF THE FAIR EMPLOYMENT AND HOUSING ACT**

19 **(GOV. CODE, §§ 12940, et seq.)**

20 **[AGAINST DEFENDANTS UC REGENTS AND DOES 1-50, INCLUSIVE]**

21 102. PLAINTIFF restates and incorporates by reference, as though fully set forth
22 herein, each and every allegation set forth in the paragraphs above.

23 103. At all times herein mentioned, FEHA, Government Code section 12940,
24 subdivision (k), was in full force and effect and was binding on DEFENDANTS. This statute
25 states that it is an unlawful employment practice in California for an employer "to fail to take all
26 reasonable steps necessary to prevent discrimination, harassment and retaliation from occurring."

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1 104. During the course of PLAINTIFF's employment, DEFENDANTS failed to
2 prevent their employees from engaging in intentional actions that resulted in PLAINTIFF's being
3 treated less favorably because of PLAINTIFF's protected status (i.e., her race, national origin,
4 color...).

5 105. During the course of PLAINTIFF's employment, DEFENDANTS failed to
6 prevent their employees from engaging in unjustified employment practices against employees in
7 such protected classes. DEFENDANTS, which condoned, encouraged, tolerated, sanctioned,
8 ratified, approved of, and/or acquiesced in race discrimination toward and harassment of
9 PLAINTIFF.

10 106. During the course of PLAINTIFF's employment, DEFENDANTS failed to
11 prevent a pattern and practice by their employees of intentional discrimination, harassment and
12 retaliation on the bases of race, national origin, color..., and/or other protected statuses or
13 protected activities. SALVESON deliberately disregarded PLAINTIFF's complaints, and
14 instead retaliated against PLAINTIFF by denying her schedule changes, and a per diem or career
15 position.

16 107. PLAINTIFF believes and, on that basis, alleges that her race, national origin,
17 color..., and/or other protected status and/or protected activity were substantial motivating factors
18 in DEFENDANTS' employees' discrimination, harassment and retaliation of her.

19 108. As a proximate result of DEFENDANTS' willful, knowing, and intentional
20 misconduct, PLAINTIFF has sustained and continues to sustain substantial losses of earnings and
21 other employment benefits.

22 109. As a proximate result of DEFENDANTS' willful, knowing, and intentional
23 misconduct, PLAINTIFF has suffered and continues to suffer humiliation, emotional distress, and
24 physical and mental pain and anguish, all to her damage in a sum according to proof.

25 110. PLAINTIFF has incurred and continues to incur legal expenses and attorneys'
26 fees. Pursuant to Government Code section 12965, subdivision (b), PLAINTIFF is entitled to
27 recover reasonable attorneys' fees and costs (including expert costs) in an amount according to
28 proof.

1 111. DEFENDANTS' misconduct was committed intentionally, in a malicious,
2 despicable, oppressive, fraudulent manner, entitling PLAINTIFF to punitive damages against
3 DOES 1-50 according to proof.

4 **SIXTH CAUSE OF ACTION**

5 **VIOLATION OF LABOR CODE SECTION 1102.5**

6 **[AGAINST DEFENDANTS UC REGENTS AND DOES 1 to 50, INCLUSIVE]**

7 112. PLAINTIFF restates and incorporates by reference, as though fully set forth
8 herein, each and every allegation set forth in the paragraphs above.

9 113. DEFENDANTS terminated PLAINTIFF's employment in violation of various
10 fundamental public policies underlying both state and federal laws. Specifically, PLAINTIFF's
11 employment was terminated in part because of her protected status (i.e., race, national origin,
12 color..., and/or good faith complaints). These actions were in violation of California Labor Code
13 section 1102.5, the FEHA, and the California Constitution.

14 114. At all relevant times, Labor Code section 1102.5 was in effect and was binding on
15 DEFENDANTS. This statute prohibits DEFENDANTS from retaliating against any employee,
16 including PLAINTIFF, for raising complaints of illegality.

17 115. PLAINTIFF raised complaints of illegality, *i.e.* discarding patient blood samples
18 and delaying patient blood draws, including STAT draws, while she worked for DEFENDANTS,
19 and DEFENDANTS retaliated against her by discriminating against her, harassing her, and taking
20 adverse employment actions, including employment termination, against her.

21 116. As a proximate result of DEFENDANTS' wrongful termination of PLAINTIFF's
22 employment in violation of fundamental public policies, PLAINTIFF has suffered and continues
23 to suffer humiliation, emotional distress, and mental and physical pain and anguish, all to her
24 damage in a sum according to proof.

25 117. As a result of DEFENDANTS' wrongful termination of her employment,
26 PLAINTIFF has suffered general and special damages in sums according to proof.

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1 118. PLAINTIFF has incurred and continues to incur legal expenses and attorneys’
2 fees. Pursuant to Code of Civil Procedure sections 1021.5 and 1032, *et seq.*, PLAINTIFF is
3 entitled to recover reasonable attorneys’ fees and costs in an amount according to proof.

4 119. DEFENDANTS’ misconduct was committed intentionally, in a malicious,
5 oppressive, fraudulent manner, entitling PLAINTIFF to punitive damages against
6 DEFENDANTS DOES 1-50 according to proof.

7 **SEVENTH CAUSE OF ACTION**

8 **VIOLATION OF CALIFORNIA CIVIL CODE SECTION 43**

9 **[AGAINST ALL DEFENDANTS]**

10 120. PLAINTIFF restates and incorporates by reference, as though fully set forth
11 herein, each and every allegation set forth in the paragraphs above.

12 121. California Civil Code Section 43, provides that “[b]esides the personal rights
13 mentioned or recognized in the Government Code, every person has, subject to the qualifications
14 and restrictions provided by law, the right of protection from bodily restraint or harm, from
15 personal insult, from defamation, and from injury to his personal relations.

16 122. As alleged herein, and in violation of California Civil Code Section 43,
17 DEFENDANTS and DOES 1 through 50, and each of them, failed to provide a workplace free
18 from personal insult and discriminatory comments by failing to act on MS. ESSOMBE’s
19 complaints that she was racially discriminated against and harassed. DEFENDANTS’ refusal to
20 take corrective action and provide protection from this offensive behavior violates the law
21 because UCLA employees and supervisory employees, were acting during the course and scope
22 of employment when they discriminated against and harassed MS. ESSOMBE.

23 123. MS. ESSOMBE is informed and believes, and thereon alleges, that UCLA’s
24 requirement that MS. ESSOMBE work in a workplace with co-workers and supervisory
25 personnel’s insulting and discriminatory comments was violative of Section 43 of the California
26 Civil Code.

27 124. By the aforesaid acts and omissions of DEFENDANTS, and each of them, MS.
28 ESSOMBE has been directly and legally caused to suffer actual damages including, but not

1 limited to, loss of earnings, reliance damages, costs of suit and other pecuniary loss in an amount
2 not presently ascertained, but to be proven at trial.

3 125. As a further direct and legal result of the acts and conduct of DEFENDANTS, and
4 each of them, as aforesaid, MS. ESSOMBE has been caused to and did suffer and continues to
5 suffer severe physical, emotional and mental distress, anguish, humiliation, shame,
6 embarrassment, fright, shock, pain, discomfort and anxiety. MS. ESSOMBE does not know at
7 this time the exact duration or permanence of said injuries, but is informed and believes, and
8 thereon alleges, that some if not all of the injuries are reasonably certain to be permanent in
9 character.

10 126. As a direct and proximate cause of the aforementioned acts of DEFENDANTS,
11 MS. ESSOMBE was injured as set forth above, and is entitled to damages.

12 **EIGHTH CAUSE OF ACTION**

13 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

14 **[AGAINST ALL DEFENDANTS]**

15 127. PLAINTIFF restates and incorporates by reference, as though fully set forth
16 herein, each and every allegation set forth in the paragraphs above.

17 128. The conduct of the individual DEFENDANTS, as set forth above, was extreme
18 and outrageous. DEFENDANTS knew that the unlawful, and retaliatory conduct would likely
19 result in harm.

20 129. The conduct of UC REGENTS' and their employees was intended to cause severe
21 emotional distress or was done in conscious disregard of the probability of causing such distress.
22 Said conduct exceeded the inherent risks of employment and was not the sort of conduct normally
23 expected to occur in the workplace. DEFENDANTS' and their employees, and each of them,
24 abused their positions of authority, and engaged in conduct intended to threaten, humiliate, and
25 embarrass PLAINTIFF, and to convey that she was powerless against them.

26 130. DEFENDANT UC REGENTS' supervisors and/or management personnel were
27 notified of said conduct, yet took no subsequent steps to end the harassment, thus failing to protect
28 PLAINTIFF from the harm.

1 131. As a proximate and legal result of DEFENDANTS' retaliatory actions against
2 PLAINTIFF, PLAINTIFF has been harmed in that she suffered and continues to suffer severe
3 physical sickness and injury, emotional distress, including nervousness, grief, anxiety, worry,
4 shock, embarrassment, humiliation, indignity, apprehension, depression, guilt, and sadness, all in
5 amounts according to proof.

6 132. DEFENDANTS' misconduct was committed intentionally, in a malicious,
7 oppressive, fraudulent manner, entitling PLAINTIFF to punitive damages against
8 DEFENDANTS SALVESON and DOES 1-50 according to proof.

9 **NINTH CAUSE OF ACTION**

10 **NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

11 **[AGAINST ALL DEFENDANTS]**

12 133. PLAINTIFF restates and incorporates by reference, as though fully set forth
13 herein, each and every allegation set forth in the paragraphs above.

14 134. In carrying out the above conduct, DEFENDANTS were negligent because they
15 breached their duty to provide PLAINTIFF with a workplace free from retaliation, discrimination,
16 and retaliation, thereby abusing their positions of authority. DEFENDANT UC REGENTS was
17 aware of discriminatory, harassing and retaliatory conduct because PLAINTIFF repeatedly
18 reported it to their supervisors and/or management. The conduct of SALVESON as MS.
19 ESSOMBE's supervisor, and JOHNSON, Director of the Laboratory, and other management
20 personnel exceeded the inherent risks of employment and was not the sort of conduct a reasonable
21 person could cope with and expect to occur within the workplace.

22 135. DEFENDANTS knew, or should have known, that the unlawful conduct would
23 cause PLAINTIFF extreme and serious emotional distress.

24 136. As a proximate and legal result of DEFENDANTS' retaliatory actions against
25 PLAINTIFF, PLAINTIFF has been harmed in that she suffered and continues to suffer severe
26 physical sickness and injury, emotional distress, including nervousness, grief, anxiety, worry,
27 shock, embarrassment, humiliation, indignity, apprehension, depression, guilt, and sadness, all in
28 amounts according to proof.

1 137. As a result of DEFENDANTS' actions, PLAINTIFF sustained economic damages
2 to be proven at trial. As a further result of DEFENDANTS' actions, PLAINTIFF suffered
3 emotional distress; resulting in damages to be proven at trial.

4 138. DEFENDANTS' misconduct was committed intentionally, in a malicious,
5 oppressive, fraudulent manner, entitling PLAINTIFF to punitive damages against
6 DEFENDANTS SALVESON and DOES 1-50 according to proof.

7 **PRAYER FOR RELIEF**

8 WHEREFORE, PLAINTIFF prays that Judgment be entered in his favor and against
9 DEFENDANTS, and each of them, as follows, for:

- 10 1. All special damages, according to proof;
11 2. General damages for emotional distress and mental anguish in a sum according to
12 proof;
13 3. For equitable relief;
14 4. For prejudgment interest at the prevailing legal rate;
15 5. Attorney's fees and costs as permitted based on above causes of action;
16 6. For punitive damages in an amount sufficient to punish and make an example out
17 of all individual DEFENDANTS; and
18 7. Such other and further relief as this Court may deem just and proper.

19
20 Date: April 3, 2020

V. JAMES DESIMONE LAW

21
22
23 By: 

V. JAMES DESIMONE, ESQ.
CARMEN D. SABATER, ESQ.

Attorneys for PLAINTIFF,
TAKESHA ESSOMBE

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DEMAND FOR JURY TRIAL

Plaintiff TAKESHA ESSOMBE hereby demands a trial by jury on all claims.

Date: April 3, 2020

V. JAMES DESIMONE LAW



By: _____

V. JAMES DESIMONE, ESQ.
CARMEN D. SABATER, ESQ.

Attorneys for PLAINTIFF,
TAKESHA ESSOMBE

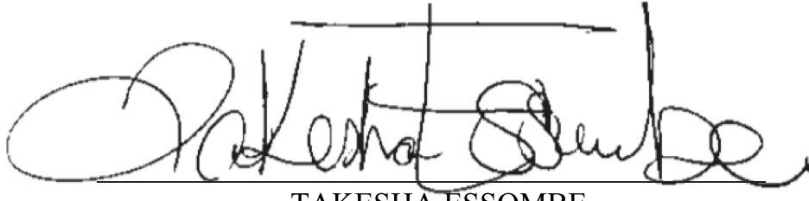
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VERIFICATION OF COMPLAINT FOR DAMAGES

I, TAKESHA ESSOMBE, have read the attached Complaint for Damages and hereby attest that the same is true of my own knowledge, except as to those matters, which are therein stated on my information or belief, and as to those matter that I believe it to be true.

I declare under penalty of perjury under to the laws of the State of California and the United States of America that the foregoing is true and correct.

This Verification was executed on April 3, 2020, in Los Angeles, California.



TAKESHA ESSOMBE

EXHIBIT A



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

KEVIN KISH, DIRECTOR

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
(800) 884-1684 (Voice) | (800) 700-2320 (TTY) | California's Relay Service at 711
<http://www.dfeh.ca.gov> | Email: contact.center@dfeh.ca.gov

April 8, 2019

RE: **Notice of Filing of Discrimination Complaint**
DFEH Matter Number: 201904-05720208
Right to Sue: Essombe / UCLA Health

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Department of Fair Employment and Housing (DFEH) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. This case is not being investigated by DFEH and is being closed immediately. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

No response to DFEH is requested or required.

Sincerely,

Department of Fair Employment and Housing



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
(800) 884-1684 (Voice) | (800) 700-2320 (TTY) | California's Relay Service at 711
<http://www.dfeh.ca.gov> | Email: contact.center@dfeh.ca.gov

April 8, 2019

Takesha Essombe



RE: Notice of Case Closure and Right to Sue
DFEH Matter Number: 201904-05720208
Right to Sue: Essombe / UCLA Health

Dear Takesha Essombe,

This letter informs you that the above-referenced complaint was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective April 8, 2019 because an immediate Right to Sue notice was requested. DFEH will take no further action on the complaint.

This letter is also your 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.

To obtain a federal Right to Sue notice, you must contact the U.S. Equal Employment Opportunity Commission (EEOC) 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.

Sincerely,

Department of Fair Employment and Housing

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

5 **In the Matter of the Complaint of**

6 Takesha Essombe

DFEH No. 201904-05720208

7 Complainant,

8 vs.

9 UCLA Health
10 1245 16th Street
11 Santa Monica, California 90404

Respondents

12 1. Respondent **UCLA Health** is an **employer** subject to suit under the California
13 Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

14 2. Complainant **Takesha Essombe**, resides in the City of **Los Angeles** State of
15 **California**.

16 3. Complainant alleges that on or about **December 4, 2018**, respondent took the
17 following adverse actions:

18 **Complainant was harassed** because of complainant's race, national origin
(includes language restrictions), color.

19 **Complainant was discriminated against** because of complainant's race, national
20 origin (includes language restrictions), color and as a result of the discrimination was
21 terminated, denied hire or promotion, denied a work environment free of
discrimination and/or retaliation, denied work opportunities or assignments.

22 **Complainant experienced retaliation** because complainant reported or resisted
23 any form of discrimination or harassment and as a result was terminated, denied hire
or promotion, denied a work environment free of discrimination and/or retaliation.

24
25 **Additional Complaint Details:** In June of 2015, I began working at UCLA Health,
26 the Westwood location, on a registry basis as a phlebotomist. In or around March of

1 2018, I applied for an open registry position at the Santa Monica location and started
2 working as a phlebotomist.

3 I was an exemplary employee as I have never been reprimanded, and I never
4 received any disciplinary action against me. My expertise as a phlebotomist was
5 evidenced by the fact that I continuously received positive feedback from my clients.

6 Shortly after I began my employment, I experienced racially motivated
7 discrimination, harassment, and bullying from co-workers and my supervisors. For
8 example, Ms. Kathy Salveson made a comment about my children going to school in
9 a Pacific Palisades neighborhood and stated “there’s not too many of you there
10 (referring to African Americans), how do your kids go to school there?” I was in
11 shock and disbelief and said that my husband lived there. On another occasion, Ms.
12 Salveson made remarks about another female African American employee’s
13 hairstyle, calling her “Pickaninny”, a racial slur which refers to a depiction of a dark-
14 skinned child of African descent. I told Ms. Salveson that I felt very uncomfortable
15 about these racially motivated remarks. Ms. Salveson would also harass me
16 whenever I wanted to change my scheduling hours. I felt this was due to the fact that
17 I was African American. Ms. Salveson would always create problems when African
18 American employees wanted to switch their scheduling hours, but this was not the
19 case for other races. Ms. Salveson would often ask me about my last name, which is
20 originated from Central Africa. She was making fun of my last name because it is
21 associated with African origin. Ms. Salvason would hire candidates for open
22 positions from other races and overlook the African Americans.

23 In addition, a co-worker, Brian Andrade frequently used the word “Nigga” in the
24 work place. Although I told Mr. Andrade not to use that word in the workplace, he
25 ignored me and continued using the “N” word. After that conversation, Mr. Andrade
26 singled me out. Mr. Andrade would also play rap music in the lab, containing words
27 like “nigga,” “bitch,” and “hoes.” I complained about this to Ms. Salveson, but she
28 never did anything about it, so Mr. Andrade continued.

From 2011 to 2018, for both Westwood and Santa Monica locations, I applied
for more than thirty per diem and full time positions. However, I was never offered a
position. Other people of not African American race, with little to no experience, were
offered the same positions that I had applied for.

I made multiple complaints to Ms. Salveson regarding these discriminatory and
harassing behaviors that I was subjected to throughout my employment but nothing
was ever done and it continued.

In 2015, I addressed my concerns regarding applying for open positions and not
being offered any to my supervisor at the time. At that time, Ms. Salveson was the
Director in Westwood location. My supervisor told me he would let Ms. Salvason
know and she would look into it. Again nothing was ever done and I never received
any response from either my supervisor or Ms. Salveson.

Shortly after I started working in the Santa Monica location, in or around May of
2018, I again complained to Ms. Salveson about applying for those open positions
and not being offered any. Ms. Salveson informed me that she was aware that I was

1 applying for these positions. I stated to her that I felt that I was being discriminated
2 against because of my race as an African American. Ms. Salveson never addressed
3 my complaint.

4 During my employment at UCLA Health, Santa Monica location, I had more
5 draws assigned to me as compared to other phlebotomists who were not African
6 American. The unfair amount of draws impacted my ability to take breaks, so often I
7 was unable to take breaks. Ms. Salveson was fully aware of the unfair amount of
8 draws assigned to me. In May of 2018, Ms. Salveson approached me asking me
9 why I had so many draws on a particular day. I informed her that this had been going
10 on all along and that I was working more than non-African American phlebotomists. I
11 also informed Ms. Salveson that there were times that other employees were just
12 hanging out in the lab and instead of assigning those blood draws to them, the
13 additional draws were assigned to me.

14 In or around July of 2018, I made another complaint to Ms. Salveson in regards
15 to the unfair number of draws assigned to me as compared to others. In response,
16 she stated that she would look into it. However, nothing was ever done because I
17 continued to get excessive blood draws.

18 In July 30, 2018, Ms. Salveson offered me a per diem position. Ms. Salveson
19 told me she would submit the paperwork to Human Resources to facilitate the hiring
20 process. Human Resources, however, did not contact me regarding the offered
21 position. I contacted Human Resources and they informed me they had no
22 information regarding me having a job position there.

23 In or around late August 2018, I emailed Ms. Salveson and inquired about the
24 position. In response, she stated "you've taken off work.", referring to the days I
25 missed work due to medical reasons. I informed her that I was out because of
26 sickness and had provided doctors' notes as proof. She did not respond. Ms.
27 Salveson did not give me any clear explanation as to why Human Resources was
28 not informed about the position I was offered. I believe Ms. Salveson retaliated
against me by not offering me the position due to my complaints of racial
discrimination and harassment.

In late November of 2018, I complained to Tony Johnson, the Laboratory
Director, informing him of all the racially discriminatory and harassing behavior I was
subjected to. I informed Mr. Johnson about the numerous complaints I made to Ms.
Salveson regarding not being offered the positions I had applied for and the fact that
she retaliated against me by not finalizing the job offer she had initially offered me. I
specifically told Mr. Johnson that I felt I was subjected to this discriminatory behavior
because I was African American. In response, Mr. Johnson said he didn't believe
that was the case. I informed him that Ms. Salveson left me a voicemail offering me
the position. I again restated that other races had been offered the position with less
experience and I was being treated differently because of my race and due to my
numerous complaints.

I also complained to Mr. Johnson about the unfair number of draws assigned to
me, my previous complaints to Ms. Salveson, and the fact that she did not take any

1 corrective actions. In response to my complaints, Mr. Johnson stated “you guys are
2 lazy.”, referring to African Americans.

3 A Few days later, Mr. Johnson asked me to a meeting and listened to the
4 voicemail Ms. Salveson left for me offering me the position. One week after, on or
5 around December 4, 2018, I was terminated. I was not given any reason for my
6 wrongful termination.

7 Instead of taking corrective action regarding my complaints, UCLA Health
8 terminated me in retaliation for my complaints of harassment and discrimination
9 thereby condoning the racially discriminatory and harassing behavior by co-workers
10 and my supervisors. I feel that I was discriminated against on the basis of race
11 (African American) which violates the California Fair Employment and Housing Act. I
12 also believe that UCLA, Ms. Salveson, and Mr. Johnson are accustomed to
13 harassing and discriminating against African American employees. I also feel I was
14 retaliated against for engaging in protected activity.
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1 VERIFICATION

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

5 On April 8, 2019, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

7 **Los Angeles, CA**

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