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

MICHAEL SUORSA, an individual

Plaintiff,

vs.

NORTHEAST VALLEY HEALTH
CORPORATION, a California corporation; and
DOES 1 through 100, inclusive,

Defendant.

Case No. **20STCV30264**

COMPLAINT FOR:

- (1) DISABILITY DISCRIMINATION IN VIOLATION OF FEHA;
- (2) FAILURE TO ACCOMMODATE (CAL. GOV. CODE §12940(M));
- (3) FAILURE TO ENGAGE IN INTERACTIVE PROCESS (CAL. GOV. CODE §12940(N));
- (4) UNLAWFUL RETALIATION IN VIOLATION OF FEHA;
- (5) HOSTILE WORK ENVIRONMENT – HARASSMENT IN VIOLATION OF FEHA;
- (6) FAILURE TO PREVENT DISCRIMINATION AND HARASSMENT FROM OCCURRING IN VIOLATION OF FEHA;

DEMAND FOR JURY TRIAL

1 Plaintiff MICHAEL SUORSA (hereinafter "Plaintiff" or "SUORSA") hereby brings his
2 complaint against NORTHEAST VALLEY HEALTH CORPORATION (hereinafter "NVHC" or
3 "Defendant") and DOES 1 through 100, inclusive, and alleges as follows:

4 **PARTIES**

5 1. Plaintiff MICHAEL SUORSA worked for Defendant from on or about August 29,
6 2016 to on or about October 17, 2019 at Defendant's office in San Fernando, California. At all
7 times material to this Complaint, SUORSA was employed by Defendant as a Webmaster & Senior
8 Designer. SUORSA performed his job competently at all relevant times.

9 2. At all times material to this Complaint, Defendant NORTHEAST VALLEY
10 HEALTH CORPORATION was a corporation doing business in California with its principal
11 place of business in the City of Los Angeles. On information and belief, NVHC maintains records
12 relevant for Plaintiff's employment in the County of Los Angeles.

13 3. Plaintiff is ignorant of the true names and capacities of Defendant sued herein as
14 DOES 1 - 25, inclusive, and therefore sues these Defendant by such fictitious names and
15 capacities. Plaintiff is informed and believes, and on that basis alleges, that each defendant sued
16 under such fictitious names is in some manner responsible for the occurrences herein alleged, and
17 that Plaintiff's injuries as herein alleged were proximately caused by the conduct of such
18 Defendant.

19 4. Plaintiff is informed and believes and thereupon alleges, that, at all times material
20 herein each of the Defendant were functioning as the agent, servant, partner, employee and/or
21 working in concert with his, her or its co-defendant and was acting within the course and scope of
22 such agency, partnership, employment and/or concerted activity. To the extent that certain acts
23 and omissions were perpetrated by certain Defendant, the remaining Defendant condoned,
24 authorized and ratified said acts and omissions of the co-defendant, and in doing the actions
25 mentioned below was acting within the course and scope of his, her or its authority as such agent,
26 servant, partner, and employee with the permission, consent and ratification of the co-defendant.

27 5. Plaintiff is informed and believes and thereupon alleges that, at all times material
28 herein, each Defendant was completely dominated and controlled by his, her or its codefendant

1 and each was the alter ego of the other.

2 6. Whenever and wherever reference is made in this complaint to any act or failure to
3 act by a Defendant or Defendant, such allegations and reference shall also be deemed to mean the
4 acts and failures to act of each Defendant acting individually, jointly, and severally. Whenever
5 and wherever reference is made to individuals who are not named as Plaintiff or Defendant in this
6 complaint but who were employees/agents of Defendant NVHC such individuals at all relevant
7 times acted on behalf Defendant NVHC within the course and scope of their employment.

8 7. Plaintiff is informed and believes and thereupon alleges that, at all times material
9 herein, Defendant, and/or their agents/employees knew or reasonably should have known that
10 unless they intervened to protect Plaintiff, and to adequately supervise, prohibit, control, regulate,
11 discipline, and/or otherwise penalize the conduct of employees of NVHC, set forth below, the
12 remaining Defendant and employees perceived the conduct and omissions as being ratified and
13 condoned.

14 **JURISDICTION AND VENUE**

15 8. This Court has jurisdiction over this matter, and under Code of Civil Procedure
16 section 392, *et seq.*, venue is proper in that injury or damage to Plaintiff and/or the personal
17 property of same occurred in the County of Los Angeles.

18 **FACTUAL ALLEGATIONS RELEVANT TO ALL CAUSES OF ACTIONS**

19 9. SUORSA was employed as Defendant's Webmaster and Senior Designer since
20 August 29, 2016 until he was constructively terminated from his employment in or around
21 October 17, 2019. At all times material to this action, Plaintiff was a male over the age of 40.
22 SUORSA performed his work satisfactorily and competently at all relevant times during his tenure
23 and employment with NVHC.

24 10. Plaintiff's employment took an immediate turn for the worse following his
25 disclosure of his diagnosis of Parkinson's Disease, a serious neurological condition, to NVHC's
26 management in or around December of 2018. SUORSA's diagnosis was accompanied with a
27 request for an accommodation by his treating physician that he be notified in advance of any
28 schedule changes at work. SUORSA also disclosed to Defendant that work stress exacerbates his

1 medical condition. In turn, NVHC and Plaintiff's direct supervisor, Rosa Guerrero, NVHC's
2 Director of Public Relations, Marketing and Community Affairs, failed to accommodate his requests
3 and failed to engage in the interactive process. Additionally, in or around March of 2019,
4 SUORSA disclosed his intention that he would be applying for a medical leave of absence under
5 the Family and Medical Leave Act due to his neurological condition and also as a result of his
6 daughter being diagnosed with a serious mental disorder. The requested accommodation included,
7 but was not limited to, intermittent time-off of work, ability to work from home, and other similar
8 accommodations.

9 11. Instead of accommodating SUORSA, NVHC and Guerrero immediately embarked
10 on a campaign of retaliation and harassment towards Plaintiff. This includes but is not limited to,
11 NVHC and Guerrero scrutinizing Plaintiff's work more closely than his peers; criticizing,
12 belittling, and denigrating SUORSA for the slightest infraction of his work assignments; resisting
13 or grudgingly granting time off requests for doctor appointments; intentionally setting unrealistic
14 job demands. Guerrero would assign a project to Plaintiff with a firm deadline. In between that
15 deadline, NVHC and Guerrero would fail to communicate another assigned task. Or, realizing
16 that a deadline was fast approaching, Guerrero would necessarily frustrate SUORSA's progress on
17 the assignment by assigning yet another project and requiring that it be done immediately. NVHC
18 and Guerrero would also direct SUORSA to immediately change his work schedule to
19 accommodate a last-minute job request. All of this was done to harass Plaintiff, make his work
20 environment difficult and unbearable, and/or set him up for termination.

21 12. SUORSA complained to NVHC and Guerrero of their harassment and retaliation.
22 No remedial action was ever taken much less an investigation into the nature of his complaints.

23 13. NVHC and Guerrero intensified their efforts to harass and retaliate against
24 Plaintiff. Just months following his disclosure of his serious medical condition and his need to
25 care for her daughter, NVHC and Guerrero placed Plaintiff on a ninety-day Performance
26 Improvement Plan. SUORSA was then regularly called into meetings, check-ins, and was
27 unnecessarily criticized by Guerrero on trivial issues. Guerrero would also adjust previously set
28 deadlines for SUORSA, advance them to a new date, effectively triggering a sudden change in his

1 work schedule. This was something Plaintiff through his doctor had requested an accommodation
2 on. At the very least, SUORSA requested that Guerrero “improve the communication between
3 us.” Guerrero and NVHC did none of that and instead fostered a hostile work environment for
4 Plaintiff.

5 14. Seeing no alternative, Plaintiff was constructively terminated from his position on
6 or about October 17, 2019. When prompted for a reason of his separation from NVHC, Plaintiff
7 responded, in large part, “Rosa Guerrero.”

8 15. Plaintiff has complied with and/or exhausted any applicable claims statutes and/or
9 administrative and/or internal remedies and/or grievance procedures or is excused from complying
10 therewith. On or about February 7, 2020, Plaintiff filed a complaint of discrimination with the
11 California Department of Fair Employment and Housing and obtained a right to sue letter. A true
12 and correct copy of said claim is attached hereto as Exhibit “1”.

13 **FIRST CAUSE OF ACTION**

14 **(Disability Discrimination – Violation of Cal. Gov. Code § 12940(a))**

15 **(Against NHVC and DOES 1 to 100)**

16 16. The allegations set forth in Paragraphs 1 through 15 are realleged and incorporated
17 herein by reference.

18 17. At all times herein mentioned, Government Code sections 12900 *et seq.* were in
19 full force and effect and were binding on Defendants. These sections require Defendant to refrain
20 from discriminating against any employee on the basis of disability, among other things.

21 18. A diagnosis of Parkinson’s Disease is a disability within the meaning of the
22 aforesaid Government Code sections.

23 19. Plaintiff’s medical condition limits Plaintiff in at least one of the following major
24 life activities: working, caring for himself.

25 20. At all times mentioned herein, Defendant also knew that Plaintiff had a daughter
26 which had one or more medical conditions that limited on or more of her major life activities.

27 21. Plaintiff is a member of a protected class within the meaning of the aforesaid
28 Government Code sections. At all material times hereto, Plaintiff satisfactorily performed his

1 duties and responsibilities as expected by Defendants and could continue to satisfactorily perform
2 the essential duties of his job with the accommodations he requested of Defendants.

3 22. During the course of Plaintiff's employment, as alleged above, Defendants
4 committed discriminatory acts on the basis of Plaintiff's disability.

5 23. Plaintiff believes and thereon alleges that his disability and his association with a
6 member of a protected class – that is, his disabled daughter – was or were motivating factor(s) in
7 Defendant's actions, including discriminating against him at the worksite by unlawfully forcing
8 him to resign, unjustifiably placing him on a Performance Improvement Plan and administering
9 negative reviews on Plaintiff's performance due to Plaintiff's request for accommodations and use
10 of intermittent leave to care for her daughter, as set forth hereinabove. Such discrimination is in
11 violation of Government Code section 12940 *et seq.* and has resulted in damage and injury to
12 Plaintiff as alleged herein.

13 23. Within the time provided by law, Plaintiff filed a complaint with the California
14 Department of Fair Employment and Housing, in full compliance with these sections and has
15 received and served a right-to-sue letter.

16 24. As a proximate result of Defendant's willful, knowing, and intentional
17 discrimination against Plaintiff, Plaintiff has sustained and continues to sustain substantial losses
18 in earnings, retirement benefits, medical benefits, vacation pay and other employment benefits.

19 25. As a direct and proximate result of Defendant's unlawful conduct, Plaintiff has
20 sustained and continues to sustain depression, humiliation, embarrassment, shame, and emotional
21 distress. Plaintiff has suffered and continues to suffer a loss of earnings and other employment
22 benefits. Plaintiff has also incurred and will continue to incur medical expenses for treatment, and
23 for incidental medical expenses. Plaintiff is thereby entitled to general and compensatory damages
24 in amounts to be proven at trial.

25 26. Defendant's conduct as described above was willful, despicable, knowing, and
26 intentional; accordingly, Plaintiff seeks an award of punitive and exemplary damages in an amount
27 according to proof.

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1 **SECOND CAUSE OF ACTION**

2 **(Failure to Accommodate – Violation of Cal. Gov. Code §12940(m))**

3 **(Against NVHC and DOES 1 to 100)**

4 27. The allegations set forth in Paragraphs 1 through 26 are realleged and incorporated
5 herein by reference.

6 28. At all times herein mentioned, Government Code sections 12900 et seq. were in
7 full force and effect and were binding on Defendant. These sections require Defendant to
8 reasonably accommodate an employee with a known disability.

9 29. A diagnosis of Parkinson's Disease is a disability within the meaning of the
10 aforesaid Government Code sections.

11 30. Plaintiff's medical condition limits Plaintiff in at least one of the following major
12 life activities: working and caring for himself.

13 31. At all times mentioned herein, Defendant knew that Plaintiff had a daughter which
14 had one or more medical conditions that limited on or more of her major life activities.

15 32. Plaintiff is a member of a protected class within the meaning of the aforesaid
16 Government Code sections. At all material times hereto, Plaintiff satisfactorily performed his
17 duties and responsibilities as expected by Defendant and could continue to satisfactorily perform
18 the essential duties of his job with an accommodation that could have been agreed upon had
19 Defendant engaged in the interactive process as required by law.

20 33. During the course of Plaintiff's employment, as alleged above, Defendants failed
21 and refused to reasonably accommodate Plaintiff's disability and the disability associated with
22 Plaintiff's daughter. Such failure and refusal is in violation of Government Code section 12940 et
23 seq. and has resulted in damage and injury to Plaintiff alleged herein.

24 34. Within the time provided by law, Plaintiff filed a complaint with the California
25 Department of Fair Employment and Housing, in full compliance with these sections and has
26 received and served a right-to-sue letter.

27 35. As a proximate result of Defendant's willful, knowing, and intentional conduct,
28 Plaintiff has sustained and continues to sustain substantial losses in earnings, retirement benefits,

1 medical benefits, vacation pay and other employment benefits.

2 36. As a direct and proximate result of Defendant's unlawful conduct, Plaintiff has
3 sustained and continues to sustain depression, humiliation, embarrassment, shame, and emotional
4 distress. Plaintiff has suffered and continues to suffer a loss of earnings and other employment
5 benefits. Plaintiff has also incurred and will continue to incur medical expenses for treatment, and
6 for incidental medical expenses. Plaintiff is thereby entitled to general and compensatory damages
7 in amounts to be proven at trial.

8 37. Defendant's conduct as described above was willful, despicable, knowing, and
9 intentional; accordingly, Plaintiff seeks an award of punitive and exemplary damages in an amount
10 according to proof.

11 **THIRD CAUSE OF ACTION**

12 **(Failure to Engage in Interactive Process – Violation of Cal. Gov. Code §12940(n))**

13 **(Against NVHC and DOES 1 to 100)**

14 38. The allegations set forth in Paragraphs 1 through 37 are realleged and incorporated
15 herein by reference.

16 39. At all times herein mentioned, Government Code sections 12900 et seq. were in
17 full force and effect and were binding on Defendants. These sections require Defendants to refrain
18 from discriminating against any employee on the basis of disability, among other things, and to
19 engage in an interactive process to determine any accommodation Plaintiff may reasonably need.

20 40. A diagnosis of Parkinson's Disease is a disability within the meaning of the
21 aforesaid Government Code sections.

22 41. Plaintiff's medical condition limits Plaintiff in at least one of the following major
23 life activities: working and caring for himself.

24 42. At all times mentioned herein, Defendant knew that Plaintiff had a daughter which
25 had one or more medical conditions that limited on or more of her major life activities.

26 43. Plaintiff is a member of a protected class within the meaning of the aforesaid
27 Government Code sections. At all material times hereto, Plaintiff satisfactorily performed his
28 duties and responsibilities as expected by Defendant and could continue to satisfactorily perform

1 the essential duties of his job with an accommodation that could have been agreed upon had
2 Defendant engaged in the interactive process as required by law.

3 44. During the course of Plaintiff's employment, as alleged above, Defendants failed
4 and refused to engage in the interactive process to determine a reasonable accommodation of
5 Plaintiff's disability and to care for his disabled daughter. Such failure and refusal is in violation
6 of Government Code section 12940 *et seq.* and has resulted in damage and injury to Plaintiff
7 alleged herein.

8 45. Within the time provided by law, Plaintiff filed a complaint with the California
9 Department of Fair Employment and Housing, in full compliance with these sections and has
10 received and served a right-to-sue letter.

11 46. As a proximate result of Defendant's willful, knowing, and intentional conduct,
12 Plaintiff has sustained and continues to sustain substantial losses in earnings, retirement benefits,
13 medical benefits, vacation pay and other employment benefits.

14 47. As a direct and proximate result of Defendant's unlawful conduct, Plaintiff has
15 sustained and continues to sustain depression, humiliation, embarrassment, shame, and emotional
16 distress. Plaintiff has suffered and continued to suffer a loss of earnings and other employment
17 benefits. Plaintiff has also incurred and will continue to incur medical expenses for treatment, and
18 for incidental medical expenses. Plaintiff is thereby entitled to general and compensatory damages
19 in amounts to be proven at trial.

20 48. Defendant's conduct as described above was willful, despicable, knowing, and
21 intentional; accordingly, Plaintiff seeks an award of punitive and exemplary damages in an amount
22 according to proof.

23 **FOURTH CAUSE OF ACTION**

24 **(Retaliation - Violation of Cal. Gov. Code §12940(h))**

25 **(Against NVHC and DOES 1 to 100)**

26 49. The allegations set forth in Paragraphs 1 through 48 are realleged and incorporated
27 herein by reference.

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57. Pursuant to Government Code section 12923(b), a single incident of harassing conduct is sufficient to create a hostile work environment if the harassing conduct has unreasonably interfered with Plaintiff's work performance or created an intimidating, hostile, or offensive working environment.

58. As a proximate result of Defendant's willful, knowing, and intentional harassment of plaintiff, plaintiff has sustained and continues to sustain substantial losses of earnings and other employment benefits.

59. As a proximate result of Defendant's willful, knowing, and intentional harassment of Plaintiff, Plaintiff has suffered and continues to suffer humiliation, emotional distress, and mental and physical pain and anguish, all to his damage in a sum according to proof.

60. Plaintiff has incurred and continues to incur legal expenses and attorneys' fees. Pursuant to Government Code section 12965(b), Plaintiff is entitled to recover reasonable attorneys' fees and costs (including expert costs) in an amount according to proof.

61. Defendant's harassment was committed intentionally, in a malicious, fraudulent, and/or oppressive manner, and this entitles plaintiff to punitive damages against defendants.

SIXTH CAUSE OF ACTION

(Violation of Government Code Section 12940(k))

Against Defendant and DOES 1 to 100)

62. The allegations set forth in Paragraphs 1 through 61 are realleged and incorporated herein by reference.

63. At all times mentioned in this complaint, Government Code section 12940(k) was in full force and effect and was binding on Defendant. This subsection requires Defendant to take all reasonable steps necessary to prevent discrimination and harassment from occurring. As alleged above, Defendant violated this subsection by failing to take all reasonable steps necessary to prevent discrimination and harassment from occurring.

64. Within the time provided by law, Plaintiff filed a Complaint with the California Department of Fair Employment and Housing and received and served a right-to-sue letter. Plaintiff timely filed this lawsuit.

65. As a proximate result of Defendant's conduct against Plaintiff, Plaintiff has sustained and continues to sustain substantial losses in earnings and other employment benefits.

66. As a proximate result of Defendant's conduct against Plaintiff, he has suffered and continues to suffer humiliation, insomnia, depression, emotional distress, and mental and physical pain and anguish, all to his damage in a sum according to proof. Plaintiff is thereby entitled to general and compensatory damages in amounts to be proven at trial.

67. Pursuant to Cal. Government Code §12965(b), Plaintiff seeks recovery of his attorneys' fees and costs against Defendant, and each of them.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for relief as follows:

1. For special, general, exemplary, and punitive damages;

2. For all actual, consequential and incidental financial losses including lost wages, lost employment benefits, lost promotions, bonuses, vacation benefits, medical bills, mental and emotional distress, and other special and general damages according to proof but in excess of the jurisdictional threshold of this Court;

3. For prejudgment interest as provided by law;

4. For statutory penalties and damages as provided by law;

5. For costs, expert witness fees, and attorney fees pursuant to applicable law, including, but not limited to, Government Code section 12965, Cal. Labor Code section 1198.5, and all other applicable statutes; and

6. For such other and further relief that the Court may deem just and proper.

DATED: August 11, 2020

BOYAMIAN LAW, INC.

By:



Michael H. Boyamian
Attorneys for Plaintiff MICHAEL SUORSA

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DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial for all claims so triable.

DATED: August 11, 2020

BOYAMIAN LAW, INC.

By:



Michael H. Boyamian
Attorneys for Plaintiff MICHAEL SUORSA