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County of Monterey
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14 **SUPERIOR COURT OF CALIFORNIA**

15 **COUNTY OF MONTEREY**

16 S.G.,

17 Plaintiff,

18 v.

19 AGILE OCCUPATIONAL MEDICINE,
20 PC; and DOES 1 through 50, inclusive,

21 Defendants.

Case No. 25CV004490

**INDIVIDUAL AND REPRESENTATIVE
ACTION**

**FIRST AMENDED COMPLAINT FOR
DAMAGES AND CIVIL PENALTIES**

DEMAND FOR JURY

1 Plaintiff S.G.¹ (“Plaintiff”), complains and alleges as follows:

2 1. Plaintiff is a competent adult who is, and at all times mentioned in this complaint
3 has been, a resident of Monterey County, California. Plaintiff is, and at all relevant times was,
4 an individual as defined in Business and Professions Code §§ 17201 and 17204.

5 2. Defendant Agile Occupational Medicine, PC (“AGILE”) is, and at all times
6 mentioned in this complaint has been, a corporation incorporated under the laws of the State of
7 California and registered to do business in the State of California. AGILE is, and at all times
8 relevant to this Complaint was, a licensed medical provider by the State of California and
9 authorized to practice in California. At all relevant times herein alleged, AGILE owned,
10 operated, and/or practiced occupational medicine at multiple locations in California, and
11 maintained a principal place of business at 3200 Bristol Street, Suite 600, Costa Mesa,
12 California.

13 3. Plaintiff is ignorant of the true names, identities, capacities and relationships of
14 the Defendants sued herein as DOES 1 through 50, inclusive, and therefore sues these
15 Defendants by such fictitious names. Plaintiff is informed and believes, and thereon alleges,
16 that each of these fictitiously named Defendants are responsible in some manner for the
17 occurrences herein alleged, and that Plaintiff’s damages as herein alleged were proximately
18 caused by DOES 1 through 50. Plaintiff will amend this Complaint to allege the true names
19 and capacities of said DOE Defendants when such information is ascertained. Each reference
20 to “Defendants,” and each reference to any particular Defendant herein, shall be construed to
21 refer to all Defendants, including, but not limited to, all of those fictitiously named herein as a
22 “DOE” Defendant, and each of them.

23 4. Plaintiff is informed and believes, and thereon alleges, that each of the
24 Defendants herein was at all times relevant to this action the agent, employee, representative,
25 partner, and/or joint venturer of the remaining Defendants, and each of them, and that each of
26

27 ¹ Plaintiff will be identified by her initials, [S.G.] in this action due to the highly sensitive and personal
28 nature of the claims. Public disclosure of Plaintiff’s identity would subject her to unnecessary
embarrassment, emotional distress, and potential retaliation. Plaintiff is prepared to disclose her
identity to the Court and to Defendants under appropriate protective measures, as necessary.

1 the Defendants herein was at all times acting within the course and scope of that relationship.
2 Plaintiff is further informed and believes, and thereon alleges, that each of the Defendants
3 herein consented to, ratified, and/or authorized the acts of each of the remaining Defendants
4 herein. The conduct of each of the Defendants was at all times herein in accordance with and
5 represents the official policy of Defendants. Additionally, at all times herein mentioned,
6 Defendants, and each of them, aided and abetted the acts and omissions of each and all of the
7 other Defendants, which proximately caused the damages herein alleged. Plaintiff is further
8 informed and believes, and thereon alleges, that all of the Defendants jointly employed the
9 Plaintiff herein and/or carried out a joint scheme, business plan and/or uniform policy, and the
10 acts and omissions of each Defendant are legally attributable to the other Defendants such that
11 they are deemed a single integrated enterprise and agents of one another so that all Defendants
12 are each jointly and severally liable for the acts and omissions hereinafter alleged.

13 5. Defendants AGILE and DOES 1 through 50 (collectively referred to herein as
14 “Defendants”) are, and at all times herein were, “persons” as defined in California Business
15 and Professions Code § 17201.

16 **JURISDICTION AND VENUE**

17 6. This Court has jurisdiction over this action pursuant to Article VI, section 10 of
18 the California Constitution. Plaintiff brings this Complaint for violations of California law
19 occurring in this County, including without limitation violations of the California Labor Code,
20 and common law, and the amount in controversy exceeds the minimum jurisdictional amount
21 of the Superior Court. Based on information and belief, Defendants have intentionally availed
22 themselves of the benefits and privileges of doing business in this State, rendering jurisdiction
23 proper.

24 7. Pursuant to Code of Civil Procedure § 395(a), venue is proper in this judicial
25 district because Defendants now, and at all times relevant herein, reside and/or transact
26 business in this County, maintain their principal place of business in this County, and the
27 conduct and damages resulting therefrom occurred in this County.

28 8. Moreover, jurisdiction and venue are proper in this Court pursuant to the

1 California Fair Employment and Housing Act (the “FEHA”), California Government Code
2 Section 12965(b) because the unlawful employment actions occurred in this County and the
3 relevant records are located in this County.

4 **ADMINISTRATIVE PROCEEDINGS**

5 9. Plaintiff has met the jurisdictional requirements for proceeding with Plaintiff’s
6 claims under the FEHA by timely filing an administrative complaint against Defendant with
7 the California Civil Rights Department (the “CRD”) on or about August 28, 2025. On August
8 28, 2025, Plaintiff received her right-to-sue letter from the CRD against Defendant. A true
9 and correct copy of the right-to-sue notice is attached hereto as **Exhibit “A.”**

10 10. Pursuant to California Labor Code § 2699.3, Plaintiff gave written notice on
11 August 12, 2025, by electronic filing with the Labor and Workforce Development Agency,
12 and by certified mail to Defendant AGILE of the factual and legal basis for the labor law
13 violations alleged in this action.

14 11. Pursuant to California Labor Code § 2699.3, Plaintiff seeks all applicable
15 penalties for violations which the Labor and Workforce Development Agency has failed or
16 elected not to investigate and/or failed or elected not to issue a citation. Plaintiff has
17 exhausted all administrative remedies required by the Labor and Workforce Development
18 Agency as a prerequisite to filing this action.

19 **RETALIATION AND WRONGFUL TERMINATION ALLEGATIONS**

20 12. Plaintiff was employed by Defendant as a physician beginning on or about June
21 24, 2024. During her employment with Defendant, Plaintiff consistently performed her duties
22 in a competent and professional manner and received no significant discipline until she
23 engaged in protected activity as described below.

24 13. In or about August 2024, Plaintiff began treating a patient, R.S., who was
25 referred by her employer, Monterey County Sheriff’s Department, for a mental health
26 evaluation regarding a stress leave.

27 14. However, on or about October 9, 2024, R.S. was seen at Agile by another
28 physician, Dr. Candelaria, instead of Plaintiff. Following that visit, R.S. reported to Agile staff

1 that Dr. Candelaria engaged in inappropriate physical and sexual contact and made sexually
2 inappropriate comments during her examination.

3 15. On that same day, October 9, 2024, Plaintiff herself experienced inappropriate
4 and unwelcome physical contact from Dr. Candelaria. While assisting Plaintiff with a work-
5 related question regarding the electronic medical record, Dr. Candelaria leaned his body
6 against Plaintiff and placed his hand on top of hers while maneuvering a computer mouse.
7 This physical contact was unnecessary and made Plaintiff uncomfortable. Plaintiff became
8 concerned that Dr. Candelaria might attempt to escalate his physical conduct further, creating
9 a hostile and unsafe working environment.

10 16. On or about October 10, 2024, R.S. returned to Agile visibly upset and reported
11 to Plaintiff that Dr. Candelaria had touched her inappropriately and made sexual remarks.
12 Plaintiff and Agile's office manager, Amy Hernandez, jointly met with R.S. During that
13 meeting, Hernandez dismissed R.S.'s concerns and suggested she was mistaken. Instead,
14 Hernandez simply stated that Dr. Candelaria's conduct was "routine." Plaintiff, however, took
15 R.S.'s complaint seriously. Plaintiff was alarmed that Agile allowed Dr. Candelaria to
16 continue to be alone, unsupervised in closed door exam rooms, with female patients and
17 employees, creating a hostile work environment for Plaintiff and other women.

18 17. Out of concern for the safety and well-being of both R.S. and other women at
19 Agile, including herself, Plaintiff provided R.S. with contact information for Agile's Chief
20 Medical Officer, Dr. Minh Nguyen, to escalate her complaint and ensure it was reported to
21 higher management. Plaintiff also personally reported R.S.'s complaint to Dr. Nguyen and
22 Agile's Chief Operating Officer, Peter Murray, raising concerns about patient safety and the
23 danger Dr. Candelaria posed to other female employees including herself and patients.

24 18. Despite Plaintiff's report of R.S.'s sexual harassment complaint and a hostile
25 work environment to Agile's management, including Amy Hernandez, Dr. Minh Nguyen, and
26 Peter Murray, Defendant failed to conduct any meaningful investigation into the allegations.
27 No follow-up was conducted with R.S., no inquiry was made of witnesses, and no corrective
28 action was taken against Dr. Candelaria. Instead, Defendant dismissed R.S.'s complaint and

1 Plaintiff's hostile workplace complaint as unfounded, retaliated against Plaintiff for raising
2 concerns, and allowed Dr. Candelaria to continue practicing without restriction.

3 19. In April 2025, Plaintiff learned additional information that corroborated her
4 concerns about Dr. Candelaria. A colleague informed Plaintiff that sometime in or about late
5 September or October 2024, Dr. Candelaria made a sexual advance toward the clinic manager
6 at the Salinas-Rossi location, propositioning her for sex in his hotel room. This incident further
7 demonstrated that Agile was on notice of Dr. Candelaria's pattern of sexually inappropriate
8 conduct towards women but failed to take corrective action.

9 20. Plaintiff also observed that Defendant failed to address serious concerns
10 regarding another clinician, physician assistant John Diab, PA-C. In or about October 2024,
11 Plaintiff treated a patient who refused to be treated by Mr. Diab. In fact, Agile's electronic
12 medical record explicitly noted the patient did not want to see Diab and not to book the patient
13 with Diab. Upon further inquiry, the patient disclosed to Plaintiff that Mr. Diab had
14 previously instructed her to lie face down for an injection, then pulled down her pants,
15 exposing her bare buttocks and left the room. The patient disclosed that she was considering a
16 licensing board complaint. Notwithstanding the explicit chart alerts in its own system and
17 patient complaints, Defendant never investigated or took action against Mr. Diab.

18 21. In addition to the sexual assault and misconduct, Plaintiff personally experienced
19 demeaning and disrespectful behavior from both Dr. Candelaria and Mr. Diab who sought to
20 undermine her credibility and skills as a physician because she was a woman. Dr. Candelaria
21 demeaned Plaintiff professionally by treating her as inexperienced, despite her extensive
22 credentials, and attempted to take credit for Plaintiff's medical work (suturing a patient) on
23 October 9, 2024. Suturing was an area of practice that Dr. Candelaria and Diab treated as their
24 exclusive "territory," and Dr. Candelaria's attempt to take credit for Plaintiff's work reflected
25 gender bias. Plaintiff experienced same hostility and disrespect from Diab, who would
26 question Plaintiff's suturing skills and publicly yell at her in front of staff and patients.
27 Plaintiff promptly reported Mr. Diab's misconduct to Agile management, but management
28 excused or minimized his conduct, placing the burden on Plaintiff to resolve the issue herself.

1 These incidents reinforced a culture at Agile in which male providers were permitted to
2 engage in sexual harassment and hostility toward women without consequence.

3 22. After Plaintiff supported R.S. in reporting the sexual harassment complaint and
4 reporting a hostile work environment, Agile began to retaliate against Plaintiff.

5 23. On or about January 23, 2025, during a meeting with Agile's Chief Executive
6 Officer, Greg Moore, Plaintiff was told that R.S. had filed a lawsuit against Agile and that "it
7 doesn't look good" and "we should talk about it." In January 2025, Agile's management,
8 including Dr. Nguyen, subsequently questioned Plaintiff about whether she had texted with
9 R.S. On or about January 31, 2025, Plaintiff was then placed on a "Performance Improvement
10 Plan" for allegedly "unprofessional communication" with R.S., even though her
11 communication was to assist R.S. in reporting inappropriate sexual misconduct and providing
12 patient care. Plaintiff was also retaliated against and subjected to increased scrutiny, hostility,
13 and baseless accusations, including unfounded allegations that she was "too friendly" with
14 patients and staff.

15 24. On or about June 27, 2025, Plaintiff was further retaliated against and placed on
16 administrative leave.

17 25. On or about July 8, 2025, Agile wrongfully terminated Plaintiff's employment.
18 The stated reasons for Plaintiff's termination were false and pretextual. The true reason for
19 her termination was her protected activity of reporting and supporting a patient's sexual
20 harassment complaint, reporting a hostile work environment, advocating for a proper
21 investigation, and refusing to remain silent when Agile failed to protect patients, Plaintiff, and
22 other employees from sexual harassment.

23 **WAGE & HOUR ALLEGATIONS**

24 26. At all times herein, AGILE maintained a policy and practice of requiring
25 Plaintiff and other exempt employees (collectively "Aggrieved Employees") to perform work
26 during designated "vacation/paid time off ("PTO")" days, including but not limited to
27 responding to work-related communications or completing tasks. Despite AGILE's knowledge
28 that work was performed by the Aggrieved Employees, AGILE unlawfully deducted hours for

1 such days as if the Aggrieved Employees had taken uninterrupted time off. As a result, the
2 Aggrieved Employees were deprived of earned vacation/PTO to which they were entitled.
3 Upon separation from employment, AGILE failed to pay all accrued and unused
4 vacation/PTO, in violation of Labor Code §§ 201, 202, 203 and 227.3. Accordingly, the
5 Aggrieved Employees are owed compensation for unused vacation/PTO wages wrongfully
6 deducted and unpaid at the time of their final paychecks.

7 **FIRST CAUSE OF ACTION**
8 **Whistleblower Retaliation**
9 **(California Labor Code § 1102.5)**
10 **(Plaintiff against Defendants)**

11 27. Plaintiff alleges and incorporates by reference all of the allegations contained in
12 the preceding paragraphs as though fully set forth herein.

13 28. Labor Code § 1102.5(b) states:

14 An employer, or any person acting on behalf of the employer, shall
15 not retaliate against an employee for disclosing information, or
16 because the employer believes that the employee disclosed or may
17 disclose information, to a government or law enforcement agency,
18 to a person with authority over the employee or another employee
19 who has the authority to investigate, discover, or correct the
20 violation or noncompliance, or for providing information to, or
21 testifying before, any public body conducting an investigation,
22 hearing, or inquiry, if the employee has reasonable cause to believe
23 that the information discloses a violation of state or federal statute

24 ...

25 29. As alleged herein, Plaintiff notified and reported to Defendants that a female
26 patient was subjected to sexual harassment and sexual battery by a male physician at
27 Defendants' facility. Plaintiff also reported to Defendants the misconduct and hostile
28 workplace conduct by male colleagues, resulting in unsafe treatment of patients. Plaintiff had,
and continues to have, reasonable cause to believe this conduct violated state and federal laws
and regulations protecting patients and prohibiting sexual harassment and abuse, including,
without limitation, California Health & Safety Code § 1278.5, the Fair Employment and
Housing Act, applicable professional licensing standards, and Defendants' own policies. In
response to Plaintiff's protected reports and cooperation with ensuing inquiries, Defendants
unlawfully retaliated against Plaintiff by placing her on a performance improvement plan,

1 placing her on administrative leave, and terminating her employment.

2 30. As a direct and proximate result of Defendants' unlawful acts, practices, and
3 omissions, Plaintiff has suffered damages in an amount subject to proof at trial. Plaintiff
4 claims such amount as damages together with prejudgment interest thereon pursuant to
5 California Civil Code §§ 3287, 3288, and/or any other applicable provision providing for
6 prejudgment interest.

7 31. As a direct and proximate result of Defendants' unlawful acts, practices, and
8 omissions, and inasmuch as Defendants is a corporation or limited liability company, Plaintiff
9 seeks civil penalties against Defendants pursuant to California Labor Code § 1102.5(f)(1),
10 which provides in pertinent part: "[i]n addition to other remedies available, an employer is
11 liable for a civil penalty not exceeding ten thousand dollars (\$10,000) for each violation of this
12 section."

13 32. By engaging in the aforementioned unlawful acts, practices, omissions, and by
14 condoning and ratifying such acts by failing to properly investigate and adequately discipline
15 the perpetrators of these practices and omissions, Defendants intended to cause injury to
16 Plaintiff. Defendants' intentional and injurious conduct toward Plaintiff was reckless,
17 malicious, and despicable, and was carried out with a conscious and willful disregard of the
18 rights and safety of others. Therefore, Plaintiff seeks an award of punitive damages, sufficient
19 to punish Defendants and to serve as an example to deter it from similar conduct in the future.
20 Plaintiff claims such amount as damages together with prejudgment interest thereon pursuant
21 to California Civil Code §§ 3287, 3288, and/or any other applicable provision providing for
22 prejudgment interest.

23 **SECOND CAUSE OF ACTION**
24 **Retaliation in Violation of FEHA**
(California Gov. Code § 12940(h))
(Plaintiff Against Defendants)

25 33. Plaintiff alleges and incorporates by reference all of the allegations contained in
26 the preceding paragraphs as though fully set forth herein.

27 34. California Government Code Section 12940(h) prohibits employers from
28 retaliating against employees who have opposed any practices forbidden under the FEHA.

1 35. As alleged herein, Defendants retaliated against Plaintiff for opposing and
2 reporting misconduct in the workplace, including (a) reporting and supporting a patient's
3 complaint of sexual harassment and/or sexual battery by a male provider, and (b) reporting and
4 opposing inappropriate physical conduct and hostile treatment directed at Plaintiff and other
5 female individuals by male colleagues, which is prohibited by law and public policy, including
6 without limitation the FEHA, California Health & Safety Code § 1278.5 and applicable
7 professional licensing standards.

8 36. After Plaintiff reported the sexual harassment and/or sexual battery by her male
9 colleagues, supported the patient in pursuing her complaint, and raised concerns regarding a
10 hostile work environment for herself and other female employees, Defendants subjected her to
11 adverse employment actions by placing her on a performance improvement plan, putting her
12 on administrative leave, and ultimately terminating her employment.

13 37. As a proximate result of Defendants' retaliation against Plaintiff, Plaintiff has
14 suffered and continues to suffer compensatory damages, including without limitation, lost
15 wages, loss of future earnings and earning capacity, emotional distress, mental anguish,
16 embarrassment, humiliation, loss of future advancement, and damage. Plaintiff claims such
17 amounts as damages, together with prejudgment interest accruing from the date of the filing of
18 this action.

19 38. As a proximate result of Defendants' retaliation against Plaintiff, Plaintiff has
20 been forced to hire attorneys to prosecute the claims alleged herein, and has incurred and is
21 expected to continue to incur attorneys' fees. Pursuant to California Government Code §
22 12965(b), Plaintiff requests the award of attorney's fees against Defendants.

23 **THIRD CAUSE OF ACTION**
24 **Whistleblower Retaliation**
 (California Health & Safety Code § 1278.5)
 (Plaintiff against Defendants)

25 39. Plaintiff alleges and incorporates by reference all of the allegations contained in
26 the preceding paragraphs as though fully set forth herein.

27 40. At all relevant times, Defendants, and each of them, owned, operated, managed,
28 and/or exercised control over a health facility and/or acted as officers, directors, supervisors,

1 managers, agents, partners, employees, or members of the medical staff of such facility, within
2 the meaning of California Health & Safety Code §1278.5.

3 41. At all relevant times, Plaintiff engaged in protected activity under § 1278.5, by
4 presenting grievances, complaints, and reports to Defendants concerning the quality of care,
5 services, and conditions at the facility, and by cooperating in investigations arising from such
6 complaints.

7 42. As alleged herein, Plaintiff disclosed and reported a female patient's complaint
8 of sexual harassment and/or sexual battery by a male physician, as well as Plaintiff's
9 experience of misconduct by male colleagues that created a hostile work environment for
10 female employees and compromised patient care. Plaintiff had, and continues to have,
11 reasonable cause to believe this conduct endangered patient safety and violated professional
12 standards and the law and public policy.

13 43. Defendants retaliated against Plaintiff because of her protected disclosures and
14 cooperation in the investigation against Defendants, for opposing and reporting misconduct
15 toward a patient, including sexual harassment and/or sexual battery, which is prohibited by
16 law and public policy, including without limitation California Health & Safety Code § 1278.5
17 and applicable professional licensing standards.

18 44. Defendants' conduct violated California Health & Safety Code §1278.5, which
19 prohibits a health facility, any member of its medical staff, and their agents from
20 discriminating or retaliating against an employee, member of the medical staff, or other health-
21 care worker because that person presented a grievance, complaint, or report to the facility or a
22 governmental entity, or cooperated in any related investigation or proceeding concerning the
23 quality of care, services, or conditions at the facility.

24 45. As a direct and proximate result of Defendants' unlawful acts, practices, and
25 omissions, and inasmuch as Defendants is a corporation or limited liability company, Plaintiff
26 seeks civil penalties against Defendants pursuant to California Health & Safety Code §
27 1278.5(b)(3), which provides in pertinent part: "A violation of this section shall be subject to a
28 civil penalty of not more than twenty-five thousand dollars (\$25,000)."

46. As a direct and proximate result of Defendants' unlawful conduct, Plaintiff has suffered and continues to suffer harm, including lost wages, lost benefits, loss of career opportunities and professional standing, emotional distress, and other special and general damages in an amount according to proof.

47. Defendants acted with malice, oppression, and/or fraud, thereby entitling Plaintiff to an award of punitive damages under applicable law.

48. Plaintiff is entitled to recover reasonable attorneys' fees and costs, and such other relief authorized by §1278.5 and applicable law.

FOURTH CAUSE OF ACTION

**Whistleblower Retaliation
(California Labor Code § 232.5)
(Plaintiff against Defendants)**

49. Plaintiff alleges and incorporates by reference all of the allegations contained in the preceding paragraphs as though fully set forth herein.

50. At all relevant times herein, California Labor Code § 232.5 was in full force and effect and was binding on Defendants, which, in pertinent part, provides: that “[n]o employer may...[d]ischarge, formally discipline, or otherwise discriminate against an employee who discloses information about the employer’s working conditions.”

51. At all times herein, Plaintiff engaged in protected activity under § 232.5 by disclosing, discussing, and inquiring about Defendants' working conditions, including reporting complaints of sexual harassment to management and HR, and reporting the unsafe and hostile work environment such misconduct by male medical providers created for other female employees and patients. Defendants knew of Plaintiff's protected activity because she made these reports and inquiries to management and leadership and HR, and because Defendants were aware of her protected discussions with personnel.

52. Defendants thereafter retaliated against Plaintiff by placing her on a performance improvement plan, placing her on administrative leave, and ultimately terminating her employment. Plaintiff's protected activity under § 232.5 was a substantial motivating reason for the termination.

53. As a proximate result of Defendants' retaliation against Plaintiff, Plaintiff has

1 suffered and continues to suffer compensatory damages, including without limitation, lost
2 wages, loss of future earnings and earning capacity, emotional distress, mental anguish,
3 embarrassment, humiliation, loss of future advancement, and damage. Plaintiff claims such
4 amounts as damages, together with prejudgment interest accruing from the date of the filing of
5 this action.

6 54. Defendants' retaliation was committed with malice, oppression, or fraud,
7 entitling Plaintiff to punitive damages as permitted by law.

8 **FIFTH CAUSE OF ACTION**
9 **Hostile Work Environment Harassment**
(California Government Code § 12940(j))
10 **(Plaintiff against Defendants)**

11 55. Plaintiff alleges and incorporates by reference all of the allegations contained in
12 the preceding paragraphs as though fully set forth herein.

13 56. Throughout her employment, Plaintiff experienced unwelcome behavior and
14 offensive conduct based on her sex and gender from Defendants' male employees, including
15 from Dr. Candelaria and John Diab. This included unwanted and unnecessary physical contact,
16 gender-based hostility and disrespect, as well as actions that undermined/demeaned her
17 professional abilities as a physician. The male employees attempted to take credit for her
18 medical work, including suturing, which male colleagues treated as their exclusive "territory,"
19 and publicly questioned Plaintiff's medical skills and yelled at her in front of both staff and
20 patients.

21 57. In addition, Plaintiff observed and reported sexually inappropriate conduct by
22 male providers toward female patients and staff, including unwanted physical contact, sexual
23 remarks, and propositions. Defendants' failure to take corrective action after Plaintiff reported
24 these incidents reinforced a workplace culture in which male employees were permitted to
25 engage in sexual harassment and hostility toward women without consequence, further
26 contributing to the hostile work environment for Plaintiff and other female employees.

27 58. The conduct alleged herein was severe and pervasive, unreasonably interfered
28 with Plaintiff's work, and created an intimidating, hostile, and offensive work environment for
Plaintiff as a woman.

1 59. Defendants knew or should have known of the harassment and failed to take
2 immediate and appropriate corrective action.

3 60. As a direct and proximate result of Defendants' unlawful conduct, Plaintiff has
4 suffered and continues to suffer compensatory damages, including without limitation, lost
5 wages, loss of future earnings and earning capacity, emotional distress, mental anguish,
6 embarrassment, humiliation, loss of future advancement, and damage. Plaintiff claims such
7 amounts as damages, together with prejudgment interest accruing from the date of the filing of
8 this action.

9 61. Defendants' conduct was committed with malice, oppression, or fraud, entitling
10 Plaintiff to punitive damages as permitted by law.

11 62. As a proximate result of Defendants' conduct, Plaintiff has been forced to hire
12 attorneys to prosecute the claims alleged herein and has incurred and is expected to continue to
13 incur attorneys' fees. Pursuant to California Government Code section 12965(b), Plaintiff
14 requests the award of attorneys' fees against Defendants.

15 **SIXTH CAUSE OF ACTION**
16 **Failure to Investigate and Prevent Harassment in Violation of FEHA**
 (California Government Code § 12940(k))
 (Plaintiff against Defendants)

17 63. Plaintiff alleges and incorporates by reference all of the allegations contained in
18 the preceding paragraphs as though fully set forth herein.

19 64. Pursuant to the FEHA, Defendants were required to take reasonable steps to
20 prevent harassment and discrimination, as mandated by Government Code Section 12940(k).
21 As alleged herein, Defendants failed to take all reasonable steps necessary to prevent such
22 unlawful conduct from occurring.

23 65. As alleged above, Plaintiff was subjected to harassment based on her sex and
24 gender that significantly altered the conditions of Plaintiff's employment and created an
25 abusive working environment. Defendants further became aware of additional incidents of
26 sexual harassment and misconduct toward female patients and employees that Plaintiff
27 reported to management.

28 66. Despite this knowledge, Defendants failed to take all reasonable steps to prevent

1 the harassment suffered by Plaintiff at the workplace, including but not limited to:

- 2 a. Failing to implement and/or enforce adequate anti-harassment policies;
- 3 b. Failing to adequately train its supervisors and employees;
- 4 c. Failing to respond promptly and appropriately when harassment was
- 5 reported or became known to the employer;
- 6 d. Failing to take corrective action against known harassers, thereby
- 7 allowing a hostile work environment to persist.

8 67. As a result, Defendants violated Section 12940(k) by not taking all reasonable
9 steps to prevent harassment and discrimination from occurring and, thus, are liable for
10 violation of the FEHA.

11 68. As a proximate result of Defendants' failure to take reasonable steps to prevent
12 harassment and discrimination, Plaintiff has suffered and continues to suffer compensatory
13 damages, including without limitation, lost wages, loss of future earnings, emotional distress,
14 mental anguish, embarrassment, humiliation, loss of future advancement, and damages, in the
15 amount of at least \$25,000.00, according to proof at the time of trial, which is in excess of the
16 jurisdictional minimum for this lawsuit to qualify as an unlimited civil action. Plaintiff claims
17 such amounts as damages, together with prejudgment interest accruing from the date of the
18 filing of this action pursuant to California Civil Code sections 3281 and/or 3288, and/or any
19 other provision of law providing for prejudgment interest.

20 69. As a proximate result of Defendants' failure to prevent harassment and
21 discrimination in the workplace, Plaintiff has been forced to hire attorneys to prosecute the
22 claims alleged herein and has incurred and is expected to continue to incur attorneys' fees.
23 Pursuant to California Government Code section 12965(b), Plaintiff requests the award of
24 attorneys' fees against Defendants.

25 **SEVENTH CAUSE OF ACTION**
26 **Wrongful Termination in Violation of Public Policy**
(Plaintiff against Defendants)

27 70. Plaintiff alleges and incorporates by reference all of the allegations contained in
28 the preceding paragraphs as though fully set forth herein.

1 71. The State of California maintains well-established and fundamental public
2 interests in deterring illegal, unethical or unsafe practices in the workplace as reflected in
3 California laws, including, but not limited to, California Health & Safety Code § 1278.5,
4 California Labor Code §§ 1102.5 and 232.5, and the Fair Employment and Housing Act,
5 California Government Code § 12940 all of which were binding on Defendants.

6 72. As described herein, Defendants wrongfully terminated Plaintiff because she
7 reported and assisted with a patient's complaint of sexual harassment/sexual battery, reported
8 inappropriate conduct by male employees resulting in hostile work environment for Plaintiff
9 and other female employees, and raised unsafe workplace conditions and patient-safety
10 concerns protected by Health & Safety Code § 1278.5 and the California Labor Code.

11 73. As a direct and proximate result of Defendants' unlawful and improper acts,
12 practices, and omissions, Plaintiff has suffered damages in an amount subject to proof at trial.
13 Plaintiff claims such amount as damages together with prejudgment interest thereon pursuant
14 to California Civil Code §§ 3287, 3288, and/or any other applicable provision providing for
15 prejudgment interest.

16 74. By engaging in the aforementioned unlawful and improper acts, practices,
17 omissions, and by condoning and ratifying such acts by failing to properly investigate and
18 adequately discipline the perpetrators of these practices and omissions, Defendants intended to
19 cause injury to Plaintiff. Defendants' intentional and injurious conduct toward Plaintiff was
20 reckless, malicious, and despicable, and was carried out with a conscious and willful disregard
21 of the rights and safety of others. Therefore, Plaintiff seeks an award of punitive damages,
22 sufficient to punish Defendants and to serve as an example to deter them from similar conduct
23 in the future.

24 **EIGHTH CAUSE OF ACTION**
 Intentional Infliction of Emotional Distress
 (Plaintiff against Defendants)

25 75. Plaintiff alleges and incorporates by reference all of the allegations contained in
26 the preceding paragraphs as though fully set forth herein.

27 76. Defendant's above-said acts were so extreme and outrageous and were beyond
28

1 the pale of conduct tolerated in a civilized society. The outrageousness of the above-described
2 conduct is amplified due to abuse of Defendants' supervisory position with actual and
3 apparent authority over Plaintiff, such as is commonly found in employment relationships.
4 Defendants were aware that its unlawful acts would cause Plaintiff to suffer extreme emotional
5 distress and other consequential damages.

6 77. As a result of Defendant's intentional infliction of emotional distress, Plaintiff
7 has suffered and continues to suffer substantial loss and damages including, loss of salary,
8 future advancement, bonuses, commissions, benefits, embarrassment, humiliation, and mental
9 anguish in an amount to be determined at trial.

10 78. Defendant committed the acts alleged herein maliciously, fraudulently, and
11 oppressively, with the wrongful intention of injuring Plaintiff, and acted with an improper and
12 evil motive amounting to malice and in conscious disregard of Plaintiff's rights. Plaintiff is
13 thereby entitled to punitive damages in an amount according to proof.

14 **NINTH CAUSE OF ACTION**
15 **Violation of Cal. Labor Code §§ 201-203**
16 **(Plaintiff against Defendants)**

17 79. Plaintiff alleges and incorporates by reference all of the allegations contained in
18 the preceding paragraphs as though fully set forth herein.

19 80. At all times relevant herein, Defendants were required to pay their employees all
20 earned and unpaid wages immediately upon separation of employment, including accrued
21 vacation or paid time off ("PTO") wages, pursuant to Labor Code §§ 201-203 and 227.3.

22 81. During Plaintiff's employment, Defendants maintained and enforced a policy
23 and practice requiring exempt employees, including Plaintiff, to perform work during
24 designated vacation/PTO days, including but not limited to, responding to work-related
25 communications and completing work tasks. Despite Defendants' knowledge that employees
26 performed work on those designated days, Defendants unlawfully deducted the vacation/PTO
27 hours. As a result of Defendants' policy and practice, Plaintiff was deprived of earned
28 vacation/PTO wages to which she was entitled.

82. Upon Plaintiff's separation from employment, Defendants willfully failed to pay

1 Plaintiff all wages due and owing, including accrued and unused vacation/PTO wages that had
2 been wrongfully deducted, in violation of Labor Code §§ 201-203 and 227.3.

3 83. Defendants' failure to timely pay all final wages due was willful within the
4 meaning of Labor Code § 203. Accordingly, Plaintiff is entitled to waiting time penalties in an
5 amount equal to up to thirty (30) days of wages, with interest thereon, attorneys' fees, and
6 costs.

7 **TENTH CAUSE OF ACTION**
8 **Violation of Cal. Labor Code §§ 226**
9 **(Plaintiff against Defendants)**

10 84. Plaintiff alleges and incorporates by reference all of the allegations contained in
11 the preceding paragraphs as though fully set forth herein.

12 85. Defendants, as a matter of uniform policy and practice and procedure, did not
13 provide accurate itemized wage statements to Plaintiff in violation of Labor Code § 226.
14 Specifically, the wage statements issued to Plaintiff did not accurately reflect all wages earned,
15 including vacation/PTO wages that were unlawfully deducted as alleged above.

16 86. As a result of Defendants' failure to provide accurate wage statements, Plaintiff
17 suffered injury within the meaning of Labor Code § 226(e), including but not limited to the
18 inability to promptly and easily determine from the wage statements the total wages earned
19 and whether all wages owed had been paid.

20 87. Accordingly, Plaintiff is entitled to recover the greater of all actual damages or
21 fifty dollars (\$50) for the initial pay period in which a violation occurred and one hundred
22 dollars (\$100) for each subsequent pay period, up to the maximum amount permitted by
23 statute, as well as costs and reasonable attorneys' fees pursuant to Labor Code § 226(e).

24 **ELEVENTH CAUSE OF ACTION**
25 **California Labor Code Private Attorneys General Act of 2004**
26 **(California Labor Code § 2698)**
27 **(Plaintiff and the Aggrieved Employees against Defendants)**

28 88. Plaintiff alleges and incorporates by reference all of the allegations contained in
the preceding paragraphs as though fully set forth herein.

89. California Labor Code §§ 2698, et seq. ("PAGA") permits Plaintiff to recover

1 civil penalties for the violation(s) of the Labor Code Sections enumerated in Labor Code
2 Section 2699.5.

3 90. Plaintiff brings this cause of action as a proxy for the State of California and in
4 this capacity, seeks penalties on behalf of all Aggrieved Employees from August 12, 2024,
5 through the present, for Defendants' violations of Labor Code §§ 201, 202, 203, 204, 227.3,
6 1194, arising from Defendants' policy and practice of failing to pay all accrued and unused
7 vacation/PTO to Plaintiff and aggrieved employees.

8 91. Plaintiff is an "aggrieved employee" pursuant to Labor Code § 2699, as Plaintiff
9 has suffered violations including, but not limited to, violations of Labor Code §§ 201, 202,
10 203, 204, 227.3, 1194, 2698 *et. seq.*, and the Wage Order.

11 92. On or about August 12, 2025, Plaintiff sent written notice to the California
12 Labor and Workforce Development Agency ("LWDA") of Defendants' violations of Labor
13 Code §§ 201, 202, 203, 204, 227.3, 1194, pursuant to Labor Code § 2698, *et seq.*, the Private
14 Attorneys General Act ("PAGA").

15 93. As of the date of the filing of this Complaint, the LWDA has yet to provide
16 notice to Plaintiff as to whether it intends to investigate the Labor Code violations set forth in
17 Plaintiff's written notices. In addition to the LWDA, Plaintiff also sent her written notice to
18 Defendant via certified mail pursuant to Labor Code § 2699.3.

19 94. Pursuant to PAGA, and in particular California Labor Code §§ 2699(a), 2699.3,
20 and 2699.5, Plaintiff, acting in the public interest as a private attorney general, seeks
21 assessment and collection of civil penalties for Plaintiff and the employees, and the State of
22 California against Defendants.

23 **PRAYER FOR RELIEF**

24 WHEREFORE, Plaintiff prays as follows:

25 1. As to the First, Second, Third, Fourth, Fifth, Sixth, Seventh, and Eighth Causes
26 of Action, and as against All Defendants, for special, general, and punitive damages according
27 to proof;

28 2. As to the First Cause of Action, for civil penalties of ten thousand dollars

1 (\$10,000) for each violation of Labor Code § 1102.5.

2 3. As to the Third Cause of Action, for a civil penalty of not more than twenty-five
3 thousand dollars (\$25,000).

4 4. As to the Ninth Cause of Action, for all damages and penalties pursuant to Labor
5 Code § 203;

6 5. As to the Tenth Cause of Action, for all damages and penalties pursuant to Labor
7 Code § 226;

8 6. As to the Eleventh Cause of Action, for the full amount of civil penalties and
9 attorneys' fees pursuant to Labor Code § 2698 et seq., and Labor Code § 226.3;

10 7. As to All Causes of Action, for attorneys' fees and costs provided by Labor
11 Code §§ 201-203, 226, 1102.5(j) and 2699(k)(1), and Code of Civil Procedure § 1021.5; and

12 8. As to All Causes of Action, for prejudgment interest from the day such amounts
13 were due and payable; and

14 9. For such other and further relief as the Court may deem equitable and
15 appropriate.

16 **DEMAND FOR JURY TRIAL**

17 Plaintiff hereby demands a jury trial.

18 Dated: October 20, 2025

FITZPATRICK & SWANSTON
DIVERSITY LAW GROUP, P.C.

20 By: /s/ B. James Fitzpatrick
21 B. James Fitzpatrick
22 Larry W. Lee
23 Attorneys for Plaintiff,
S.G., and the Aggrieved Employees

EXHIBIT A



Civil Rights Department

651 Bannan Street, Suite 200 | Sacramento | CA | 95811
1-800-884-1684 (voice) | 1-800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

August 28, 2025

[REDACTED]

c/o Fitzpatrick & Swanston, 555 S Main Street
Salinas, CA 93901

RE: **Notice of Case Closure and Right to Sue**
CRD Matter Number: 202508-30969428
Right to Sue: [REDACTED] / Agile Occupational Medicine, PC

Dear [REDACTED]:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective August 28, 2025 because an immediate Right to Sue notice was requested.

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.

This matter may qualify for CRD's Small Employer Family Leave Mediation Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Reproductive Loss Leave, or Bereavement Leave (Government Code sections 12945.2, 12945.6, or 12945.7) has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. Contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.



Civil Rights Department

KEVIN KISH, DIRECTOR

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1-800-884-1684 (voice) | 1-800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

After receiving a Right-to-Sue notice from CRD, you may have the right to file your complaint with a local government agency that enforces employment anti-discrimination laws if one exists in your area that is authorized to accept your complaint. If you decide to file with a local agency, you must file before the deadline for filing a lawsuit that is on your Right-to-Sue notice. Filing your complaint with a local agency does not prevent you from also filing a lawsuit in court.

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 CRD Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Civil Rights Department