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Attorney for PLAINTIFF DAILIUBER MENDEZ

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DAILIUBER MENDEZ,

PLAINTIFF,

vs.

AYA HEALTHCARE SERVICES, INC., A
DELAWARE CORPORATION, and DOES
1 through 50, Inclusive,

DEFENDANT.

Case No. **26STCV05091**

COMPLAINT FOR DAMAGES

- 1. DISABILITY DISCRIMINATION,
VIOLATION OF CAL. GOV. CODE
§§12940 ET SEQ;**
- 2. DISABILITY RETALIATION,
VIOLATION OF CAL. GOV. CODE
§§12940 ET SEQ.;**
- 3. FAILURE TO PREVENT
DISCRIMINATION, RETALIATION;**
- 4. INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS;**
- 5. FAILURE TO ENGAGE IN GOOD
FAITH INTERACTIVE PROCESS;**
- 6. FAILURE TO PROVIDE;
REASONABLE ACCOMODATIONS;**
- 7. RETALIATION IN VIOLATION OF
CFRA;**
- 8. VIOLATION OF CFRA; AND**
- 9. WRONGFUL TERMINATION IN
VIOLATION OF PUBLIC POLICY**

REQUEST FOR JURY TRIAL

PLAINTIFF DAILIUBER MENDEZ complains and alleges as follows:

INTRODUCTION

The basis of this lawsuit and present Complaint is based on damages sustained by

1 PLAINTIFF, DAILIUBER MENDEZ (“PLAINTIFF”), as a result of ongoing and outright
2 retaliation and discrimination, that resulted in PLAINTIFF’S wrongful termination from
3 employment at AYA HEALTHCARE SERVICES, INC. PLAINTIFF would show unto the
4 Court as follows:

5 **PARTIES**

6 **A. PLAINTIFF**

7 1. PLAINTIFF is an individual was intermittently employed by DEFENDANT in
8 the County of Los Angeles, California from May 31, 2022, through May 12, 2025.

9 **B. DEFENDANT**

10 2. On information and belief, defendant AYA HEALTHCARE SERVICES, INC.
11 is a Delaware corporation organized and existing under the laws of the state of Delaware. At all
12 relevant times herein, defendant AYA HEALTHCARE SERVICES, INC. employed more than
13 five (5) employees within the meaning of California Government Code Section 12926(d).

14 3. PLAINTIFF is unaware of the true names and capacities, whether corporate or
15 individual, or otherwise, of defendants DOES 1 through 50, inclusive. Pursuant to California
16 Code of Civil Procedure, § 474, PLAINTIFF will seek leave of Court to amend this Complaint
17 to state said Defendants’ true names and capacities when such information has been ascertained.
18 PLAINTIFF is informed and believes and based on such information and belief alleges that said
19 fictitiously named defendants are responsible in some manner for the injuries and damages to
20 PLAINTIFF as further alleged herein.

21 4. Defendant AYA HEALTHCARE SERVICES, INC. and defendants DOES 1
22 through 50 hereafter collectively referred to as “DEFENDANTS”.

23 5. PLAINTIFF is informed and believes, and on this basis alleges, that at all times
24 relevant hereto, DEFENDANTS were PLAINTIFF’S employer within the meaning of
25 California Government Code Section 12965(d).

26 **JURISDICTION AND VENUE**

27 6. Venue is proper under California Code of Civil Procedure Section 395 and
28 under California Government Code Section 12965(b), in that PLAINTIFF’S injuries were

1 incurred within Los Angeles County and DEFENDANTS are located in Los Angeles County.
2 This Court has jurisdiction over this matter pursuant to California Code of Civil Procedure
3 §410.10 because the actions forming the allegations contained herein occurred within the
4 County of LOS ANGELES. This Court has personal jurisdiction over DEFENDANTS because
5 PLAINTIFF's loss occurred in the State of California, County of Los Angeles.

6 **FACTUAL ALLEGATIONS**

7 7. DEFENDANTS operates a temporary healthcare staffing services company that
8 places medical professionals in various medical facilities. PLAINTIFF was intermittently
9 employed by DEFENDANTS as a Nuclear Medicine Technologist from May 31, 2022, through
10 May 12, 2025. At the time of his termination, PLAINTIFF was actively assigned to work at PIH
11 Health Whittier Hospital, located in Whittier, California.

12 8. On or about May 8, 2025, PLAINTIFF sustained an injury to his foot during a
13 non-work-related activity, which required medical supervision through May 12, 2025.

14 9. On May 8, 2025, PLAINTIFF, through his co-worker Eric Enriquez, informed
15 the staff at PIH Health Whittier Hospital that he was unable to report to work due to the injury.

16 10. On May 9, 2025, staff at the hospital acknowledged awareness of
17 PLAINTIFF'S medical condition and his inability to report to work.

18 11. On May 12, 2025, at approximately 9:51 a.m., PLAINTIFF notified
19 DEFENDANTS' Associate Team Manager and Senior Imaging Recruiter, Courtney Inglis, that
20 he had sustained an injury and was currently hospitalized. Plaintiff requested guidance, stating,
21 "Please advise on the next steps." Later that same day, at approximately 11:52 a.m.,
22 PLAINTIFF was informed that his employment had been terminated.

23 12. Prior to the initiation of this lawsuit, PLAINTIFF filed timely charges and
24 complaints with the California Civil Rights Department ("CRD") and has received Notice of
25 Right to Sue. PLAINTIFF has therefore exhausted administrative remedies. *Attached hereto*
26 *and incorporated herein as **Exhibit A** is a copy of PLAINTIFF's Right to Sue Notice and by*
27 *reference hereto is made a part hereof.*

28 //

I.

FIRST CAUSE OF ACTION

DISCRIMINATION BASED ON DISABILITY/MEDICAL CONDITION

[Cal. Gov't Code § 12940(a)]

(By PLAINTIFF against DEFENDANTS)

13. PLAINTIFF re-alleges and incorporates by reference all preceding paragraphs as if fully set forth herein.

14. DEFENDANTS employed PLAINTIFF.

15. PLAINTIFF was a member of a protected class as a result of his actual/perceived disabilities and/or medical condition, need for medical time off, and/or need for accommodations.

16. At all times relevant herein, PLAINTIFF was an actual, perceived, and/or potentially disabled person within the meaning of California Government Code §§ 12926.1(b) et seq., because he was a person with an actual, perceived, potentially disabling, and/or potentially disabling in the future physical disability(s).

17. At all times relevant herein, PLAINTIFF's impairments affected his ability to perform major life activities, including working.

18. And as a result of his actual/perceived disabilities, PLAINTIFF was subjected to termination.

19. As a disabled employee, PLAINTIFF was a member of a protected class.

20. PLAINTIFF was qualified for and competently performed the position he held throughout his employment with DEFENDANTS.

21. Despite PLAINTIFF'S disabilities, he was qualified for and competently performed the position he held throughout his employment for DEFENDANTS and was able to perform the essential functions of his job either with and/or without reasonable accommodations.

22. PLAINTIFF'S disability was a substantial motivating reason for DEFENDANTS' decision to terminate PLAINTIFF'S employment. DEFENDANTS subjected PLAINTIFF to discriminatory treatment and/or adverse employment actions due to PLAINTIFF's actual and/or

perceived disability, and need for accommodations through the actions set forth herein.

23. At all times relevant herein, PLAINTIFF believes and further alleges that DEFENDANTS and their agents failed to timely, properly, and completely investigate the discrimination PLAINTIFF was subjected to. As such, DEFENDANTS ratified and condoned the unlawful conduct.

24. The acts and conduct of DEFENDANTS were in violation of California Government Code §§ 12940 et seq., which impose certain duties upon Defendants concerning discrimination against persons, such as PLAINTIFF, on the basis of actual/perceived physical/mental disabilities and the prohibition of actual/perceived physical/mental disability discrimination. The statutes were intended to prevent the type of injury and damage herein set forth. PLAINTIFF was a disabled employee and within a protected class covered by California Government Code § 12940, prohibiting actual/perceived physical/mental disability discrimination in employment.

25. By the acts and conduct described above, DEFENDANTS, and each of them, in violation of said statutes, knew about, or should have known about, and failed to investigate and/or properly investigate, prevent or remedy the actual/perceived physical/mental disability discrimination. The acts of discrimination described herein were sufficiently pervasive so as to alter the conditions of employment, and created an abusive working environment. When PLAINTIFF was discriminated against, PLAINTIFF's actual/perceived physical/mental disability(s), and/or attempts to engage in protected activity, were motivating reasons and/or factors in DEFENDANTS' conduct.

26. As a further result of the acts and conduct of DEFENDANTS, PLAINTIFF suffered and continues to suffer severe emotional and mental distress and anguish, humiliation, embarrassment, fright, shock, pain, discomfort and anxiety. The exact nature and extent of said injuries is presently unknown to PLAINTIFF, who will pray leave of court to assert the same when they are ascertained.

27. PLAINTIFF suffered actual damages pursuant to Cal. *Civil Code* § 3333, including loss of earnings and future earning capacity, past and/or future medical and related

1 expenses, attorneys' fees, and other pecuniary loss not yet ascertained, for which PLAINTIFF
2 will seek leave of court to amend when ascertained.

3 28. As a result of the discriminatory acts of DEFENDANTS, PLAINTIFF is entitled
4 to reasonable attorneys' fees and costs of said suit as specifically provided in California
5 Government Code § 12965(b).

6 29. PLAINTIFF is also entitled to both declaratory and injunctive relief as a result of
7 Defendants' unlawful conduct under the FEHA.

8 30. PLAINTIFF has been damaged in an amount within the jurisdictional limits of
9 this Court.

10 31. DEFENDANTS committed the acts stated herein maliciously and oppressively,
11 with the wrongful intention of injuring PLAINTIFF, thereby entitling PLAINTIFF to punitive
12 damages.

13 II.

14 **SECOND CAUSE OF ACTION**

15 **DISABILITY RETALIATION IN EMPLOYMENT**

16 **[Gov. Code 12940, et seq.]**

17 (By PLAINTIFF against DEFENDANTS)

18 32. PLAINTIFF re-alleges and incorporates by reference all preceding paragraphs as
19 if fully set forth herein

20 33. PLAINTIFF engaged in legally protected activity by requesting a reasonable
21 accommodation due to his non-work-related injury, disabilities and need for medical time off.

22 34. As a result of PLAINTIFF engaging in the aforesaid protected activities, namely
23 his need for medical leave and accommodations for his non-work-related injury and disability,
24 DEFENDANTS terminated PLAINTIFF.

25 35. PLAINTIFF'S request for a reasonable accommodation due to his non-work-
26 related injury, disabilities and need for medical time off DEFENDANTS was a substantial
27 motivating reason for DEFENDANTS' decision to terminate PLAINTIFF.

28 36. PLAINTIFF was harmed. DEFENDANTS' conduct was a substantial factor in

1 causing PLAINTIFF harm.

2 37. The acts and conduct of DEFENDANTS were in violation of California
3 Government Code §§ 12940 et seq. which imposes duties upon Defendants concerning
4 retaliation against persons, such as PLAINTIFF, on the basis of actual/perceived physical/mental
5 disabilities and the prohibition of actual/perceived disability retaliation. The statutes were
6 intended to prevent the type of injury and damage set forth herein. PLAINTIFF was a disabled
7 employee and within a protected class covered by California Government Code § 12940,
8 prohibiting actual/perceived physical/mental disability retaliation at work.

9 38. PLAINTIFF has suffered and will suffer monetary damages, including but not
10 limited to a loss of earnings and benefits. PLAINTIFF will pray leave of court to show the total
11 amount of monetary damages when ascertained and/or at the time of trial.

12 39. As a further result of the acts and conduct of DEFENDANTS, PLAINTIFF has
13 been caused, and did suffer, and continues to suffer severe emotional and mental distress and
14 anguish, humiliation, embarrassment, fright, shock, pain, discomfort and/or anxiety. The exact
15 nature and extent of said injuries is presently unknown to PLAINTIFF, who will pray leave of
16 court to assert the same when they are ascertained.

17 40. PLAINTIFF suffered actual damages pursuant to Cal. *Civil Code* § 3333,
18 including loss of earnings and future earning capacity, past and/or future medical and related
19 expenses, attorneys' fees, and other pecuniary loss not yet ascertained, for which PLAINTIFF
20 will seek leave of court to amend when ascertained.

21 41. As a result of the retaliatory acts of DEFENDANTS, as alleged herein,
22 PLAINTIFF is entitled to reasonable attorneys' fees and costs of said suit as provided in
23 California Government Code § 12965(b).

24 42. As such, PLAINTIFF is entitled to both declaratory and injunctive relief as a
25 result of Defendants' unlawful conduct under the FEHA.

26 43. PLAINTIFF has been damaged in an amount within the jurisdictional limits of
27 this Court.

28 **III.**

1 **THIRD CAUSE OF ACTION**

2 **FAILURE TO PREVENT DISCRIMINATION, RETALIATION**

3 **[Gov. Code 12940(k)]**

4 **(By PLAINTIFF against DEFENDANTS)**

5 44. PLAINTIFF re-alleges and incorporates by reference all preceding paragraphs as
6 if fully set forth herein.

7 45. At all times mentioned herein, Government Code Sections 12940, et seq.,
8 including but not limited to Section 12940(k), was in full force and effect and was binding upon
9 DEFENDANTS and each of them. These subsections impose on an employer a duty to take
10 immediate and appropriate corrective action to end discrimination and retaliation and take all
11 reasonable steps necessary to prevent discrimination and discrimination from occurring, among
12 other things.

13 46. DEFENDANTS failed to take immediate and appropriate corrective action to end
14 the discrimination and retaliation. DEFENDANTS also failed to take all reasonable steps
15 necessary to prevent discrimination and retaliation from occurring.

16 47. In failing and/or refusing to take immediate and appropriate corrective action to
17 end the discrimination and retaliation and in failing and/or refusing to take and or all reasonable
18 steps necessary to prevent discrimination and retaliation from occurring, DEFENDANTS
19 violated Government Code section 12940(k), causing PLAINTIFF to suffer damages as set forth
20 below.

21 48. As a proximate result of the aforesaid acts of DEFENDANTS, PLAINTIFF has
22 suffered actual, consequential and incidental financial losses, including without limitation, loss
23 of salary and benefits, and the intangible loss of employment related opportunities in his field
24 and damage to his professional reputation, all in an amount subject to proof at the time of trial.
25 PLAINTIFF claims such amounts as damages pursuant to Civil Code section 3287 and/or section
26 3288 and/or any other provision of law providing for prejudgment interest.

27 49. As a proximate result of the wrongful acts of DEFENDANTS, PLAINTIFF has
28 suffered and continues to suffer emotional distress, humiliation, mental anguish and

embarrassment, as well as the manifestation of physical symptoms. PLAINTIFF is informed and believes, and based thereon alleges, that he will continue to experience said physical and emotional suffering for a period in the future not presently ascertainable, all in an amount subject to proof at the time of trial.

50. As a proximate result of the wrongful acts of DEFENDANTS, PLAINTIFF has been forced to hire attorneys to prosecute his claims herein, and has incurred and is expected to continue to incur attorneys' fees and costs in connection therewith. PLAINTIFF is entitled to recover attorneys' fees and costs under Government Code section 12965, subdivision (b).

IV.

FOURTH CAUSE OF ACTION

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

(By PLAINTIFF against DEFENDANTS)

51. PLAINTIFF re-alleges and incorporates by reference all preceding paragraphs as if fully set forth herein.

52. The conduct of DEFENDANTS' as set forth above was so extreme and outrageous that it exceeded the bounds of human decency and was beyond a pale of conduct tolerated in a civilized society. This conduct was intended to cause severe emotional distress, or was done in a reckless disregard of the probability of causing severe emotional distress.

53. As an actual and proximate result of DEFENDANTS' wrongful conduct, PLAINTIFF has suffered and continues to suffer severe and continuous humiliation, emotional distress, and physical and mental pain and anguish, all to his damage in an amount according to proof at the time of trial.

54. DEFENDANTS committed the acts stated herein maliciously and oppressively, with the wrongful intention of injuring PLAINTIFF, thereby entitling PLAINTIFF to punitive damages.

V.

FIFTH CAUSE OF ACTION

FAILURE TO ENGAGE IN GOOD FAITH INTERACTIVE PROCESS

1 **California Government Code § 12940(n)**

2 **(By PLAINTIFF against DEFENDANTS)**

3 55. PLAINTIFF re-alleges and incorporates by reference all preceding paragraphs as
4 if fully set forth herein.

5 56. Even though DEFENDANTS had notice of PLAINTIFF’S actual/perceived
6 disabilities/medical condition, as alleged above, they knowingly failed and refused to engage in a
7 good-faith interactive process with PLAINTIFF to determine whether it would be possible to
8 implement effective reasonable accommodations as required by Cal. Gov. Code § 12940(n).

9 57. California Gov. Code § 12940(n) generally provides that it is an unlawful
10 employment practice for an employer or other entity covered by the FEHA to fail to engage in a
11 timely, good-faith, interactive process with the employee to determine effective reasonable
12 accommodations, if any, for an employee with a known physical/mental disability or a known
13 medical condition.

14 58. PLAINTIFF had an actual, perceived, and/or potentially disabled person within
15 the meaning of Cal. Gov. Code §§ 12926.1(b) et seq., because he was a person with an actual,
16 perceived, and/or potentially disabling in the future medical condition.

17 59. DEFENDANTS were PLAINTIFF’S “employer” pursuant to the FEHA and
18 therefore covered entities, and PLAINTIFF was an employee of DEFENDANTS.

19 60. During his employment, PLAINTIFF was willing to participate in an interactive
20 process to determine whether reasonable accommodations could be made.

21 61. Pursuant to Cal. Code of Regulations § 11069(b)(2), an employer or other covered
22 entity shall initiate an interactive process when the employer or other covered entity otherwise
23 becomes aware of the need for an accommodation through a third party or by observation. At all
24 times relevant herein, PLAINTIFF had a medical condition/disability which required
25 accommodations and/or medical leave, which was known to DEFENDANTS because
26 PLAINTIFF requested a medical leave and informed DEFENDANTS of his condition.

27 62. DEFENDANTS failure to engage in a good-faith interactive process was a
28 substantial factor in causing PLAINTIFF’S harm.

63. In doing the acts alleged herein, DEFENDANTS were each substantially motivated by PLAINTIFF'S actual/perceived disabilities, need for accommodations, and/or need for legally protected intermittent medical leave.

64. As a result of DEFENDANTS failure to engage in good-faith interactive process, PLAINTIFF was rendered sick and disabled and suffered, among other things, numerous internal injuries, severe fright, shock, pain, discomfort and anxiety.

65. As a result of the conduct of DEFENDANTS, PLAINTIFF has been caused, and did suffer, and continues to suffer severe emotional and mental distress and anguish, humiliation, embarrassment, fright, shock, pain, discomfort and/or anxiety. The exact nature and extent of said injuries is presently unknown to PLAINTIFF, who will pray leave of court to assert the same when they are ascertained.

66. PLAINTIFF suffered actual damages pursuant to Cal. *Civil Code* § 3333, including loss of earnings and future earning capacity and benefits, past and/or future medical and related expenses, attorneys' fees, and other pecuniary loss not yet ascertained, for which PLAINTIFF will seek leave of court to amend when ascertained.

67. As a result of DEFENDANTS failure to initiate and participate in the good-faith interactive process, as alleged herein, PLAINTIFF is entitled to reasonable attorney's fees and costs of said suit as specifically provided in California Government Code § 12965(b).

68. PLAINTIFF is entitled to both declaratory and injunctive relief as a result of DEFENDANTS' unlawful conduct under the FEHA.

69. PLAINTIFF has been damaged in an amount within the jurisdictional limits of this Court.

VI.

SIXTH CAUSE OF ACTION

FAILURE TO PROVIDE REASONABLE ACCOMODATIONS

California Government Code § 12940(m)

(By PLAINTIFF against DEFENDANTS)

1 101. PLAINTIFF re-alleges and incorporates by reference all preceding paragraphs as
2 if fully set forth herein.

3 102. During PLAINTIFF’S employment, DEFENDANTS failed to provide reasonable
4 accommodations for PLAINTIFF’S known disability as required by Cal. Gov. Code §
5 12940(m), which provides that it is an unlawful employment practice for an employer or other
6 entity covered by this part to fail to make reasonable accommodations for the known physical or
7 mental disability of an applicant or employee.

8 103. At all times relevant herein, PLAINTIFF was an actual, perceived, and/or
9 potentially disabled person within the meaning of Cal. Gov. Code §§ 12926.1(b) et seq.,
10 because he was a person with an actual/perceived physical/mental disabilities or medical
11 condition.

12 104. DEFENDANTS were PLAINTIFF’S “employer” pursuant the FEHA and
13 therefore covered entities, and PLAINTIFF was an employee of DEFENDANTS.

14 105. At all times relevant herein, DEFENDANTS knew and/or had notice of
15 PLAINTIFF’S injuries medical condition and/or disabilities and/or need for accommodations
16 through the following, among others:

17 a) PLAINTIFF requested medical leave, notified his employer of his need for time
18 off and for accommodations.

19 b) PLAINTIFF notified DEFENDANTS of the reason for his medical leave within
20 less than three hours PLAINTIFF was terminated.

21 106. At all times relevant herein, PLAINTIFF was able to perform the essential job
22 duties with or without reasonable accommodations for her disabilities/medical condition.

23 107. Despite their duty to do so, DEFENDANTS failed to provide PLAINTIFF with
24 reasonable accommodation of medical leave and/or terminated him for seeking leave,.

25 108. Instead of accommodating PLAINTIFF, DEFENDANTS discriminated, and
26 retaliated against PLAINTIFF as a result of his actual/perceived disabilities and/or need for
27 medical time off, through the conduct set forth herein.

28 109. PLAINTIFF was harmed as a result of DEFENDANTS failure to provide
reasonable accommodations.

110. DEFENDANTS failure to provide reasonable accommodations was a substantial factor in causing PLAINTIFF'S harm.

111. DEFENDANTS', failure to provide a reasonable accommodation was substantially factor in causing PLAINTIFF harm.

112. By the aforesaid acts and conduct of DEFENDANTS, PLAINTIFF has been directly and legally caused to suffer actual damages pursuant to Cal. Civil Code § 3333 including, but not limited to, loss of earnings and future earning capacity, past and/or future medical and related expenses, attorneys' fees, and other pecuniary loss not yet ascertained, for which PLAINTIFF will seek leave of court to amend when ascertained.

113. Due to DEFENDANTS failure to provide reasonable accommodations, as alleged herein, PLAINTIFF is entitled to reasonable attorney's fees and costs of said suit as specifically provided in California Government Code § 12965(b).

114. PLAINTIFF is also entitled to both declaratory and injunctive relief as a result of Defendants' unlawful conduct under the FEHA. PLAINTIFF has been damaged in an amount within the jurisdictional limits of this Court.

VII.

SEVENTH CAUSE OF ACTION

RETALIATION IN VIOLATION OF THE CALIFORNIA FAMILY RIGHTS ACT

(By PLAINTIFF against DEFENDANTS)

115. PLAINTIFF re-alleges and incorporates herein by reference each and every allegation set forth above.

116. PLAINTIFF was an employee of DEFENDANTS who qualified for leave due to his own serious health condition pursuant to California Government Code §§ 12945.2 et seq.

117. At all times mentioned herein, DEFENDANTS were PLAINTIFF'S employer who regularly employed 50 or more employees, and therefore within the definition provided by California Government Code § 12945.2.

118. PLAINTIFF was an employee of DEFENDANTS who was qualified for protected leave pursuant to the CFRA. He worked for DEFENDANTS for over one (1) year and worked over 1250 hours in the year prior to taking and/or request for medical leave.

119. On or about May 8, 2025, PLAINTIFF sustained an injury to his foot during a non-work-related activity, which required medical supervision through May 12, 2025.

120. On May 8, 2025, PLAINTIFF, through his co-worker Eric Enriquez, informed the staff at PIH Health Whittier Hospital that he was unable to report to work due to the injury.

121. On May 9, 2025, staff at the hospital acknowledged awareness of PLAINTIFF'S medical condition and his inability to report to work.

122. On May 12, 2025, at approximately 9:51 a.m., PLAINTIFF notified DEFENDANTS' Associate Team Manager and Senior Imaging Recruiter, Courtney Inglis, that he had sustained an injury and was currently hospitalized. PLAINTIFF was entitled to and requested medical leave.

123. In response to PLAINTIFF'S requested medical leave DEFENDANTS discharged him.

124. PLAINTIFF'S request to take medical leave was a substantial motivating reason for the discharge.

125. As a result, PLAINTIFF has sustained and continues to sustain severe emotional pain and suffering, according to proof at trial.

126. As a further result, PLAINTIFF has suffered and continues to suffer economic damages according to proof at trial.

127. DEFENDANTS' retaliatory conduct was a substantial factor in causing PLAINTIFF harm.

128. The facts set forth above establish that all DEFENDANTS are guilty of malice and oppression, and this warrants an assessment of exemplary damages in an amount appropriate to punish defendants and to deter others from engaging in similar misconduct.

129. Plaintiff is also entitled to recover reasonable attorneys' fees and costs.

VIII.

EIGHTH CAUSE OF ACTION

1 **VIOLATION OF THE CALIFORNIA FAMILY RIGHTS ACT**

2 **(By PLAINTIFF against DEFENDANTS)**

3 130. PLAINTIFF re-alleges and incorporates herein by reference each and every
4 allegation set forth above.

5 131. PLAINTIFF was an employee of DEFENDANTS who qualified for leave due to
6 his own serious health condition pursuant to California Government Code §§ 12945.2 et seq.

7 132. At all times mentioned herein, DEFENDANTS were PLAINTIFF'S employer
8 who regularly employed 50 or more employees, and therefore within the definition provided by
9 California Government Code § 12945.2.

10 133. PLAINTIFF was an employee of DEFENDANTS who was qualified for protected
11 leave pursuant to the CFRA. He worked for DEFENDANTS for over one (1) year and worked
12 over 1250 hours in the year prior to taking and/or request for medical leave.

13 134. On or about May 8, 2025, PLAINTIFF sustained an injury to his foot during a
14 non-work-related activity, which required medical supervision through May 12, 2025.

15 135. On May 8, 2025, PLAINTIFF, through his co-worker Eric Enriquez, informed the
16 staff at PIH Health Whittier Hospital that he was unable to report to work due to the injury.

17 136. On May 9, 2025, staff at the hospital acknowledged awareness of PLAINTIFF'S
18 medical condition and his inability to report to work.

19 137. On May 12, 2025, at approximately 9:51 a.m., PLAINTIFF notified
20 DEFENDANTS' Associate Team Manager and Senior Imaging Recruiter, Courtney Inglis, that
21 he had sustained an injury and was currently hospitalized. PLAINTIFF was entitled to and
22 requested medical leave.

23 138. PLAINTIFF requested medical leave for PLAINTIFF'S own serious health
24 condition that made him unable to perform the functions of his job with DEFENDANTS.

25 139. Plaintiff provided reasonable notice to DEFENDANTS of his need for medical
26 leave.

27 140. DEFENDANTS refused to grant PLAINTIFF'S request for medical leave and
28 discharged PLAINTIFF.

141. PLAINTIFF was harmed.

1 142. DEFENDANTS' conduct was a substantial factor in causing PLAINTIFF'S harm.

2 143. As a result, PLAINTIFF has sustained and continues to sustain severe emotional
3 pain and suffering, according to proof at trial.

4 **IX.**

5 **NINTH CAUSE OF ACTION**

6 **WRONGFUL TERMINATION AGAINST PUBLIC POLICY**

7 **(By PLAINTIFF against DEFENDANTS)**

8 144. PLAINTIFF re-alleges and incorporates by reference all preceding paragraphs as
9 if fully set forth herein.

10 145. DEFENDANTS terminated Plaintiff's employment on the basis of his disability
11 and/or need for medical leave in violation of fundamental, substantial, and well-grounded public
12 policies, which are set forth in the FEHA and CFRA

13 146. As a direct and proximate result of Defendants' wrongful conduct, Plaintiff has
14 sustained and continues to suffer severe emotional and mental distress and anguish, humiliation,
15 embarrassment, fright, shock, pain, discomfort and/or anxiety. The exact nature and extent of
16 said injuries is presently unknown to PLAINTIFF, who will pray leave of court to assert the
17 same when they are ascertained.

18 147. DEFENDANTS' termination of PLAINTIFF caused PLAINTIFF damages.
19 DEFENDANTS committed the acts stated herein maliciously and oppressively, with the
20 wrongful intention of injuring PLAINTIFF, thereby entitling PLAINTIFF to punitive damages

21 **PRAYER**

22 WHEREFORE, PLAINTIFF prays for judgment against DEFENDANTS and each of
23 them as follows:

- 24 1. A judgment in favor of PLAINTIFF, on all claims set forth herein;
- 25 2. For compensatory damages, including but not limited to: back pay, plus interest,
26 lost fringe benefits and future lost earnings and fringe benefits, lost equity,
27 damages for emotional distress and pain and suffering, according to proof allowed
28 by law;

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- 3. For punitive damages allowed by law;
- 4. For restitution and/or disgorgement;
- 5. For an award to PLAINTIFF of costs of suit incurred herein and reasonable attorneys' fees;
- 6. For prejudgment interest pursuant to California Civil Code section 3287 and/or section 3288; and
- 7. For any other and further relief that the court deems proper

DATED: February 13, 2026 **HAIG B. KAZANDJIAN LAWYERS, APC**



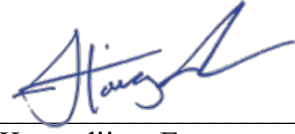
Haig B. Kazandjian, Esq.
Cathy Gonzalez, Esq.
Kevin Grigorian, Esq.,
Attorney for PLAINTIFF

DEMAND FOR JURY TRIAL

PLAINTIFF hereby demands trial by jury on all issues triable of right by jury.

DATED: February 13, 2026

HAIG B. KAZANDJIAN LAWYERS, APC



Haig B. Kazandjian, Esq.
Cathy Gonzalez, Esq.
Kevin Grigorian, Esq.
Attorney for PLAINTIFF

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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

February 2, 2026

Haig Kazandjian
801 North Brand Boulevard Suite 1015
Glendale, CA 91203

RE: **Notice to Complainant's Attorney**
CRD Matter Number: 202602-33389102
Right to Sue: MENDEZ / AYA HEALTHCARE SERVICES, INC.

Dear Haig Kazandjian:

Attached is a copy of your complaint of discrimination filed with the Civil Rights Department (CRD) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also attached is a copy of your Notice of Case Closure and Right to Sue.

Pursuant to Government Code section 12962, CRD will not serve these documents on the employer. You must serve the complaint separately, to all named respondents. Please refer to the attached Notice of Case Closure and Right to Sue for information regarding filing a private lawsuit in the State of California. A courtesy "Notice of Filing of Discrimination Complaint" is attached for your convenience.

Be advised that the CRD does not review or edit the complaint form to ensure that it meets procedural or statutory requirements.

Sincerely,

Civil Rights Department



Civil Rights Department

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February 2, 2026

RE: Notice of Filing of Discrimination Complaint

CRD Matter Number: 202602-33389102

Right to Sue: MENDEZ / AYA HEALTHCARE SERVICES, INC.

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Civil Rights Department (CRD) 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. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

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. You may 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.

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

No response to CRD is requested or required.

Sincerely,

Civil Rights Department



Civil Rights Department

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February 2, 2026

DAILIUBER MENDEZ

RE: **Notice of Case Closure and Right to Sue**
CRD Matter Number: 202602-33389102
Right to Sue: MENDEZ / AYA HEALTHCARE SERVICES, INC.

Dear DAILIUBER MENDEZ:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective February 2, 2026 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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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

**COMPLAINT OF EMPLOYMENT DISCRIMINATION
BEFORE THE STATE OF CALIFORNIA
Civil Rights Department
Under the California Fair Employment and Housing Act
(Gov. Code, § 12900 et seq.)**

In the Matter of the Complaint of

DAILIUBER MENDEZ

CRD No. 202602-33389102

Complainant,

vs.

AYA HEALTHCARE SERVICES, INC.

,

Respondents

1. Respondent **AYA HEALTHCARE SERVICES, INC.** is an **employer** subject to suit under the California Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

2. Complainant **DAILIUBER MENDEZ**, resides in the City of , State of .

3. Complainant alleges that on or about **May 12, 2025**, respondent took the following adverse actions:

Complainant was discriminated against because of complainant's disability (physical, intellectual/developmental, mental health/psychiatric), family care and medical leave (cfra) related to serious health condition of employee or family member, child bonding, or military exigencies and as a result of the discrimination was terminated, denied accommodation for a disability, denied family care and medical leave (cfra) related to serious health condition of employee or family member, child bonding, or military exigencies.

Complainant experienced retaliation because complainant requested or used a disability-related accommodation, requested or used family care and medical leave (cfra) related to serious health condition of employee or family member, child bonding, or military exigencies and as a result was terminated, denied accommodation for a disability, denied family care and medical leave (cfra) related to serious health condition of employee or family member, child bonding, or military exigencies.

Additional Complaint Details: 7. DEFENDANTS operates a temporary healthcare staffing services company that places medical professionals in various medical facilities. PLAINTIFF was intermittently employed by DEFENDANTS as a Nuclear Medicine Technologist from May 31, 2022, through May 12, 2025. At the time of his termination, PLAINTIFF was actively assigned to work at PIH Health Whittier Hospital, located in Whittier, California.

8. On or about May 8, 2025, PLAINTIFF sustained an injury to his foot during a non-work-related activity, which required medical supervision through May 12, 2025.

9. On May 8, 2025, PLAINTIFF, through his co-worker Eric Enriquez, informed the staff at PIH Health Whittier Hospital that he was unable to report to work due to the injury.

10. On May 9, 2025, staff at the hospital acknowledged awareness of PLAINTIFF'S medical condition and his inability to report to work.

11. On May 12, 2025, at approximately 9:51 a.m., PLAINTIFF notified DEFENDANTS' Associate Team Manager and Senior Imaging Recruiter, Courtney Inglis, that he had sustained an injury and was currently hospitalized. Plaintiff requested guidance, stating, "Please advise on the next steps." Later that same day, at approximately 11:52 a.m., PLAINTIFF was informed that his employment had been terminated.

1 VERIFICATION

2 I, **Kevin Grigorian**, am the **Attorney** in the above-entitled complaint. I have read the
3 foregoing complaint and know the contents thereof. The matters alleged are based on
4 information and belief, which I believe to be true. The matters alleged are based on
information and belief, which I believe to be true.

5 On February 2, 2026, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

7 **Glendale CA**