

San Francisco Superior Courts
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Sep-22-2006 12:24 pm

Case Number: CGC-06-456418

Filing Date: Sep-22-2006 12:20

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COMPLAINT

CHIE I WALKER VS. MURPHY PEARSON BRADLEY FEENEY INC A PROFESSIONAL e

001C01546495

Instructions:

Please place this sheet on top of the document to be scanned.

**SUMMONS
(CITACION JUDICIAL)**

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

**MURPHY, PEARSON, BRADLEY, FEENEY, INC., A
PROFESSIONAL CORPORATION; and MARK E. ELLIS,
individually; and, DOES, 1 through 50, inclusive**

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):
CHIE I. WALKER**

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:
(El nombre y dirección de la corte es):
Superior Court of California, County of San Francisco
400 McAllister Street
San Francisco, CA 94102-4514

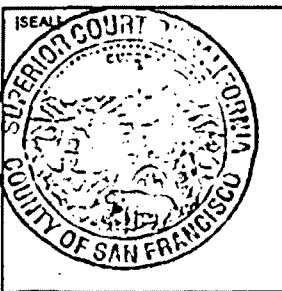
CASE NUMBER:
(NÚMERO DE CASO): 06-456418

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Anthony M. Perez, Jr.
455 Capitol Mall, Suite 802, Sacramento, CA 95811 Gordon Park Lj Phone: 916-441-0550 Fax: 916-441-0555

DATE:
(Fecha) SEP 22 2006

Clerk, by Christina B. ... Deputy
(Secretario) CHRISTINA B. ... (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



NOTICE TO THE PERSON SERVED: You are served

- as an individual defendant.
- as the person sued under the fictitious name of (specify):
- on behalf of (specify):

under: <input type="checkbox"/> CCP 416.10 (corporation)	<input type="checkbox"/> CCP 416.60 (minor)
<input type="checkbox"/> CCP 416.20 (defunct corporation)	<input type="checkbox"/> CCP 416.70 (conservatee)
<input type="checkbox"/> CCP 416.40 (association or partnership)	<input type="checkbox"/> CCP 416.90 (authorized person)
<input type="checkbox"/> other (specify):	
- by personal delivery on (date):

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
LAW OFFICES OF ANTHONY M. PEREZ, JR.
 Anthony M. Perez, Jr., SBN #113041
 455 Capitol Mall, Suite 802, Sacramento, CA 95814
 TELEPHONE NO.: 916-441-0500 FAX NO.: 916-441-0555
 ATTORNEY FOR (Name): Plaintiff **CHIE I. WALKER**

FOR COURT USE ONLY

FILED
 San Francisco County Superior Court

SEP 22 2006

CAROL PARKER, Clerk
 U.S. District Court

SUPERIOR COURT OF CALIFORNIA, COUNTY OF
 STREET ADDRESS: 400 McAllister Street
 MAILING ADDRESS:
 CITY AND ZIP CODE: San Francisco, CA 94102-4514
 BRANCH NAME:

CASE NAME:
Chie I. Walker v. Murphy, Pearson, Bradley, Feeney, Inc. et al

CIVIL CASE COVER SHEET

Unfiled (Amount demanded exceeds \$25,000) Limited (Amount demanded is \$25,000 or less)

Complex Case Designation

Counter Joinder

Filed with first appearance by defendant (Cal. Rules of Court, rule 1811)

CASE NUMBER:
CGC-06-456418

JUDGE:
 DEPT:

Items 1-5 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:
- | | | |
|--|---|---|
| <p>Auto Tort</p> <p><input type="checkbox"/> Auto (22)</p> <p><input type="checkbox"/> Uninsured motorist (46)</p> <p>Other P/VPD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</p> <p><input type="checkbox"/> Asbestos (04)</p> <p><input type="checkbox"/> Product liability (24)</p> <p><input type="checkbox"/> Medical malpractice (45)</p> <p><input type="checkbox"/> Other P/VPD/WD (23)</p> <p>Non-P/VPD/WD (Other) Tort</p> <p><input type="checkbox"/> Business tort/unfair business practice (07)</p> <p><input type="checkbox"/> Civil rights (08)</p> <p><input type="checkbox"/> Defamation (13)</p> <p><input type="checkbox"/> Fraud (16)</p> <p><input type="checkbox"/> Intellectual property (19)</p> <p><input type="checkbox"/> Professional negligence (25)</p> <p><input type="checkbox"/> Other non-P/VPD/WD tort (35)</p> <p>Employment</p> <p><input type="checkbox"/> Wrongful termination (36)</p> <p><input checked="" type="checkbox"/> Other employment (15)</p> | <p>Contract</p> <p><input type="checkbox"/> Breach of contract/warranty (06)</p> <p><input type="checkbox"/> Collections (09)</p> <p><input type="checkbox"/> Insurance coverage (18)</p> <p><input type="checkbox"/> Other contract (37)</p> <p>Real Property</p> <p><input type="checkbox"/> Eminent domain/inverse condemnation (14)</p> <p><input type="checkbox"/> Wrongful eviction (33)</p> <p><input type="checkbox"/> Other real property (26)</p> <p>Unlawful Detainer</p> <p><input type="checkbox"/> Commercial (31)</p> <p><input type="checkbox"/> Residential (32)</p> <p><input type="checkbox"/> Drugs (38)</p> <p>Judicial Review</p> <p><input type="checkbox"/> Asset forfeiture (05)</p> <p><input type="checkbox"/> Petition re: arbitration award (11)</p> <p><input type="checkbox"/> Writ of mandate (02)</p> <p><input type="checkbox"/> Other judicial review (39)</p> | <p>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 1800-1812)</p> <p><input type="checkbox"/> Antitrust/Trade regulation (03)</p> <p><input type="checkbox"/> Construction defect (10)</p> <p><input type="checkbox"/> Mass tort (40)</p> <p><input type="checkbox"/> Securities litigation (28)</p> <p><input type="checkbox"/> Environmental/Toxic tort (30)</p> <p><input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)</p> <p>Enforcement of Judgment</p> <p><input type="checkbox"/> Enforcement of judgment (20)</p> <p>Miscellaneous Civil Complaint</p> <p><input type="checkbox"/> RICO (27)</p> <p><input type="checkbox"/> Other complaint (not specified above) (42)</p> <p>Miscellaneous Civil Petition</p> <p><input type="checkbox"/> Partnership and corporate governance (21)</p> <p><input type="checkbox"/> Other petition (not specified above) (43)</p> |
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2. This case is is not complex under rule 1800 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- a. Large number of separately represented parties d. Large number of witnesses
- b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
- c. Substantial amount of documentary evidence f. Substantial postjudgment judicial supervision
3. Type of remedies sought (check all that apply):
- a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive
4. Number of causes of action (specify): 4
5. This case is is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: September 21, 2006
 Anthony M. Perez, Jr.

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 201.8.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 1800 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a complex case, this cover sheet will be used for statistical purposes only.

FILED
San Francisco County Superior Court

SEP 22 2006

CONDON PARK-LL Clerk
BY: ~~John S. Part~~
CASE MANAGEMENT CONFERENCE SET

FEB 23 2007 - 9:00 AM

DEPARTMENT 212

SUMMONS ISSUED

1 LAW OFFICES OF ANTHONY M. PEREZ, JR.
Anthony M. Perez, Jr., SB#113041
2 Jeffrey D. Fulton, SB#206466
455 Capitol Mall, Suite 802
3 Sacramento, California 95814
Telephone: (916) 441-0500
4 Facsimile: (916) 441-0555

5 Attorney for Plaintiff,
CHIE I. WALKER

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN FRANCISCO

10 CHIE I. WALKER

CASE NO. **06-06-456418**

12 Plaintiff,

COMPLAINT FOR DAMAGES

13 vs.

14 MURPHY, PEARSON, BRADLEY,
15 FEENEY, INC., A PROFESSIONAL
CORPORATION; and MARK E. ELLIS,
16 individually; and, DOES, 1 through 50,
inclusive,

- 1) SEXUAL HARASSMENT/SEXUAL DISCRIMINATION (Gov. Code Section §12940 et seq.); VIOLATION OF THE FAIR EMPLOYMENT & HOUSING ACT (FEHA);
- 2) CONSTRUCTIVE DISCHARGE (Gov. Code Section §12940 et seq.); VIOLATION OF THE FAIR EMPLOYMENT & HOUSING ACT (FEHA);
- 3) VIOLATION OF PUBLIC POLICY
- 4) DEFAMATION - SLANDER PER SE (Civil Code §46)

17 Defendants.

DEMAND FOR JURY TRIAL

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I.

NATURE OF THE ACTION

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1. This action is brought by Plaintiff, CHIE I. WALKER (herein referred also to as "WALKER"), under the California Fair Employment and Housing Act (herein referred to as "FEHA"), California Government Code § 12940, *et seq.* Plaintiff has brought this action for both quid pro quo and hostile work environment sexual harassment in the work place.

2. Plaintiff further contends that she was constructively discharged as a result of her inability to withstand the pervasive sexual harassment that she was exposed to by Defendant partner/managing agent, MARK E. ELLIS hereinafter referred also to as "ELLIS", and Defendant MURPHY, PEARSON, BRADLEY, and FEENEY, INC., A PROFESSIONAL CORPORATION, hereinafter referred also to as "MPBF".

3. Plaintiff further contends that she was defamed by ELLIS and MPBF.

II.

JURISDICTION AND VENUE

4. The jurisdiction of this Court is based on California Government Code Section §12940, *et seq.* Further, MPBF is a law firm and has and does conduct extensive business in San Francisco with its primary place of business at 88 Kearny Street, 11th Floor, San Francisco, California 94108.

5. Defendant ELLIS is a partner, equity shareholder, and managing agent for the law firm of MPBF.

6. Defendant, MPBF, and its senior managing partners James A. Murphy, Arthur V. Pearson, Michael P. Bradley, and John H. Feeney, failed to take remedial or corrective action in connection with complaints of pervasive sexual harassment by its partner ELLIS, and refused to take any action to prevent future sexual harassment from occurring. Said failure to act constitutes a violation of Government Code §12940 *et seq.* Said failure to act occurred by partners James A. Murphy, Arthur V. Pearson, Michael P. Bradley, and John H. Feeney located at 88 Kearny Street, 10th Floor, San Francisco, California, 94108 .

7. Defendant, ELLIS, reports directly to the San Francisco office of MPBF and is and was

1 at all times relevant directed by senior management consisting of, but not limited to, the following
2 individuals: James A. Murphy, Arthur V. Pearson, Michael P. Bradley, and John H. Feeney.

3 8. Defendant, MPBF, employees more than fifteen (15) employees and is an employer under
4 the Fair Employment and Housing Act (FEHA), California Government Code §12940 et seq.

5 9. Plaintiff is ignorant of the true names and capacities of Defendants sued herein as
6 Does 1-50, inclusive, and therefore sues these Defendants by such fictitious names. Plaintiff will
7 amend this complaint to allege their true names and capacities when ascertained. Plaintiff is
8 informed and believes and thereon alleges that each of the fictitiously named Defendants is
9 responsible in some manner for the occurrences herein alleged, and that Plaintiff's damages as herein
10 alleged were proximately caused by their conduct.

11 10. Defendants, Does 1 through 50, referenced in the above paragraph may include:
12 Directors, Officers, Managing Agents, Attorneys, Associate Attorneys, Equity Shareholders,
13 Managing Partners, Partners and other legal support employed by MPBF of which plaintiff is
14 ignorant of the true names of these individuals.

15 11. Unlawful employment practices complained of herein occurred within the State
16 of California. Members of the firm located in San Francisco, California, MPBF's principal place
17 of business, at all times relevant to this action, failed to take corrective or remedial action in
18 violation of Government Code §12940 et seq. Venue is proper.

19 III.

20 EXHAUSTION OF REMEDIES

21 12. Plaintiff, WALKER, has previously and timely filed a formal Department of Fair
22 Employment and Housing ("DFEH") Charge of Discrimination as against Defendants, and has
23 alleged therein, *inter alia*, that said Defendants violated Government Code Section §12940 *et seq.*

24 13. On September 11, 2006, Plaintiff received her "right to sue" letters from the DFEH.

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IV.

ALLEGATIONS COMMON TO ALL CAUSES OF ACTION

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3 14. Defendant MPBF, and defendant ELLIS had a history, pattern and practice of
4 sexually harassing employees in the work place with continuing violations up through plaintiff's
5 termination which occurred in May 2006.

6 15. Defendant/Partner/Managing Agent ELLIS would require as a condition of
7 employment the acceptance of sexually harassing behavior.

8 16. Defendant ELLIS has a history of sexually harassing female employees and has
9 been involved in harassing female associate attorneys, partners, and legal support staff throughout
10 his employment.

11 17. Defendant MPBF was and is aware of numerous oral and written complaints by female
12 support staff and attorneys employed under the direction of ELLIS regarding his sexually harassing
13 behavior, yet took no corrective or remedial action.

14 18. Oral and written complaints of sexual harassment by ELLIS were made and
15 submitted to senior management at the San Francisco office by secretaries, support staff and
16 attorneys, to which MPBF failed to respond.

17 19. Defendant MPBF as an entity and through partners, executive committee
18 members, managing partners and other staff condoned and ratified the conduct of ELLIS.

19 20. Quid Pro Quo sexual harassment was implicit as a result of the status of ELLIS
20 with the firm.

21 21. ELLIS creates a hostile work environment for staff under his direction and control.

22 22. On at least on one occasion, ELLIS was sued for having sexual relations with a
23 client. In order to prevent disclosure to governing bodies, the media, news print, MPBF required
24 that any settlement executed in that matter by the parties be confidential, contrary to the public policy
25 of the State of California, to ensure appropriate disciplinary and remedial action would not be
26 required under these circumstances.

27 23. Over the years, numerous female employees have lodged written complaints of

1 sexual harassment by ELLIS with the Department of Fair Employment and Housing. On at least one
2 prior occasion ELLIS was sued for sexually harassing a legal secretary.

3 24. Managing Agents for MPBF knew or should have known about ELLIS'
4 propensity for sexual harassing female employees and gender discriminating behavior towards
5 female employees.

6 25. ELLIS, in the work place, would routinely make remarks of a sexual nature and
7 propositioned female employees. This action was non-consensual and was done repeatedly in
8 violation of the laws prohibiting sexual harassment in the work place.

9 26. Members of MPBF's San Francisco management and defendant ELLIS practice
10 employment law and were aware of the laws regarding sexual harassment and the consequences for
11 violations of law by virtue of their profession, yet openly, repeatedly, and irresponsibly condoned
12 sexually harassing behavior in the work place.

13 27. Plaintiff, WALKER, is a graduate of University of Southern California School of Law
14 and became a member of the State Bar of California in December 2002. WALKER began her
15 employment with MPBF as an associate attorney working on a "team" supervised and reporting
16 directly to partner ELLIS from October 4, 2005 to May 11, 2006. Almost immediately, ELLIS began
17 a continuing and pervasive pattern of sexually harassing conduct and behavior directed at Plaintiff
18 WALKER, and others, in the work place. This conduct included, without limitation, inappropriate
19 sexual comments and innuendo and unwelcome sexual propositions.

20 28. ELLIS has a long history of harassing female employees at work. The named partners
21 of the firm and other shareholders are aware of prior complaints by female employees about
22 Defendant, ELLIS' conduct, prior sexual harassment lawsuits Defendant, ELLIS, his sexual
23 relationships with his client and secretary, and have refused to remedy the constant sexual
24 harassment WALKER and others have had to endure.

25 29. Further, Defendant ELLIS, who has a history of sexually harassing women at work,
26 conditioned Plaintiff WALKER's employment on having a sexual relationship with him, resulting
27 in WALKER quitting her employment.

1 30. Defendant, ELLIS told WALKER and others at MPBF that sexual harassment laws
2 didn't apply to him.

3 31. Defendant, ELLIS told WALKER he didn't hire Plaintiff, WALKER for her resume and
4 that ELLIS only hires people that he is sexually attracted to. Later, WALKER was told that "ELLIS
5 shouldn't be allowed to hire women because he always bullies woman into having sex with him."

6 32. During Defendant MPBF's Sexual Harassment Training, Defendant ELLIS made a joke
7 out of the training by pretending to harass another employee of the firm in front of various partners
8 of MPBF and as well as other associate attorneys of the firm.

9 33. During MPBF functions, ELLIS engaged in inappropriate sexual contact with several
10 female employees by grabbing their body parts including their breasts, and buttocks, as well as
11 kissing them.

12 34. Additional examples of ELLIS' sexual harassment of WALKER include but are not
13 limited to the following:

14 (a) ELLIS asked WALKER about her sex life and requested that she provide him with
15 details of her sex life;

16 (b) ELLIS made references to and comments about sex;

17 (c) ELLIS told other attorneys at work that WALKER gave him a sexually
18 transmitted disease;

19 (d) While in a hallway with another associate attorney, ELLIS said "You can have
20 her first - I don't mind going second," referring to a sexual encounter.

21 (e) Defendant ELLIS, while preparing for a trial, put his arm around WALKER's
22 waist while in a hallway alone and said "put that in your declaration."

23 (f) Defendant, ELLIS would tell WALKER that all of the guys that she dated before
24 were warm-ups for him, and that WALKER needed a strong, powerful man like Defendant, ELLIS
25 in her life.

26 35. WALKER also witnessed ELLIS making inappropriate sexual comments and
27 advances to other female employees.

1 distress, suffering and anguish as a direct, proximate and legal result of the outrageous conduct of
2 Defendants, and each of them, reacting to her discharge with humiliation, embarrassment, anger,
3 disappointment and worry, all of which is substantial and enduring. Plaintiff will seek leave to
4 amend this complaint to state the amount or will proceed according to proof at the time of trial.

5 44. Defendants, and each of them, acted wilfully, oppressively, fraudulently,
6 maliciously, despicably, and in willful and conscious disregard of Plaintiff's rights, and with the
7 intention of causing or in reckless disregard of the probability of causing injury and severe emotional
8 distress to the Plaintiff also justifying an award of punitive damages.

9 VI.

10 **SECOND CAUSE OF ACTION**
11 **CONSTRUCTIVE DISCHARGE**
(Gov. Code Section §12940 et seq.)

12 **(MURPHY, PEARSON, BRADLEY, FEENEY, INC., A PROFESSIONAL**
13 **CORPORATION; and MARK E. ELLIS, and, DOES 1 through 50, inclusive,)**

14 45. As a second, separate and distinct cause of action against Defendants, and each of them,
15 Plaintiff complains and alleges as follows:

16 46. Plaintiff realleges and incorporates by reference paragraphs 1 through 44, inclusive,
17 above as though fully set forth herein.

18 47. Plaintiff was, and at all times mentioned herein, an employee covered by the California
19 Fair Employment and Housing Act, Government Code § 12900 *et seq.*, prohibiting discrimination
20 in employment on the basis of gender.

21 48. Plaintiff could not continue working in the hostile work environment created by
22 ELLIS, nor could Plaintiff continue to tolerate ELLIS' retaliation for Plaintiff's refusal of sexual
23 advances and overtures by him, and for complaints of harassment, and was forced to resign.

24 49. Plaintiff suffered emotional distress as a direct, proximate and legal result of the
25 conduct by Defendants, and each of them, of which Plaintiff complains. Plaintiff suffered mental
26 distress, suffering and anguish as a direct, proximate and legal result of the outrageous conduct of
27 Defendants, and each of them, reacting to her discharge with humiliation, embarrassment, anger,

1 disappointment and worry, all of which is substantial and enduring. Plaintiff will seek leave to
2 amend this complaint to state the amount or will proceed according to proof at the time of trial.

3 50. Defendants, and each of them, acted wilfully, oppressively, fraudulently, maliciously,
4 despicably, and in willful and conscious disregard of Plaintiff's rights, and with the intention of
5 causing, or in reckless disregard of the probability of causing injury and severe emotional distress
6 to the Plaintiff also justifying an award of punitive damages.

7 VII.

8 **THIRD CAUSE OF ACTION**
9 **VIOLATION OF PUBLIC POLICY**

10 (MURPHY, PEARSON, BRADLEY, FEENEY, INC., A PROFESSIONAL
11 CORPORATION; and MARK E. ELLIS, and, DOES 1 through 50, inclusive,)

12 51. Plaintiff hereby incorporates paragraphs 1 through 50, inclusive, above as though fully
13 set forth herein.

14 52. Defendants' conduct violates Public Policy of California, as fully set forth herein.

15 53. As a direct, foreseeable, and proximate result of defendants' discriminatory acts, plaintiff
16 has suffered and continues to suffer substantial losses in earnings and job benefits, has suffered and
17 continues to suffer humiliation, embarrassment, mental and emotional distress, and discomfort, all
18 to plaintiff's damages in an amount which will be proven at trial.

19 54. As a proximate result of the acts of defendants, plaintiff has suffered severe emotional
20 distress in the form of nervousness, anxiety, nausea, heart palpitations, worry and indignity.
21 Defendants' conduct created a work environment extremely detrimental to plaintiff's emotional and
22 physical health, and interfered with plaintiff's work performance.

23 55. Defendants committed the acts described in the complaint, oppressively, fraudulently,
24 and maliciously, entitling plaintiff to an award of punitive damage against defendants in an amount
25 appropriate to punish and make an example of defendants.

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VIII.

**FOURTH CAUSE OF ACTION
DEFAMATION - SLANDER PER SE (Civil Code § 46)**

(MURPHY, PEARSON, BRADLEY, FEENEY, INC., A PROFESSIONAL CORPORATION; and MARK E. ELLIS, and, DOES 1 through 50, inclusive,)

56. Plaintiff hereby incorporates paragraphs 1 through 55, inclusive, as if set forth in full herein.

57. Defendants MPBE and ELLIS through its agents, employees and managing agents, and specifically, individual defendant ELLIS uttered statements that WALKER had an infectious, contagious or loathsome disease and other statements that injure WALKER with respect to her profession.

58. The statements made are and were false as it applied to Plaintiff and constitute defamation per se.

59. Each of these statements are and were defamatory on their face. They clearly exposed Plaintiff to hatred, contempt, ridicule, and obloquy because it impugned her integrity, honesty, decency, and exposed her to inherent injury in his occupation.

60. These statements were made orally and heard by Plaintiff's peers.

61. As a proximate result of the above-described utterances, Plaintiff has suffered loss of her reputation, shame, mortification, and hurt feelings, all to her general damage in an amount to be specifically proven at trial.

62. The above-described utterances were made by the Defendants with malice, oppression, and fraud in that they were uttered with the intent of discrediting Plaintiff and was used as a pretext for her termination from employment, despite the falsity of said utterances, and thus, Plaintiff seeks an award of special, general and punitive damages.

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IX.

DAMAGES

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3 63. As a direct, proximate and legal result of the conduct by Defendants, and each of
4 them, of which Plaintiff complains, Plaintiff suffered and continues to suffer substantial losses in
5 earnings and other employee benefits. Plaintiff will seek leave to amend this complaint to state
6 the amount or will proceed according to proof at trial.

7 64. At the time Plaintiff entered into the employment agreement and continuing
8 thereafter, all parties to the agreement contemplated and it was reasonably foreseeable that a
9 breach or violation of said statutes would cause Plaintiff to suffer great and severe emotional
10 distress.

11 65. Plaintiff suffered emotional distress as a direct, proximate and legal result of the
12 conduct by Defendants, and each of them, of which Plaintiff complains. Plaintiff suffered mental
13 distress, suffering and anguish as a direct, proximate and legal result of the outrageous conduct of
14 Defendants, and each of them, reacting to her discharge with humiliation, embarrassment, anger,
15 disappointment and worry, all of which is substantial and enduring. Plaintiff will seek leave to
16 amend this complaint to state the amount or will proceed according to proof at the time of trial.

17 66. At all material times, Defendants, and each of them, knew that Plaintiff depended on
18 her wages and other employee benefits as a source of earned income. At all material times,
19 Defendants were in a position of power over Plaintiff, with the potential to abuse that power.
20 Plaintiff was in a vulnerable position because of her relative lack of power, because of her
21 reliance on the assurances of Defendants, and each of them, because of her forbearance of the
22 possibility of becoming employed elsewhere, because she had placed her trust in Defendants, and
23 each of them, because she depended on her employment for her self esteem and sense of
24 belonging, because she relied upon her employment as a source of income for her support,
25 because a wrongful termination of Plaintiff's employment would likely harm Plaintiff's ability to
26 find other employment, and because of the great disparity in bargaining power between Plaintiff
27 and her employer. Defendants, and each of them, were aware of Plaintiff's vulnerability and the

1 reasons for it.

2 67. Defendants, and each of them, acted wilfully, oppressively, fraudulently, maliciously,
3 despicably, and in willful and conscious disregard of Plaintiff's rights, and with the intention of
4 causing or in reckless disregard of the probability of causing injury and severe emotional distress
5 to the Plaintiff also justifying an award of punitive damages.

6 68. Further, Defendants, and each of them, were informed of the oppressive, fraudulent,
7 malicious and despicable conduct of their employees, agents and subordinates, and yet they
8 ratified, approved, and/or authorized said conduct.

9 IX.

10 PRAYER

11 Wherefore Plaintiff prays for judgment against Defendants, and each of them, as follows:

12 1. For a money judgment representing compensatory damages including lost past
13 and future wages, earnings, retirement benefits and other employee benefits, and all other sums
14 of money, together with interest on these amounts, according to proof at the time of trial;

15 2. For a money judgment for mental pain and anguish and emotional distress,
16 according to proof at the time of trial;


17 3. For cost of suit and attorney fees;

18 4. For punitive damages in an amount according to proof to punish and deter this
19 kind of conduct in the work place;

20 5. For prejudgment and post-judgment interest; and,

21 6. For such other and further relief as the court may deem just and proper under the
22 circumstances.

23 DATED: September 21, 2006 LAW OFFICES OF ANTHONY M. PEREZ, JR.

24 By: 
25 ANTHONY M. PEREZ, JR.
26 JEFFREY D. FULTON
27 (Attorney for Plaintiff)
28 CHIE I. WALKER

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IX.

JURY TRIAL DEMANDED

Plaintiff demands trial of all issues by jury.

DATED: September 21, 2006 LAW OFFICES OF ANTHONY M. PEREZ, JR.

By: 
ANTHONY M. PEREZ JR.
JEFFREY D. FULTON
Attorney for Plaintiff
CHIE I. WALKER