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ELECTRONICALLY FILED
Superior Court of California
County of Santa Barbara
Darrel E. Parker, Executive Officer
4/5/2024 9:25 AM
By: Sarah Sisto , Deputy

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF SANTA BARBARA**

11 PAIGE BATSON, MA, RN, an individual;
12 NOEMI DOOHAN, MD, Ph.D, MPH, an
13 individual, and SHELLIE ROBLES-DAVIS,
14 RN, MSN, an individual.

15 Plaintiff,

16 v.

17 HENNING ANSORG, MD, an individual;
18 MOUHANAD HAMMAMI, an individual;
19 COUNTY OF SANTA BARBARA; and
20 DOES 1 to 50, inclusive,

21 Defendants.

Case No. 24CV01924

22 **COMPLAINT AND DEMAND FOR JURY TRIAL**

- 23 1. VIOLATION OF CALIFORNIA GOVERNMENT CODE §12940, ET SEQ. – FAIR EMPLOYMENT AND HOUSING ACT FOR DISCRIMINATION;
- 24 2. VIOLATION OF CALIFORNIA GOVERNMENT CODE §12940, ET SEQ. – FAIR EMPLOYMENT AND HOUSING ACT FOR HARASSMENT;
- 25 3. VIOLATION OF CALIFORNIA GOVERNMENT CODE §12940, ET SEQ. – FAIR EMPLOYMENT AND HOUSING ACT FOR RETALIATION;
- 26 4. VIOLATION OF CALIFORNIA GOVERNMENT CODE §12940, ET SEQ. – FAIR EMPLOYMENT AND HOUSING ACT FOR FAILURE TO PREVENT HARASSMENT/ DISCRIMINATION/ RETALIATION;
- 27 5. VIOLATION OF CALIFORNIA LABOR CODE § 1102.5 – RETALIATION, DISCRIMINATION, CONSTRUCTIVE TERMINATION;
- 28 6. VIOLATION OF LABOR CODE SECTION 6310 – WORKPLACE SAFETY;
- 7. VICARIOUS LIABILITY FOR NEGLIGENT HIRING, SUPERVISION, RETENTION;
- 8. VIOLATION OF CALIFORNIA GOVERNMENT CODE §8547 – RETALIATION

1 employee, and always more than five (5) employees, bringing these Defendants within the
2 provisions of California Government Code §12940, *et seq.* prohibiting employers and their agents
3 from discriminating against employees on the basis of sex, gender, disability, race, and medical
4 condition.

5 9. Defendants' conduct as alleged in this Complaint constitutes unlawful employment
6 practices in violation of California Government Code §12940, *et seq.* prohibiting employers and
7 their agents from discriminating against and harassing employees on the basis of sex, gender,
8 disability, race, and medical condition.

9 10. The true names and capacities, whether individual, corporate, associate, or
10 otherwise of DOES 1 to 50, inclusive, are unknown to Plaintiffs at the present time, who therefore
11 sue said Defendants by such fictitious names. Plaintiffs will seek leave of Court to amend this
12 Complaint when the true names and capacities are ascertained. Plaintiffs are informed and believe,
13 and based thereon allege, that each of the Defendants designated herein as a DOE is responsible in
14 some manner and is liable to Plaintiffs under each cause of action set forth in this Complaint.

15 11. Plaintiffs are informed and believe, and based thereon allege, that at all times
16 mentioned herein, each of the Defendants was the agent, servant, alter ego, employee, co-venturer,
17 and/or co-conspirator of each of the remaining Defendants, and were at all times herein mentioned
18 acting within the course, scope, or purpose and/or with the consent, knowledge, ratification, and/or
19 authorization of such agency, service, relationship, employment, joint venture, and/or conspiracy.

20 12. Plaintiffs are informed and believe, and based thereon alleges, that each and all of
21 the acts and omissions alleged herein were performed by, and/or are attributable to, all Defendants,
22 each acting as agents and/or employees, and/or under the direction and control of each of the other
23 Defendants, and that said acts and failures to act were within the course and scope of said agency,
24 employment, and/or direction and control. Plaintiffs are informed and believe, and based thereon
25 alleges, that at all times material hereto Defendants were, and are, the agents of each other.
26 Whenever this Complaint makes reference to "Defendants" or "Defendants, and each of them,"
27 such allegations shall be deemed to mean the acts of Defendants, whether specifically named or
28 designated as DOE, acting individually, jointly, and/or severally.

1 13. Plaintiffs were at all times herein relevant each an “employee” covered by
2 California Government Code §§12940 and 12945, which prohibit discrimination, retaliation, and
3 harassment in the workplace on the basis of sex, gender, disability, race, age, and medical
4 condition.

5 (II) Statement of Facts

6 14. Plaintiff BATSON began working for COSB in or around 2001. Plaintiff is a
7 registered nurse, Public Health Nurse, holds a Master’s degree in Organization Development, and
8 has extensive experience as a clinician and manager in the public health sector. Plaintiff is of
9 Hispanic ancestry.

10 15. Plaintiff DOOHAN began working for COSB in or around 2022. Plaintiff is a
11 licensed medical doctor with extensive credentials including a PhD in Biochemistry from
12 University of California, Santa Barbara, a MD from Stanford University, and a MPH from the
13 University of Massachusetts Amherst. Plaintiff is of Jewish ancestry.

14 16. Plaintiff ROBLES-DAVIS began working for COSB in or around January 2022.
15 Plaintiff is a registered nurse, Public Health Nurse, and holds a Master’s degree in nursing. She
16 was hired at COSB as a supervising public health nurse given her extensive experience in disease
17 control and prevention.

18 17. Throughout all three (3) Plaintiffs’ employment, each was exposed to repeated and
19 extensive forms of harassment, discrimination, and retaliation by all Defendants, much of which
20 Plaintiffs allege began, or began to escalate, after the hiring of HAMMAMI in approximately
21 January 2023. This harassment, discrimination, and retaliation suffused the entire Department of
22 Public Health but Defendants ANSORG and HAMMAMI effected some of the most glaring
23 occurrences.

24 18. In or around Summer 2022, Plaintiff DOOHAN encountered ANSORG for the first
25 time while she was employed by a different public health department and he was employed by
26 COSB. They met at a State Public Health Officer Conference (“CDPH”). She later, in about or
27 around 2021, was hired for one year by ANSORG and COSB as his part-time deputy health officer
28 for COSB. Later, in about or around 2022, while performing collaborative public health projects

1 while DOOHAN was employed by CDHP and ANSORG was employed by COSB, ANSORG said
2 to Plaintiff DOOHAN, in reference to the monkeypox epidemic, that the federal government was
3 “prioritizing monkeypox vaccines for soldiers over faggots,” or words to that effect. Also during
4 this time, ANSORG accosted Plaintiff BATSON’s then-Assistant Deputy Director (“ADD”), a
5 homosexual man, and asked him why “gay men have so much sex,” or words to that effect.
6 DOOHAN reported these comments of ANSORG to human resources. BATSON additionally
7 reported these homophobic remarks and separate concerns of unlawful directives given to public
8 health nursing staff by ANSORG to Defendant HAMMAMI in early 2023, who served as a
9 supervisor to ANSORG. No corrective action was taken.

10 19. During the Covid-19 Pandemic, in or around Summer 2022, and prior to DOOHAN
11 working at COSB but interacting with ANSORG through another public health agency, ANSORG
12 stated to DOOHAN that COSB should not prioritize COVID treatment in the northern part of Santa
13 Barbara County. DOOHAN understood this as a comment motivated by discrimination because
14 the northern part of the County is primarily Hispanic, rural, and lower income.

15 20. In addition to comments of a discriminatory animus, ANSORG repeatedly made
16 illegal demands of his subordinates and of various of the plaintiffs. In or around early 2023,
17 ANSORG gave directives to ROBLES-DAVIS to administer vaccinations to patients without
18 patient consent and to estimate medication dosages administered. Such actions were and are
19 believed by Plaintiffs to be illegal, dangerous to patients, and highly medically unethical.
20 ROBLES-DAVIS filed a formal complaint through the established incident report process about
21 these directives by ANSORG and expressed concern that his directives were illegal and dangerous.
22 Plaintiff also complained to COSB and human resources about this. No corrective action was
23 taken. Plaintiffs are informed and believe, and thereon allege that ANSORG had given these same
24 directives to nurses in the past, and had been reprimanded by the prior Public Health Director,
25 establishing a pattern of malpractice that was not stopped, despite knowledge by COSB.

26 21. HAMMAMI is not a licensed medical doctor. He, however, has used the title of
27 medical doctor during the plaintiffs’ employment. Plaintiff DOOHAN complained to COSB on
28 several occasions that HAMMAMI’s misrepresentation of his licensure was illegal and a violation

1 of the California Business and Professions Code (Section 2054). Plaintiff is informed that COSB
2 granted HAMMAMI a nearly fifty thousand dollars (\$50,000.00) bonus for his non-existent
3 license, plus a substantial income increase based on the Medical Doctor classification. COSB
4 continued to allow HAMMAMI to present himself both publicly and internally at COSB in his
5 employment as a medical doctor.

6 22. Plaintiffs are informed and believe and thereon allege that HAMMAMI regularly
7 disregards the opinions, concerns, complaints of mistreatment, and contributions of female and
8 non-white staff and non-heterosexual staff. Plaintiffs DOOHAN and BATSON have directly
9 experienced this behavior from HAMMAMI and have observed it with various other female and
10 non-white and non-heterosexual employees.

11 23. On or about February 08, 2023, ANSORG had a discussion with DOOHAN in
12 DOOHAN's office. During this conversation, ANSORG became visibly angry and stated that he
13 no longer wanted Plaintiff BATSON around. ANSORG expressed to DOOHAN that he intended to
14 get rid of BATSON, his administrative supervisor, stating "she's outta here," or words to that
15 effect, and spoke at length of his animus toward BATSON. ANSORG pantomimed loading and
16 shooting a gun, which DOOHAN understood as a threat against BATSON and BATSON's safety.
17 ANSBORG stated that preferred to install himself, a Caucasian male, in Plaintiff BATSON's
18 position despite BATSON's extensive experience and his limited experience in management,
19 supervision and deputy director public health work. DOOHAN immediately reported ANSORG's
20 behavior and this conversation to three COSB Deputy Directors, to COSB, human resources, and
21 HAMMAMI.

22 24. COSB responded that it would undertake an investigation into ANSORG's actions.
23 Within one week, on or around February 15, 2023, the investigation was completed, was closed,
24 and no corrective action was taken. During that one-week purported investigation, COSB took no
25 remedial action to protect Plaintiffs as they feared for their safety. Once Plaintiffs DOOHAN and
26 BATSON were informed that the investigation was closed and that the finding was
27 "unsubstantiated," Plaintiffs believed they had no choice but to return to in-person work, and did so
28 on or about February 21, 2023.

1 25. On or around February 21, 2023, the first day back to in-person work, BATSON
2 complained to HAMMAMI about her serious safety concerns relating to ANSORG as well as her
3 concerns of ANSORG giving unlawful directives to nursing staff regarding the administration of
4 medication as expressed *supra*. BATSON also expressed concern about ANSORG having
5 oversight of programs providing direct services to vulnerable LGBTQ communities given his
6 homophobic comments. HAMMAMI told BATSON he could explore having BATSON and
7 ANSORG's disputes mediated, which Plaintiff understood as a dismissive and unsafe response by
8 HAMMAMI. BATSON was provided no information evidencing that HAMMAMI took any
9 action in furtherance of his proposal to have the parties mediate.

10 26. That same day, and following BATSON's complaints to HAMMAMI, ANSORG
11 approached BATSON in her office in an effort to discredit DOOHAN's report of ANSORG's prior
12 behavior concerning a gun gesture aimed at BATSON. ANSORG closed BATSON's office door,
13 confining them in her office alone. ANSORG indicated with hand gestures to BATSON that
14 DOOHAN was crazy, and verbally stated that DOOHAN had exaggerated everything and should
15 not be trusted. ANSORG appeared visibly angry during this encounter with BATSON. BATSON
16 messaged her ADD to enter her office and interrupt the conversation for BATSON's own safety.
17 BATSON thereafter immediately left the office and advised DOOHAN that she should as well.
18 DOOHAN also fled the COSB facility.

19 27. BATSON's ADD thereafter lodged a complaint with COSB about ANSORG's
20 dangerous behavior, as well as ANSORG's prior homophobic remarks.

21 28. On or about February 28, 2023, COSB placed ANSORG on administrative leave
22 and an investigation was initiated. Despite an apparent investigation being undertaken,
23 HAMMAMI repeatedly told Plaintiffs and staff that ANSORG would be returning in a matter of
24 days or a week and HAMMAMI began scheduling work for ANSORG. Plaintiffs understood this
25 investigation to be illegitimate and to have a predetermined result that ANSORG would be
26 exonerated.

27 29. That the investigation was pretextual was further supported by Plaintiff DOOHAN
28 being told mid-investigation by Defendant HAMMAMI that he intended for Defendant ANSORG

1 to return to work “the following Monday.” This was said by Defendant HAMMAMI despite no
2 indication that the investigation into Defendant ANSORG’s actions were complete, or that any
3 corrective actions had been or were intended to be taken. This conversation took place when
4 Plaintiff DOOHAN was asked to provide a “wet signature” to the Certificate of Appointment and
5 Oath of Office as Deputy Health Director, a role she had been required to fill by Defendant
6 HAMMAMI while Defendant ANSORG was on administrative leave. Plaintiff DOOHAN had
7 signed a prior document on February 28, 2023, but it had Defendant ANSORG’s stamped
8 signature, and was rejected by the County Clerk. The document Plaintiff DOOHAN was directed to
9 sign on March 9, 2023, did have Defendant ANSORG’s wet signature, and she was directed to sign
10 it and write her name, and then in front of her, it was backdated to February 28, 2023, by another
11 COSB representative under Defendant HAMMAMI’s direction. Plaintiff DOOHAN did sign that
12 document with Defendant ANSORG’s wet signature on February 28, 2023, but she refused to back
13 date the document, and did not fill in the date portion of this document.

14 30. Plaintiffs believe that this backdating was done to protect COSB due to its failure to
15 have a Health Officer in place in accordance with Health & Safety Code-Title 17 when Defendant
16 ANSORG was placed on administrative leave on February 23, 2023, as COSB had made no
17 advanced arrangements. Plaintiff DOOHAN made multiple offers to Defendant HAMMAMI to
18 step into the role of sworn health officer while Defendant ANSORG was on administrative leave,
19 but Defendant HAMMAMI rejected them, stating that Defendant ANSORG would be back in a
20 matter of days and thus there was no need., again indicating the investigation into Defendant
21 ANSORG’s threats of violence was a sham. This negligence of Title 17 by Defendant HAMMAMI
22 created a gap in required Health Officer coverage. Plaintiff DOOHAN refused to backdate this
23 document, and Defendant HAMMAMI was visibly displeased with DOOHAN, and continued to
24 act so toward Plaintiff DOOHAN from this point forward.

25 31. Human resources issued its investigation determination that the plaintiffs’
26 allegations were “unsubstantiated.” No one from COSB advised Plaintiffs about when ANSORG
27 would return to work or of any protective actions that would be undertaken to keep the plaintiffs
28 safe. Plaintiffs’ safety concerns were wholly disregarded and no remedial action was taken.

1 32. By March 2023, Plaintiff BATSON no longer felt safe, personally or professionally,
2 for herself and for the community she served, working at Defendant COSB. After more than
3 twenty (20) years of exemplary service, there appeared to be no effort by Defendants HAMMAMI,
4 ANSORG, or COSB to assure a safe work environment.

5 33. In or around March 2023, BATSON resigned from her employment after more than
6 twenty (20) years of service. Plaintiff BATSON did not feel safe working around ANSORG and
7 Defendants took no action to protect her. At or around this time, ANSORG was promoted into a
8 management position and given a significant portion of BATSON's newly-vacated duties.
9 ANSORG was made Deputy Director, Disease Control and Public Health Laboratory plus retained
10 his role as Public Health Officer.

11 34. During and following the investigation, DOOHAN was ordered to perform various
12 additional employment duties for ANSORG. IN addition to increasing her workload, HAMMAMI
13 began to exclude DOOHAN from internal meetings necessary for her to perform her job.
14 HAMMAMI additionally scheduled various important work events during time periods that he
15 knew DOOHAN could not attend. DOOHAN understood these actions by HAMMAMI as
16 retaliation for her complaints against Defendants.

17 35. At or around this same time, various female physicians and staff in Defendants'
18 Lompoc and Santa Maria clinic location began bringing forth complaints to COSB HR, DOOHAN,
19 and Defendant HAMMAMI about clinic safety concerns, racism, and fears. Despite DOOHAN
20 being the medical director of all clinics, including in Lompoc and Santa Maria, HAMMAMI
21 excluded her from any decision making about these staff complaints. DOOHAN understood this as
22 further retaliation against her for her complaints against Defendants and because she and the
23 complaining staff are female.

24 36. ANSORG also engaged in retaliation against DOOHAN. ANSORG purposefully
25 interfered DOOHAN's involvement with a State investigation regarding a Hepatitis B infection
26 arising at a COSB clinic under DOOHAN's control; and interfered in communications with
27 DOOHAN and the State regarding an outbreak at an outside clinic that DOOHAN was reporting
28 on, and preparing publication for, in an academic journal with the State. Moreover, ANSORG

1 made repeated racist remarks about the source of the Hepatitis B outbreak as likely arising from
2 “Mexicans.”

3 37. In July 2023, HAMMAMI advised Plaintiff through County Counsel that she “did
4 not fit in” that DOOHAN either needed to resign or would be terminated. This followed Plaintiff
5 receiving a positive performance review one month earlier. Believing that the retaliation would
6 continue, and having her workplace untenable as a result, Plaintiff resigned shortly thereafter.

7 38. Previously, in April 2023, Plaintiff ROBLES-DAVIS expressed interest in a
8 management position that was becoming available. COSB had informed Plaintiff that the position
9 would be done by a national search and Plaintiff ROBLES-DAVIS had extensive experience in the
10 role to be filled. Notwithstanding this, ANSORG told Plaintiffs DOOHAN and BATSON and
11 broadcasted to others in the department that he had already pre-selected someone for the job, a
12 Caucasian person, whom he thought would best suit the job.

13 39. Plaintiff ROBLES-DAVIS applied for but did not receive the position.

14 40. The person selected was the very one that ANSORG had “pre-selected.” She did not
15 have the credentials or experience equivalent to Plaintiff ROBLES-DAVIS, in the position for
16 which they both applied: Disease Control Manager. Plaintiff did, and had already been performing
17 the job for a significant period of time. Moreso, Plaintiff ROBLES-DAVIS was then required to
18 train the new hiree as her supervisor.

19 41. Plaintiff ROBLES-DAVIS complained to COSB about this, perceiving it as
20 discrimination. Plaintiff ROBLES-DAVIS had more tenure in the Disease Control Department, as
21 well as greater qualifications and more experience in disease control than the person promoted. The
22 difference was race. No corrective action was taken.

23 42. Thereafter, ANSORG began excluding Plaintiff from meetings and site visits, which
24 Plaintiff understood as retaliation for questioning ANSORG’s pick for the new role and
25 discrimination against her.

26 43. In early August 2023, ROBLES-DAVIS reported ANSORG for safety violations.
27 ANSORG had ordered nurses to perform compounding of medications that were outside of nurses’
28 scope of practice. Such order put the nurses’ licenses in jeopardy and risked potential serious harm

1 to patients.

2 44. In late August 2023, ROBLES-DAVIS reported violations by ANSORG in which
3 Defendant requested that nurses illegally split prescriptions between multiple patients. ROBLES-
4 DAVIS was reprimanded for using an incident report for making this report.

5 45. In September 2023, ROBLES-DAVIS began being reprimanded and micromanaged
6 as to how she managed her staff. ROBLES-DAVIS was criticized for a spectrum of things,
7 including how she addressed employee absences to requiring that she change her employee
8 evaluations. She was regularly undermined on decisions following her complaints identified
9 above.

10 46. ROBLES-DAVIS had applied for other positions in the Public Health Department,
11 for which she was well-qualified. She had been excluded from even interviewing for the positions.
12 The positions to which she had applied remained vacant. Plaintiff understood this as retaliation
13 and discrimination by Defendants.

14 47. Plaintiff ROBLES-DAVIS continues to experience retaliation at Defendant COSB,
15 with Defendants altering her working conditions, micro-managing her day-to-day actions, and
16 causing significant emotional distress. Plaintiff believes she has no choice but to resign.

17 48. Plaintiffs BATSON, DOOHAN, and ROBLES-DAVIS have suffered significant
18 emotional distress as a result of the foregoing actions and inactions by Defendants COSB,
19 ANSORG, and HAMMAMI, which culminated in significant medical issues requiring intervention
20 and treatment. Further, these actions have led all three Plaintiffs to despair of ever finding full-time
21 employment appropriate to their training and experience in the health or public health sectors in
22 Santa Barbara County.

23 49. Plaintiffs BATSON, DOOHAN, and ROBLES-DAVIS have filed the required
24 complaints concerning the foregoing with the California Civil Rights Department (formerly the
25 Department of Fair Employment & Housing) and were issued a Right to Sue letters on or about
26 December 08, 2023. They also filed a Government Tort Claim Form with COSB, which were
27 received by COSB on August 20, 2023.

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1 **FIRST CAUSE OF ACTION**

2 **(DISCRIMINATION)**

3 PLAINTIFFS BATSON, DOOHAN, AND ROBLES-DAVIS FOR A FIRST CAUSE OF
4 ACTION AGAINST DEFENDANT COSB AND DOES 1 TO 50 FOR VIOLATION OF
5 CALIFORNIA GOVERNMENT CODE §12940 – FAIR EMPLOYMENT AND HOUSING ACT
6 FOR DISCRIMINATION, ALLEGE:

7 50. That Plaintiffs refer to each of the preceding paragraphs of this Complaint and
8 incorporate those paragraphs as though set forth in full in this cause of action.

9 51. That at all times relevant, Defendants COSB was the employer of Plaintiffs and
10 Plaintiffs are said Defendant’s employees.

11 52. That Plaintiffs suffered adverse employment actions and such adverse employment
12 actions resulted as a direct consequence of BATSON, DOOHAN, and ROBLES-DAVIS’s sex,
13 gender, national origin, religion, complaints of discrimination and harassment by Defendants
14 including, but not limited to: discrimination, failure to adequately investigate, marginalizing,
15 inducing fear, threats of violence, requiring Plaintiffs to work with employees who threatened them
16 with violence, refusing to perform complete investigations, and forcing BATSON and DOOHAN
17 to resign to void further harassment..

18 53. That Plaintiffs suffered adverse employment actions as a result of the aforesaid
19 immutable characteristics, including discipline, constructive termination, reprimanding, and heavy
20 interrogation.

21 54. That a substantial motivating factor for the aforesaid adverse actions were
22 BATSON, DOOHAN, and ROBLES-DAVIS’s sex, gender, race, national origin, and participation
23 in complaints.

24 55. That the discriminatory conduct of Defendants, and each of them, as alleged above,
25 constitutes a violation of California Government Code section 12940(a).

26 56. That Defendants knew or should have known of the above-referenced
27 discrimination but failed to take immediate and appropriate corrective action. Defendants also
28 failed to take all reasonable steps to prevent the above-referenced discrimination from occurring.

1 63. That Defendants, and each of them, repeatedly harassed BATSON, DOOHAN, and
2 ROBLES-DAVIS throughout the course and time of their employment with Defendants as
3 described above.

4 64. That said harassment was unwelcome, offensive, severe, pervasive, hostile, abusive,
5 and created a hostile work environment for Plaintiffs at Defendants' place of business. Further, said
6 harassment unreasonably interfered with Plaintiffs work, specifically affecting the performance of
7 Plaintiffs employment duties and responsibilities.

8 65. That Plaintiffs made it known to Defendants that the harassment was offensive and
9 unwelcome, and that Defendants took no remedial or corrective action to prevent the harassment
10 from continuing.

11 66. That a reasonable person of BATSON, DOOHAN, and ROBLES-DAVIS's sex,
12 gender, race, and national origin would have considered the work environment to be hostile or
13 abusive.

14 67. That Plaintiffs considered their work environment to be hostile and abusive.

15 68. That Plaintiffs were harmed by Defendants' conduct and actions.

16 69. That Defendants' conduct was a substantial factor in causing Plaintiffs' harm.

17 70. That as a direct and proximate result of the wrongful conduct of Defendants, and
18 each of them, Plaintiffs suffered and continue to suffer substantial losses in earnings and job
19 benefits, and have suffered humiliation, extreme and severe mental anguish, emotional distress
20 normally associated with similar employment law claims, and pain and suffering.

21 71. That the conduct of Defendants, and each of them, constitutes outrageous conduct,
22 done willfully, with oppression or malice, or with conscious disregard for Plaintiffs right to be free
23 from such treatment and with the intent, design, and purpose of injuring them, and was carried out
24 by COSB, ANSORG and HAMMAMI, and ratified by managerial employees of the Defendants.

25 72. That Plaintiffs had incurred, and continue to incur, attorney fees and legal expenses
26 in an amount according to proof at the time of trial and seek the same, as well as all civil penalties
27 available, pursuant to Cal. Code of Civ. Proc. §1021.5, Cal. Govt. Code §12965, or as otherwise
28 permitted by law.

1 **THIRD CAUSE OF ACTION**

2 **(RETALIATION)**

3 PLAINTIFFS BATSON, DOOHAN, AND ROBLES-DAVIS FOR A THIRD CAUSE OF
4 ACTION AGAINST DEFENDANT COSB AND DOES 1 TO 50 FOR VIOLATION OF
5 CALIFORNIA GOVERNMENT CODE §12940 – FAIR EMPLOYMENT AND HOUSING ACT
6 FOR RETALIATION, ALLEGE:

7 73. That Plaintiffs refers to each of the preceding paragraphs of this Complaint and
8 incorporate those paragraphs as though set forth in full in this cause of action.

9 74. That BATSON, DOOHAN, and ROBLES-DAVIS endured national
10 origin/race/sexual/gender-based harassment and inaction by COSB in response to their complaints
11 of national origin/race/sex/gender-based harassment/discrimination to COSB.

12 75. That in response to the harassment, BATSON, DOOHAN, and ROBLES-DAVIS
13 suffered and complained of, and in response to complaints to COSB requesting COSB protect
14 BATSON, DOOHAN, and ROBLES-DAVIS against further and ongoing harassment, COSB
15 retaliated against BATSON, DOOHAN, and ROBLES-DAVIS with marginalization, lack of
16 equitable pay, and subjected them to ongoing false criticisms and reprimands, including
17 defamatory statements.

18 76. That Plaintiffs suffered anxiety and or panic attacks, migraines, and ultimately
19 additional medical issues requiring stress leave.

20 77. That such behavior of Plaintiffs in complaining to COSB about national
21 origin/race/sexual/gender-based harassment and gender discrimination were protected activities
22 under California public policy and by Cal. Gov't Code §12940(h).

23 78. That COSB engaged in conduct that, taken as a whole, materially and adversely
24 affected the terms and conditions of Plaintiff's employment.

25 79. That BATSON, DOOHAN and ROBLES-DAVIS were denied appropriate pay,
26 subjected to improper reprimands and criticisms, and marginalized.

27 80. That Plaintiffs' aforesaid protected activities of complaining to Defendants and/or
28 workplace superiors/managers about national origin/sexual harassment/gender discrimination were

1 each a substantial motivating reason for Defendants' decision to take the aforementioned
2 retaliatory and adverse employment actions and conduct against Plaintiffs.

3 81. That Plaintiffs were harmed by Defendants' conduct and actions.

4 82. That Defendants' conduct was a substantial factor in causing Plaintiffs harm.

5 83. That as a direct and proximate result of the wrongful conduct of Defendants, and
6 each of them, Plaintiffs suffered and continue to suffer substantial losses in earnings and job
7 benefits, and have suffered humiliation, extreme and severe mental anguish, emotional distress
8 normally associated with similar employment law claims, and pain and suffering.

9 84. That the conduct of Defendants, and each of them, constitutes outrageous conduct,
10 done willfully, with oppression or malice, or with conscious disregard for Plaintiffs right to be free
11 from such treatment and with the intent, design, and purpose of injuring them, and was carried out
12 by defendants HAMMAMI, ANSORG and/or managerial employees of the Defendants.

13 85. That Plaintiffs have incurred, and continue to incur, attorney fees and legal expenses
14 in an amount according to proof at the time of trial and seek the same, as well as all civil penalties
15 available, pursuant to Cal. Code of Civ. Proc. §1021.5, Cal. Govt. Code §12965, or as otherwise
16 permitted by law.

17 **FOURTH CAUSE OF ACTION**

18 **(FAILURE TO PREVENT HARASSMENT/DISCRIMINATION/RETALIATION)**

19 PLAINTIFFS BATSON, DOOHAN, AND ROBLES-DAVIS FOR A FOURTH CAUSE OF
20 ACTION AGAINST DEFENDANTS COSB AND DOES 1 TO 50 FOR VIOLATION OF
21 CALIFORNIA GOVERNMENT CODE §12940 – FAIR EMPLOYMENT AND HOUSING ACT
22 FOR FAILURE TO PREVENT RETALIATION/HARASSMENT/DISCRIMINATION,
23 ALLEGE:

24 86. That Plaintiffs refer to each of the preceding paragraphs of this Complaint and
25 incorporate those paragraphs as though set forth in full in this cause of action.

26 87. That Cal. Govt. Code §12940(k) provides that it is unlawful for an employer to fail
27 to take all reasonable steps necessary to prevent discrimination, retaliation, and harassment from
28 occurring.

1 88. That Plaintiffs were employees of Defendant COSB at all relevant times.

2 89. That Plaintiffs were subjected to harassing conduct, retaliation, and discrimination
3 on the basis of national origin, race, sex and gender, and for reporting complaints of the same by
4 way of severe and pervasive conduct that effected a hostile and abusive work environment.
5 Plaintiffs were subjected to disparate and discriminatory treatment and gestures because of their
6 immutable characteristics.

7 90. That Defendants had actual and constructive knowledge and notice of the
8 harassment and discrimination perpetrated against BATSON, DOOHAN, and ROBLES-DAVIS
9 and knowingly allowed them to be exposed to further harassment despite ongoing complaints by
10 BATSON, DOOHAN, and ROBLES-DAVIS and their requests for protection from it.

11 91. That Defendant COSB failed to take reasonable steps to prevent the foregoing
12 harassment, retaliation, and discrimination, having carried out no substantial or effective remedial
13 steps.

14 92. That Plaintiffs were harmed; and that Defendants' failure to take reasonable steps to
15 prevent the foregoing harassment and discrimination was a substantial factor in causing Plaintiffs
16 harm.

17 93. That as a direct and proximate result, Plaintiffs have suffered and continue to suffer
18 substantial losses and have suffered humiliation, extreme and severe mental anguish, emotional
19 distress normally associated with similar employment law claims, and pain and suffering.

20 94. That Defendants committed the acts alleged herein maliciously, wantonly, and
21 oppressively with the wrongful intention of injuring Plaintiffs, from a willful and improper motive
22 amounting to malice, and in conscious disregard of Plaintiffs rights and for the deleterious
23 consequences of Defendants' actions. Defendants condoned and ratified the unlawful conduct of
24 all of the other Defendants named in this action.

25 95. That Plaintiffs incurred, and continue to incur, attorney fees and legal expenses in
26 an amount according to proof at the time of trial and seek the same, as well as all civil penalties
27 available, pursuant to Cal. Code of Civ. Proc. §1021.5, Cal. Govt. Code §12965, or as otherwise
28 permitted by law.

1 **FIFTH CAUSE OF ACTION**

2 **(RETALIATION)**

3 PLAINTIFFS BATSON, DOOHAN, AND ROBLES-DAVIS FOR A FIFTH CAUSE OF
4 ACTION AGAINST DEFENDANTS COSB AND DOES 1 THROUGH 50 FOR VIOLATION
5 OF CALIFORNIA LABOR CODE § 1102.5 – RETALIATION – ALLEGE:

6 96. That Plaintiffs refer to each of the preceding paragraphs of this Complaint and
7 incorporate those paragraphs as though set forth in full in this cause of action.

8 97. That Defendant COSB employed Plaintiffs.

9 98. That Cal. Labor Code §1102.5 prohibits employers from discharging, constructively
10 discharging, retaliating against, or in any manner discriminating against any employee for making
11 any oral or written health and/or safety complaint, or complaint regarding working conditions, to
12 any governmental agency or to an employer itself.

13 99. That Plaintiffs BATSON, DOOHAN, and ROBLES-DAVIS complained to
14 Defendants about several illegal or perceived-to-be-illegal employment practices of Defendants as
15 expressed *supra*, including improper pay, national origin/race/gender/sex harassment, sexual
16 harassment, disparate treatment based on gender/sex, illegal acts in the workplace including actions
17 in violation of nursing codes, Business and Profession Codes, and others, and retaliation because of
18 Plaintiffs' complaints of retaliation and discrimination based on their complaints of these illegal
19 acts.

20 100. That Plaintiffs had reasonable cause to believe that actions and inactions of
21 Defendants as expressed *supra* constituted illegal activity and illegal employment practices. That
22 Defendants retaliated against Plaintiffs for complaining of the illegal or perceived-to-be-illegal
23 employment practices of Defendants by such measures as demotion, write-ups, failure to promote,
24 improper pay, and constructive termination.

25 101. That as a direct and proximate result of the actions of Defendants' conduct,
26 Plaintiffs suffered and will continue to suffer pain and suffering, loss of income, loss of use, mental
27 anguish, and emotional distress.

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1 109. Plaintiffs is informed and believes, and thereon alleges, that employers, as defined
2 in Cal. Labor Code §6304, are prohibited from taking any actions described in Cal. Labor Code
3 §6310 against any employees, including former employees, which Plaintiff is informed and
4 believes, and thereon alleges, are included in the definition of Cal. Labor Code §6304.1.

5 110. Plaintiff BATSON, DOOHAN, and ROBLES-DAVIS complaints concerning
6 threats of violence, pressure to perform outside of nursing licenses, and other complaints identified
7 above that pose workplace safety threats to employees and to the public were never fully
8 investigated. Their complaints of workplace safety were never resolved to allow Plaintiffs to feel
9 safe.

10 111. That COSB failed to make an adequate investigation into the behavior of which
11 Plaintiffs complained. Had COSB properly investigated, it would have determined that Plaintiffs
12 were being retaliated against, as well as being harassed, and that much of the conduct continued,
13 causing them to be concerned for their safety.

14 112. That Plaintiffs' complaints and objections to their employer about workplace safety
15 following their complaints of illegal or perceived-to-be-illegal actions were a substantial
16 motivating reason for refusal to investigate Plaintiffs' complaints of workplace safety issues.

17 113. That Plaintiffs were harmed for complaining about workplace safety, as well as
18 illegal or perceived-to-be-illegal activities a substantial factor in causing Plaintiff's harm.

19 114. That Plaintiffs' DOOHAN and BATSON constructive termination and Plaintiff
20 ROBLES-DAVIS's failure to promote was rooted in violation of law, including Cal. Constitution
21 Art. I Section 8; Cal. Labor Code §§98.7, 1102.5, and 6310; Cal. Civ. Code §§43 *et seq.*; and case
22 law. Such laws prohibits discrimination, harassment, and retaliation against and termination of and
23 failure to promote an employee for refusing to violate a statute, performing a statutory obligation,
24 exercising a statutory right, or reporting an alleged violation of statute of public importance. Such
25 public policy further prohibits Defendants from retaliating against Plaintiffs because of their
26 opposition to what they believed to be illegal employment practices, including harassment and
27 retaliation, and violations of the law.

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1 115. Plaintiffs are informed and believed, and thereon alleges that because of their
2 complaints regarding health, safety and/or working conditions – specifically workplace violence
3 and fear of safety at work – to Defendants, Plaintiffs were constructively discharged from their
4 employment by Defendants.

5 116. As a direct and proximate result of the actions of Defendants, Plaintiffs have
6 suffered and will continue to suffer pain and mental anguish and emotional distress.

7 117. Plaintiffs have further suffered and will continue to suffer a loss of earnings and
8 other employment benefits, whereby Plaintiff are entitled to general compensatory damages in
9 amounts to be proven at trial.

10 118. Defendants' actions constituted a willful violation of the above-mentioned state
11 laws. As a direct result, Plaintiffs have suffered, and continue to suffer, substantial losses related
12 the loss of wages and are entitled to recover costs and expenses in seeking to compel Defendants to
13 fully perform their obligation under state law and his respective damage amounts according to
14 proof at time of trial.

15 119. The conduct of Defendants described herein above was outrageous and was
16 executed with malice, fraud and oppression, and with conscious disregard for Plaintiffs rights, and
17 further, with the intent, design and purpose of injuring Plaintiffs.

18 **120.** Defendants committed the acts alleged herein by acting knowingly and willfully,
19 with the wrongful and illegal deliberate intention of injuring Plaintiffs, from improper motives
20 amounting to malice, and in conscious disregard of Plaintiffs' rights. Plaintiffs are thus entitled to
21 recover nominal, actual, and compensatory damages; attorneys' fees; and civil penalties in amounts
22 according to proof at time of trial, in addition to any other remedies and damages allowable by law.

23 **121.** As a proximate result of the actions and conduct described in the paragraphs above,
24 which constitute violations of Cal. Labor Code §6310, Plaintiffs have been damaged in an amount
25 according to proof at the time of trial.

26 **SEVENTH CAUSE OF ACTION**

27 **(VICARIOUS LIABILITY)**

28 PLAINTIFFS BATSON, DOOHAN, AND ROBLES-DAVIS, FOR A SEVENTH CAUSE OF

1 ACTION AGAINST DEFENDANTS COSB AND DOES 1 TO 50 FOR VICARIOUS
2 LIABILITY FOR NEGLIGENT HIRING, SUPERVISION, OR RETENTION, ALLEGE:

3 122. That Plaintiffs refers to each of the preceding paragraphs of this Complaint and
4 incorporates those paragraphs as though set forth in full in this cause of action.

5 123. That at all times relevant, COSB was the employer of Plaintiffs BATSON,
6 DOOHAN, and ROBLES-DAVIS.

7 124. That at all relevant times, Defendants ANSORG and HAMMAMI were managing
8 agents of COSB and had supervisory authority over BATSON, DOOHAN, and ROBLES-DAVIS.

9 125. That Defendants ANSORG and HAMMAMI were unfit or incompetent to perform
10 the work for which they were hired, in that they harassed, discriminated against, retaliated against,
11 and created a hostile work environment for Plaintiffs. Plaintiffs are informed and believes that
12 Defendants HAMMAMI and ANSORG had a history of being unfit to perform this work and
13 engaged in improper employment practices, including other complaints within COSB, including
14 the hiring of an unlicensed medical doctor who was facing charges for sexual misconduct with a
15 patient, additional claims of discrimination, and further claims of pressuring nurses to act outside
16 of their licenses that were not addressed.

17 126. That COSB knew or should have known that were unfit or incompetent and that this
18 unfitness and incompetence created a particular risk to others, including Plaintiffs.

19 127. That COSB owed Plaintiffs a duty to protect them from unlawful harassment,
20 discrimination, retaliation and a hostile work environment.

21 128. That COSB owed a duty of care to protect its employees from harassment,
22 discrimination, retaliation and a hostile work environment, and to monitor and supervise employees
23 so that such actions did not occur or recur and to not place such dangerous individuals in positions
24 of authority and supervision as foreman.

25 129. That COSB breached this duty of care in hiring and supervising and in allowing
26 Defendants ANSORG and HAMMAMI to work with Plaintiffs when it had knowledge, or should
27 have had knowledge, of Defendants ANSORG and HAMMAMI's prior work-related history,
28 which included inappropriate behavior. Moreover, Plaintiffs are informed and believe that COSB is

1 aware of other inappropriate actions by Defendants ANSORG and HAMMAMI and nonetheless
2 continued to require Plaintiffs to work with and under the supervision and authority of Defendants
3 ANSORG and HAMMAMI.

4 130. That Defendants ANSORG and HAMMAMI unfit and incompetence and
5 COSB's hiring of, and continuing to employ each of them, despite their hostile, retaliatory, and
6 discriminatory ongoing actions and history caused Plaintiff harm.

7 131. That during the course of Defendants ANSORG and HAMMAMI employment with
8 COSB, Defendants ANSORG and HAMMAMI conduct toward PLAINTIFFS, identified in the
9 aforementioned causes of action and statement of facts including harassment, retaliation,
10 discrimination, and hostile work environment, were carried out during Defendants ANSORG and
11 HAMMAMI employment and work hours, under the banner and authority of his employment with
12 COSB, while in the course and scope of their positions with COSB, allowing Defendants
13 ANSORG and HAMMAMI to accomplish the aforementioned harassment, retaliation,
14 discrimination, and hostile work environment against Plaintiffs.

15 132. That the foregoing actions by Defendants ANSORG and HAMMAMI, and COSB's
16 negligence in hiring, supervising, and retaining Defendants ANSORG and HAMMAMI, give rise
17 to this suit.

18 133. That as a proximate result of COSB's negligence, Plaintiffs have suffered and
19 continues to suffer damages and that this negligence of COSB was a substantial factor in causing
20 such harm and damage to Plaintiffs.

21 134. That as a result, COSB is liable for the negligent and wrongful conduct of
22 Defendants ANSORG and HAMMAMI and of those agents, employees, directors, and supervisors
23 of COSB who had supervisory, hiring, and retaining authority over Defendants ANSORG and
24 HAMMAMI and who allowed their wrongful conduct as described above to occur and continue to
25 occur.

26 **EIGHTH CAUSE OF ACTION**

27 **(GOVERNMENT RETALIATION)**

28 PLAINTIFFS, BATSON, DOOHAN, AND ROBLES-DAVIS, FOR AN EIGHTH CAUSE OF

1 ACTION AGAINST DEFENDANTS COSB AND DOES 1 TO 50 FOR VIOLATION OF
2 CALIFORNIA GOVERNMENT CODE §8547 – RETALIATION, ALLEGE:

3 150. That Plaintiffs refers to each of the preceding paragraphs of this Complaint and
4 incorporates those paragraphs as though set forth in full in this cause of action.

5 151. That at all times relevant, COSB was the employer of Plaintiffs BATSON,
6 DOOHAN, and ROBLES-DAVIS.

7 152. That each of the plaintiffs made protected good faith disclosures of various
8 perceived legal violations as described above and against Defendants.

9 153. That Plaintiffs’ complaints and communications each disclosed and demonstrated an
10 intention to disclose evidence of an improper government activity and conditions that could
11 significantly threaten the health and safety of employees and the public.

12 154. That Plaintiffs each made their complaints and communications in good faith for the
13 purpose of remediating the health or safety conditions and stopping the perceived-to-be legal
14 violations.

15 155. That Defendants retaliated against Plaintiffs and each of them with adverse
16 employment actions, including forced resignations, as described above.

17 156. That Plaintiffs’ communications and complaints each were a contributing factor in
18 the aforesaid adverse employment actions of Defendants against Plaintiffs.

19 157. That each of the Plaintiffs was harmed; and

20 158. That Defendants’ actions and conduct were a substantial factor in cause each of the
21 plaintiffs’ harm.

22 **PRAYER FOR RELIEF**

23 WHEREFORE, Plaintiffs BATSON, DOOHAN, and ROBLES-DAVIS prays for judgment
24 against Defendants COSB and DOES 1 through 50 as follows:

25 1. For damages for physical and emotional distress, past and future loss of earnings,
26 loss of employment benefits, injury to reputation, loss of opportunity, and other damages in a sum
27 to be determined at the time of trial;

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- 2. For compensatory damages, and special damages, including unpaid overtime compensation, unpaid wages, and inaccurate wage statements, according to proof;
- 3. For general damages for pain and suffering in a sum to be determined at the time of trial;
- 4. For penalties and interest as prescribed by law;
- 5. For liquidated damages;
- 6. For a disgorgement of profits, under Cal. Bus. & Prof. Code §17200 *et seq.*;
- 7. For attorney fees;
- 8. For costs of suit incurred herein; and
- 9. For such other and proper relief as the Court deems just and proper.

Dated: April 5, 2024

ROTHSCHILD & ALWILL, APC

By: Electronic Signature in accordance with CRC Rule 2.257
Kristi D. Rothschild
Attorney for Plaintiff

DEMAND FOR JURY TRIAL

Plaintiffs BATSON, DOOHAN, and ROBLES-DAVIS hereby demand a jury trial.

Dated: April 5, 2024

ROTHSCHILD & ALWILL, APC

By: Electronic Signature in accordance with CRC Rule 2.257
Kristi D. Rothschild
Attorney for Plaintiff