

1 LAW OFFICES OF BUCHSBAUM & HAAG, LLP
2 BRENT S. BUCHSBAUM, CSBN: 194816
3 *brent@buchsbaumhaag.com*
4 LAUREL N. HAAG, CSBN: 211279
5 *laurel@buchsbaumhaag.com*
6 100 Oceangate, Suite 1200
7 Long Beach, California 90802
8 Telephone: (562) 733-2498
9 Facsimile: (562) 628-5501

10 Attorneys for Plaintiff, Diana Alvarez

11 UNITED STATES DISTRICT COURT
12 CENTRAL DISTRICT OF CALIFORNIA

13 DIANA ALVAREZ,

14 Plaintiff,

15 vs.

16 MOLINA HEALTHCARE, INC., A
17 Delaware Corporation, and DOES 1
18 through 10, inclusive,

19 Defendants.

Case No.: 2:21-cv-8665

Plaintiff's Complaint for Damages

- 20 (1) Disability Discrimination; and
21 (2) Retaliation in Violation of FEHA
22 (3) Disability Discrimination – Failure to
23 Reasonably Accommodate
24 (4) Disability Discrimination – Failure to
25 Engage in the Interactive Process
26 (5) Wrongful Termination in Violation of
27 Public Policy
28 (6) Violation of California Labor Code §§
510—Unpaid Overtime
(7) Violation of Labor Code §2802—
Unreimbursed Expenses

DEMAND FOR JURY TRIAL

1 Plaintiff DIANA ALVAREZ (“ALVAREZ” or “PLAINTIFF”) alleges as
2 follows:

3 4 **INTRODUCTION**

5
6 1. This is an action brought by the Plaintiff, pursuant to California
7 statutory, decisional, and regulatory laws. Plaintiff was an employee of Defendant
8 MOLINA HEALTHCARE, INC. (“MOLINA” and/or “DEFENDANT”) at all
9 times herein mentioned.

10 2. Plaintiff alleges that California statutory, decisional and regulatory
11 laws prohibit the conduct by Defendant herein alleged, and therefore Plaintiff has
12 an entitlement to monetary relief on the basis that Defendant violated such statutes,
13 decisional law and regulations.

14 15 **JURISDICTION AND VENUE**

16
17 3. Jurisdiction is proper in this court by virtue of the Federal statutes,
18 decisional law, and regulations. Defendant MOLINA is a Delaware Corporation
19 doing business in Los Angeles County, California.

20 4. Venue is proper in this Court because, upon information and belief,
21 the acts and omissions alleged herein took place in this District.

22 23 **THE PARTIES**

24
25 5. Plaintiff Diana Alvarez (“ALVAREZ”) is, and at all relevant times
26 was, a citizen of the State of California, residing in Los Angeles, California.

27 6. Defendant Molina Healthcare, Inc. (“MOLINA”) was and is, upon
28 information and belief, a Delaware Corporation, with a place of business in the

1 State of California, located at 200 Oceangate, Ste 100, Long Beach, CA 90802.

2 7. Plaintiff does not know the true names or capacities of the persons
3 or entities sued herein as DOES 1 through 10, inclusive, and therefore, sues said
4 Defendants by such fictitious names. Each of the DOE Defendants was in some
5 manner legally responsible for the violations alleged herein. Plaintiff will amend
6 this complaint to set forth the true names and capacities of these Defendants
7 when they have been ascertained, together with appropriate charging allegations,
8 as may be necessary.

9 8. At all times mentioned herein, the Defendants named as DOES 1
10 through 10, inclusive, and each of them, were residents of, doing business in,
11 availed themselves of the jurisdiction of, and/or injured Plaintiff.

12 9. At all times mentioned herein, each Defendant was the agent,
13 servant, or employee of the other Defendants and in acting and omitting to act as
14 alleged herein did so within the course and scope of that agency or employment.

15 10. Defendant MOLINA and DOES 1 through 10 are collectively
16 referred to herein as "DEFENDANTS."

17
18 **FACTUAL ALLEGATIONS**
19

20 11. Plaintiff ALVAREZ worked for Molina for approximately 10 years,
21 most recently as a reconciliation specialist in the Medicare Department. Her job
22 consisted primarily of administrative and data entry work.

23 12. On December 22, 2020, PLAINTIFF was diagnosed with Covid. She
24 was ill for about a month, but then became very depressed thereafter. Partly this
25 was because her husband became extremely sick and was hospitalized and on
26 oxygen for a full month.

27 13. PLAINTIFF turned in a series of notes excusing her absence. She
28 was in therapy and taking medication for Depression. Based on the set of

1 circumstances, she had a qualifying disability under the California Fair
2 Employment and Housing Act (FEHA).

3 14. Yet, shortly after her FMLA/CFRA leave expired, the absence control
4 manager, Zaharah Greene, started pressuring PLAINTIFF to return back to work,
5 telling her that her job was not protected past April 11, 2021. PLAINTIFF
6 explained that she was on leave until May 1st and did not have an appointment
7 with her doctor until the end of April. She also explained that she was still under
8 doctor's case for her medical condition. However, Ms. Greene said if she managed
9 to get back before they hired someone else, she could have her job, but otherwise
10 she was out of luck.

11 15. On April 27, 2021, she sent in a new note excusing her until August
12 1, 2021. MOLINA terminated her the same day, claiming they were filling her
13 position. There was no discussion on how to accommodate Plaintiff's disability.

14 16. Further, throughout PLAINTIFF's employment, she was provided
15 blocks of overtime approval, like one hour or two hours, but was then relentlessly
16 pressured to get work done by certain deadlines, which forced her to work off the
17 clock. PLAINTIFF's supervisor was aware she was working off the clock, but she
18 was never compensated for this additional time.

19 17. Finally, PLAINTIFF had been working from home starting around
20 March 2020. MOLINA failed to reimburse PLAINTIFF for internet and data
21 usage, which was necessary to have in order for her to perform the functions of
22 her job while at home.

23 18. Prior to filing this Complaint, Plaintiff fulfilled any legal requirement
24 or exhausted any administrative remedy imposed on her by having filed the
25 substance of claims alleged herein with the California Department of Fair
26 Employment and Housing (hereinafter "DFEH"), and has received Right to Sue
27 Letters from the DFEH. Plaintiff has therefore substantially complied with all
28 requirements for the filing of this Complaint and has exhausted her administrative

remedies prior to filing, commencing, and serving the within action.

FIRST CAUSE OF ACTION

Disability Discrimination

(Plaintiff Against MOLINA HEALTHCARE, INC. and DOES 1 through 10)

19. Plaintiff incorporates by this reference the relevant allegations contained in this pleading as if fully set forth herein.

20. At all times herein mentioned, California Fair Employment and Housing Act Government Code §§ 12940, et seq. ("FEHA"), was in full force and effect and was binding on Defendants. Plaintiff was, at all times material hereto, an employee covered by the provisions and protections of the FEHA. These sections require Defendants to refrain from discriminating any employee on the basis of disability or medical condition, or because an employee was associated with someone with a disability.

21. The foregoing conduct by Defendants violates the FEHA, Government Code § 12940(a), which provides that discrimination of employees on the basis of disability, or association with someone with a disability is an unlawful employment practice. The discrimination by Defendants of Plaintiff based on her disability violates Government Code § 12940(a).

22. Plaintiff's disability was a substantial motivating factor in Defendants' decisions to change her conditions of employment and ultimately terminate her employment. Such discrimination violates Government Code § 12940(a) and has resulted in damage to Plaintiff.

23. As a legal result of the discrimination of Plaintiff described above, Plaintiff has suffered and will continue to suffer humiliation, embarrassment, mental anguish and severe emotional and physical distress, all causing her damages in an amount to be determined at trial and according to proof.

24. As a direct and proximate result of the discriminatory conduct of

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.