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County of Placer

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Executive Officer & Clerk  
By: M. Anderson, Deputy

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**COUNTY OF PLACER**

REBECCA NEAL, and individual,  
  
Plaintiff,

vs.

MYDOCTORANN, INC., a California  
Corporation; and DOES 1-100, Inclusive,  
  
Defendants.

) CASE NO. **SCV 0044930**

) **COMPLAINT FOR DAMAGES**

- ) 1) Sexual Harassment in Violation of Government Code §12940(j) – Hostile Work Environment;
- ) 2) Failure to Prevent Discrimination and Harassment in Violation of Government Code § 12940(k); and
- ) 3) Retaliation in Violation of Gov. Code § 12940(h).

) **UNLIMITED CIVIL ACTION**

Plaintiff REBECCA NEAL (hereinafter "PLAINTIFF") by and through her attorneys, bring this action against Defendant MYDOCTORANN, INC., and hereby allege as follows:

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**IDENTIFICATION OF PARTIES**

1. At all times herein mentioned PLAINTIFF was and is a resident of California, working in Placer County. Plaintiff was hired in June 2019 by DEFENDANT to work at its veterinary offices as a veterinary assistant.

2. Defendant, MYDOCTORANN, INC. (hereinafter "DEFENDANT"), was and is a California Corporation, organized and existing pursuant to the laws of California, was and is doing business in the County of Placer, State of California.

3. PLAINTIFF is ignorant of the true names and capacities of defendants sued as Does 1 through 100, inclusive, and therefore sue these defendants by these fictitious names. Plaintiff will amend this complaint to allege their true names and capacities when they have been ascertained. Plaintiffs are informed and believe and thereon allege that each of the fictitiously named defendants are legally responsible in some manner for the unlawful acts alleged in this complaint as agents, alter egos, shareholder, owners, officers, affiliates, successors, assigns, joint ventures, or partners of DEFENDANT.

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**EXHAUSTION OF REMEDIES**

4. Prior to the filing of this action, PLAINTIFF timely filed a complaint with the Department of Fair Employment and Housing ("DFEH") alleging that the acts of DEFENDANTS established a violation of FEHA, Government Code Section 12900 et Seq. PLAINTIFF has received a "right to sue" letters from the DFEH and has timely brought this action thereafter.

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**PRELIMINARY FACTS**

5. DEFENDANT owns and operates the Sterling Pointe Veterinary Clinic located in the City of Lincoln, County of Placer, State of California. PLAINTIFF was hired by DEFENDANT in June 2019 to work as a veterinary assistant which she did until she was

1 wrongfully terminated on November 8, 2019, after reporting that she was being sexually harassed  
2 by a client

3 6. Throughout her employment PLAINTIFF performed her job duties.

4 7. On November 6, 2019, PLAINTIFF was assigned a client who was a regular and  
5 had been DEFENDANT's client for years. DEFENDANT knew the client had propensity to harass  
6 women and had one point he had come into the office with his girlfriend on a leash and had treated  
7 her in a subservient and abusive way.  
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9 8. Despite DEFENDANT's knowledge of the client's harassing behavior,  
10 PLAINTIFF was assigned to examine the pet of this known harasser in a closed-door environment.  
11 DEFENDANT instructed her to enter this closed-door environment without accompanying her or  
12 taking any precautions to address the known risks of entering the room with the potentially abusive  
13 client known to treat women in a subservient manner. Instead, DEFENDANT only warned  
14 PLAINTIFF that the client was difficult and told her that, with her experience, she could handle  
15 it.  
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17 9. Not surprisingly, during the treatment PLAINTIFF was restraining the client's dog,  
18 the client made multiple physical advances on PLAINTIFF including unwanted physical touching.  
19 This assault caused PLAINTIFF to leave the examination room after which she came directly to  
20 Dr. Ann Lesch-Hollis, the owner of the company, to complain about the client's unwanted physical  
21 abuse.  
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23 10. DEFENDANT did nothing to protect PLAINTIFF or stop the physical abuse.  
24 Instead, Dr. Ann Lesch-Hollis ordered PLAINTIFF to suck it up and complete the treatment. In  
25 fear of losing her job, PLAINTIFF attempted to complete the treatment of the animal.  
26 Unfortunately, the client continued to physically abuse PLAINTIFF. This included the client  
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1 running his hand up PLAINTIFF's thigh. Again, fearing for her job, PLAINTIFF completed the  
2 treatment of the animal and immediately went to Dr. Ann Lesch-Hollis to complain about the  
3 physical abuse and how it made her extremely uncomfortable. PLAINTIFF informed Dr. Ann  
4 Lesch-Hollis that if she were not going to do anything to stop the abuse that she would have to  
5 take steps to make sure that nothing like this happened to her or any other employee in the future.  
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7 Dr. Ann Lesch-Hollis merely told PLAINTIFF ignore the abuse.

8 11. PLAINTIFF was very upset by the situation and went home for the day.  
9 PLAINTIFF had the following day off and returned to work on November 8, 2019. Upon arriving  
10 at work PLAINTIFF was terminated without cause and told that she was being laid off.  
11

12 12. Upon information and belief, it is hereby alleged, that DEFENDANT's substantial  
13 motivating factor for terminating PLAINTIFF was because she complained about the sexual  
14 harassment and because DEFENDANT refused to take any action to stop or prevent the  
15 harassment. When PLAINTIFF was terminated, she was more senior and experienced than at least  
16 two veterinary assistants that were hired the previous week.  
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18 13. DEFENDANT did nothing to investigate PLAINTIFF's complaint of sexual  
19 harassment and nothing to stop or prevent the harassment and PLAINTIFF now seeks  
20 compensation for this unlawful conduct.  
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22 **FIRST CAUSE OF ACTION**

23 **(Against DEFENDANT and Does 1-100)**

24 **(Sexual Harassment in Violation of Government Code §12940(j) – Hostile Work**  
25 **Environment)**

26 14. PLAINTIFF realleges and incorporates by reference the allegations of this entire  
27 complaint as if fully alleged herein  
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1           15.    As set forth above, PLAINTIFF was sexually harassed was sufficiently severe as  
2 to alter the conditions PLAINTIFF's employment and to create a hostile, intimidating, and/or  
3 abusive work environment.

4           16.    A single sexual assault by the patron of a business can create a hostile work  
5 environment for the victim where the employer fails to take immediate corrective action. (*Lockard*  
6 *v. Pizza Hut, Inc.* (10th Cir. 1998) 162 F3d 1062, 1072; see *Little v. Windermere Relocation, Inc.*  
7 (9th Cir. 2002) 301 F3d 958, 967-968).

8           17.    PLAINTIFF considered the work environment to be hostile and abusive.

9           18.    A reasonable woman in PLAINTIFF's circumstances would have considered the  
10 work environment to be hostile or abusive. DEFENDANT not only failed to take corrective action,  
11 but sent PLAINTIFF back into the examination room to complete the examination with the  
12 harasser then fired her for complaining.

13           19.    The sexual harassment against PLAINTIFF was condoned and permitted  
14 DEFENDANT in a manner which was grossly negligent, reckless, willful, malicious, and  
15 deliberately indifferent to PLAINTIFF's personal rights to a discrimination free work environment  
16 and safety in the workplace. DEFENDANT failed to prevent sexual harassment from occurring  
17 in the workplace.

18           20.    The acts and conduct of DEFENDANT, as aforesaid, was in violation of California  
19 Government Code Section 12940 et seq. Said statutes impose certain duties upon DEFENDANT  
20 concerning discrimination and harassment against persons, such as the PLAINTIFF, on the basis  
21 of sex and gender. Said statutes were intended to prevent the type of injury and damage set forth  
22 herein. PLAINTIFF was, at all times herein mentioned, a member of the class of persons intended  
23 to be protected by said statutes. At all times herein mentioned, PLAINTIFF was a person of the  
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1 female sex and therefore entitled to the protection of California Government Code Section 12940  
2 et seq.

3 21. As a direct and legal result of DEFENDANT's willful, wanton, intentional,  
4 malicious and/or reckless conduct and the policies alleged herein, PLAINTIFF suffered severe and  
5 extreme injury including, but not limited to, past and future mental anguish, humiliation,  
6 embarrassment, loss of confidence, fright, depression, loss of enjoyment of life, anxiety, and post-  
7 traumatic stress resulting from the abuse. By the aforesaid acts and omissions of DEFENDANT,  
8 and each of them, PLAINTIFF has been directly and legally caused to suffer these general damages  
9 as alleged herein.  
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11 22. PLAINTIFF is informed and believes and thereon alleges that DEFENDANT, by  
12 the act of its managing agents, officers and/or directors in the aforementioned acts and/or ratifying  
13 such acts, engaged in willful, malicious, intentional, oppressive and despicable conduct, and acted  
14 with willful and conscious disregard of the rights, welfare and safety of PLAINTIFF, thereby  
15 justifying the award of punitive and exemplary damages, against DEFENDANT in an amount to  
16 be determined at trial but in excess of \$1,000,000.  
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18 23. As a result of DEFENDANTS' discriminatory and harassing acts as alleged herein,  
19 PLAINTIFF is entitled to reasonable attorneys' fees and costs of suit as provided by California  
20 Government Code section 12965(b).  
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22 **SECOND CAUSE OF ACTION**

23 **(Against DEFENDANT and Does 1-100)**

24 **(Failure to Prevent Discrimination and Harassment in Violation of Government Code §**  
25 **12940(k))**  
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27 24. PLAINTIFF realleges and incorporates by reference the allegations of this entire  
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1 complaint as if fully alleged herein

2 25. In violation of Government Code § 12940 (k), DEFENDANT failed to take all or  
3 any reasonable steps necessary to prevent discrimination and harassment alleged herein from  
4 occurring.

5 26. At all relevant time periods, DEFENDANT failed to make an adequate or any  
6 response to the harassing conduct described above and thereby established a policy, custom,  
7 practice or usage, which condoned, encouraged, tolerated, sanctioned, ratified, approved of, and/or  
8 acquiesced in harassment against women employees, including, but not limited to, PLAINTIFF.  
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10 27. PLAINTIFF is informed and believes, and thereon alleges, that during all relevant  
11 time periods, DEFENDANT failed to provide any or adequate training and education to their  
12 personnel and most particularly to management and supervisory personnel regarding their  
13 discrimination and harassment policies and procedures. DEFENDANT knew or reasonably should  
14 have known that such failure would result in discrimination and/or harassment against women  
15 employees, including, but not limited to, PLAINTIFF. Such failure on the part of DEFENDANT  
16 constituted deliberate indifference to the rights of women employees, including, but not limited to,  
17 PLAINTIFF under Government Code § 12940(k).  
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20 28. DEFENDANT failure to prevent and/or stop the harassment described herein  
21 compounded and exacerbated the physical and emotional injuries PLAINTIFF was already  
22 suffering as a result of the unlawful conduct described above. As a proximate result of  
23 DEFENDANT's conduct as described herein, PLAINTIFF suffered economic damages, including  
24 lost earnings, and general damages, including, without limitation, physical pain, humiliation,  
25 embarrassment and discomfort, physical and mental emotional distress and anguish, all to  
26 PLAINTIFF's damages in an amount to be proven at trial in excess of \$1,000,000.  
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1 29. By the aforesaid acts and omissions, DEFENDANT have directly and legally  
2 caused PLAINTIFF to suffer the harm and damages alleged herein. PLAINTIFF is informed and  
3 believes and thereon alleges that DEFENDANT, and each of them, committed the acts alleged  
4 herein maliciously, fraudulently, and oppressively, with the wrongful intention of injuring  
5 PLAINTIFF and acted with an improper and evil motive amounting to malice, and in conscious  
6 disregard of PLAINTIFF's rights. Because the acts taken towards PLAINTIFF were carried out  
7 by managerial employees acting in a despicable, deliberate, cold, callous and intentional manner  
8 in order to injure and damage PLAINTIFF, PLAINTIFF is entitled to recover punitive damages in  
9 an amount according to proof at trial.  
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11 30. As a result of DEFENDANT's acts as alleged herein, PLAINTIFF is entitled to  
12 reasonable attorneys' fees and costs of suit as provided in Section 12965(b) of the California  
13 Government Code.  
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15 **THIRD CAUSE OF ACTION**

16 **(Against DEFENDANT and Does 1-100)**

17 **(Retaliation in Violation of Gov. Code § 12940(h))**

18 31. PLAINTIFF realleges and incorporates herein by reference each and every  
19 allegation contained in each and every paragraph of this Complaint, and further alleges:  
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21 32. PLAINTIFF reported and complained of sexual harassment to DEFENDANT, as  
22 alleged above.  
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24 33. The day that PLAINTIFF returned to work after complaining of the harassment to  
25 DEFEDANT she was terminated. DEFENDANT had no legitimate, non-retaliatory reason for  
26 discharging PLAINTIFF and two less senior, less experienced veterinary assistants remained on  
27 staff.  
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1 34. PLAINTIFF's reporting of workplace harassment to DEFENDANT was a  
2 substantial motivating reason for DEFENDANT's decision to discharge PLAINTIFF.

3 35. PLAINTIFF was harmed and DEFENDANT's discharge of PLAINTIFF  
4 was a substantial factor in causing PLAINTIFF harm, including but not limited to lost wages and  
5 benefits from the date of the discharge, and general damages in an amount in excess of the  
6 jurisdictional limit and subject to proof at trial.  
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8 **DEMAND FOR JURY TRIAL**

9 PLAINTIFF hereby demands a trial by jury on all claims

10 **PRAYER**

11 WHEREFORE, PLAINTIFF prays for relief as follows:

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- 13 a. For compensatory damages, including unpaid wages, and other losses, and  
14 penalties as provided by statute as follows:
- 15 b. For general damages subject to proof at trial but in excess of \$1,000,000;
- 16 c. For attorney's fees pursuant to Gov. Code section 12965(b) and other statutes;
- 17 d. For punitive and exemplary damages pursuant to Cal. Civ. Code section 3294;
- 18 e. For prejudgment and post judgment interest at the maximum legal rate;
- 19 f. For costs of suit; and
- 20 g. For any other relief the Court may deem just and proper.  
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23 DATED: 5/18/20

24 **SCHOECH LAW GROUP, PC**

25  
26 By: 

27 MATTHEW R. SCHOECH  
28 Attorneys for Plaintiff