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9 Attorneys for MESHA SANFORD

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11 **UNITED STATES BANKRUPTCY COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA – LOS ANGELES DIVISION**

13
14 IN RE VERITY HEALTH SYSTEM OF) CASE NO.: 2:18-bk-20151-ER
CALIFORNIA, INC., ET. AL.) [Hon. Ernest M. Robles]
15 Debtors and Debtors in Possession.) Chapter 11

16 _____)
17 Affects:) **CREDITOR MESHA SANFORD’S**
18 Verity Health System of California, Inc.) **REPLY TO DEBTOR’S**
19) **OPPOSITION TO MOTION FOR**
20) **RELEIF FROM STAY TO**
21) **PROCEED WITH STATE COURT**
22) **CLAIMS FOR UNLAWFUL**
23) **EMPLOYMENT PRACTICES**
24)
25) Date: February 24, 2020
26) Time: 10:00 a.m.
27) Location: Courtroom 1568
28) 255 East Temple Street
Los Angeles, CA 90012

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I.

INTRODUCTION

In opposition to Creditor Mesha Sanford’s motion for relief from stay, the debtor argues the motion should be denied on the grounds the time for Ms. Sanford to file a proof of claim has expired, and the Ms. Sanford did not file a claim.

The simple answer to this argument is that Ms. Sanford never received the notice of the Bar Date in regard to the last day to file proofs of claim, which was April 1, 2019 and never received the notice of the Administrative Claims Bar Date which was allegedly sent on September 6, 2019.

The reason Ms. Sanford never received the notices is because they were sent to the wrong address. As demonstrated in the documents attached to the declaration of Ms. Sanford, when these notices were sent Ms. Sanford was no longer living at the address to which the notices were sent. The debtor knew Ms. Sanford was no longer living at the address where the notices were sent because Ms. Sanford notified the Debtor in writing of her change of address, and if February and March of 2019, the Debtor sent letters to Ms. Sanford at her new address unrelated to this bankruptcy case.

II

**THE DEBTOR HAD NOTICE OF MS. SANFORD’S CORRECT ADDRESS
BUT FAILED TO SEND ANY NOTICES PERTAINING TO THE
BANKRUPTCY TO THIS ADDRESS**

The debtor claims in numerous declarations, relying on exhibits attached thereto, that (1) on September 14, 2018, Mesha Sanford was given notice of the commencement of the bankruptcy cases (2) on February 19, 2019, Ms. Sanford was given notice of the Bar Date in regard to the last day to file proofs of claim, which was April 1, 2019 (3) on September 6, 2019, Ms. Sanford was given notice of the Administrative Claims Bar Date, in regard to the last day to file Administrative Claims, which was October 7, 2019.

1 In his declaration in support of the opposition Andres A. Estrada, states Ms.
2 Sanford was served with the foregoing notices at the following address:

3 55 North Mar Vista Ave., Apt. 23,
4 Pasadena, CA 91106.

5 However, as demonstrated in Ms. Sanford's accompanying declaration and
6 Exhibit A thereto, in October 2018, Ms. Sanford submitted an "Employee Change
7 Form" notifying the Debtor that her address had changed to:

8 27026 Victoria Lane, Unit 91
9 Valencia, CA 91355

10 (Declaration of Mesha Sanford, ¶5, Exhibit A to Sanford dec.)

11 The debtor knew Ms. Sanford's new address because in February 2019, the
12 debtor sent her a letter at the Valencia address dated February 15, 2019. This letter
13 informed Ms. Sanford of her separation from employment pursuant to the WARN
14 Act. While this letter mentioned the debtor's bankruptcy, there is no mention of the
15 need to file any proof of claim, nor is there any notice of a Bar Date in regard to
16 the last day to file proofs of claim or of an Administrative Claims Bar Date, in
17 regard to the last day to file Administrative Claims. (Declaration of Mesha
18 Sanford, ¶6, Exhibit B to Sanford dec.)

19 The debtor also sent Ms. Sanford a letter at the Valencia address dated
20 March 20, 2019, informing Ms. Sanford she was being placed on Administrative
21 Leave of Absence for the remainder of the WARN period. This letter did not
22 mention the debtor's bankruptcy, nor is there is any mention of the need to file any
23 proof of claim, any mention of a Bar Date in regard to the last day to file proofs of
24 claim or of an Administrative Claims Bar Date. (Declaration of Mesha Sanford, ¶7,
25 Exhibit C to Sanford dec.)

26 While the Mr. Estrada also states in his declaration that Kurtzman Carson
27 Consultants, LLC ("KCC") is the claims and noticing agent for the debtor, Verity
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1 Health System of California, Inc. (“VHS”) and that notices were posted on KCC’s
2 website, Ms. Sanford was never notified either that KCC was the claims and
3 noticing agent for the debtor or that KCC had any such website.

4 Nor did Ms. Sanford see, or have any reason to search for, notices pertaining
5 to the bankruptcy posted in newspapers such as the Los Angeles Times.

6 (Declaration of Mesha Sanford, ¶8)

7 **III**

8 **THE DECLARATIONS AND EXHIBITS ATTACHED TO THE**
9 **OPPOSITION PROVIDE NO EVIDENCE MS. SANFORD WAS SERVED**
10 **WITH THE NOTICE OF THE BAR DATE TO FILE PROOFS OF CLAIM**
11 **OR THE NOTICE OF THE ADMINISTRATIVE CLAIMS BAR DATE**

12 Curiously, in the exhibits attached to the declarations of Mr. Estrada and
13 KCC’s Travis Buckingham, which purportedly show the above referenced notices
14 were sent to Ms. Sanford, Ms. Sanford’s address is redacted. (See, Exhibit C-1 to
15 the declaration of Travis Buckingham [pg. no. 22 of 47 of the opposition], Exhibit
16 G to the declaration of Travis Buckingham [pg. no. 38 of 47 of the opposition],
17 Exhibit C, to the declaration of Travis Buckingham [pg. no. 47 of 47 of the
18 opposition])

19 Since the address to which the notices were purportedly sent to Ms. Sanford
20 are not listed in the purported proofs of service, the declarations regarding the
21 purported service of the notices are of no evidentiary value whatsoever. Where the
22 exhibits contradict or do not support the assertions made in a declaration, those
23 assertions should be disregarded. Therefore, the Court should disregard the
24 declarations as they contain no proof Ms. Sanford was served at any address, let
25 alone the correct address.

26 As is readily apparent from his declaration, Mr. Estrada’s claim that Ms.
27 Sanford was served with the notices of the claims bar dates is not based upon his
28 personal knowledge, but is based upon the declaration of service submitted by

1 others that are attached as exhibits to his declaration. Regardless, Mr. Estrada
2 declares only that Ms. Sanford was served at her former address in Pasadena, an
3 address the debtor knew to be incorrect.

4 Nothing in the declarations and exhibits attached to the debtor's opposition
5 suggests, let alone establishes, that any notices were sent to the correct address for
6 Ms. Sanford that was on file with the Debtor.

7 **IV**
8 **THE CLAIM THAT PERMITTING MS. SANFORD TO PURSUE A CLAIM**
9 **IN THE SUPERIOR COURT WOULD INTERFERE WITH THE**
10 **BANKRUPTCY IS ENTIRELY SPECIOUS**

11 The debtor argues that allowing Ms. Sanford to pursue her claims in state
12 court would interfere with the bankruptcy case at a time when the Debtor must
13 focus on the closure and resale of hospitals. However, this claim is entirely
14 specious.

15 First of all, the opposition fails to offer any clue as to how Ms. Sanford's
16 state court litigation would interfere with any action the debtor needs to focus on in
17 its reorganization and/or liquidation efforts. Rather, the opposition quotes general
18 statements of policy from various cases without applying these policies to any
19 actions the debtor needs to take that would be subject to interference if the motion
20 is granted. Nor does the opposition offer any clue as to how or why granting the
21 motion would be "detrimental" to the Debtors' prospects for success, what
22 "success" the opposition is referring to or how the state court litigation would
23 affect the administration of the bankruptcy estate.

24 Bankruptcy courts generally lift the stay to allow personal injury actions to
25 proceed in state court where the debtor has liability coverage for both defense costs
26 and any resulting judgment. Matter of Holtkamp (7th Cir. 1982) 669 F2d 505, 508-
27 509]

1 EPL insurance generally covers retaliation claims made against the insured
2 by a person asserting a claim under California’s Fair Employment and Housing
3 Act (“FEHA”)

4 In In re Tucson Estates, Inc., 912 F.2d 1162, 1166 (9th Cir. 1990),² the Ninth
5 Circuit held that the bankruptcy court had abused its discretion by not abstaining
6 and entirely lifting the stay to enable litigation to proceed. 912 F.2d 1162. In
7 doing so, the Court found the following factors to all support abstention: (1)
8 resolution of claims in state court would favorably affect the efficient
9 administration of the estate; (2) state law issues predominated over bankruptcy
10 issues; (3) the existence of prior litigation of those issues which had already begun
11 in state court; (4) the lack of federal jurisdiction basis other than bankruptcy
12 jurisdiction for the state claims; (5) the case was a related rather than core
13 proceeding; (6) the ease of permitting completion of the state court litigation while
14 reserving the judgment’s enforcement to the bankruptcy court; and (6) the right to
15 a jury trial in state court. Id. at 1169.

16 All of these factors weigh in favor of granting Ms. Sanford’s motion.

17 Finally, courts have further held that cause exists to lift the stay, and that
18 “debtors-defendants will suffer little prejudice when they are sued by plaintiffs
19 who seek nothing more than declarations of liability that can serve as a predicate
20 for a recovery against insurers, sureties, or guarantors.” In re Fernstrom Storage
21 and Van Co., 938 F.2d 731 (7th Cir. 1991); see also In re Borbridge, 81 B.R. 332
22 (E.D. Pa. 1988) (noting that “[t]he easiest ground for determining that ‘cause’
23 exists in favor of an unsecured creditor is when the creditor seeks to recover from
24 nonestate property, such as an insurance or indemnity agreement”).

25 Since, contrary to the debtor’s arguments, the debtor’s insurance company
26 will be obligated to defend Ms. Sanford’s state court action, there is little prospect
27 that the litigation will interfere with the administration of the debtor’s bankruptcy
28 and/or the liquidation of the debtor’s assets.

1 Ms. Sanford's claims for Harassment, Discrimination and Retaliation are
2 completely unrelated to the debtor's reorganization and/or liquidation efforts,
3 which will not be carried out by any personnel who would be the perpetrators of,
4 or the witnesses to, the harassment, discrimination and retaliation suffered by the
5 Ms. Sanford. Ms. Sanford's attorney has already been provided with Ms.
6 Sanford's payroll records and personnel file, therefore there will be little
7 administrative burden in responding to any document demands.

8 Any other discovery the debtor may be required to respond to will not
9 involve the debtor's reorganization and/or liquidation efforts. Further, it seems
10 highly unlikely that the individual named defendant in the state court action, Ms.
11 Sanford's immediate supervisor in the Managed Care/Risk Programs department
12 Michael Schweitzer, would be involved in the Debtor's reorganization or
13 liquidation efforts.

14 The opposition simply makes unsupported, blanket claims that the state
15 court action will interfere with the bankruptcy without any specifics or any
16 analysis or evidence as to how or why this is so. This court is not required to
17 accept these conclusory statements as there is no evidence or argument to support
18 these claims and should not do so.

19 Finally, because Ms. Sanford's state court claims will be defended by the
20 debtor's insurance carrier, any impact on the administration of the debtor's estate
21 will be minimal. On the other hand, the benefit Ms. Sanford will receive if she
22 prevails on her state court claims will be tremendous. Ms. Sanford was
23 wrongfully terminated in violated of fundamental public policies against
24 discrimination and retaliation in the workplace. She has suffered loss of earnings,
25 loss of benefits, loss of status in the professional community, humiliation and
26 emotional distress. Prevailing on her claims will mean vindication, recompense
27 for her losses and advancement of important statutory and public policy goals of
28 the State of California.

V.

**MS. SANFORD’S CLAIMS IN THE STATE COURT ACTION ACCRUED
POST-PETITION AND AFTER THE BAR DATE AND THUS THE BAR
TO FILING A PROOF OF CLAIM SHOULD NOT BE APPLICABLE**

On September 20, 2019, Plaintiff filed a complaint against the debtor and her former supervisor alleging causes of action for: 1. Violation Of California Labor Code § 1102.5 (Whistle-Blower); 2. Racial Discrimination In Violation Of Fair Employment And Housing Act (“FEHA”) (California Government Code § 12940(A)); 3. Disability Discrimination In Violation Of Fair Employment And Housing Act (“FEHA”) (California Government Code § 12940(A)); 4. Harassment In Violation Of FEHA, (Gov. Code §12940(J)); 5. Retaliation In Violation Of FEHA, (Gov. Code §12940(H)); 6. Failure To Engage In The Interactive Process In Violation Of FEHA (Gov. Code § 12940(N)); 7. Failure To Accommodate A Disability In Violation Of FEHA (Gov. Code § 12940(M)); 8. Wrongful Termination In Violation Of Public Policy (California Labor Code §132(A)); 9. Failure To Prevent Harassment And Discrimination; and 10. Violation Of California Labor Code §§226(C) And 1198.5 (Failure To Produce Payroll Records And Personnel File) (the “State Court Action”).

Each of the claims alleged in the State Court Action arose and began accruing when Ms. Sanford’s employment was terminated on April 16, 2019. See California Government Code §§12940, 12945.2, 12960 and 12965 and *California Code of Civil Procedure* §§335.1 and 338. There can be no dispute that the termination took place both post-petition and after the bar date for filing proofs of claims in this case. Further, a post-petition tort claim does not fall within any of the administrative claims articulated in the notice of bar date for filing administrative claims attached to the opposition. In the event this Court is inclined to consider the debtor’s argument that Ms. Sanford did not timely file a proof of claim, Ms. Sanford requests that the court accept this motion as an informal proof

1 of claim or allow her the opportunity to file a proof of claim. Ms. Sanford further
2 requests that this court excuse any tardiness in Ms. Sanford's filing a proof of
3 claim, as she was (1) not aware of the bar date; and (2) her claim did not arise or
4 accrue until after the bar date.

5 **VI.**

6 **MS. SANFORD'S DELAY IN FILING A PROOF OF CLAIM WAS DUE TO**
7 **EXCUSABLE NEGLIGENCE**

8 On April 16, 2019, Ms. Sanford was terminated from her employment with
9 the debtor.

10 On May 23, 2019, counsel for Ms. Sanford filed her administrative
11 complaint with the Department of Fair Employment and Housing ("DFEH") and
12 obtained her right-to-sue. A copy of her DFEH complaint and right-to-sue notice
13 are attached the declaration of Joel Glaser as Exhibit 1. At that time, Ms.
14 Sanford's counsel was unaware of the bankruptcy.

15 On June 5, 2019, Ms. Sanford's counsel sent Verity a copy of Ms. Sanford's
16 DFEH complaint and right-to-sue notice with a letter demanding Ms. Sanford's
17 personnel file and wage records.

18 On June 26, 2019, Verity responded to Ms. Sanford's counsel's letter and
19 provided the requested records. Verity did not indicate it had filed bankruptcy or
20 that the deadline to file proofs of claim had passed in its response.

21 On September 20, 2019, Ms. Sanford's counsel filed the State Court Action.
22 A copy of the lawsuit is attached to the Glaser Declaration as Exhibit 2. Again, he
23 was unaware of the bankruptcy or bar date when he filed the action.

24 On October 3, 2019, counsel for Verity notified Ms. Sanford's counsel of the
25 filing of the bankruptcy and automatic stay preventing the prosecution of the
26 action. Verity's counsel did not mention the bar date to filing a proof of claim. A
27 copy of Verity's October 3, 2019 letter is attached to the Glaser declaration as
28 Exhibit 3.

1 Equally important, Verity has employment practices liability insurance.
2 Insurable claims are secured by the insurance policy. Liens pass through
3 bankruptcy unimpeded unless action is taken. Even if the personal liability of the
4 debtor is discharged, the rights against the property, i.e., the policy, remain
5 unaffected.

6 Accordingly, Ms. Sanford did not intentionally delay filing a proof of claim
7 in this case, nor was she aware of any deadlines to file a proof of claim. Any delay
8 was therefore excusable. Further, there is no prejudice to the debtor or the
9 creditors of the debtor in allowing Ms. Sanford to prosecute her claims solely
10 against the policy. Therefore, Ms. Sanford respectfully requests that this court
11 treat the filing of this motion as an informal claim or provide Ms. Sanford with an
12 opportunity to file a formal proof of claim.

13 VII.

14 CONCLUSION

15 Ms. Sanford never received notice of the claims bar dates in this matter
16 because, although it is indisputable the debtor had Ms. Sanford's correct address,
17 the debtor sent the notices to the wrong address. Therefore, the debtor should be
18 estopped from raising the failure to file proof of her claim in the debtor's
19 bankruptcy in opposition to her motion for relief from stay. For the same reason,
20 Ms. Sanford should be allowed to pursue her claims against the debtor in state
21 court.

22 Ms. Sanford's claims in the state court action are covered by insurance,
23 therefore, the insurance carrier will be required to defend the claims and the impact
24 on the administration of the debtor's estate will be minimal. Ms. Sanford's claims
25 do not involve the debtor's efforts to sell the hospitals, its reorganization or the
26 liquidation of the debtor's assets, and it is difficult to see how allowing the State
27 Court Action to proceed could be detrimental to the administration of the debtor's
28 estate.

1 Further, the benefits to Ms. Sanford from pursuing her state court claims far
2 outweigh the minimal effect pursuing said claims would have on the debtor and/or
3 the administration of the debtor's estate.

4 Finally, Ms. Sanford's state court claims accrued post-petition and after the
5 bar date for filing a proof of claim. Under the doctrine of excusable neglect, Ms.
6 Sanford requests this court treat this motion as an informal claim or allow Ms.
7 Sanford the opportunity to file a proof of claim.

8 Accordingly, Ms. Sanford's motion for relief from the automatic stay to
9 solely pursue damages covered under Verity's employment practices liability
10 insurance policy should be granted.

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DATED this 12th day of February 2020

Law Office of Richard T. Baum

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/s/ Richard T. Baum, Esq.

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DECLARATION OF MEESHA SANFORD

I, Mesha Sanford declare:

1. I am over the age of 18 and a resident of the County of Los Angeles, State of California. The facts recited herein are within my personal knowledge or if stated on information and belief I believe them to be true.
2. I file this declaration in support of my reply to the debtor's opposition to my motion for relief from stay in the above referenced matters.
3. I was employed by Verity Health System of California, Inc. (The Debtor") from March 5, 2018 until April 16, 2019, when I was terminated. During my employment I was Assistant Director, Managed Care – Risk Programs.
4. When I started my employment with the debtor my address was
55 North Mar Vista Ave., Apt. 23,
Pasadena, CA 91106.
5. In October 2018, I submitted an "Employee Change Form" notifying the Debtor that my address had changed to:
27026 Victoria Lane, Unit 91
Valencia, CA 91355
Attached hereto as Exhibit A is a true and correct copy of the Employee Change Form that I submitted. A copy of this form was included in my personnel file, a copy of which was provided to my attorney Mr. Glaser.
6. In February 2019 I received a letter from the debtor at my Valencia address dated February 15, 2019. This letter was to inform me of my separation from employment pursuant to the WARN Act. While this letter mentioned the debtor's bankruptcy, there is no mention of the need to file any proof of claim, nor is there any notice of a Bar Date in regard to the last day to file proofs of claim or of an Administrative Claims Bar Date, in regard to the last day to file Administrative Claims. Attached hereto as Exhibit B is a true and

correct copy of the February 15, 2019 letter from the debtor. A copy of this letter was included in my personnel file, a copy of which was provided by the debtor to my attorney Mr. Glaser.

7. In March of 2019, I received a letter from the debtor at my Valencia address dated March 20, 2019. This letter informed me that I was being placed on Administrative Leave of Absence for the remainder of the WARN period. This letter did not mention the debtor's bankruptcy, nor is there is any mention of the need to file any proof of claim, any mention of a Bar Date in regard to the last day to file proofs of claim or of an Administrative Claims Bar Date. Attached hereto as Exhibit C is a true and correct copy of the March 20, 2019 letter from the debtor. A copy of this letter was included in my personnel file, a copy of which was provided by the debtor to my attorney Mr. Glaser.

8. I was never notified, nor did I ever learn that Kurtzman Carson Consultants, LLC ("KCC") had anything to do with the debtor's bankruptcy, that KCC had a website where information pertaining to the debtor's bankruptcy was posted. Nor did I ever have reason to scan local newspapers for notices pertaining to the bankruptcy and I never saw any notices in the Los Angeles Times or any other newspaper pertaining to the bankruptcy.

I declare under the penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Executed this 12th day of February 2020 at Valencia, California

/s/ Mesha Sanford

EXHIBIT A



Employee Change Form

Employee's Name (Please Print): SAMESHA SANFORD
First Name Last Name

VHS or VBS Employee ID number 800288

Please check all that apply:

- Address Change Phone number Change Name Change Marital Status
 Emergency Contact Change

New Name: (Please Print): _____

Marital Status: Single Married Divorced

New Address: Street 27026 VICTORIA LANE UNIT 91
City VALENCIA State CA Zip Code 91355

New Phone Number: _____ - _____ - _____

Emergency Contact Information:

Contact Name: _____ Relationship: _____

Address: Street _____

City _____ State _____ Zip Code _____

Emergency Contact Phone Number: _____ - _____ - _____

Signature of Employee: _____

Date: _____

HUMAN RESOURCES ONLY:

Date Request Received: Samesha Sanford

Date Entered: 10/15/2018

Processed By: Tiffany McGrew on 10/15/2018

EXHIBIT B



2040 E Mariposa Avenue
El Segundo, CA 90245

February 15, 2019

VIA Email

Samesha Sanford
27026 Victoria Lane Unit 91
Valencia, CA 91355

**Re: Notice Pursuant to Worker Adjustment and Retraining Notification Act
and the California WARN Act**

Dear Samesha:

This notice is being issued to you under the Worker Adjustment and Retraining Notification Act, 29 U.S.C. §§2101 et seq. (the "WARN Act") and the California WARN Act, California Labor Code §§1400-1408 ("Cal-WARN Act"). The purpose of this notice is to inform you of the separation of employment of Verity Health System of California, Inc. ("VHS") employees who are located at 2040 E Mariposa Avenue, El Segundo, CA 90245; 2131 W. 3rd Street, Los Angeles, CA 90057; 3630 E Imperial Hwy, Lynwood, CA 90262; 400 Race Street, San Jose, CA 95126; 2105 Forest Avenue, San Jose, CA 95128; 1900 Sullivan Avenue, Daly City, CA 94105 (the "VHS Employees").

On August 31, 2018, VHS and sixteen of its affiliates (referred to collectively as the "Debtors"), filed for Chapter 11 bankruptcy protection in the United States Bankruptcy Court for the Central District of California, and are being jointly administered under Lead Case No. 2:18-bk-20151. In connection with the bankruptcy, VHS will permanently separate the employment of these VHS Employees, which will result in an "employment loss" within the meaning of the WARN Act and the Cal-WARN Act.

Based on the best information available to date, we believe the separation of your employment will occur, between April 16, 2019 and April 29, 2019. Pursuant to the WARN Act and Cal-WARN Act, this notice is being provided to you as soon as possible prior to any separations of employment. There are no bumping rights.

If you have any questions or require additional information, please do not hesitate to contact me at (424) 367-0733

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Sharrer'.

Steven Sharrer
Chief Human Resources Officer

EXHIBIT C



2040 E Mariposa Avenue
El Segundo, CA 90245

March 20, 2019

Mesha Sanford
27026 Victoria Lane, Unit 91
Valencia, CA 91355

Dear Mesha,

This letter is to inform you that you are being placed on Administrative Leave of Absence for the remainder of the WARN notice period, March 20, 2019 through April 16, 2019 to April 29, 2019. During the leave period, you will continue to receive your salary and health and welfare benefits for which you are enrolled. Further during your leave, you are not to perform any work on behalf of Verity, as of today, March 20th, you will no longer have access to Verity IT account.

Please use the enclosed FEDEX label to return your Verity Health System computer. Please take your computer to the nearest FEDEX office and return it to Verity Health System Corporate Headquarters, at 2040 East Mariposa Avenue, El Segundo, CA. 90245

Please understand that the standards of confidentiality remain in effect during the administrative leave.

Respectfully,

A handwritten signature in black ink, appearing to read 'S. Sharrer', written over a large, light-colored scribble or mark.

Steven Sharrer
Chief Human Resources Officer
Verity Health System

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA, LOS ANGELES DIVISION

In re: Verity Health System of California, Inc. Case No. 2:18-bk-20151-ER
Chapter 11

Debtor.

DECLARATION OF JOEL GLASER IN FURTHER SUPPORT OF
MOTION FOR RELIEF FROM AUTOMATIC STAY TO ALLOW
CREDITOR MESHA SANFORD TO PROCEED WITH STATE COURT
CLAIMS FOR UNLAWFUL EMPLOYMENT PRACTICES

I, Joel Glaser, declare:

1. I am an attorney licensed in all the Courts of this state and I am counsel for Movant Mesha Sanford. The facts recited herein are within my personal knowledge or if stated on information and belief I believe them to be true.

2. I file this declaration in further support of Mesha Sanford's motion for relief from stay in the above referenced matters. In order to pursue a civil action against the Debtor Mesha Sanford is moving this court for an order for relief from the stay imposed in this Chapter 11 bankruptcy case.

3. I am informed and believe Mesha Sanford was employed by Verity Health System of California, Inc. from March 5, 2018 until April 16, 2019, when she was terminated. During Mesha Sanford's employment she was Assistant Director, Managed Care – Risk Programs.

4. On May 23, 2019, I filed a complaint on behalf of Mesha Sanford with the California Department of Fair Employment and Housing ("DFEH") DFEH Matter Number: 201905-06246823 and obtained a right-to-sue notice. A

true and correct copy of the DFEH complaint and right-to-sue notice are attached hereto as Exhibit "1."

5. On June 5, 2019, I sent Verity a copy of Ms. Sanford's DFEH complaint and right-to-sue notice with a letter demanding Ms. Sanford's personnel file and wage records.

6. On June 26, 2019, Verity responded to my letter and provided the requested records. Verity did not indicate it had filed bankruptcy or that the deadline to file proofs of claim had passed in its response.

7. On September 20, 2019, I filed the State Court Action. A true and correct copy of the lawsuit is attached hereto as Exhibit 2. Again, I was unaware of the bankruptcy or bar date when I filed the action.

8. On October 3, 2019, counsel for Verity notified me of the filing of the bankruptcy and automatic stay preventing the prosecution of the action. Verity's counsel did not mention the bar date to filing a proof of claim. A true and correct copy of Verity's October 3, 2019 letter is attached as Exhibit 3.

I declare under the penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Executed this 12th day of February 2020 at Los Angeles, California

/s/ Joel Glaser, Esq.

EXHIBIT 1



STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
(800) 884-1684 (Voice) | (800) 700-2320 (TTY) | California's Relay Service at 711
<http://www.dfeh.ca.gov> | Email: contact.center@dfeh.ca.gov

May 23, 2019

Joel Glaser
11300 W. Olympic Blvd., Suite 910
Los Angeles, California 90064

RE: **Notice to Complainant's Attorney**
DFEH Matter Number: 201905-06246823
Right to Sue: Sanford / Verity Health System of California, Inc. et al.

Dear Joel Glaser:

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

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

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

Sincerely,

Department of Fair Employment and Housing



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
(800) 884-1684 (Voice) | (800) 700-2320 (TTY) | California's Relay Service at 711
<http://www.dfeh.ca.gov> | Email: contact.center@dfeh.ca.gov

May 23, 2019

RE: **Notice of Filing of Discrimination Complaint**
DFEH Matter Number: 201905-06246823
Right to Sue: Sanford / Verity Health System of California, Inc. et al.

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Department of Fair Employment and Housing (DFEH) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. This case is not being investigated by DFEH and is being closed immediately. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

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

No response to DFEH is requested or required.

Sincerely,

Department of Fair Employment and Housing



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
(800) 884-1684 (Voice) | (800) 700-2320 (TTY) | California's Relay Service at 711
<http://www.dfeh.ca.gov> | Email: contact.center@dfeh.ca.gov

May 23, 2019

Mesha Sanford
c/o Joel Glaser APC, 11300 W. Olympic Blvd., Suite 910 Suite 910
Los Angeles, California 90064

RE: **Notice of Case Closure and Right to Sue**
DFEH Matter Number: 201905-06246823
Right to Sue: Sanford / Verity Health System of California, Inc. et al.

Dear Mesha Sanford,

This letter informs you that the above-referenced complaint was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective May 23, 2019 because an immediate Right to Sue notice was requested. DFEH will take no further action on the complaint.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

To obtain a federal Right to Sue notice, you must contact the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this DFEH Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Department of Fair Employment and Housing

**COMPLAINT OF EMPLOYMENT DISCRIMINATION
BEFORE THE STATE OF CALIFORNIA
DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING
Under the California Fair Employment and Housing Act
(Gov. Code, § 12900 et seq.)**

In the Matter of the Complaint of
Mesha Sanford

DFEH No. 201905-06246823

Complainant,

vs.

Verity Health System of California, Inc.
2040 E Mariposa Ave
El Segundo, California 90245

Michael Schweitzer
2040 E Mariposa Ave
El Segundo, California 90245

Respondents

1. Respondent **Verity Health System of California, Inc.** is an **employer** subject to suit under the California Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

2. Complainant **Mesha Sanford**, resides in the City of **Los Angeles** State of **California**.

3. Complainant alleges that on or about **April 16, 2019**, respondent took the following adverse actions:

Complainant was harassed because of complainant's race, disability (physical or mental), medical condition (cancer or genetic characteristic).

Complainant was discriminated against because of complainant's race, disability (physical or mental), medical condition (cancer or genetic characteristic) and as a result of the discrimination was terminated, demoted, denied a work environment free of discrimination and/or retaliation, denied reasonable accommodation for a disability.

1 **Complainant experienced retaliation** because complainant reported or resisted
2 any form of discrimination or harassment, requested or used a disability-related
3 accommodation and as a result was terminated, demoted, denied a work
4 environment free of discrimination and/or retaliation, denied reasonable
5 accommodation for a disability.

6 **Additional Complaint Details:** Mesha Sanford was employed at Verity Health
7 System of California, Inc. (Verity) from March 5, 2018 to April 2019 as the Assistant
8 Director of Managed Care/Risk Programs. During her employment, Ms. Sanford
9 was discriminated, harassed and retaliated against based on her race, African
10 American, and her medical condition, stress and anxiety.

11 On August 17, 2018, Ms. Sanford made a formal complaint to Verity's Human
12 Resources regarding harassment by her supervisor Michael Schweitzer, including
13 Mr. Schweitzer calling her obsessively, not allowing her to take a break, lunch or go
14 to the bathroom without accounting to him for her absence, his hostility toward her,
15 including yelling, and accusing her of not completing work that had already been
16 completed.

17 Ms. Sanford's harassment complaint was inadequately investigated, and no
18 remedial action was taken.

19 In retaliation for Ms. Sanford's complaint of harassment, Mr. Schweitzer reduced her
20 job duties, excluded her from meetings, delegated work directly to her subordinate,
21 allowed her subordinate to cease communicating with her, did not allow her to
22 discipline her subordinate, demoted her to the job of an analyst, and did not allow
23 her to communicate with vendors.

24 Ms. Sanford continued to complain about the harassment and retaliation in 2019 and
25 was further retaliated against by being asked to train her replacement. Ms. Sanford
26 was subsequently selected for lay off based on her race, medical condition and her
27 complaints of harassment and retaliation. Ms. Sanford is informed that Verity
28 replaced her with a consultant who is Caucasian and does not suffer from stress and
anxiety.

1 VERIFICATION

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

5 On May 23, 2019, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

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Los Angeles, CA

EXHIBIT 2

1 JOEL GLASER, ESQ. [SBN 194442]
JOEL GLASER, APC
2 11500 West Olympic Boulevard, Suite 400
Los Angeles, California 90064
3 Telephone: (310) 943-8005
Facsimile: (310) 295-1831
4
5 Attorneys for Plaintiff
MESHA SANFORD

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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF LOS ANGELES**

11 MESHA SANFORD,
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PLAINTIFF,
vs.
VERITY HEALTH SYSTEM OF
CALIFORNIA, INC. a California corporation;;
MICHAEL SCHWEITZER, an individual; and
DOES 1-50, inclusive,
DEFENDANTS.

) CASE NO.:
)
) **COMPLAINT FOR:**
) **1. VIOLATION OF CALIFORNIA**
) **LABOR CODE § 1102.5 (WHISTLE-**
) **BLOWER)**
) **2. RACIAL DISCRIMINATION IN**
) **VIOLATION OF FAIR**
) **EMPLOYMENT AND HOUSING**
) **ACT (“FEHA”) (California**
) **Government Code § 12940(a));**
) **3. DISABILITY DISCRIMINATION IN**
) **VIOLATION OF FAIR**
) **EMPLOYMENT AND HOUSING**
) **ACT (“FEHA”) (California**
) **Government Code § 12940(a));**
) **4. HARASSMENT IN VIOLATION OF**
) **FEHA, (Gov. Code §12940(J));**
) **5. RETALIATION IN VIOLATION OF**
) **FEHA, (Gov. Code §12940(h));**
) **6. FAILURE TO ENGAGE IN THE**
) **INTERACTIVE PROCESS IN**
) **VIOLATION OF FEHA (Gov. Code §**
) **12940(n));**
) **7. FAILURE TO ACCOMMODATE A**
) **DISABILITY IN VIOLATION OF**
) **FEHA (Gov. Code § 12940(m));**
) **8. WRONGFUL TERMINATION IN**
) **VIOLATION OF PUBLIC POLICY**
) **(California Labor Code §132(a));**
) **9. FAILURE TO PREVENT**
) **HARASSMENT AND**
) **DISCRIMINATION;**
) **10. VIOLATION OF CALIFORNIA**
) **LABOR CODE §§226(C) AND 1198.5**

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**(FAILURE TO PRODUCE PAYROLL
RECORDS AND PERSONNEL FILE)**

DEMAND FOR JURY TRIAL

MESHA SANFORD (hereinafter "SANFORD" or "PLAINTIFF") hereby brings his Complaint for Damages in this action and complains and alleges against VERITY HEALTH SYSTEM OF CALIFORNIA, INC., MICHAEL SCHWEITZER, and DOES 1-50 Inclusive (collectively "DEFENDANTS") as follows:

1. SANFORD is an individual who at all times herein relevant, was a resident in the County of Los Angeles, State of California.

2. SANFORD is informed and believes and thereon alleges that VERITY HEALTH SYSTEM OF CALIFORNIA, INC.(hereinafter "VERITY") is a California corporation, and at all times mentioned in this complaint, was doing business in the State of California, operating and doing business in the City of El Segundo, in the County of Los Angeles, State of California.

3. SANFORD is informed and believes and thereon alleges MICHAEL SCHWEITZER (hereinafter "SCHWEITZER ") is an individual, and at all times mentioned in this complaint, was doing business in the State of California, operating and doing business in the City of El Segundo, in the County of Los Angeles, State of California. At all times mentioned in this complaint SCHWEITZER was employed as a manager or supervisor for VERITY and was SANFORD's supervisor.

4. Between March 5, 2018 and her termination in April 2019, SANFORD was employed by VERITY at VERITY'S offices in El Segundo, California as the Assistant Director of Managed Care/Risk Programs.

5. During the entirety of her employment with VERITY, SANFORD fully and satisfactorily performed the duties of her employment. SANFORD performed her employment duties with competence and was successful in all respects of her position as alleged herein.

6. SANFORD is unaware of the true names and capabilities, whether individual, associate or otherwise, of DEFENDANTS sued herein as DOES 1 through 50, inclusive, and therefore sues such DEFENDANTS by said fictitious name. SANFORD is informed and

1 believes and thereon alleges, that DEFENDANTS DOES 1 through 50 inclusive, and each of
2 them, are in some manner liable to SANFORD, SANFORD will seek leave of Court to amend
3 this Complaint to allege their true names and capacities when the same have been ascertained.
4 SANFORD is informed and believes and thereon alleges that each of these fictitiously named
5 DOE DEFENDANTS is responsible in some manner for the occurrences alleged herein, and that
6 PLAINTIFF's injuries and damages as alleged and set forth herein were proximately caused by
7 such fictitiously named DEFENDANTS.

8 7. SANFORD is informed and believes and thereon alleges that at all times relevant
9 herein, DEFENDANTS, including VERITY, SCHWEITZER and the DOE Defendants, acted in
10 concert and in furtherance of each other's interest. The acts of any DEFENDANTS, as described
11 herein, were known to and ratified by VERITY. The acts and conduct of any and all
12 DEFENDANTS as described herein, were not a normal part of PLAINTIFF's employment and
13 were not the result of a legitimate business necessity. Each of the individual DEFENDANTS is
14 sued individually and in his/her/its or is/her/its capacity as an agent, representative, manager,
15 supervisor, independent contractor and/or employee of VERITY.

16 8. Jurisdiction and venue are proper in this action because the DEFENDANTS do
17 business in the County of Los Angeles, and the events at issue occurred in the County of Los
18 Angeles.

19 9. PLAINTIFF has met all of the jurisdictional requirements for proceeding with his
20 claims under the Fair Employment and Housing Act ("FEHA"), codified at California
21 Government Code, Section 12960, *et seq.*, by timely filing administrative complaints with the
22 Department of Fair Employment and Housing ("DFEH") and receiving a Notice of Case Closure
23 and a Right to Sue Letter ("Right to Sue Letter"). True and correct copies of PLAINTIFF'S
24 administrative complaints and the Right to Sue Letter are attached hereto as Exhibit "A." In
25 addition, PLAINTIFF has complied with the Requirements of California Government Code
26 §12962 by serving VERITY with his DFEH Charges and Right-to-Sue Letter.

27 **GENERAL ALLEGATIONS**

28 10. SANFORD incorporates by this reference each and every allegation contained in

1 Paragraph 1 through 9 above as though set forth fully below.

2 11. SANFORD began her employment at VERITY in El Segundo, California on
3 March 5, 2018 and worked there until April of 2019, when she was terminated for reasons other
4 than misconduct connected to her work performance including her race (African American)
5 suffering from a medical condition, and for complaining about unlawful conduct perpetrated by
6 DEFENDANTS.

7 12. SANFORD's final wage with VERITY was \$76.92 per hour.

8 13. During the entirety of her employment with VERITY, SANFORD fully and
9 satisfactorily performed the duties of her employment. SANFORD performed her employment
10 duties with competence and was successful in all respects of her position as alleged herein.

11 14. During her employment, SANFORD was discriminated, harassed and retaliated
12 against based on her race, African American, and her medical condition, stress and anxiety.

13 15. On August 17, 2018, SANFORD made a formal complaint to Verity's Human
14 Resources Department regarding harassment by her supervisor Michael Schweitzer, including
15 Mr. Schweitzer calling her obsessively, not allowing her to take a break, lunch or go to the
16 bathroom without accounting to him for her absence, his hostility toward her, including yelling,
17 and accusing her of not completing work that had already been completed.

18 16. SANFORD'S harassment complaint was inadequately investigated, and no
19 remedial action was taken.

20 17. In retaliation for SANFORD'S complaint of harassment, Mr. Schweitzer reduced
21 her job duties, excluded her from meetings, delegated work directly to her subordinate, allowed
22 her subordinate to cease communicating with her, did not allow her to discipline her subordinate,
23 demoted her to the job of an analyst, and did not allow her to communicate with vendors.

24 18. SANFORD continued to complain about the harassment and retaliation in 2019
25 and was further retaliated against by being asked to train her replacement. SANFORD was
26 subsequently selected for lay off based on her race, medical condition and her complaints of
27 harassment and retaliation. SANFORD is informed that VERITY replaced her with a consultant
28 who is Caucasian and does not suffer from stress and anxiety.

CAUSES OF ACTION

FIRST CAUSE OF ACTION

**VIOLATION OF CALIFORNIA LABOR CODE § 1102.5 (WHISTLE-BLOWER
STATUTE)**

(Against DEFENDANTS VERITY and Does 1 through 50)

19. SANFORD incorporates by this reference each and every allegation contained in the paragraphs above as though set forth fully below.

20. At all times herein mentioned, until her wrongful termination in or about April of 2019, Plaintiff was as employed as the Assistant Director of Managed Care/Risk Programs.

21. Up until the termination of her employment, SANFORD complained about and protested what she in good faith and reasonably believed to be in unlawful discrimination, harassment and retaliation against her in violation of FEHA .

22. Throughout her employment, SANFORD complained about and protested what she in good faith and reasonably believed to be violations of FEHA in violation of state laws. As a result of said complaints, DEFENDANTS retaliated against and wrongfully terminated SANFORD on or about April of 2019.

23. During the period of SANFORD's employment, SANFORD made numerous and repeated complaints to her supervisors and managing agents of VERITY. SANFORD has been caused and did suffer severe damage to her professional reputation as a direct result of the intentional acts and conduct of the DEFENDANTS. DEFENDANTS inflicted harm on SANFORD by reducing her job duties, excluding her from meetings, delegating work directly to her subordinate, allowing her subordinate to cease communicating with her, not allowing her to discipline her subordinate, demoting her to the job of an analyst, and not allowing her to communicate with vendors, thus fostering a hostile work environment that punished SANFORD for her complaints of unlawful conduct by her superiors.

24. By reducing her job duties, excluding her from meetings, delegating work directly to her subordinate, allowing her subordinate to cease communicating with her, not allowing her to discipline her subordinate, demoting her to the job of an analyst, and not allowing her to

1 communicate with vendors, DEFENDANTS sought to inflict maximum damage and harm to
2 SANFORD in order to avoid suspicion of their unlawful conduct.

3 25. On or about April of 2019, DEFENDANTS retaliated against and wrongfully
4 terminated SANFORD for the false and/or exaggerated and/or pretextual reason(s) alleged
5 herein.

6 26. By the acts herein alleged, DEFENDANTS violated California Labor Code §
7 1102.5.

8 27. By the aforesaid acts and conduct of DEFENDANTS, SANFORD has suffered
9 damages including, but not limited to, loss of earnings and future earning capacity, attorney's
10 fees, and other pecuniary losses in an amount to be proven at trial.

11 28. As a further direct and legal result of the acts and conduct of DEFENDANTS, as
12 aforesaid, SANFORD has been caused, and did suffer, and continues to suffer severe and
13 permanent emotional and mental distress and anguish, humiliation, embarrassment, fright, shock,
14 pain, discomfort and anxiety all to his damage in an amount to be proven at trial. SANFORD
15 has further suffered damages in the form of material harm to her professional reputation and
16 livelihood.

17 29. The aforementioned acts of DEFENDANTS were willful, wanton, malicious,
18 intentional, oppressive and despicable and were done in willful and conscious disregard of the
19 rights, welfare and safety of plaintiff, and were done by managerial agents and employees of
20 DEFENDANTS and DOES 1 through 50, and with the express knowledge, consent, and
21 ratification of managerial agents and employees of DEFENDANTS and DOES 1 through 50,
22 thereby justifying the awarding of punitive and exemplary damages in an amount to be
23 determined at the time of trial.

24 30. As a result of the retaliatory acts of DEFENDANTS, and each of them, as alleged
25 herein, Plaintiff is entitled to reasonable attorneys' fees and costs of said suit as specifically
26 provided in California Code of Civil Procedure § 1021.5.

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SECOND CAUSE OF ACTION

**DISCRIMINATION IN VIOLATION OF FEHA,
CALIFORNIA GOVERNMENT CODE §12940(A)**

(Against DEFENDANTS VERITY and Does 1 through 50)

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5 31. PLAINTIFF incorporates by this reference each and every allegation contained in
6 herein as though set forth fully below.

7 32. At all times herein mentioned, the FEHA, Government Code §12940(a), was in
8 full force and effect and binding on DEFENDANTS. These statutes required DEFENDANTS to
9 refrain from discriminating and/or harassing against any employee on the basis of RACE. Within
10 the time provided by law, PLAINTIFF filed her Complaint with the DFEH in full compliance
11 with the administrative requirements and received a right-to-sue letter. Attached as Exhibit "A"
12 is a copy of the administrative Complaint and Right-to-Sue Letter issued by the DFEH, which
13 are incorporated by reference. In addition, PLAINTIFF in a timely manner also complied with
14 the Requirements of California Government Code §12962, by serving VERITY with her DFEH
15 Charges and Right to Sue Letter.

16 33. During PLAINTIFF's employment, DEFENDANTS, through their supervisors
17 and/or agents, engaged in actions intentionally that resulted in PLAINTIFF being treated less
18 favorably because of her race.

19 34. PLAINTIFF believes and thereon alleges that her race was a motivating and
20 substantial factor in DEFENDANTS' termination of her employment.

21 35. As a proximate result of DEFENDANTS' willful, knowing and intentional
22 discrimination of PLAINTIFF, PLAINTIFF has sustained and continues to sustain substantial
23 losses in earnings and other employment benefits.

24 36. As a proximate result of DEFENDANTS' willful, knowing, and intentional
25 discrimination of PLAINTIFF, PLAINTIFF has suffered and continues to suffer severe and
26 permanent emotional and mental distress, humiliation, embarrassment, fright, shock, pain,
27 discomfort, anxiety, mental and physical pain and anguish, all to her damage in a sum according
28 to proof. The exact nature and extent of said injuries is presently unknown to PLAINTIFF, who

1 will pray leave of court to assert the same when they are ascertained.

2 37. DEFENDANTS committed the acts alleged herein willfully, maliciously, and
3 oppressively, with the wrongful intention of injuring PLAINTIFF, with an improper and
4 intentional motive amounting to malice and in conscious disregard of PLAINTIFF's rights,
5 welfare, and safety. Accordingly, PLAINTIFF requests the assessment of punitive damages
6 against VERITY in an amount appropriate to punish and make an example of them.

7 38. PLAINTIFF has been generally damaged in an amount within the jurisdictional
8 limits of this court.

9 39. PLAINTIFF has incurred and continues to incur legal expenses and attorney fees
10 and is entitled to reimbursement of his attorney's fees pursuant to California Government Code
11 §12965(b).

12 **THIRD CAUSE OF ACTION**

13 **DISABILITY-DISCRIMINATION IN VIOLATION OF FEHA,**

14 **CALIFORNIA GOVERNMENT CODE §12940(A)**

15 **(Against DEFENDANTS VERITY and Does 1 through 50)**

16 40. PLAINTIFF incorporates by this reference each and every allegation contained in
17 herein as though set forth fully below.

18 41. At all times herein mentioned, the FEHA, Government Code §12940(a), was in
19 full force and effect and binding on DEFENDANTS. These statutes required DEFENDANTS to
20 refrain from discriminating and/or harassing against any employee on the basis of a physical
21 and/or mental disability. Within the time provided by law, PLAINTIFF filed her Complaint with
22 the DFEH in full compliance with the administrative requirements and received a right-to-sue
23 letter. Attached as Exhibit "A" is a copy of the administrative Complaint and Right-to-Sue Letter
24 issued by the DFEH, which are incorporated by reference. In addition, PLAINTIFF in a timely
25 manner also complied with the Requirements of California Government Code §12962, by
26 serving VERITY with his DFEH Charges and Right to Sue Letter.

27 42. During PLAINTIFF's employment, DEFENDANTS, through their supervisors
28 and/or agents, engaged in actions intentionally that resulted in PLAINTIFF being treated less

1 favorably because of her disability. PLAINTIFF suffered from a disability as defined by FEHA,
2 specifically, stress and anxiety, suffered during the course and scope of her employment.

3 43. Despite PLAINTIFF's disability, PLAINTIFF was still able to perform the
4 essential functions of her employment for DEFENDANTS.

5 44. PLAINTIFF believes and thereon alleges that her disability was a motivating and
6 substantial factor in DEFENDANTS' termination of her employment.

7 45. As a proximate result of DEFENDANTS' willful, knowing and intentional
8 discrimination of PLAINTIFF, PLAINTIFF has sustained and continues to sustain substantial
9 losses in earnings and other employment benefits.

10 46. As a proximate result of DEFENDANTS' willful, knowing, and intentional
11 discrimination of PLAINTIFF, PLAINTIFF has suffered and continues to suffer severe and
12 permanent emotional and mental distress, humiliation, embarrassment, fright, shock, pain,
13 discomfort, anxiety, mental and physical pain and anguish, all to her damage in a sum according
14 to proof. The exact nature and extent of said injuries is presently unknown to PLAINTIFF, who
15 will pray leave of court to assert the same when they are ascertained.

16 47. DEFENDANTS committed the acts alleged herein willfully, maliciously, and
17 oppressively, with the wrongful intention of injuring PLAINTIFF, with an improper and
18 intentional motive amounting to malice and in conscious disregard of PLAINTIFF's rights,
19 welfare, and safety. Accordingly, PLAINTIFF requests the assessment of punitive damages
20 against VERITY in an amount appropriate to punish and make an example of them.

21 48. PLAINTIFF has been generally damaged in an amount within the jurisdictional
22 limits of this court.

23 49. PLAINTIFF has incurred and continues to incur legal expenses and attorney fees
24 and is entitled to reimbursement of his attorney's fees pursuant to California Government Code
25 §12965(b).

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FOURTH CAUSE OF ACTION

FAILURE TO ENGAGE IN INTERACTIVE PROCESS, CALIFORNIA

GOVERNMENT CODE §12940(N)

(Against DEFENDANTS VERITY and Does 1 through 50)

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5 50. PLAINTIFF incorporates by this reference each and every allegation contained
6 herein as though set forth fully below.

7 51. At all times herein mentioned, the FEHA, Government Code §12940(n), was in
8 full force and effect and binding on DEFENDANTS. These statutes required DEFENDANTS to
9 engage in an interactive process in assessing an employee's physical and/or mental disability in
10 order to provide a reasonable accommodation. The Government Code §12940(n) makes it an
11 unlawful employment practice for an employer to fail to engage in a timely, good faith,
12 interactive process with the employee to determine the effective reasonable accommodations, if
13 any, in response to a request for reasonable accommodation by an employee with a known
14 physical disability.

15 52. Within the time provided by law, PLAINTIFF filed her Complaint with the DFEH
16 in full compliance with the administrative requirements and received a right-to-sue letter.
17 Attached as Exhibit "A" is a copy of the administrative complaint and right-to-sue letter issued
18 by the DFEH, which are incorporated by reference.

19 53. PLAINTIFF had a qualified disability, which was known to DEFENDANTS. She
20 alleges that despite any restrictions, she could have performed the essential functions of her job.
21 DEFENDANTS, however, did not engage or engaged in an insufficient interactive process.

22 54. As a proximate result of DEFENDANTS' willful, knowing and intentional
23 discrimination against PLAINTIFF, by failing to engage in an interactive process concerning her
24 disability, PLAINTIFF has sustained and continues to sustain substantial losses in earnings and
25 other employment benefits.

26 55. As a proximate result of DEFENDANTS' willful, knowing, and intentional
27 discrimination against PLAINTIFF, by failing to engage in an interactive process concerning her
28 disability, PLAINTIFF has suffered and continues to suffer humiliation, emotional distress, and

1 physical and mental pain and anguish, all to his damage in a sum according to proof.

2 56. DEFENDANTS committed the acts herein alleged maliciously and oppressively,
3 with the wrongful intention of injuring PLAINTIFF, with an improper and intentional motive
4 amounting to malice and in conscious disregard of PLAINTIFF's sights. Accordingly,
5 PLAINTIFF requests the assessment of punitive damages against DEFENDANTS in an amount
6 appropriate to punish and make an example of Defendant.

7 57. PLAINTIFF has incurred and continues to incur legal expenses and attorney fees
8 and seeks reimbursement of his attorney's fees pursuant to California Government Code,
9 §12965(b).

10 **FIFTH CAUSE OF ACTION**

11 **FAILURE TO ACCOMMODATE DISABILITY IN VIOLATION OF FEHA,**
12 **CALIFORNIA GOVERNMENT CODE §12940(M)**
13 **(Against DEFENDANTS VERITY and Does 1 through 50)**

14 58. PLAINTIFF incorporates by this reference each and every allegation contained
15 herein as though set forth fully below.

16 59. At all times herein mentioned, the FEHA, Government Code §12940(m), was in
17 full force and effect and binding on DEFENDANTS. This statute affirmed DEFENDANTS' duty
18 to make reasonable accommodations for the known physical and/or mental disabilities of
19 PLAINTIFF. This statute further required DEFENDANTS to engage in an interactive process to
20 reach a reasonable accommodation for an employee's disability.

21 60. PLAINTIFF alleges that DEFENDANTS failed to reasonably accommodate her
22 disabilities. PLAINTIFF further alleges that DEFENDANTS failed to engage in an interactive
23 process to reach a reasonable accommodation concerning PLAINTIFF's disabilities.
24 PLAINTIFF believes and thereon alleges that her request to DEFENDANTS' for a reasonable
25 accommodation concerning her disabilities, specifically, her stress and anxiety, and the required
26 treatment that was needed were individually or in combination, motivating and substantial
27 factors in DEFENDANTS' termination of her employment.

28 61. As a proximate result of DEFENDANTS' willful, knowing and intentional

1 discrimination against PLAINTIFF, as a result of DEFENDANTS' failure to reasonably
2 accommodate PLAINTIFF's disabilities, and as a result of DEFENDANTS' failure to engage in
3 an interactive process to reach a reasonable accommodation concerning PLAINTIFF'S
4 disabilities, PLAINTIFF has sustained and continues to sustain substantial losses in earnings and
5 other employment benefits.

6 62. As a proximate result of DEFENDANTS' willful, knowing, and intentional
7 discrimination against PLAINTIFF, as a result of DEFENDANTS' failure to reasonably
8 accommodate PLAINTIFF'S disabilities, and as a result of DEFENDANTS' failure to engage in
9 an interactive process to reach a reasonable accommodation concerning PLAINTIFF'S
10 disabilities, PLAINTIFF has suffered and continues to suffer humiliation, emotional distress, and
11 physical and mental pain and anguish, all to his damage in a sum according to proof.

12 63. DEFENDANTS' discrimination against PLAINTIFF because of her disabilities
13 and because of PLAINTIFF'S request for reasonable accommodation was intentionally done in a
14 malicious and oppressive manner, entitling PLAINTIFF to punitive damages. PLAINTIFF
15 alleges that DEFENDANTS', by terminating her, and without providing her with reasonable
16 accommodation concerning her disabilities, acted with intent to cause injury or that
17 DEFENDANTS' conduct was despicable and was done with a willful and knowing disregard of
18 the rights or safety of PLAINTIFF. PLAINTIFF further alleges that VERITY, by terminating her
19 because of her disability, the treatment of his disability, and because of his request for a
20 reasonable accommodation concerning her disabilities, acted with knowing disregard as they
21 were aware of the probable consequences of their conduct and deliberately failed to avoid those
22 consequences.

23 64. PLAINTIFF further alleges that DEFENDANTS' termination of her employment
24 because of her disabilities, the treatment of her disabilities, because of her request for a
25 reasonable accommodation concerning her disabilities were despicable as DEFENDANTS'
26 actions were so vile, base, or contemptible that it would be looked down upon and despised by
27 reasonable people. PLAINTIFF further alleges that DEFENDANTS' by termination of her
28 employment because of her disabilities, the treatment of her disabilities and because of

1 PLAINTIFF's request for reasonable accommodation, DEFENDANTS subjected PLAINTIFF to
2 cruel and unjust hardship in knowing disregard of PLAINTIFF's rights. Accordingly,
3 PLAINTIFF, requests the assessment of punitive damages against DEFENDANTS in an amount
4 appropriate to punish and make an example of DEFENDANTS.

5 65. PLAINTIFF has incurred and continues to incur legal expenses and attorneys'
6 fees according to proof as a result of DEFENDANTS' wrongful conduct.

7 **SIXTH CAUSE OF ACTION**

8 **WRONGFUL TERMINATION IN VIOLATION OF PUBLIC POLICY**

9 **(Against DEFENDANTS VERITY and Does 1 through 50)**

10 66. PLAINTIFF incorporates by this reference each and every allegation contained
11 herein as though set forth fully below.

12 67. The right to discharge an employee under any contract of employment is limited
13 by considerations of public policy. The FEHA, Government Code §12940 et. seq. provides a
14 fundamental public policy that ensures employees the right to be free from harassment and
15 discrimination based upon race, the right to reasonable accommodation, the right to a good faith
16 interactive process, and the right to be free from retaliation. Labor Code Section 1102.5 further
17 provides a fundamental public policy regarding the right to be free from retaliation for reporting
18 suspected unlawful conduct.

19 68. In or about April 2019, and prior thereto, an employment relationship existed
20 between PLAINTIFF and DEFENDANTS. In or about April 2019, DEFENDANTS terminated
21 PLAINTIFF's employment due to her race and her disability, and/or request for accommodation.
22 DEFENDANTS and their employees harassed and retaliated against PLAINTIFF then continued
23 their discrimination against PLAINTIFF by wrongfully terminating her employment.
24 DEFENDANTS' wrongful termination of PLAINTIFF's employment was in violation of a
25 fundamental and substantial public policy, in that a substantial motivating factor in the decision
26 to terminate PLAINTIFF was based on her race, her disability and her complaints of unlawful
27 discrimination and harassment by DEFENDANTS.

28 69. DEFENDANTS' conduct amounts to intolerable and discriminatory working

1 conditions amounting to wrongful discharge. PLAINTIFF complained about the discrimination
2 and harassments, and attempted not once, but several times to seek an accommodation, but was
3 refused the same. When PLAINTIFF continued her requests for accommodations and to attempt
4 engaging in the interactive process, she was harassed and retaliated against and eventually
5 wrongfully terminated. Alternatively, DEFENDANTS conduct amounts to retaliation under
6 Labor Code §1102.5.

7 70. PLAINTIFF, is informed and believes and thereupon alleges that DEFENDANTS
8 acted with the intent of causing PLAINTIFF to suffer financial loss and severe emotional and
9 physical distress and therefore, acted oppressively, fraudulently, and maliciously with the willful
10 and conscious disregard of the rights of PLAINTIFF, and by reason thereof, PLAINTIFF, is
11 entitled to recover, in addition to her actual damages, exemplary damages against
12 DEFENDANTS.

13 71. As a direct and proximate result of said wrongful termination, PLAINTIFF has
14 sustained economic damages for past and prospective loss of earnings and benefits, according to
15 proof.

16 72. As a further direct and proximate result of said wrongful termination, PLAINTIFF
17 sustained general damages for severe emotional and mental distress in sums according to proof.

18 73. DEFENDANTS acted with malice and oppression toward PLAINTIFF and with
19 conscious disregard of PLAINTIFF'S rights and PLAINTIFF is accordingly entitled to punitive
20 and exemplary damages against DEFENDANTS

21 **SEVENTH CAUSE OF ACTION**

22 **RETALIATION IN VIOLATION OF CALIFORNIA GOVERNMENT CODE § 12940(H)**

23 **(Against DEFENDANTS VERITY and Does 1 through 50)**

24 74. PLAINTIFF incorporates by this reference each and every allegation contained
25 herein as though set forth fully below.

26 75. Government Code Section 12940(h) proscribes unlawful retaliation by employers
27 against employees based on the employee having protested what the employee reasonably
28 believes to be a violation of the FEHA.

1 76. By virtue of the conduct set forth above, DEFENDANTS violated said statute in
 2 that a substantial motivating factor for such adverse employment actions was to discriminate
 3 against PLAINTIFF based on her disability and race.

4 77. As a direct and proximate result of the said retaliation PLAINTIFF sustained
 5 economic damages for past and prospective loss of earnings and benefits, according to proof.

6 78. As a further and direct and proximate result of the said retaliation PLAINTIFF
 7 sustained general damages for severe mental and emotional distress in sums prayed.

8 79. DEFENDANTS acted with malice and oppression toward PLAINTIFF and with
 9 conscious disregard of PLAINTIFF’s rights and PLAINTIFF is accordingly entitled to punitive
 10 damages in sums sufficient to punish said DEFENDANTS and set an example in view of their
 11 financial condition.

12 80. PLAINTIFF is further entitled to an award of statutory attorney’s fees for
 13 bringing this action pursuant to Government Code §12965(b).

14 **EIGHTH CAUSE OF ACTION**

15 **HARASSMENT IN VIOLATION OF CALIFORNIA GOVERNMENT CODE §12940(J)**

16 **(Against all DEFENDANTS)**

17 81. PLAINTIFF incorporates by this reference each and every allegation contained
 18 herein as though set forth fully below.

19 82. The California state legislature passed the FEHA, which prohibits harassment
 20 based on race and/or physical disability. FEHA was codified under Government Code sections
 21 12900 et seq. In pertinent part, section 12940 (j) states that: “it is unlawful employment practice
 22 for an employer to harass an employee on the basis of his or her race and.... physical disability.”

23 83. DEFENDANTS, repeatedly harassed PLAINTIFF throughout the course and time
 24 of her employment. DEFENDANTS subjected PLAINTIFF to unwanted and harassing conduct
 25 in several ways, including, but not limited to reducing her job duties, excluding her from
 26 meetings, delegating work directly to her subordinate, allowing her subordinate to cease
 27 communicating with her, not allowing her to discipline her subordinate, demoting her to the job
 28 of an analyst, and not allowing her to communicate with vendors, thus fostering a hostile work

1 environment that punished SANFORD for her complaints of unlawful conduct by her superiors.

2 84. That said harassment, was unwelcome, offensive, severe, pervasive, hostile,
3 abusive, and created a hostile work environment for PLAINTIFF at DEFENDANTS' place of
4 business. Further, said harassment unreasonably interfered with PLAINTIFF's work, specifically
5 affecting the performance of PLAINTIFF's employment duties and responsibilities.

6 85. DEFENDANTS' employees, including SANFORD'S supervisor SCHWEITZER,
7 engaged in the aforesaid unwanted verbal and physical conduct based on her race and/or
8 disability.

9 86. PLAINTIFF made it known to DEFENDANTS that the harassment by
10 SCHWEITZER was offensive and unwelcome, and that DEFENDANTS took no remedial or
11 corrective action to prevent the harassment from continuing.

12 87. A reasonable person of PLAINTIFF's ability in PLAINTIFF's circumstances
13 would have considered the work environment to be hostile or abusive.

14 88. PLAINTIFF considered her work environment to be hostile and abusive.

15 89. DEFENDANTS engaged in the aforesaid harassing conduct and DEFENDANTS,
16 and each of them, knew or should have known of the conduct and failed to take immediate and
17 appropriate corrective action.

18 90. PLAINTIFF was harmed by DEFENDANTS' conduct and actions.

19 91. DEFENDANTS' conduct was a substantial factor in causing PLAINTIFF's harm.

20 92. As a direct and proximate result of the wrongful conduct of DEFENDANTS,
21 PLAINTIFF has suffered and continues to suffer substantial losses in earnings and job benefits,
22 and has suffered humiliation, extreme and severe mental anguish, emotional distress normally
23 associated with similar employment law claims, and pain and suffering.

24 93. That the conduct of DEFENDANTS, and each of them, constitutes outrageous
25 conduct, done willfully, with oppression or malice, or with conscious disregard for
26 PLAINTIFF's right to be free from such treatment and with the intent, design, and purpose of
27 injuring him, and was carried out by employees of VERITY By reason thereof, PLAINTIFF is
28 entitled to punitive and exemplary damages from DEFENDANTS, in an amount appropriate to

1 punish and make an example of VERITY.

2 94. That PLAINTIFF has incurred and continues to incur attorney fees and legal
3 expenses in an amount according to proof at the time of trial and seeks the same pursuant to
4 California Code of Civil Procedure §1021.5, California Government Code § 12965, or as
5 otherwise permitted by law.

6 **NINTH CAUSE OF ACTION**

7 **FAILURE TO PREVENT HARASSMENT AND DISCRIMINATION**

8 **(Against DEFENDANTS VERITY and Does 1 through 50)**

9 95. PLAINTIFF incorporates by this reference each and every allegation contained
10 herein as though set forth fully below.

11 96. That California Government Code §12940(k) provides that it is unlawful for an
12 employer to fail to take all reasonable steps necessary to prevent discrimination and harassment
13 from occurring.

14 97. That PLAINTIFF was an employee of DEFENDANTS at all relevant times.

15 98. That PLAINTIFF was subjected to harassing conduct and discrimination on the
16 basis of her race and disability, request for accommodations and attempts to engage in the
17 interactive process by way of severe and pervasive conduct that effected a hostile and abusive
18 work environment.

19 99. PLAINTIFF did not consent to or welcome the harassment or discrimination.

20 100. DEFENDANTS had actual and constructive knowledge and notice of the
21 harassment and discrimination perpetrated by its employees and knowingly allowed it to
22 continue in blatant disregard for PLAINTIFF's rights and for the harm it caused to PLAINTIFF.
23 Moreover, DEFENDANTS were aware of the risks associated with its employees continued
24 harassment and discrimination as supervisors with actual, ostensible, and apparent authority over
25 the terms and conditions of PLAINTIFF's employment.

26 101. DEFENDANTS failed to take reasonable steps to prevent the foregoing
27 harassment and discrimination, having carried out no substantial or effective remedial steps
28 following its employees' continual misconduct.

1 102. PLAINTIFF was harmed and DEFENDANTS' failure to take reasonable steps to
2 prevent the foregoing harassment and discrimination was a substantial factor in causing
3 PLAINTIFF's harm.

4 103. As a direct and proximate result of the said failure to prevent harassment and
5 discrimination, PLAINTIFF sustained economic damages for past and prospective loss of
6 earnings and benefits, according to proof.

7 104. As a further and direct and proximate result of the said failure to prevent
8 harassment and discrimination, PLAINTIFF sustained general damages for severe mental and
9 emotional distress in sums prayed.

10 105. DEFENDANTS acted with malice and oppression toward PLAINTIFF and with
11 conscious disregard of PLAINTIFF's rights and PLAINTIFF is accordingly entitled to punitive
12 damages in sums sufficient to punish said DEFENDANTS and set an example in view of their
13 financial condition.

14 106. PLAINTIFF is further entitled to an award of statutory attorney's fees for
15 bringing this action pursuant to Gov. Code §12965(b).

16 **TENTH CAUSE OF ACTION**

17 **VIOLATION OF CALIFORNIA LABOR CODE §§226(c) and 1198.5**

18 **(Against DEFENDANTS VERITY and Does 1 through 50)**

19 107. PLAINTIFF incorporates by this reference each and every allegation contained
20 herein as though set forth fully below.

21 108. PLAINTIFF, is informed and believes, and thereon alleges that DEFENDANTS
22 have intentionally and knowingly failed to comply with California Labor Code §§226 (c) and
23 1198.5.

24 109. DEFENDANTS intentionally and knowingly failed to provide PLAINTIFF with a
25 copy of his payroll records and with a copy of his personnel file despite request for each on June
26 7, 2019.

27 110. PLAINTIFF, is entitled to damages pursuant to Labor Code §§226(f) and
28 1198.5(k) in the amount of \$750 per violation.

1 111. PLAINTIFF, is informed and believes, and thereon alleges that DEFENDANTS
2 have intentionally and knowingly failed to comply with Labor Code §§226(c) and 1198.5.

3 112. Pursuant to Labor Code §226(h), PLAINTIFF is entitled to an injunction
4 compelling the production of his personnel records and his attorneys' fees and costs in being
5 compelled to bring these actions to compel compliance with the Labor Code.

6 **PRAYER FOR RELIEF**

7 WHEREFORE, PLAINTIFF, prays for judgment as follows:

- 8 1. All special damages, including past, present and future loss of earnings, loss of earning
9 capacity and medical expenses, according to proof,
- 10 2. General damages for emotional distress and mental anguish in a sum according to proof;
- 11 3. Exemplary and punitive damages in a sum appropriate to punish Defendants and set an
12 example for others;
- 13 4. For a \$10,000 civil penalty for violation of Labor Code §1102.5.
- 14 5. For attorneys' fees, interests and costs pursuant to the FEHA, the Labor Code and Code
15 of Civil Procedure §1021.5;
- 16 6. For an award of \$750 for the failure to provide Plaintiff with his payroll records and
17 personnel file.
- 18 7. For attorneys' fees and costs in being compelled to bring these actions to compel
19 compliance with the Labor Code.
- 20 8. For such other relief as the Court deems just and equitable
- 21 9. Prejudgment interest at the prevailing legal rate;
- 22 10. For such other and further relief as the Court deems just and proper; and

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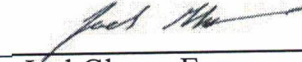
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DEMAND FOR JURY TRIAL

PLAINTIFF hereby demands trial of her claims by jury to the extent authorized by law.

Dated: September 20, 2019

JOEL GLASER, APC

By: 

Joel Glaser, Esq.
Attorneys for Plaintiff
MESHA SANFORD

EXHIBIT 3

John A. Moe, II
Partner
john.moe@dentons.com
D +1 213 892 4905

October 3, 2019

15800425.3

VIA E-MAIL

Joel P. Glaser
Joel Glaser APC
11500 West Olympic Boulevard, Suite 400
Los Angeles, California 90064-1525
joel@glaserlaw.org

Re: *Mesha Sanford v. Verity Health System of California, Inc.*;
Superior Court of the State of California, for the County of Los Angeles;
LASC Case No. 19STCV33618

Dear Mr. Glaser:

On August 31, 2018, Verity Health System of California, Inc. (“VHS”), located at 2040 East Mariposa Avenue, El Segundo, California 90245, filed voluntary petitions (pertinent pages attached hereto) for relief under chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101-1532, which commenced case number 2:18-bk-20151-ER, now pending in the United States Bankruptcy Court for the Central District of California, Los Angeles Division.

On September 20, 2019, you filed a Complaint in behalf of Mesha Sanford in the Superior Court for the State of California for the County of Los Angeles, against VHS.

Under the Bankruptcy Code, the commencement of a bankruptcy case invokes an automatic stay on the “commencement of continuation, including the issuance or employment of process, of a judicial, administrative, or other action or proceeding against the debtor that was or could have been commenced before the commencement of the case under [the Bankruptcy Code], or to recover a claim against the debtor that arose before the commencement of the case under [the Bankruptcy Code].” 11 U.S.C. § 362(a)(1). “The automatic stay is self-executing, effective upon the filing of the bankruptcy petition.” *Gruntz v. County of Los Angeles (In re Gruntz)*, 202 F.3d 1074, 1081 (9th Cir. 2000) (*en banc*). Acts taken in violation of the automatic stay are void, and may result in a creditor being held in contempt. *Gruntz*, 202 F.3d at 1082; *Johnston Environmental Corp. v. Knight (In re Goodman)*, 991 F.2d 613 (9th Cir.1993).

I have reviewed Plaintiff's Second (Racial Discrimination), Third (Disability Discrimination), Fourth (Failure to Engage in the Interactive Process), Fifth (Failure to Accommodate Disability), Eight (Harassment), and Ninth (Failure to Prevent Harassment and Discrimination) Causes of Action. Based on Plaintiff's pleading, some of these actions on their face arose pre-petition.

In Paragraph 15, Plaintiff states that on August 17, 2018, she complained to HR about her supervisor's alleged "harassing" conduct, including "calling her obsessively, not allowing her to take a break, lunch or go to the bathroom without accounting to him for her absence, his hostility toward her, including yelling, and accusing her of not completing work that had already been completed." Based on Plaintiff's own characterization, all this conduct arose pre-petition - prior to VHS's August 31, 2018 bankruptcy filing.

Paragraph 15 directly corresponds to Plaintiff's Harassment and Failure to Prevent Harassment Cause of Action (which exists only to the extent Plaintiff can establish the underlining claim). Since these Actions arose pre-petition, Plaintiff will violate the automatic stay if she maintains them against VHS.

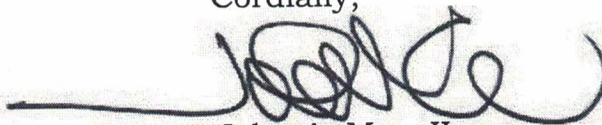
To the extent Plaintiff relies on Paragraph 15 to support her two Discrimination Causes of Action, they are likewise stayed.

Finally, from the sparse factual allegations, it is unclear when Plaintiff suffered her alleged disability and when she allegedly requested an accommodation. Please clarify when these actions occurred. To the extent they arose pre-petition, Plaintiff's Failure to Engage in the Interactive Process and Failure to Accommodate Causes of Action are equally subject to the automatic stay.

Unless you voluntarily dismiss those causes of action, asserted in violation of the Stay, as to VHS the Debtors will file a Motion in the Bankruptcy Court seeking the entry of an Order enforcing the automatic stay, requesting the dismissal of those causes of action that are asserted in violation of the Stay, as to VHS, and requesting the Court to award sanctions for the willful violation of the automatic stay, including costs incurred by the Debtors for prosecuting the motion.

Counsel for the Debtors may be contacted for further information at the address and telephone number listed above.

Cordially,



John A. Moe, II

Encl. 1

Fill in this information to identify the case:

United States Bankruptcy Court for the:
Central District of California
(State)

Case number (if known): _____ Chapter 11

Check if this is an amended filing

Official Form 201

Voluntary Petition for Non-Individuals Filing for Bankruptcy

04/16

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and the case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name Verity Health System of California, Inc.

2. All other names debtor used in the last 8 years
 Include any assumed names, trade names, and *doing business* as names

3. Debtor's federal Employer Identification Number (EIN) 9 1 - 2 1 4 5 4 8 4

4. Debtor's address

<p>Principal place of business</p> <p><u>2040 E. Mariposa Avenue</u> <small>Number Street</small></p> <p><u>El Segundo</u> <u>CA</u> <u>90245</u> <small>City State ZIP Code</small></p> <p><u>Los Angeles County</u> <small>County</small></p>	<p>Mailing address, if different from principal place of business</p> <p>_____ <small>Number Street</small></p> <p>_____ <small>P.O. Box</small></p> <p>_____ <small>City State ZIP Code</small></p> <p>Location of principal assets, if different from principal place of business</p> <p>_____ <small>Number Street</small></p> <p>_____ <small>City State ZIP Code</small></p>
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5. Debtor's website (URL) https://verity.org

6. Type of debtor

Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))

Partnership (excluding LLP)

Other. Specify: _____

Debtor Verity Health System of California, Inc. Case number (if known) _____
Name

7. Describe debtor's business

A. Check one:

- Health Care Business (as defined in 11 U.S.C. § 101(27A))
- Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
- Railroad (as defined in 11 U.S.C. § 101(44))
- Stockbroker (as defined in 11 U.S.C. § 101(53A))
- Commodity Broker (as defined in 11 U.S.C. § 101(6))
- Clearing Bank (as defined in 11 U.S.C. § 781(3))
- None of the above

B. Check all that apply:

- Tax-exempt entity (as described in 26 U.S.C. § 501)
- Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. § 80a-3)
- Investment advisor (as defined in 15 U.S.C. § 80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor. See <http://www.naics.com/search/>.

6 2 2 1

8. Under which chapter of the Bankruptcy Code is the debtor filing?

Check one:

- Chapter 7
- Chapter 9
- Chapter 11. Check all that apply:
 - Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,566,050 (amount subject to adjustment on 4/01/19 and every 3 years after that).
 - The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). If the debtor is a small business debtor, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if all of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
 - A plan is being filed with this petition.
 - Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
 - The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the *Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11* (Official Form 201A) with this form.
 - The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.
- Chapter 12

9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?

- No
- Yes. District _____ When _____ Case number _____
MM / DD / YYYY
- District _____ When _____ Case number _____
MM / DD / YYYY

If more than 2 cases, attach a separate list.

10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?

- No
- Yes. Debtor See attached list. Relationship _____
District _____ When _____
MM / DD / YYYY
- Case number, if known _____

List all cases. If more than 1, attach a separate list.

Debtor Verity Health System of California, Inc. Case number (if known) _____
Name

11. Why is the case filed in this district? *Check all that apply:*

Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.

A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

12. Does the debtor own or have possession of any real property or personal property that needs immediate attention? No

Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.

Why does the property need immediate attention? *(Check all that apply.)*

- It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.
What is the hazard? _____
- It needs to be physically secured or protected from the weather.
- It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).
- Other _____

Where is the property? _____

Number	Street		

		City	State ZIP Code

Is the property insured?

- No
 - Yes. Insurance agency _____
- Contact name _____
- Phone _____

Statistical and administrative information

13. Debtor's estimation of available funds *Check one:*

Funds will be available for distribution to unsecured creditors.

After any administrative expenses are paid, no funds will be available for distribution to unsecured creditors.

14. Estimated number of creditors

<input type="checkbox"/> 1-49	<input type="checkbox"/> 1,000-5,000	<input type="checkbox"/> 25,001-50,000
<input type="checkbox"/> 50-99	<input type="checkbox"/> 5,001-10,000	<input type="checkbox"/> 50,001-100,000
<input checked="" type="checkbox"/> 100-199	<input type="checkbox"/> 10,001-25,000	<input type="checkbox"/> More than 100,000
<input type="checkbox"/> 200-999		

15. Estimated assets

<input type="checkbox"/> \$0-\$50,000	<input type="checkbox"/> \$1,000,001-\$10 million	<input checked="" type="checkbox"/> \$500,000,001-\$1 billion
<input type="checkbox"/> \$50,001-\$100,000	<input type="checkbox"/> \$10,000,001-\$50 million	<input type="checkbox"/> \$1,000,000,001-\$10 billion
<input type="checkbox"/> \$100,001-\$500,000	<input type="checkbox"/> \$50,000,001-\$100 million	<input type="checkbox"/> \$10,000,000,001-\$50 billion
<input type="checkbox"/> \$500,001-\$1 million	<input type="checkbox"/> \$100,000,001-\$500 million	<input type="checkbox"/> More than \$50 billion

Debtor Verity Health Systems of California, Inc. Case number (if known) _____
 Name

16. Estimated liabilities
- | | | |
|--|--|---|
| <input type="checkbox"/> \$0-\$50,000 | <input type="checkbox"/> \$1,000,001-\$10 million | <input checked="" type="checkbox"/> \$500,000,001-\$1 billion |
| <input type="checkbox"/> \$50,001-\$100,000 | <input type="checkbox"/> \$10,000,001-\$50 million | <input type="checkbox"/> \$1,000,000,001-\$10 billion |
| <input type="checkbox"/> \$100,001-\$500,000 | <input type="checkbox"/> \$50,000,001-\$100 million | <input type="checkbox"/> \$10,000,000,001-\$50 billion |
| <input type="checkbox"/> \$500,001-\$1 million | <input type="checkbox"/> \$100,000,001-\$500 million | <input type="checkbox"/> More than \$50 billion |

Request for Relief, Declaration, and Signatures

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

17. Declaration and signature of authorized representative of debtor
- The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.
 - I have been authorized to file this petition on behalf of the debtor.
 - I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

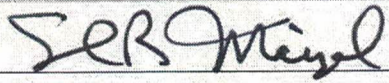
Executed on 08/31/2018
 MM / DD / YYYY

x 
 Signature of authorized representative of debtor

Title Chief Executive Officer

Richard Adcock
 Printed name

18. Signature of attorney

x 
 Signature of attorney for debtor

Date 08/31/2018
 MM / DD / YYYY

Samuel R. Maizel (Bar No. 189301)
 Printed name

Dentons US LLP
 Firm name

601 South Figueroa Street, Suite 2500
 Number Street

Los Angeles CA 90017-5704
 City State ZIP Code

(213) 623-9300 samuel.maizel@dentons.com
 Contact phone Email address

189301 CA
 Bar number State

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 11500 West Olympic Boulevard, Suite 400, Los Angeles, California 90064-1525.

A true and correct copy of the foregoing document described as CREDITOR MESHA SANFORD'S REPLY TO DEBTOR'S OPPOSITION TO MOTION FOR RELEIF FROM STAY TO PROCEED WITH STATE COURT CLAIMS FOR UNLAWFUL EMPLOYMENT PRACTICES will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner indicated below:

I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF") – Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s) ("LBR"), the foregoing document will be served by the court via NEF and hyperlink to the document. On February 14, 2020, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email address(es) indicated below:

Service information continued on attached page

II. SERVED BY U.S. MAIL:

On February 14, 2020, I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Judge Ernest Robles, Suite 1560, 255 East Temple Street, Los Angeles, California 90012
Verity Health System of California, Inc., 2040 E. Mariposa Avenue, El Segundo, CA 90245
Samuel R. Maizel, Dentons US LLP, 601 South Figueroa Street, Suite 2500, Los Angeles, CA 90017
Gregory A. Bray, Milbank LLP, 2029 Century Park East, 33rd Floor, Los Angeles, CA 90067

Service information continued on attached page

III. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (indicate method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on February, 2020 I served the following person(s) and/or entity(ies) by personal delivery, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

February 14, 2020
Date

RICHARD T. BAUM
Type Name

/s/ Richard T. Baum
Signature

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

December 2012

F 9013-3.1

In re VERITY HEALTH SYSTEMS OF CALIFORNIA, INC.

2:18-bk-20151 ER

Notice of Electronic Filing List

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