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16 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
17 **FOR THE COUNTY OF LOS ANGELES**
18

19 AYSHA KHOURY, MD, MPH,
20
21 Plaintiff,
22
23 v.
24 KAISER PERMANENTE BERNARD J.
25 TYSON SCHOOL OF MEDICINE, INC., a
26 California non-profit public benefit
27 corporation; Does 1-20,
28
29 Defendants.

CASE NO. _____

COMPLAINT
JURY TRIAL DEMANDED

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31
32 **SUMMARY OF THE COMPLAINT**

33 1. Dr. Aysha Khoury left her life-long home, family, and a stellar career in medicine
34 for her dream job as a member of the faculty teaching the first class of students at the Kaiser
35 Permanente Bernard J. Tyson School of Medicine (“KPSOM” or the “School”). Dr. Khoury soon
36 learned that the school did not live up to its promise when she experienced devastating

1 discrimination that climaxed in her suspension for teaching students about bias in medicine and
2 ended with her discharge for mobilizing against race-gender bias in the workplace. KPSOM’s
3 discrimination and retaliation have caused severe harm to Dr. Khoury. This suit seeks to redress
4 those harms.

5 **THE PARTIES**

6 2. Dr. Aysha Khoury, MD, MPH. Plaintiff Dr. Khoury is a Black woman who resides
7 in Los Angeles County, California. She was employed by the Kaiser Permanente J. Bernard Tyson
8 School of Medicine, Inc., from July, 2019 to January 31, 2021.

9 3. Kaiser Permanente Bernard J. Tyson School of Medicine, Inc., Defendant. KPSOM
10 is a California non-profit public benefit corporation first formed in 2016. The declared purposes of
11 the School include “(ii) advancing diversity and inclusion in the medical workforce to better meet
12 the needs of underserved and disadvantaged populations.” [Amended and Restated Articles of
13 Incorporation, Article 2.B.].

14 **JURISDICTION AND VENUE**

15 4. The Court has jurisdiction over this matter because the Defendant is a California
16 Non-Profit Corporation with a principal place of business in Los Angeles County, California. The
17 amount in controversy exceeds \$25,000.00.

18 5. Venue is proper because the acts and events in the complaint occurred within Los
19 Angeles County or were directed by the School from its site in Los Angeles County. The School
20 identified its address with the Secretary of State as 393 E. Walnut Street, Pasadena, California,
21 91188. Plaintiff worked at the School’s location at 98 S. Los Robles Avenue, Pasadena,
22 California, 91101.

23 **ADMINISTRATIVE EXHAUSTION**

24 6. On March 3, 2021, Dr. Khoury filed her charge of discrimination and retaliation
25 with the DFEH, naming the School as the Respondent. She received her right to sue that day.

26 **FACTS**

27 **I. Dr. Khoury is an Accomplished Physician and Educator.**

28 7. Dr. Khoury is an award-winning, Board Certified physician and Fellow of the

1 American College of Physicians. She completed two medical residencies and earned a master’s
2 degree in Public Health. She is an educator and advocate for equity in healthcare.

3 8. Dr. Khoury earned her Bachelor of Science in Biology at Georgia State University
4 in 2000. In 2005, Dr. Khoury earned her M.D. from the Morehouse School of Medicine in
5 Atlanta, Georgia. She completed a one-year internship in Internal Medicine at the Medical
6 College of Georgia in 2006.

7 9. Dr. Khoury completed two residencies, an internal medicine residency in 2008 at
8 the Medical College of Georgia and General Preventative Medicine and Public Health residency in
9 2011 at the Morehouse School of Medicine (“Morehouse”). During the second residency, she
10 earned a Master’s in Public Health at Morehouse, with a major in Health Administration, Policy
11 and Management.

12 10. From 2012 to 2019, Dr. Khoury worked for The Southeast Permanente Medical
13 Group in Georgia (“TSPMG”) in a dual role as employee physician and Supplemental Physician in
14 the Emergency Care Management Hub. At TSPMG Dr. Khoury was the first doctor to serve as a
15 Clinical Decision Unit Internist developing admission, management, and discharge processes to
16 improve patient care; establishing treatment protocols and order sets to improve patient
17 management; developing a physician feedback tool for a stress testing initiative; identifying areas
18 for improvement in quality of care; preparing and presenting educational materials to team
19 physicians; developing and teaching an educational series to the nursing staff; completing chart
20 reviews on 90-day treatment outcomes; developing interdepartmental work flows to improve
21 efficiency; and onboarding newly hired physicians and midlevel providers. When working with
22 the Emergency Care Management Hub, Dr. Khoury facilitated patient care transfers and provided
23 patient information to non-Kaiser physicians treating Kaiser patients.

24 11. Additionally, while with TSPMG Dr. Khoury worked in academia as an admissions
25 committee member and Adjunct Clinical Assistant Professor at Morehouse. As an Alumni-
26 interviewer, Dr. Khoury interviewed and evaluated medical school applicants. As an adjunct
27 professor, she designed classroom and clinic-based curriculum, taught small groups and led
28 didactic sessions for the entire clerkship cohort, and evaluated and advised third year medical

1 students regarding their clinical progress.

2 12. Dr. Khoury’s awards include the Joseph E. Johnson Grant Award for the American
3 College of Physicians, a Chapter award from the American College of Physicians for outstanding
4 volunteerism and advocacy, and induction into Morehouse’s White Coat Society for demonstrating
5 compassionate care and community service in the practice of medicine.

6 13. Dr. Khoury is a tireless community educator focused on young people and women.
7 While in Atlanta, she spoke at churches, schools and community organizations on public health
8 and health care related topics, volunteered at Georgia emergency response service (“SERVGA”)
9 and provided medical services in state-wide emergencies. Dr. Khoury’s civic engagement
10 continued when she moved to Los Angeles County. In 2020, Dr. Khoury served as a Planning
11 Committee Member for the Young African American Women’s Conference, and for the Los
12 Angeles First United Methodist Church, she developed and presented a COVID-19 pandemic
13 safety video series.

14 **II. The Kaiser Permanente Bernard J. Tyson School of Medicine was Founded on a**
15 **Stated Commitment to Equity, Inclusion and Diversity.**

16 14. In December 2015, Kaiser Permanente announced its plan to open a medical school
17 in Southern California. Kaiser’s announcement promised that:

18 [T]he school will redesign physician education around strategic
19 pillars that include providing high-quality care beyond traditional
20 medical settings, acknowledging the central importance of
21 collaboration and teamwork to inform treatment decisions, and
22 addressing disparities in health.

23 15. In 2017, Dr. Mark Schuster was named the Founding Dean and CEO of the School.
24 He continues to hold these positions. Dr. Schuster’s “Office of the Dean” page includes the
25 promise that graduates will “be excellent clinicians in every field of medicine . . . [and] will
26 practice person-centered care, appreciate the many social factors that influence health, and seek to
27 understand and meet the needs of people from diverse backgrounds.”

28 16. In November of 2019, the School was renamed the Kaiser Permanente Bernard J.

1 Tyson School of Medicine, in honor of the recently deceased Kaiser Permanente Chairman and
2 CEO, the first Black person to hold these positions. Mr. Tyson, on the announcement of the
3 School in 2015, was quoted by Kaiser:

4 Opening a medical school and influencing physician education is
5 based on our belief that the new models of care mean we must
6 reimagine how physicians are trained. . . . Training a new generation
7 of physicians to deliver on the promise of health and health care
8 demonstrates our belief that our model of care is best for the current
9 and future diverse populations in this country.¹

10 17. In renaming the School after Mr. Tyson, Kaiser explained that “Bernard Tyson’s
11 passion for this medical school was a driving force in its creation and will be a daily reminder of
12 his own lived commitment to equity, diversity, and courageous leadership.” [Press Release dated
13 12/17/15 (quoting Holly J. Humphrey, MD, Kaiser Permanente Bernard J. Tyson School of
14 Medicine Board Chair).]

15 18. The School also prominently advertises its diversity. For example, the School’s
16 homepage proudly features the photo of a singular Black woman in a doctor’s coat next to the
17 topic “Our Educators” and promises:

18 You’ll learn from a diverse community of physicians, other
19 clinicians, and scientists whose experience, guidance, and expertise
20 as educators will help you join the next generation of leaders in
21 medicine.²

22 Similarly, the School’s “Mission, Vision, Values” page describes the School’s primary values to
23 include “[p]romoting inclusiveness and diversity in medical education and the health professions;”
24 “[a]chieving health equity for all and the elimination of health disparities wherever they exist.”³

25

26

¹ Press Release dated 12/17/15.

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² www.medschool.kp.org/homepage (last accessed February 11, 2021).

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³ <https://medschool.kp.org/about/mission-vision-and-values> (last accessed February 11, 2021).

1 **III. Dr. Khoury is Recruited and Offered KPSOM Employment.**

2 19. Dr. Khoury applied to join the faculty at the School in the fall of 2018. During the
3 three-round application process, Dr. Khoury emphasized her commitment to active learning and
4 told the interviewers that she was an educator who wanted to use her teaching to reduce inequality
5 in medicine.

6 20. Shortly after her interviews, Dr. Khoury received a phone call from Dr. Jose Barral,
7 the Recruitment Chair. Dr. Barral enthusiastically told her that she was the first person to receive
8 an offer of a faculty position. Dr. Barral told Dr. Khoury the decision to make the offer was
9 unanimous and was made before the School had finished interviewing all the applicants.

10 21. On or around July 16, 2019, the School delivered a letter to Dr. Khoury offering her
11 a non-tenured, initial faculty appointment as “MEMBER OF THE FACULTY” effective July 1,
12 2019 to November 15, 2020. Dr. Khoury was provided an addendum which she signed that
13 described her role as a “Small Group Facilitator” appointed to the Department of Clinical Science.

14 22. The offer letter describes the School’s expectations:

15 Your primary duties will be in the Department of Clinical
16 Science. . . .[Y]ou will be expected to participate in departmental
17 and committee activities as assigned and appropriate to your
18 allocated time at KPSOM [Kaiser Permanente School of Medicine.]

19 The appointment is subject to the terms and conditions set forth in
20 the KPSOM Handbook and Bylaws, as well as to all policies and
21 procedures applicable to your affiliation with Kaiser Permanente
22 and to the Kaiser Permanente School of Medicine.

23 23. The School controlled the terms and conditions of Dr. Khoury’s employment. Dr.
24 Khoury was required to coordinate “scheduling, including vacation and personal time, to ensure it
25 coincides with the academic calendar and other needs” with her Department Chair.⁴

26 24. The School’s faculty handbook describes Dr. Khoury’s position as “core faculty.”

27
28 ⁴ Letter Kanter to Khoury dated July 16, 2019.

1 Core faculty include both direct and indirect employees of the School. Core faculty are appointed
2 and progress along the same promotion series: Instructor, Assistant Professor, Associate
3 Professor, and Professor. Similarly, all core faculty in the promotion series hold voting
4 appointments regardless of status. Core faculty are expected to work for the School at least one
5 day per week. Finally, all core faculty “may not hold a full-time academic appointment at another
6 academic institution.”⁵

7 25. Faculty “must comply with school policies, including the requirements for
8 participation in faculty development programming and completion of annual reviews with one’s
9 department chair or their designee” and “may not concurrently participate in a Training program
10 (e.g., residency, fellowship) for the major portion of their time.”⁶

11 26. Faculty are also required to request a leave of absence, limited to one year except in
12 exceptional cases. Faculty leave “cannot be guaranteed except when required by law.”⁷

13 27. The School also controlled the terms under which Dr. Khoury’s employment could
14 be terminated, including due process protections for a for cause termination and the right to
15 discipline faculty with written counseling or warnings, reprimands, or temporary suspensions with
16 or without pay.⁸ Dr. Khoury’s appointment was “subject to the same review and reappointment
17 process as all other faculty.”⁹

18 28. Dr. Khoury’s compensation, while nominally from her medical group, was paid by
19 the School through an agreement with the Kaiser Permanente medical group with which she was
20 affiliated.

21 29. At the time Dr. Khoury accepted the position with the School, she was told she
22 would need to apply for a position with the Southern California Permanente Medical Group
23 (“SCPMG” or the “Medical Group”). Dr. Khoury, experienced in hospital medicine, was told
24 there were no positions available in that field for someone working at the School. She was instead
25 offered and encouraged to accept a position in primary care. Although primary care was not Dr.

26 ⁵ Faculty Handbook, Section 4.1.1, p. 12 (Version 1.0, dated June 2020).

27 ⁶ Faculty Handbook, Section 4.1.1, p. 12 (Version 1.0, dated June 2020).

28 ⁷ Faculty Handbook, Section 4.10, p. 19 (Version 1.0, dated June 2020).

⁸ Faculty Handbook, Section 4.13.1-4.13.3, pp. 20-21 (Version 1.0, dated June 2020).

⁹ Faculty Handbook, Section 4.5, p. 16 (Version 1.0, dated June 2020).

1 Khoury’s preferred area of practice, she executed a contract with SCPMG on September 20, 2019
2 as an Employee Physician in the subspecialty of IM Internal Medicine General. The contract
3 states that Dr. Khoury was to commence work on November 6, 2019 at the Sunset Radiation
4 Therapy Center facility at 4950 Sunset Blvd., Los Angeles, CA, 90027 in the department of
5 Internal Medicine. On February 5, 2020, Dr. Khoury and the Group later amended the contract to
6 have her start work on February 10, 2020. This contract does not refer to Dr. Khoury’s obligations
7 with the School.

8 30. Inspired by the school’s stated mission and the interview process, Dr. Khoury made
9 the difficult decision to leave Georgia for California. In doing so, she sacrificed a vibrant career
10 with TSPMG including her status as a TSPMG partner/shareholder, benefits, including vested
11 pension rights, and she moved thousands of miles from her family, church, and community.

12 **IV. From the Beginning of her Employment with the School, Dr. Khoury experienced**
13 **Tokenism, Double Standards and Microaggressions.**

14 **a. First, Dr. Khoury was denied the appropriate academic rank.**

15 31. In July 2019, Dr. Khoury signed and accepted the appointment. Based on her
16 review of the faculty handbook the School provided, Dr. Khoury expected she would receive the
17 rank of Assistant Professor. Nonetheless, shortly after accepting the appointment, she was told her
18 rank would be Instructor, the lowest rank available to faculty in her category.

19 32. Dr. Khoury asked the School to reconsider assigning her the rank of Instructor.
20 Between August 2019 and January 2020, Dr. Khoury tried to discuss the reasons she should have
21 received the rank of Assistant Professor with the administration. The most important reason was
22 that the faculty handbook established metrics for eligibility to the rank of Assistant Professor. Dr.
23 Khoury, with teaching experience and clinical experience, met all those metrics. Furthermore,
24 Board Certified physicians like Dr. Khoury typically hold a rank above Instructor. During this
25 time, Dr. Barral had even commented that all of the Small Group Facilitators should be Assistant
26 Professors. Dr. Khoury was told by the Senior Associate Dean for Academic and Community
27 Affairs, Professor Maureen Connelly, MD, MPH, that she was “close” to qualifying for the rank of
28 assistant professor.

1 33. Despite her efforts and qualifications, Dr. Khoury never received the Assistant
2 Professor rank. She was told that the faculty handbook she was using was a “draft” and that she
3 did not meet new, nontransparent, unpublished metrics that were not available to her at the time.
4 Had Dr. Khoury known she was being measured against the new metrics, she would have
5 explained that she also met those new metrics. Rather than explaining the School’s decision, Dr.
6 Kanter instead told Dr. Khoury he did not understand why her rank was such a big deal to her.

7 **b. Second, Dr. Khoury’s Curriculum Development Work for the Founding**
8 **Class was Micromanaged and Unfairly Scrutinized.**

9 34. Dr. Khoury began working to develop curriculum for the classroom before she left
10 Georgia. In February, 2020, now relocated to Pasadena, Dr. Khoury was nominated by her
11 Biomedical Science colleagues to be the Unit Lead responsible for developing the curriculum for
12 the Genitourinary Reproduction Unit. This Unit was to be taught annually to all first year students
13 at the School. Dr. Khoury was the only physician that was selected to be a Unit Lead. Dr. Khoury
14 volunteered after a previous faculty member, a Black woman, resigned.

15 35. As the Unit Lead, Dr. Khoury organized subject matter, selected class assignments
16 and pre-work and developed active learning activities for the classroom. She coordinated with
17 other faculty authors, and was the singular author of six of the student sessions in the Unit and the
18 primary author of a seventh student session. Dr. Khoury was also the sole author of one student
19 session in the Cardiovascular Pulmonary Unit.

20 36. During the curriculum development process, Dr. Khoury’s work received scrutiny
21 that her white male peers did not receive. For example, Dr. Khoury was held to intermediate
22 deadlines, was required to post her work in public on MS Teams to be viewed by all, and was
23 micro-managed throughout the process. Nonetheless, Dr. Khoury delivered the curriculum in a
24 timely manner.

25 37. Ultimately, all of Dr. Khoury’s curriculum was reviewed and approved by the three
26 Department Chairs, the Senior Associate Dean for Medical Education, and by Dean Schuster.

27 38. The curriculum developed by Dr. Khoury was taught to the first year students
28 without substantial revision. In fact, Dr. Barral was heard to comment in pre-session curriculum

1 reviews that he was familiar with Dr. Khoury's work and no substantial changes were necessary.
2 Notably, the School continues to teach Dr. Khoury's curriculum today even after it cited purported
3 problems with her curriculum work to justify refusing to renew her contract.

4 **c. Third, Dr. Khoury was subjected to tokenism and unfair scrutiny in her**
5 **professional relationships.**

6 39. For example, most of the faculty identified on the School's website had very
7 minimal time commitments to the School. Although the School's website identifies 200 faculty
8 members, the students' regular contacts were with only a dozen Small Group Facilitators.
9 According to the Faculty handbook, only 25 hours of service per year is required to hold a faculty
10 appointment.

11 40. Despite the diverse images represented on the School's website, among the Small
12 Group Facilitators working closely with the first year students, Dr. Khoury was the only Black
13 American woman physician. Dr. Khoury asked that her photo not appear on the School's website
14 because she did not want to contribute to a false representation of diversity in the day-to-day
15 teaching faculty.

16 41. Dr. Khoury was also excessively criticized for her social interactions with the
17 faculty. In one example, she was criticized for not saying hello in an unanticipated encounter with
18 Dr. Jose Barral, the Recruitment Chair and Chair of Biomedical Science. In another example, she
19 was accused of bullying a faculty member who was actually a friend. In contrast to Dr. Khoury's
20 treatment, other faculty have engaged in name calling and ad hominem attacks with colleagues and
21 been promoted, not disciplined.

22 42. Additionally, unlike colleagues that were not Black women, Dr. Khoury's
23 assessment of her workload and time commitments was subject to second guessing by supervisors.
24 Despite counseling from supervisors not to "be a hero" or take on more work than could be
25 accomplished, in February of 2020 Dr. Khoury was excessively criticized for not volunteering for
26 work she did not think she could complete timely. The faculty member requesting assistance
27 complained to her supervisor and as a result, Dr. Khoury was required to have a meeting with two
28 supervisors. During this meeting Dr. Khoury was grilled about her workload and time

1 commitments and forced to justify why she could not complete the voluntary assignment. Dr.
2 Khoury’s supervisors did not respond when Dr. Khoury pointed out that her colleagues were not
3 subject to second guessing about their workloads and time commitments.

4 43. Also, Dr. Khoury was threatened with a chaperone attending her one-on-one
5 meetings with her small group students. Dr. Khoury, working from home during the pandemic on
6 a medical accommodation, asked to have her one-on-one meetings with students virtually. Rather
7 than allowing this, the School added the condition that a white male colleague would sit in on any
8 virtual one-on-ones. There was no sound pedagogical basis for requiring a chaperone for Dr.
9 Khoury’s virtual one on one meetings. Dr. Khoury complained to her supervisors that the
10 arrangement sent a bad message about diversity, equity and inclusion, to no avail. Ultimately, Dr.
11 Khoury held the meetings in person after her accommodation expired.

12 44. Additionally, Dr. Khoury was targeted by the School because of her advocacy and
13 faculty leadership on advancing remote learning options during the pandemic. Several of her
14 white male colleagues mobilized faculty on similar pandemic safety issues without incurring
15 scrutiny or repercussions.

16 **V. Despite Tokenism, Double Standards and Microaggressions, Dr. Khoury Earns the**
17 **Offer of a Promotion.**

18 45. Dr. Khoury’s strong work product and leadership exceeded the disparate, outsized
19 benchmarks set by her supervisors and earned her accolades from her peer group. She was asked
20 to join the Equity, Inclusion, and Diversity Workgroup and become a Diversity “Champion.” Dr.
21 Khoury was the only Department of Clinical Science Small Group Facilitator on the Equity,
22 Inclusion and Diversity Workgroup. The Workgroup provided feedback to the Office of Equity,
23 Inclusion and Diversity regarding diversity in curriculum standards, helped create the anti-racism
24 resources available on the School’s website, and moderated classes for the Equity, Inclusion and
25 Diversity “thread” – curriculum woven through the students’ 4-year experience.

26 46. Additionally, Dr. Khoury served as one of four Small Group Facilitators for the
27 “Early Immersive Experience” (“EIE”), a three-week introduction to the school’s values and an
28 introduction to the medical school experience. In this role she co-created practice student sessions,

1 identified learning issues and participated in assessments. Dr. Khoury also contributed as the
2 Clinical Science faculty member and contributor to the workgroup designing the Interprofessional
3 Collaboration Curriculum (“IPC”).

4 47. Dr. Khoury also continued to expand her credentials as an academic and physician.
5 From her start in July, 2019 through June, 2020, Dr. Khoury participated in faculty development
6 programming offered by the school, completed seminars and courses with Harvard Medical School
7 and Vanderbilt University and started courses with Yale University and Vanderbilt University.

8 48. Concurrent with her work for the School, Dr. Khoury kept a schedule of clinical
9 work for SCPMG, typically working sixteen hours a week providing patient care.

10 49. On May 18, 2020, Dr. Khoury submitted the materials required for her Annual
11 Faculty Appointment Renewal to her Department Chair Dr. Michael Kanter. This was the
12 deadline to be considered for reappointment beginning on July 1, 2020.

13 50. On or about June 10, 2020, Dr. Khoury received an email from Dr. Kanter,
14 announcing his intention to recommend Dr. Khoury for an increase in academic rank:

15 **After careful review of your accomplishments, I have decided**
16 **to request an increase in academic rank to the Academic**
17 **Appointments and Promotions Committee.** The procedures for
18 doing this are new so I apologize for the short notice, but if I can
19 have you write 1-2 paragraphs on what you have done to
20 contribute to the mission, vision, and values of the school by next
21 week, this would help. **I think the CV that I have justifies the**
22 **promotion,** but if you have additional items and/or an updated CV,
23 that would help. Let me know. Ultimately, I am merely
24 recommending and the Committee makes decisions based on my
25 recommendations and their own review. **There is an appeals**
26 **process if you disagree with their conclusions.**

27
28 **Thank you for the great work you do for the School.**

1 [Emphasis added.]

2 51. On June 18, Dr. Khoury provided the requested materials to Dr. Kanter. In those
3 materials, Dr. Khoury discussed her commitment to the mission and values of the school stating “I
4 have used my voice to raise issues in curriculum design, wellness, and antiracism. This lived
5 experience of the school’s vision is preparation to successfully guide students to become
6 physicians.”

7 **VI. Dr. Khoury is Never Informed what Happened with her Promotion.**

8 52. Although Dr. Khoury expected to hear about her reappointment and promotion on
9 or shortly after July 1, 2020, the School offered no information in July.

10 53. In early August, Dr. Khoury followed up with Dr. Kanter regarding the status of the
11 promotion. On a call with Dr. Kanter, the six Clinical Science Small Group Facilitators and the
12 Assistant Dean for Medical Education, Dr. Kanter stated that he was surprised to learn that Dr.
13 Khoury had not already received notice of the promotion, that he did not know of any issues, and
14 that he had no explanation for the delay.

15 **VII. The School asked Dr. Khoury to Teach Special Sessions on Equity, Inclusion and**
16 **Diversity.**

17 54. The School’s first class of students began classes in July, 2020 in the midst of the
18 Covid-19 pandemic and a renewed and urgent call to action to end police violence against people
19 of color such as the murders of Breonna Taylor, George Floyd, and Elijah McClain. Dr. Khoury,
20 as a Small Group Facilitator, was assigned to a group of eight students. She shared responsibilities
21 for this small group with a male, non-Black Small Group Facilitator, Dr. Mostafa Belgashem,
22 PHD. His teaching duties in the classroom were similar to Dr. Khoury’s.

23 55. During this moment of inflection and opportunity for social change, students and
24 faculty expressed publicly, and privately to Dr. Khoury, a desire for the School to take action to
25 support antiracism and the Black Lives Matter movement. The School, given its formal
26 commitment to diversity, equity and inclusion, should have been a good venue for a discourse on
27 antiracism.

28 56. On August 15, 2020, Anthony McClain was shot and killed by an officer with the

1 Pasadena Police Department during a traffic stop. This murder, just blocks away from the School,
2 was an inflection point among many of the students and faculty, sharpening demands that the
3 School act.

4 57. On August 25, 2020, the students were taught material on bias and racism in
5 medicine in the Equity, Inclusion and Diversity thread and Health Systems Science session. At the
6 Office of Equity Inclusion and Diversity's request, Dr. Khoury moderated one the of the Equity,
7 Inclusion and Diversity thread conversations that day. Dr. Khoury took vacation time to prepare.
8 Dr. Khoury received no complaints about that work.

9 58. On August 25, 2020, Dean Schuster released a statement on the School's "updated"
10 anti-racism, equity, inclusion and diversity plan. The Dean explained:

11 As educators of future physicians who will be advocates for patients
12 and communities, we have a responsibility to work to embed anti-
13 racism in the medical education curriculum and learning
14 environment, and to challenge racism and inequality in sociality in
15 every way we can.

16 [<https://medschool.kp.org/about/offices-and-departments/office-of-the-dean> (last accessed
17 February 11, 2021).] The School's plan promised universal unconscious bias training for faculty,
18 staff and students; the development of anti-racism curriculum for students; and recruitment with
19 the intentional goal to "hire and appoint individuals from a diversity of backgrounds and
20 experiences." [[https://medschool.kp.org/content/dam/internet/kp/som/homepage/about/equity-
21 inclusion-and-diversity/KPSOM%20Anti-Racism%20Action%20Plan.pdf](https://medschool.kp.org/content/dam/internet/kp/som/homepage/about/equity-inclusion-and-diversity/KPSOM%20Anti-Racism%20Action%20Plan.pdf), last accessed February
22 11, 2012).].

23 59. On August 26, 2020, Dr. Khoury met with two students who shared concerns with
24 the School's culture and dubious commitment to its stated values.

25 60. The same day, Dr. Schuster sent an email to the School described as a "comment"
26 on the recent shootings. Dr. Schuster stated that "[w]e are committed to fostering a safe
27 environment where you can share and express your pain, anger, frustration, and fear, and ideas
28 about how we can move forward as a society, and as a medical school."

1 61. Dr. Khoury discussed Dr. Schuster’s “comment” with other colleagues and
2 concluded that more should be done. The next day, August 27, 2020, a colleague involved in those
3 discussions sent an email to Dr. Schuster requesting a meeting to describe the toxic culture at the
4 School.

5 62. Dr. Khoury’s small group was scheduled to meet on August 28, 2020. Providing
6 additional guidance, the School emailed Small Group Facilitators and instructed them to discuss
7 “legacies of power structures and institutionalized racism that result[] in gender bias and race bias
8 in medicine today.”

9 63. On August 28, 2020, Dr. Khoury, with Dr. Belgashem attending, moderated the
10 small group session. Dr. Khoury wore a T-shirt that said “I can’t breathe”(in reference to the
11 police strangulation of Eric Garner) and an African print garment to represent her identity as a
12 Black American, African, and a physician. Her clothing choices conveyed her identity and
13 highlighted to the students how identity informs how one understands bias.

14 64. The discussion included a review of Dean Schuster’s statements on behalf of the
15 School as they related to systemic bias. The class discussed how bias causes poor health outcomes
16 – whether from police murders, during childbirth, in pain management or from Covid-19. Dr.
17 Khoury and others shared their personal experiences that informed their understanding of bias in
18 medicine.

19 65. The August 28, 2020 small group discussion was emotional at times. Students were
20 challenged to examine their own experiences and implicit bias. Dr. Khoury referred her students
21 to the books on the School’s cultural competence reading list including the book “White Fragility:
22 Why It's So Hard For White People To Talk About Racism” by Robin DiAngelo.

23 66. Upon hearing the reference to White Fragility, Dr. Belgashem interrupted Dr.
24 Khoury’s discussion with the students, raised his voice, and told the students that Dr. Khoury’s
25 statements, although factually correct, were inappropriate. He stated he could not believe Dr.
26 Khoury was talking about the concept of white fragility and overrepresentation in medicine,
27 noting that he thought one white student was particularly upset. Dr. Belgashem’s outburst
28 eliminated the safe space Dr. Khoury had cultivated and agitated the students. Ultimately, his

1 comments muted the rest of the substantive discussion.

2 67. When class ended, Dr. Belgashem abruptly left the room. In contrast, atypically,
3 the majority of the class lingered, wanting to support one another and continue the discussion. Dr.
4 Khoury eventually encouraged them to move on to their next scheduled activity.

5 68. After the students left, Dr. Khoury went to a colleague’s office for support. She
6 was hyperventilating and in tears. After receiving support from two colleagues, she was walked to
7 her car and went home.

8 **VIII. The School Suspends Dr. Khoury For Facilitating the Discussion on Racism in**
9 **Medicine.**

10 69. On August 28, 2020, nine hours after the facilitated discussion on racism, Dr.
11 Maureen Connelly, the School’s Senior Associate Dean for Academic and Community Affairs,
12 called Dr. Khoury and told her she was suspended, immediately, because of what happened in her
13 small group that day. Two of Dr. Khoury’s colleagues heard Dr. Connelly’s remarks. Dr.
14 Connelly later told Dr. Khoury: “we don’t want to see you here.”

15 70. Dr. Connelly explained the purported reason for the suspension only after Dr.
16 Khoury demanded more information. On September 1, 2020, Dr. Connelly wrote:

17 Dear Aysha¹⁰,

18 As I mentioned when we spoke over the weekend, the removal from
19 your faculty duties was prompted **by a complaint about certain**
20 **classroom activities that took place on Friday morning, August**
21 **28.**

22 The decision was made by several school leaders. As I also
23 previously indicated, you will be given an opportunity to provide
24 your perspective on those activities.

25 The purpose of the review process is to determine whether any
26 inappropriate conduct occurred in connection with your teaching
27 duties/faculty role.

28 You will receive additional information as the process is conducted.

10 In the context of this serious, formal communication, Dr. Connelly’s decision to drop Dr. Khoury’s title was a belittling micro-aggression. When Dr. Khoury asked her use her title in future communications, Dr. Connelly refused to do so, instead choosing to omit any salutation to Dr. Khoury.

1 Thank you,
2 Maureen

3 [Emphasis added.]

4 71. SCPMG contemporaneously suspended Dr. Khoury from her clinical duties based
5 solely on the reports from the School.

6 72. The students who attended the class, by contrast, unanimously commended Dr.
7 Khoury's classroom activities. Shortly after the class, students sent unsolicited testimonials of
8 praise as follows:

9 I just want to thank you for sharing and being vulnerable with us.
10 Being in medical school it is easy to shut everything else out and
11 live in a bubble, but this should not be the case, especially right
12 now. I agree that we were able to create a sacred space and I look
13 forward to continue working with you. This was definitely a
14 moment that I will reflect on now, and in my future as a physician.

15 Thanks for this, Dr. Khoury, and for class today. Your honesty and
16 vulnerability was a gift to me, and I am grateful to be in your group.

17 Just wanted to send appreciation for the convo + vulnerability you
18 inspired on Friday...I'll do my best to speak authentically about the
19 space I think our conversation deserved, and will encourage my
20 classmates to do the same. Please know that most, if not all of us are
21 wishing the best for you and are grateful for your bravery/truth.

22 I wanted to write to you to let you know how special our session on
23 that Friday was for me. I needed that moment. I need more of those
24 moments in the classroom. I need to learn from leaders like you who
25 show up for themselves, and for me, and for people who look like
26 us. The fire in you burns fearlessly, and I thank you for using it to
27 light one in me, too. I also want you to know that we are doing
28 everything we can to speak our truths.

Another student tweeted:

This class was the most important hour of my education thus far,
and the suspension of Dr. Khoury is shocking, ugly, and detrimental
to students and the school. It's shameful. I miss her in the
classroom everyday, and I would love nothing more than to be her
student, again.

73. Dr. Khoury's Small Group students subsequently submitted a joint letter to the
School, published to Twitter, in support of Dr. Khoury:

1 We are the students of Dr. Aysha H. Khoury’s small group. We are
2 the entirety of the students present during the classroom session she
3 led. . . on August 28, 2020, and this is our perspective on the events
4 of that day.

5
6 The conversation in class was, at times, emotional and deeply
7 personal, both for Dr Khoury and for us. How could it not be? Our
8 student group represents a wide range of perspectives and
9 experiences, as did our facilitators, and Dr. Khoury created a space
10 where we felt invited to share honestly. Everyone present had time
11 and space to participate, and each of our voices were heard and
12 received generously. By the end of the class, our small group was in
13 a profoundly different interpersonal and learning space than we had
14 been at the start, thanks to the gift of Dr. Khoury’s leadership and
15 vulnerability.

16
17 Yes, our learning was adversely affected by Dr. Khoury’s significant
18 absence, but that matters less than the point we’d most like you to
19 hear: this class session was representative of why we chose to come
20 to KPSOM. It was a crystallization of the mission, vision, and
21 values of KPSOM to engage fully in the process of becoming
22 physicians who treat not only the body, but also the systems of
23 injustice which wound our communities and our souls.
24 Our group would like to make it clear:

- 25 1. No student felt unsafe or attacked during our class on August 28.
- 26 2. No student reported Dr. Khoury.
- 27 3. We are profoundly grateful for Dr. Khoury’s continued
28 leadership, mentorship, and advocacy.
- 1 4. We want Dr. Khoury back.

2 74. Dr. Belgashem, who, in front of students, raised his voice toward Dr. Khoury,
3 reprimanded her, and arbitrarily judged her teaching “inappropriate,” was not investigated,
4 suspended, or discharged from duty for his activities in the classroom. In contrast to Dr. Khoury,
5 Dr. Belgashem received favorable treatment from the administration for his classroom activities.
6 He remains on the faculty today and has been promoted to sit on KPSOM’s Faculty Conduct
7 Committee.

8 **IX. Dr. Khoury is Not Alone in Experiencing Systemic Race and Gender Discrimination**
9 **at the School.**

10 75. Upon information and belief several other Black women doctors at KPSOM have
11 either left or complained due to pervasive sexualized race bias in the School’s operations and
12 practices.

1 76. Black faculty/ staff were overrepresented in departures from the school, and were
2 consistently replaced by non-minority faculty/staff. From 2017 on, out of at least eight faculty and
3 staff involuntarily separated from the School, seven were people of color and four were Black,
4 three of those four were Black women. Other Black faculty and staff voluntarily departed
5 complaining of a toxic environment. At least, eleven of the thirteen voluntary departures were
6 people of color, five of them Black, and four of those five were Black women.

7 77. One Black faculty member observed that women of color were adversely treated.
8 She recounted that she and two other women of color were once accused of and reported on for
9 creating an atmosphere of exclusion when they were socializing together.

10 78. The same faculty member observed that some departments took a checklist, token
11 approach to diversity, equity and inclusion. Consistent with this quantitative approach, School
12 leadership viewed diversity as a box to check, tallying the employees of color as proof of the
13 School’s diversity, equity and inclusion.

14 79. Most recently, a Black woman faculty member emailed School leadership,
15 including Dean Schuster, and wrote:

16
17 Hello Leadership,

18 Given the division, strife, trauma that has occurred in our community
19 I am requesting that the process to address this be a restorative
20 justice process. Only when we can approach it from this perspective
21 will we be able to heal and begin to be a community. I have attached
22 a video that explains the importance of this process and what it
23 actually means. I implore you to watch it. You can start at 8:40 time
24 and it will take only about 15 min of your time.

25 <https://youtu.be/Um8mAo8IbyI>

26 I am pleading with you all to understand the harm that has been
27 caused to the entire community and to be honest about the harm and
28 sincere in your attempts to correct the course. **We are a racist
institution, we are upholding the system of white supremacy that
is at the core of our nation, but we do not have to be.** We can
choose to be different, we can choose to be actively anti-racist and
not just “become a more anti-racist organization”. The prospect of
working with individuals that are committed to doing the difficult
work was what made me want to be a part of this institution. The
lack of ownership for the harm that has been created and the

1 repetitive trauma, the tokenization that I have experienced and that
2 lack of want to understand the continued harm that causes has been
unbearable at times.

3 This is not what I agreed to, these acts that are standard corporate
4 and systemic oppression tactics are not why I agreed to be here. The
5 students, the faculty and staff deserve better. My only intent with
6 this email is to encourage you to do better. I cannot stay silent
anymore. It is entirely too much to bear emotionally to continue the
façade when I see the status quo occurring.

7 Please make the right choice. Please do right by those who have
8 poured their heart, soul and professional reputations into the
9 principles we propert to be about. I understand that my individual
10 voice matters not to you and that we as an institution have shown
11 time and time again that individuals like myself are replaceable, but I
12 will tell you in full disclosure, if we continue on our current course I
13 will not be silent any longer. Silence is causing students to turn on
14 students and faculty to turn on faculty and increasing distain, anger
and discontentment and I will not continue to play a role in that. I
cannot. I am happy to discuss further with any of the leadership that
has questions, but not just as a means to silence or “appease” me to
have a real conversation.

15 [Email January 7, 2021.]

16 **X. The School’s Discrimination against Dr. Khoury fits a Classic Pattern of Race and**
17 **Gender Discrimination against Black women.**

18 80. Black women are subject to stereotypes and assumptions shared neither by white
19 women nor Black men. Discrimination against Black women in the workplace manifests uniquely
20 as stereotypes that pigeonhole Black women as aggressive, angry, unapproachable, intimidating,
21 inappropriate, thick-skinned, impervious to pain or just “too much.” As a result of gendered
22 racism, qualities that may otherwise be seen as representational of leadership are seen as being
23 disruptive or aggressive or assertive in a way that informs disparate treatment.¹¹

24 81. Discrimination against individuals with overlapping identities causes unique
25 disparate experiences and outcomes in the workplace. Although Black women are the most
26

27 ¹¹ https://search.yahoo.com/search?ei=utf-8&fr=aaplw&p=intersection+framework+for+discrimination+in+the+workplace&_guc_consent_skip=1612472819
28

1 educated demographic in terms of Associate and Bachelor’s degrees, they hold only 1.5 percent of
2 leadership roles in the private sector.¹² Gender wage gap data reveals higher barriers to pay equity
3 for Black women compared to white women. Black women are paid 60 cents on the dollar
4 compared to white males in comparable roles and it takes black women on average seven years to
5 garner a wage that their comparable white male cohort receives as a starting salary.¹³

6 82. Moreover, Black women are disproportionately victims of workplace sexual
7 harassment, Black women make up seven percent of the workforce and account for 27 percent of
8 the work-bases harassment claims.¹⁴

9 83. Qualitative studies show that Black women are more likely to experience hostile
10 work environments and everyday workplace discrimination. 40% of Black women say they need
11 to provide more evidence of their competence, compared to 28% of white women and 14% of
12 men; Black women are more likely than other women to hear people express surprise when they
13 demonstrate strong language skills or other abilities (26% vs. 11% of white women and 8% of
14 men); Black women are far more likely to have their judgment questioned in their area of expertise
15 (41% have had this experience, compared to 29% of men); Black women are far less likely than
16 women overall to feel they have an equal opportunity to advance (42% vs. 55%); Black women are
17 more likely than white women to be treated unfairly in promotions and training, to be
18 discriminated against in advancement opportunities, and to experience a far greater sense of
19 frustration and disengagement.¹⁵ In the legal profession, for example, the American Bar
20 Association found that Black women are often excluded from their firms’ internal networks,
21 seldom offered opportunities for client contact, and infrequently receive challenging assignments.

22 ¹² [https://www.independent.co.uk/news/world/americas/black-women-become-most-educated-](https://www.independent.co.uk/news/world/americas/black-women-become-most-educated-group-us-a7063361.html)
23 [group-us-a7063361.html](https://www.independent.co.uk/news/world/americas/black-women-become-most-educated-group-us-a7063361.html)

24 ¹³ [https://www.cnbc.com/2019/08/22/heres-how-the-gender-wage-gap-affects-this-minority-](https://www.cnbc.com/2019/08/22/heres-how-the-gender-wage-gap-affects-this-minority-group.html)
25 [group.html](https://www.cnbc.com/2019/08/22/heres-how-the-gender-wage-gap-affects-this-minority-group.html)

26 ¹⁴ [https://thecrimereport.org/2018/12/21/black-women-victimized-by-workplace-sex-harassment-](https://thecrimereport.org/2018/12/21/black-women-victimized-by-workplace-sex-harassment-study/)
27 [study/](https://thecrimereport.org/2018/12/21/black-women-victimized-by-workplace-sex-harassment-study/)

28 ¹⁵ LeanIn.Org and McKinsey & Company, *Women in the Workplace 2019*;
[https://www.forbes.com/sites/nextavenue/2018/11/06/the-troubling-news-about-black-women-in-](https://www.forbes.com/sites/nextavenue/2018/11/06/the-troubling-news-about-black-women-in-the-workplace/?sh=640fec826053)
[the-workplace/?sh=640fec826053](https://www.forbes.com/sites/nextavenue/2018/11/06/the-troubling-news-about-black-women-in-the-workplace/?sh=640fec826053)

1 Indeed, 66 percent of Black women were found to have been excluded from both formal and
2 informal networking opportunities, but only six percent of white women had been.

3 84. Additionally, because of overlapping gendered and racialized identities and their
4 contiguous stereotypes, Black women and girls face the unique harm of presumed guilt and
5 excessive punishment for perceived marginal transgressions. Black girls don't misbehave more or
6 commit more serious infractions, experts say, yet they receive more severe penalties for the same
7 behavior as white peers. Black girls are six times more likely to get out-of-school suspension than
8 their white cohort, a report from the African American Policy Forum and Columbia Law School's
9 Center for Intersectionality and Social Policy Studies found, and more likely to be suspended
10 multiple times than any other gender or race of students.¹⁶ This racialized presumption of guilt
11 norm informs due process inequities for black girls and women.

12 85. In medicine, the racial empathy gap manifests distinctly for Black women as well,
13 leading to uniquely perverse outcomes. Half of white medical trainees wrongly believe Black
14 people have thicker skin or less sensitive nerve endings than white people. According to a study
15 published in the Proceedings of the National Academies of Science, 40% of first- and second-year
16 medical students endorsed the belief that "Black people's skin is thicker than white people's."¹⁷
17 Black women are three to four times more likely to die during childbirth or shortly afterwards than
18 white women, statistics have shown. While socioeconomic status is an important determinant of
19 access to quality health care, research demonstrates that race significantly impacts maternity-
20 related mortality independent of socioeconomic status.¹⁸ Indeed, infant mortality rates for Black
21 women with a college degree are higher than those for white women with just a high school
22 education. Black women are 40% more likely to die from breast cancer than white women, and

23 _____
24 ¹⁶ <https://www.usatoday.com/in-depth/news/nation/2019/05/13/racism-Black-girls-school-discipline-juvenile-court-system-child-abuse-incarceration/3434742002/>

25 ¹⁷ <https://metro.co.uk/2021/02/07/rochelle-humes-confirms-doc-on-death-rate-of-black-women-in-childbirth-14036812/?ito=cbshare>

26
27 ¹⁸ Goffman, D., Madden, R., Harrison, E., et al. "Predictors of maternal mortality and near-miss
28 maternal morbidity." *Journal of Perinatology*. 2007 August 16. Nature Research. Retrieved from
<https://www.nature.com/articles/7211810>.

1 are usually diagnosed later.¹⁹ According to researchers at the Berkeley School of Public Policy,
2 Black women are some of the most vulnerable patients in health care, because of both their race
3 and gender in a field that has historically been riddled with white supremacy and sexism.²⁰

4 86. Black women account for less than 3% of U.S. doctors.²¹ The intersectional
5 identity engenders distinct perceptions, treatment and outcomes and mediates the experience of
6 discrimination and oppression for Black women doctors.

7 **XI. The School Retaliates against Dr. Khoury for Mobilizing Students, Colleagues and the**
8 **Public around Anti-Racism and Discrimination against Her.**

9 **a. The School Purports to Investigate what happened on August 28, 2020.**

10 87. The investigation that followed the suspension was a thinly disguised effort to
11 silence Dr. Khoury, deny her the due process rights in her contract, and attempt to create an excuse
12 for the School's discriminatory suspension.

13 88. For example, the investigation was unreasonably delayed. There were only ten
14 witnesses to the incident. Dr. Khoury participated freely in interviews with the School's chosen
15 investigators on September 3 and September 23. The investigators indicated to Dr. Khoury that
16 the investigation had concluded on September 23 and that a report would be submitted on
17 September 25. Despite this, on November 30, 2020 the School told Dr. Khoury it needed even
18 more time to conclude its investigation.

19 89. One result of this foot-dragging was to keep Dr. Khoury from returning to the
20 classroom and her students. This was consistent with Dr. Connelly's expression that the School
21 did not want to see or hear from Dr. Khoury.

22 90. A second outcome from the investigation was that it permitted the school to avoid
23 providing Dr. Khoury with contractual due process. A faculty member under threat of termination
24 for cause is entitled to an attorney during the process. The Dean is required to clearly articulate the

25 ¹⁹ <https://www.nbcnews.com/news/nbcblk/why-black-women-face-disproportionate-rates-breast-cancer-n1242777>

26 ²⁰ <https://bppj.berkeley.edu/2020/04/13/spring-2020-journal-mitigating-black-maternal-mortality/>;
27 <https://news.yahoo.com/black-patients-pain-under-appreciated-231417082.html>

28 ²¹ <https://fortune.com/2020/08/09/health-care-racism-black-women-doctors/>

1 cause. A faculty member can request a review by an ad hoc committee consisting of uninvolved
2 faculty and administration. The ad hoc committee’s report is considered a peer-reviewed
3 recommendation. Any deviation by the Dean from the committee’s recommendations must be
4 stated in writing. After all this, the Dean must finally obtain approval from the Board of Directors
5 to sanction or dismiss a faculty member.²²

6 91. By contrast, delaying the outcome of the investigation until Dr. Khoury’s contract
7 expired provided the School with an excuse to avoid due process and vetting of its discipline
8 decisions. Because she had done nothing to justify terminating her contract, the School chose to
9 push out Dr. Khoury by waiting out her contract. According to the Faculty handbook, although a
10 faculty member may request reconsideration of the decision, “[t]he decision not to renew is final
11 and without appeal.”²³

12 92. Third, the investigation was used to create a post-facto list of excuses for
13 terminating Dr. Khoury. Although Dr. Khoury had received nothing but positive feedback during
14 her time at the School, the investigators did not focus on the August 28 events, but rather on
15 minutiae such as whether she failed to greet a white male colleague, Dr. Barral, one day and
16 whether she got along with various faculty members.

17 93. The investigators also made more nefarious baseless allegations, such as that Dr.
18 Khoury had misrepresented her position with the Morehouse Medical School in her application
19 materials. First, Dr. Khoury did correct her CV in 2019, over eight months before this
20 investigation, at the request of Dr. Connelly, to change her position from “Adjunct Professor” to
21 “Adjunct Clinical Assistant Professor.” This change, however, was known by the School months
22 before the investigation and the School had never suggested it was grounds for discipline or
23 investigation.

24 94. Additionally, the investigators questioned whether Dr. Khoury had served on an
25 admissions committee at Morehouse. Dr. Khoury provided them with a letter confirming her

26 ²² Faculty Handbook, Section 4.13.1, p. 21 (Version 1.0, dated June 2020).

27 ²³ Faculty Handbook, Section 4.6 p. 17 (Version 1.0, dated June 2020).

1 position dated September 11, 2020.

2 95. In contrast to the School’s delays and efforts to justify its misconduct, on October 7,
3 2020, SCPMG, relying on output from the same investigation, told Dr. Khoury that it had
4 completed its investigation and exonerated her from any wrongdoing. Indeed, she was told that
5 SCPMG concluded that her conduct during the August 28, 2020 was courageous and that she had
6 done nothing wrong. She was asked to return to work for SCPMG and did so on October 16,
7 2020. She has worked a full-time schedule for SCPMG since then.

8 **b. Dr. Khoury Demands that the School Answer for its Conduct.**

9 96. On October 20, 2020, Dr. Khoury formally demanded that the School investigate
10 “whether they or their faculty and agents violated federal and state laws prohibiting race
11 discrimination in employment, prohibiting retaliation for reporting race discrimination, and
12 prohibiting adverse employment actions based on violations of public policy.” The letter also
13 demanded all employment records from the School.

14 97. Other than a brief interview in November, the School has not contacted Dr. Khoury
15 regarding this investigation or even confirmed that it was conducting an investigation into how she
16 was treated. The School claims to have no employment records for Dr. Khoury.

17 98. On November 30, the School’s attorney told Dr. Khoury’s lawyer that Dr. Khoury
18 would be required to accept a temporary 30-day contract renewal from December 31, 2020 to
19 January 31, 2021 because the investigation into her matter was not yet complete. If Dr. Khoury
20 would not accept the renewal, the School would send notice that her contract would not be
21 renewed. Adding insult to injury, the School provided Dr. Khoury less than a complete business
22 day to decide.

23 99. With no assurances about the length of the investigation or her suspension, and
24 having been provided virtually no information about the process, Dr. Khoury, in a show of good
25 faith, reluctantly agreed to the temporary extension. Still, the School did nothing regarding her
26 charges.

27

28

1 **c. Dr. Khoury Speaks out about the Discrimination and the School Retaliates**
2 **by Attacking Her Character.**

3 100. Finally, receiving no information or progress from the School, on December 10,
4 2020, Dr. Khoury spoke publicly to her colleagues about the School’s discrimination and lack of
5 due process. Dr. Khoury tweeted:

6
7 My pastoral counselor reminded me that “people don’t know the
8 weight of their own stories.” So here is part of mine. On August
9 28, I had the most profound moment in my career as an educator. It
10 was the 57th anniversary of the #MarchonWashington and
11 #EmmetTill’s death. (1)

12
13 I was asked by my Institution to incorporate the topics of bias and
14 racial health disparities in my fundamentals of medicine class. I
15 made the decision to show up fully as a Black woman in medicine.
16 We had a candid discussion on racism in society, acknowledging
17 what the day (2)

18 Represented and how that shows up in medicine: under and
19 conversely over representation, poor health outcomes (Black
20 maternal health, extrajudicial murder by police) and ultimately (3)

21 Hoping that my students understood that we carry the weight of
22 medicine’s history of racism and bias with us regardless of their
23 individual backgrounds. Medicine cannot be compartmentalized
24 from what is happening in society. It was an incredible and
25 emotional conversation. (4)

26 After class I felt at odds. I’ve never been so vulnerable and open
27 with students and immediately had a #panicattack 2 of my
28 colleagues helped me through it and I went home early to rest. Later
that night after hearing of #chadwickboseman’s death, I was told
that I was suspended (5)

Can you still call yourself an educator and a physician if you have
no students or patients. I knew I’d be a doctor in 5th grade and by
11th grade that I’d teach. At 41, both were taken from me, but I
learned that I am a physician and educator at heart. No one can take
that. (6)

In October, my physician role was reestablished and in my naivete
thought, I would be returning to the school. Their investigation is
ongoing and tomorrow will make it 15 weeks. I wouldn’t change
what I said in class. #Blackwomen have earned our voices and our
stories! (7)

#MedTwitter you’re training in the midst of a pandemic and a new
awakening of racism in America. Compartmentalization of what
you and your patients experience in society cannot be separated
from the clinical experience. Find mentors who will help you

1 realize all you want to be. (8)

2 There is so much that can be done outside of Medicine. Use your
3 voices to augment the marginalized. Start an antiraci[s]m journey.
4 End racism in medicine. (9)

5 Thank you for sharing my story. I moved from Atlanta for this
6 position and it's been a nightmare.

7 Please retweet and augment my voice. Thank you for sharing my
8 story. (10)

9 101. Suddenly, after her tweets, the School took a renewed interest in hearing from Dr.
10 Khoury. The School's latest attorney contacted Dr. Khoury's lawyer and told her that the School
11 wanted her back and teaching.

12 102. This offer to return soon developed strings – Dr. Khoury would be required to
13 “own” her issues in a forum that would permit the School's Administration to save face.
14 According to the School, Dr. Khoury was difficult and aggressive. These criticisms little more
15 than old stereotypes and tropes used to discredit Black women and deny them due process. Dr.
16 Khoury's return quickly became conditioned on how contrite she was and how willing she was to
17 submit to the School's demands of her.

18 103. The timing of the offer further belied its disingenuousness. The School was intent
19 on having a discussion with Dr. Khoury before January 4, 2021, the date the students returned
20 from Winter break. This timeline for her return was prompted by the outpouring of student
21 support for Dr. Khoury.

22 104. In the meantime, public support for Dr. Khoury was growing. Her tweets were re-
23 tweeted by others. One follower started a petition to the School that ultimately contained close to
24 nine thousand signatures. Another letter in support of Dr. Khoury that contained over seven
25 hundred signatures was sent to the administration from the national organization, Physician
26 Women SOAR. National media outlets also began to take an interest.

27 105. Feeling public pressure to respond to Dr. Khoury, the School went public with its
28 deceit. Dean Schuster published a statement to Students, Faculty and Staff on December 20, 2020
continuing the School's practice of denying the real reason Dr. Khoury was suspended. Instead,
Dean Schuster stated:

1 I want to reiterate that Dr. Khoury was not placed on leave for
2 bringing content related to anti-racism to the classroom or for
3 sharing her experiences as a Black woman in medicine. Issues of
4 equity, inclusion, and diversity are embedded throughout our
5 curriculum, and our faculty have been and will continue to be
6 encouraged to relate these issues to classroom topics.

7 Because of the privacy interest of students, faculty (including Dr.
8 Khoury), staff, and patients, we are limited in what we can say about
9 the reasons for Dr. Khoury’s placement on leave. . .

10 106. This statement contradicts Dr. Connelly’s September 1, 2020 admission that her
11 suspension “was prompted by a complaint about certain classroom activities that took place on
12 Friday morning, August 28.”

13 107. The statement also maligns Dr. Khoury by stating that patient privacy prevents the
14 School from disclosing the true reasons for her suspension. Dr. Khoury’s suspension, as
15 demonstrated by SCPMG’s reinstatement of her, had nothing to do with patient care.

16 108. Even after the December 20, 2020 statement, the School continued to refuse to
17 return Dr. Khoury to her teaching position unless she showed her contrition in a meeting with
18 Dean Schuster.

19 **d. The School Revokes its Offer of a One-Month Extension in Retaliation for**
20 **Dr. Khoury Reporting Discrimination and Due Process Violations and**
21 **Continues to Distort the Public Record about Dr. Khoury.**

22 109. Then, on December 29, 2020, the School asked again if Dr. Khoury would accept a
23 temporary one-month contract renewal.

24 110. The next day, December 30, 2020, Dr. Khoury tweeted again about her
25 mistreatment by the school:

26 A week ago I sent an email to the Board asking if they condoned my
27 suspension without due process.

28 The next day I got my hand slapped for upsetting people.

Then I received a mysterious message. In essence, you aren’t the
first! We stand behind you. Fight for justice.

111. In direct response to Dr. Khoury’s report to the Board and tweets coalescing her
coworkers around the issues of bias, the School reversed its offer of a one-month renewal and
stated it would not renew her contract when it expired on January 31, 2021. Dr. Khoury had been

1 terminated.

2 112. On January 3, 2021, the day before the start of classes following the break, Dean
3 Schuster again communicated with the Students, Faculty and Staff about Dr. Khoury. In that
4 communication, Dean Schuster made further deceptive remarks about the decision not to renew
5 Dr. Khoury's contract, stating:

6 The timing of this notice was dictated by the terms of her
7 appointment, which was already set to expire on January 31, 2021,
8 and the fact that we were unable to complete our facilitated process
9 and reach a resolution by the time the one-month notice was due.

10 113. This claim is, of course, false. The School had offered Dr. Khoury an additional
11 one-month renewal of her contract. The offer was not rescinded because of an inability to
12 complete a facilitated process, but rather because Dr. Khoury complained to the Board and then
13 tweeted on December 30, 2020, angering the School's decisionmakers.

14 114. Dr. Khoury has subsequently demanded that the School offer her a new contract.
15 The School has not done so. Dr. Khoury's contract with the School expired on January 31, 2021.

16 115. Furthermore, the School's leadership continues to malign and defame Dr. Khoury
17 by misrepresenting the facts. For example, Dr. Khoury is informed and believes and thereon
18 alleges that at recent "listening sessions" held by Dr. Schuster, he discussed Dr. Khoury with
19 students and alleged that Dr. Khoury had been counseled about her performance before August 28,
20 2021. Of course, Dr. Schuster did not mention that her Department Chair had recently
21 recommended her for a promotion before she was suspended.

22 116. In another example, Dr. Khoury is informed and believes and thereon alleges that
23 on February 15, 2021, Dr. Schuster told new faculty hires that Dr. Khoury was problematic from
24 the beginning and was given multiple opportunities to remediate her performance. Dr. Schuster
25 also stated a restorative justice process would never have worked. When one Black doctor asked
26 for reassurance that this would not happen to her, Dr. Kanter stated that the people on the call had
27 nothing to worry about because they are "the good ones."

28 117. Then, on February 16, 2021, Dr. Schuster publicly stated at a department-wide
meeting that the School had planned to investigate Dr. Khoury well before the August 28 class
took place and he suggested that SCPMG had a separate set of independent reasons for suspending

1 Dr. Khoury. The mendacity of these statements is belied by the contemporaneous documentation
2 that categorically establishes Dr. Khoury was investigated because of the August 28, 2020
3 classroom activity.

4 118. As a result of the School's adverse employment actions and deceptive public
5 statements, Dr. Khoury has incurred opportunity costs, suffered financial losses, reputational
6 damage, and physical and emotional distress.

7 **CAUSES OF ACTION**

8 **CAUSE OF ACTION 1:**

9 **Race Discrimination in Violation of California Government Code Section 12940(a)**

10 119. Plaintiff realleges the preceding paragraphs as if set forth here.

11 120. The School acted at all material times as an employer of Dr. Khoury, including
12 exercising control over Dr. Khoury's schedule and duties, supervising Dr. Khoury, disciplining Dr.
13 Khoury, and compensating Dr. Khoury by compensating the Southern California Permanente
14 Medical Group for her services.

15 121. Dr. Khoury acted at all material times as an employee of the School and a member
16 of the faculty. She took assignments from her supervisors at the School, worked the schedule
17 required by the School, used teaching equipment supplied by the School, and understood that her
18 compensation, although received through the Medical Group, was based in part on her
19 employment with the School.

20 122. The School subjected Dr. Khoury to a series of adverse employment actions,
21 including: denial of promotion, demotion, suspension, discharge, constructive termination and
22 contract non-renewal.

23 123. Dr. Khoury's race was a substantial motivating reason she was denied a promotion,
24 demoted, suspended, discharged, constructively terminated, and her contract was not renewed.

25 124. Plaintiff was harmed by Defendants' discrimination. As a result of Defendants'
26 discrimination against her, Plaintiff has incurred opportunity costs, reputational damage, and
27 suffered financial losses and physical and emotional distress.

28 125. Defendants' conduct was oppressive, malicious and fraudulent.

1 **CAUSE OF ACTION 2:**

2 **Gender Discrimination in Violation of California Government Code Section 12940(a)**

3 126. Plaintiff realleges the preceding paragraphs as if set forth here.

4 127. The School acted at all material times as an employer of Dr. Khoury, including
5 exercising control over Dr. Khoury's schedule and duties, supervising Dr. Khoury, disciplining Dr.
6 Khoury, and compensating Dr. Khoury by compensating the Southern California Permanente
7 Medical Group for her services.

8 128. Dr. Khoury acted at all material times as an employee of the School and a member
9 of the faculty. She took assignments from her supervisors at the School, worked the schedule
10 required by the School, used teaching equipment supplied by the School, and understood that her
11 compensation, although received through the Medical Group, was based in part on her
12 employment with the School.

13 129. The School subjected Dr. Khoury to a series of adverse employment actions,
14 including: denial of promotion, demotion, suspension, discharge, constructive termination and
15 contract non-renewal.

16 130. Dr. Khoury's gender was a substantial motivating reason she was denied a
17 promotion, demoted, suspended, constructively terminated, and her contract was not renewed.

18 131. Plaintiff was harmed by Defendants' discrimination. As a result of Defendants'
19 discrimination against her, Plaintiff has incurred opportunity costs, reputational damage, and
20 suffered financial losses and physical and emotional distress.

21 132. Defendants' conduct was oppressive, malicious and fraudulent.

22 **CAUSE OF ACTION 3:**

23 **Racial Harasment in Violation of California Government Code Section 12940(j)**

24 133. Plaintiff realleges the preceding paragraphs as if set forth here.

25 134. The School acted at all material times as an employer of Dr. Khoury, including
26 exercising control over Dr. Khoury's schedule and duties, supervising Dr. Khoury, disciplining Dr.
27 Khoury, and compensating Dr. Khoury by compensating the Southern California Permanente
28 Medical Group for her services.

1 146. Dr. Khoury was subjected to harassing conduct because of her gender, a woman.

2 147. The harassment of Dr. Khoury because of her gender was both severe and
3 pervasive.

4 148. A reasonable woman in Dr. Khoury's circumstances would have considered the
5 work environment to be hostile, intimidating, offensive, oppressive, or abusive.

6 149. Dr. Khoury considered the work environment to be hostile, intimidating, offensive,
7 oppressive, or abusive.

8 150. The harassment of Dr. Khoury was caused by her supervisors.

9 151. The harassment of Dr. Khoury was a substantial factor in causing her damages,
10 including lost opportunity costs, reputational damage, and suffered financial losses and physical
11 and emotional distress.

12 152. Defendants' conduct was oppressive, malicious and fraudulent.

13 **CAUSE OF ACTION 5:**

14 **Retaliation in Violation of California Government Code Section 12940(h)**

15 153. Plaintiff realleges the preceding paragraphs as if set forth here.

16 154. The School acted at all material times as an employer of Dr. Khoury, including
17 exercising control over Dr. Khoury's schedule and duties, supervising Dr. Khoury, disciplining Dr.
18 Khoury, and compensating Dr. Khoury by compensating the Southern California Permanente
19 Medical Group for her services.

20 155. Dr. Khoury acted at all material times as an employee of the School and a member
21 of the faculty. She took assignments from her supervisors at the School, worked the schedule
22 required by the School, used teaching equipment supplied by the School, and understood that her
23 compensation, although received through the Medical Group, was based in part on her
24 employment with the School.

25 156. Dr. Khoury reported race and gender discrimination against her to the School
26 administration on October 20, 2020. Dr. Khoury also reported race and gender discrimination
27 against her to the School's Board of Directors in December, 2020.

28 157. Despite lip service to investigating Dr. Khoury's complaints, she is informed and

1 believes that the School took no serious remedial action in response to her complaints.

2 158. Dr. Khoury's reports of race and gender discrimination were a substantial
3 motivating reason for the School's adverse employment actions, including continuing her
4 suspension, denying her an earned promotion, delaying the conclusion of its investigation so as to
5 deny Dr. Khoury the due process rights the School affords contract employees like her, discharge,
6 and refusing to renew her contract.

7 159. Plaintiff was harmed by the School's retaliation. As a result of the School's
8 retaliation against Dr. Khoury, she has incurred opportunity costs, reputational damage, and
9 suffered financial losses and physical and emotional distress.

10 160. Defendants' conduct was oppressive, malicious and fraudulent.

11 **CAUSE OF ACTION 6:**

12 **Wrongful Discharge in Violation of Public Policy**

13 161. Plaintiff realleges the preceding paragraphs as if set forth here.

14 162. The School acted at all material times as an employer of Dr. Khoury, including
15 exercising control over Dr. Khoury's schedule and duties, supervising Dr. Khoury, disciplining Dr.
16 Khoury, and compensating Dr. Khoury by compensating the Southern California Permanente
17 Medical Group for her services.

18 163. Dr. Khoury acted at all material times as an employee of the School and a member
19 of the faculty. She took assignments from her supervisors at the School, worked the schedule
20 required by the School, used teaching equipment supplied by the School, and understood that her
21 compensation, although received through the Medical Group, was based in part on her
22 employment with the School.

23 164. Dr. Khoury was suspended, demoted, denied a promotion, discharged and her
24 contract was not renewed in violation of several public policies.

25 165. First, Dr. Khoury was subjected to adverse employment actions because she taught
26 about bias and discrimination in the medical profession.

27 166. The State of California has a strong public policy interest in protecting persons who
28 engage in implicit bias training from retaliation. California Business and Professions Code section

1 2190.1(d) states that:

2 (d)(1) On and after January 1, 2022, all continuing medical education
3 courses shall contain curriculum that includes the understanding of implicit
4 bias.

5 (2) Notwithstanding the provisions of paragraph (1), a continuing medical
6 education course dedicated solely to research or other issues that does not
7 include a direct patient care component or a course offered by a continuing
8 medical education provider that is not located in this state is not required to
9 contain curriculum that includes implicit bias in the practice of medicine.

10 (3) Associations that accredit continuing medical education courses shall
11 develop standards before January 1, 2022, for compliance with the
12 requirements of paragraph (1). The associations may update these standards,
13 as needed, in conjunction with an advisory group established by the
14 association that has expertise in the understanding of implicit bias.

15 (e) In order to satisfy the requirements of subdivision (d), continuing
16 medical education courses shall address at least one or a combination of the
17 following:

18 (1) Examples of how implicit bias affects perceptions and treatment
19 decisions of physicians and surgeons, leading to disparities in health
20 outcomes.

21 (2) Strategies to address how unintended biases in decisionmaking may
22 contribute to health care disparities by shaping behavior and producing
23 differences in medical treatment along lines of race, ethnicity, gender
24 identity, sexual orientation, age, socioeconomic status, or other
25 characteristics.

26 167. The preamble to the Assembly Bill states the substance of the problem that Dr.
27 Khoury addressed in class on August 28, 2020:

28 (a) Implicit bias, meaning the attitudes or internalized stereotypes that affect
our perceptions, actions, and decisions in an unconscious manner, exists, and
often contributes to unequal treatment of people based on race, ethnicity,
gender identity, sexual orientation, age, disability, and other characteristics.

(b) Implicit bias contributes to health disparities by affecting the behavior of
physicians and surgeons, nurses, physician assistants, and other healing arts
licensees.

(c) Evidence of racial and ethnic disparities in health care is remarkably
consistent across a range of illnesses and health care services. Racial and
ethnic disparities remain even after adjusting for socioeconomic differences,
insurance status, and other factors influencing access to health care.

(d) African American women are three to four times more likely than white
women to die from pregnancy-related causes nationwide. African American

1 patients often are prescribed less pain medication than white patients who
2 present the same complaints, and African American patients with signs of
3 heart problems are not referred for advanced cardiovascular procedures as
4 often as white patients with the same symptoms.

5 (e) Implicit gender bias also impacts treatment decisions and outcomes.
6 Women are less likely to survive a heart attack when they are treated by a
7 male physician and surgeon. LGBTQ and gender-nonconforming patients
8 are less likely to seek timely medical care because they experience
9 disrespect and discrimination from health care staff, with one out of five
10 transgender patients nationwide reporting that they were outright denied
11 medical care due to bias.

12 [Assembly Bill 241, Section 1.]

13 168. Second, the School violated the public policies embodied by FEHA in preventing
14 race discrimination in the workplace, sex discrimination in the workplace, and retaliation for
15 reporting race and gender discrimination in the workplace.

16 169. Third, the School violated California public policy that protects an employee from
17 retaliation for discussing the conditions of her workplace or reporting unlawful acts in the
18 workplace or reporting unsafe conditions in a medical facility, including California Labor Code
19 Section 1102.5 and California Labor Code Section 6310(b), California Health and Safety Code
20 Section 1278.5 (b)(1)(A) & (B).

21 170. Dr. Khoury's suspension, demotion, aborted promotion and discharge and contract
22 non-renewal were substantially motivated by the School's violations of the above public policies.

23 171. As a result of the School's actions, Dr. Khoury has incurred opportunity costs,
24 reputational damage, and suffered financial losses and physical and emotional distress.

25 172. Defendants' conduct was oppressive, malicious and fraudulent.

26 **CAUSE OF ACTION 7:**

27 **Breach of Employment Contract**

28 173. Plaintiff realleges the preceding paragraphs as if set forth here.

174. The School acted at all material times as an employer of Dr. Khoury, including
exercising control over Dr. Khoury's schedule and duties, supervising Dr. Khoury, disciplining Dr.
Khoury, and compensating Dr. Khoury by compensating the Southern California Permanente
Medical Group for her services.

1 175. Dr. Khoury acted at all material times as an employee of the School and a member
2 of the faculty. She took assignments from her supervisors at the School, worked the schedule
3 required by the School, used teaching equipment supplied by the School, and understood that her
4 compensation, although received through the Medical Group, was based in part on her
5 employment with the School.

6 176. The School and Dr. Khoury entered an employment contract that incorporated the
7 faculty handbook, which states that the School “may terminate a faculty appointment before its
8 designated end date only for cause.” A faculty member may be placed on “administrative leave”
9 during the period of investigation.

10 177. The School breached its contract with Dr. Khoury by keeping her on administrative
11 leave after any reasonable investigation was concluded, constructively terminating her contract
12 without cause, or in the alternative, failing to conduct and conclude a reasonable investigation into
13 whether Dr. Khoury could be terminated for cause.

14 178. The School also breached its contract with Dr. Khoury by delaying disciplinary
15 action against Dr. Khoury in order to take advantage of the expiration of her contract.

16 179. Dr. Khoury substantially performed her job duties.

17 180. Dr. Khoury would not have been discharged had she received the due process
18 protections in her contract and the School’s faculty handbook.

19 181. As a result of these breaches of contract, Dr. Khoury has incurred opportunity costs,
20 reputational damage, and suffered financial losses and physical and emotional distress.

21 **CAUSE OF ACTION 8:**

22 **Breach of the Implied Covenant of Good Faith and Fair Dealing**

23 182. Plaintiff realleges the preceding paragraphs as if set forth here.

24 183. The School acted at all material times as an employer of Dr. Khoury, including
25 exercising control over Dr. Khoury’s schedule and duties, supervising Dr. Khoury, disciplining Dr.
26 Khoury, and compensating Dr. Khoury by compensating the Southern California Permanente
27 Medical Group for her services.

28 184. Dr. Khoury acted at all material times as an employee of the School and a member

1 of the faculty. She took assignments from her supervisors at the School, worked the schedule
2 required by the School, used teaching equipment supplied by the School, and understood that her
3 compensation, although received through the Medical Group, was based in part on her
4 employment with the School.

5 185. The School and Dr. Khoury entered an employment contract that contains an
6 implied covenant of good faith and fair dealing.

7 186. The School breached the implied covenant of good faith and fair dealing with Dr.
8 Khoury by keeping her on administrative leave after any reasonable investigation was concluded
9 or, in the alternative, failing to conduct and conclude a reasonable investigation into whether Dr.
10 Khoury could be terminated for cause.

11 187. The School also breached the implied covenant of good faith and fair dealing with
12 Dr. Khoury by delaying disciplinary action against Dr. Khoury in order to take advantage of the
13 expiration of her contract.

14 188. Dr. Khoury substantially performed her job duties.

15 189. But for the breach of the implied covenant of good faith and fair dealing, Dr.
16 Khoury would not have been discharged.

17 190. As a result of these breaches of contract, Dr. Khoury has incurred opportunity costs,
18 reputational damage, and suffered financial losses and physical and emotional distress.

19 **CAUSE OF ACTION 9:**

20 **Retaliation in Violation of Labor Code 1102.5(b)**

21 191. Plaintiff realleges the preceding paragraphs as if set forth here.

22 192. The School acted at all material times as an employer of Dr. Khoury, including
23 exercising control over Dr. Khoury's schedule and duties, supervising Dr. Khoury, disciplining Dr.
24 Khoury, and compensating Dr. Khoury by compensating the Southern California Permanente
25 Medical Group for her services.

26 193. Dr. Khoury acted at all material times as an employee of the School and a member
27 of the faculty. She took assignments from her supervisors at the School, worked the schedule
28 required by the School, used teaching equipment supplied by the School, and understood that her

1 compensation, although received through the Medical Group, was based in part on her
2 employment with the School.

3 194. Dr. Khoury reported violations of FEHA's prohibitions on race and gender
4 discrimination against her to the School administration on October 20, 2020. Dr. Khoury also
5 reported violations of FEHA's prohibitions on race and gender discrimination against her to the
6 School's Board of Directors in December of 2020.

7 195. Despite lip service to investigating Dr. Khoury's complaints, she is informed and
8 believes that the School took no serious remedial action in response to her complaints.

9 196. Dr. Khoury's reports of race and gender discrimination were a substantial
10 motivating reason for the School's adverse employment actions, including continuing her
11 suspension, denying her an earned promotion, delaying the conclusion of its investigation so as to
12 deny Dr. Khoury the due process rights the School affords contract employees like her,
13 discharging her and refusing to renew her contract.

14 197. Plaintiff was harmed by the School's retaliation. As a result of the School's
15 retaliation against Dr. Khoury, she has incurred opportunity costs, reputational damage, and
16 suffered financial losses and physical and emotional distress.

17 198. Defendants' conduct was oppressive, malicious and fraudulent.

18 **CAUSE OF ACTION 10:**

19 **Unfair Competition**

20 199. Plaintiff realleges the preceding paragraphs as if set forth here.

21 200. Defendants' conduct alleged above constitutes unlawful business acts and/or
22 practices within the meaning of Business and Professions Code sections 17200, et seq.

23 Defendants' predicate acts include:

- 24 a. Discrimination based on race and gender;
25 b. Retaliation for opposing race and gender discrimination;
26 c. Violations, including retaliation, of 42 U.S.C. § 1981;
27 d. Violations, including retaliation, of 42 U.S.C. § 1982;
28 e. Wrongful discharge in violation of public policy;

1 f. Retaliation in violation of California Labor Code Section 1102.5(b).

2 201. As a direct and proximate result of Defendants' conduct, Plaintiff incurred
3 opportunity costs, reputational damage, and suffered financial losses and physical and emotional
4 distress.

5 202. As a direct and proximate result of Defendants' conduct, Plaintiff is entitled to
6 restitution.

7 203. Defendants' conduct was oppressive, malicious and fraudulent.

8 **CAUSE OF ACTION 11:**

9 **Failure to Provide Personnel Files and Records**

10 204. Plaintiff realleges the preceding paragraphs as if set forth here.

11 205. The School acted at all material times as an employer of Dr. Khoury, including
12 exercising control over Dr. Khoury's schedule and duties, supervising Dr. Khoury, disciplining Dr.
13 Khoury, and compensating Dr. Khoury by compensating the Southern California Permanente
14 Medical Group for her services.

15 206. Dr. Khoury acted at all material times as an employee of the School and a member
16 of the faculty. She took assignments from her supervisors at the School, worked the schedule
17 required by the School, used teaching equipment supplied by the School, and understood that her
18 compensation, although received through the Medical Group, was based in part on her
19 employment with the School.

20 207. Dr. Khoury properly demanded her personnel files and records pursuant to
21 California Labor Code Section 1198.5

22 208. The School failed to provide Dr. Khoury with any personnel files and records
23 despite follow-up requests. The School has since denied that it maintains any personnel files and
24 records for Dr. Khoury subject to Labor Code Section 1198.5

25 209. Dr. Khoury has been injured by this violation of the law, is entitled to a \$750.00
26 penalty for the School's noncompliance with Labor Code Section 1198.5, and is entitled to
27 injunctive relief requiring the production of her personnel files and records.

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RELIEF REQUESTED

- a. Plaintiff seeks money damages as permitted by law;
- b. Plaintiff seeks penalties to the greatest extent allowed by law;
- c. Plaintiff seeks punitive damages against the Defendants on all counts to which she is entitled to such relief;
- d. Plaintiff seeks attorneys fees and costs to the maximum extent permitted by law and contract;
- e. Plaintiff seeks injunctive relief to prevent continuing violations of the law;
- f. Plaintiff seeks reinstatement;
- g. Plaintiff seeks front pay in lieu of reinstatement;
- h. Plaintiff seeks equitable relief, including restitution, to the full extent permitted;
- i. Plaintiff seeks interest as allowed by law;
- j. Plaintiff seeks any further relief the Court deems just and necessary.

RESPECTFULLY SUBMITTED THIS 3rd Day of March, 2021,

LAW OFFICES OF LISA HOLDER

/s/Lisa Holder
LISA HOLDER

BROWN, NERI, SMITH & KHAN LLP



NATHAN M. SMITH

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DEMAND FOR JURY TRIAL

Plaintiff demands a jury trial on all counts so triable.

RESPECTFULLY SUBMITTED THIS 3rd Day of March, 2021,

BROWN, NERI, SMITH & KHAN LLP



NATHAN M SMITH

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