

HELMER FRIEDMAN LLP  
 Andrew H. Friedman, P.C. (SBN 153166)  
[afriedman@helmerfriedman.com](mailto:afriedman@helmerfriedman.com)  
 Gregory D. Helmer, P.C. (SBN 150184)  
[ghelmer@helmerfriedman.com](mailto:ghelmer@helmerfriedman.com)  
 Taylor M. Markey, Esq. (SBN 319557)  
[tmarkey@helmerfriedman.com](mailto:tmarkey@helmerfriedman.com)  
 9301 Wilshire Blvd., Suite 609  
 Beverly Hills, California 90210  
 Tel: (310) 396-7714  
 Fax: (310) 396-9215

Attorneys for Plaintiff,  
 DR. JOHN L. BOWIE

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 FOR THE COUNTY OF LOS ANGELES – STANLEY MOSK COURTHOUSE

DR. JOHN L. BOWIE,

Plaintiff,

vs.

PHARMACO, INC. dba PREMIER  
 INFUSION CARE, a corporation;  
 LAURA SPELLMAN, an individual;  
 ANNA CASH, an individual; BRIAN  
 DEANDA, an individual; and DOES 1  
 through 50, inclusive,

Defendants.

CASE NO.:

**COMPLAINT FOR DAMAGES FOR:**

1. **HARASSMENT BASED ON  
CANCER/MEDICAL CONDITION  
AND/OR PHYSICAL DISABILITY  
(ACTUAL, REGARDED AS,  
AND/OR RECORD OF)  
(Cal. Gov't Code § 12940(j)(1))**
2. **DISCRIMINATION BASED ON  
CANCER/MEDICAL CONDITION  
AND/OR PHYSICAL DISABILITY  
(ACTUAL, REGARDED AS,  
AND/OR RECORD OF)  
(Cal. Gov't Code § 12940(a))**
3. **FAILURE TO REASONABLY  
ACCOMMODATE A KNOWN  
MEDICAL CONDITION AND/OR  
DISABILITY (ACTUAL,  
REGARDED AS, AND/OR  
RECORD OF) OF AN  
EMPLOYEE  
(Cal. Gov't Code § 12940(m)(1))**
4. **FAILURE TO ENGAGE IN A  
TIMELY, GOOD FAITH  
INTERACTIVE PROCESS WITH  
AN EMPLOYEE TO DETERMINE  
EFFECTIVE REASONABLE**

**ACCOMMODATIONS**  
**(Cal. Gov't Code § 12940(n))**

**5. RETALIATION FOR  
REQUESTING A REASONABLE  
ACCOMMODATION IN  
VIOLATION OF THE  
CALIFORNIA FAIR  
EMPLOYMENT AND HOUSING  
ACT**  
**(Cal. Gov't Code § 12940(m)(2))**

**6. RETALIATION IN VIOLATION  
OF THE CALIFORNIA FAIR  
EMPLOYMENT AND HOUSING  
ACT**  
**(Cal. Gov't Code § 12940(h))**

**7. RETALIATION IN VIOLATION  
OF THE CALIFORNIA LABOR  
CODE**  
**(Cal. Labor Code § 1102.5)**

**8. INVASION OF PRIVACY –  
INTRUSION INTO PRIVATE  
AFFAIRS**  
**(California Constitution, Article 1,  
Section 1)**

**9. FAILURE TO TAKE ALL  
REASONABLE STEPS TO  
PREVENT DISCRIMINATION  
AND HARASSMENT**  
**(Cal. Gov't Code § 12940(k))**

**10. WRONGFUL TERMINATION IN  
VIOLATION OF PUBLIC  
POLICY**

**11. INTENTIONAL INFLICTION OF  
EMOTIONAL DISTRESS**

**12. NEGLIGENT INFLICTION OF  
EMOTIONAL DISTRESS**

**DEMAND FOR JURY TRIAL**

1 Plaintiff, Dr. John L. Bowie (hereinafter referenced as “DR. BOWIE” or  
2 “Plaintiff”), as an individual, complains and alleges as follows:

### 3 4 **INTRODUCTION**

5 1. Defendant PHARMACO, INC. (dba PREMIER INFUSION CARE)  
6 (hereinafter referenced as “PHARMACO” or “the Company”) is a healthcare company  
7 providing intravenous home infusion therapies to patients. While the Company boasts  
8 that its “Core Values” are “Compassion[,]” “Integrity” and “Respect[,]” in fact, it  
9 actually shows a shocking lack of compassion and respect for individuals with medical  
10 conditions and/or disabilities, such as DR. BOWIE.

11 2. In 2003, DR. BOWIE, a highly-qualified and successful Pharmacist,  
12 received a life-altering diagnosis of Stage III colon cancer. Due to an emergency surgery  
13 to remove cancerous parts of his digestive system, DR. BOWIE lost the ability to control  
14 flatulence. Following this life-saving surgery, DR. BOWIE was highly self-conscience  
15 about and deeply embarrassed by his medical condition/disability; accordingly, he was  
16 rigorously conscientious about doing whatever he could to minimize his flatulence.  
17 Among other things, DR. BOWIE severely restricted his food intake in order to limit  
18 flatulence at work. Following his surgery, he worked as a Pharmacist for most of the next  
19 *fifteen years* with no complaints from coworkers or patients.

20 3. When DR. BOWIE relocated to California and secured a new Pharmacist  
21 position with Defendant PHARMACO in 2019, he could have never imagined that he  
22 would be relentlessly bullied and harassed by the Company before being fired only a few  
23 short months later, all because he was a cancer survivor. Following an official reprimand  
24 from the Company regarding his supposedly “foul odor” and his failure to disclose during  
25 the hiring process that he purportedly “stank,” coworkers (including Defendants ANNA  
26 CASH and BRIAN DEANDA) began maliciously bullying and harassing him because of  
27 his medical condition/disability by, among other things, leaving adult diaper  
28 advertisements on his desk, filling his office with the overpowering scent of air freshener,

1 sabotaging his work, ignoring and ostracizing him, and spitefully giggling and smirking  
2 at him.

3 4. In response to the Company's official reprimand regarding his supposedly  
4 "foul odor" and accusation that he "stank," DR. BOWIE informed the Company that he  
5 had lost the ability to control flatulence as a result of the surgery that saved his life from  
6 cancer. In a transparent effort to force him to resign from embarrassment and humiliation,  
7 the Company then appallingly ordered DR. BOWIE to wear an adult diaper to work.  
8 Compounding the Company's harassing and humiliating treatment of DR. BOWIE,  
9 Defendant LAURA SPELLMAN, one of the Company's Human Resources  
10 Representatives, then shockingly further humiliated and embarrassed DR. BOWIE by  
11 ordering him to prove to her that he was wearing an adult diaper by partially pulling  
12 down his pants in front of her and then lifting the top of the diaper out of his pants to  
13 show it to her.

14 5. After subjecting DR. BOWIE to this campaign of harassment and  
15 humiliation and ignoring his requests for reasonable accommodations, the Company  
16 summarily fired DR. BOWIE in July 2019, mere days after Defendant LAURA  
17 SPELLMAN clearly demonstrated her deep-seated animosity towards disabled  
18 individuals and individuals with medical conditions by:

- 19 (A) Reprimanding DR. BOWIE for his purported foul odor;  
20 (B) Reprimanding DR. BOWIE for not disclosing during the hiring process that  
21 he "stank"; and  
22 (C) Ordering DR. BOWIE to wear an adult diaper to work.

23 6. By this action, Dr. Bowie seeks to ensure that Defendants PHARMACO,  
24 SPELLMAN, CASH and DEANDA never again treat anyone in the manner which they  
25 treated him.

26 \\\

27 \\\

28 \\\

## **JURISDICTION AND VENUE**

7. The Court has personal jurisdiction over the Defendants because they are residents of and/or doing business in the State of California.

8. Venue is proper in this county in accordance with Section 395(a) of the California Code of Civil Procedure because the Defendants, or some of them, reside in this county, and the injuries alleged herein occurred in this County. Venue is further appropriate in this county in accordance with Section 395(a) and Section 395.6 of the California Code of Civil Procedure because Defendants and PLAINTIFF contracted to perform their obligations in this County, the contract was entered into in this County, and because the liability, obligation and breach occurred within this County. Venue is further appropriate in this County in accordance with Section 12965(b) of the California Government Code because the unlawful practices alleged by PLAINTIFF in violation of the California Fair Employment and Housing Act [Cal. Gov't Code §§ 12940, *et seq.*] were committed in this County.

## **PARTIES**

9. DR. BOWIE is an individual who, at all relevant times during the events alleged herein, resided in the County of Los Angeles, California.

10. DR. BOWIE is informed and believes, and thereon alleges, that Defendants PHARMACO, INC. (DBA PREMIER INFUSION CARE), and DOES 1 through 50, inclusive, and each of them, are, and at all times herein mentioned were, corporations or other business entities qualified to and doing business in the State of California. DR. BOWIE is further informed and believes, and thereon alleges, that said Defendants are and were, at all relevant times mentioned herein, "employer[s]" within the meaning of Sections 12926(d) and 12940(j)(4)(A) of the California Government Code. DR. BOWIE is informed and believes, and thereon alleges, that Defendants PHARMACO, INC. (DBA PREMIER INFUSION CARE), and DOES 1 through 50 are a single employer, joint employers and, together, form a highly integrated enterprise for purpose of the unlawful

1 employment practices alleged herein by DR. BOWIE. DR. BOWIE is further informed  
2 and believes, and thereon alleges, that each of the business entity Defendants were owned  
3 and/or controlled by the other business entity Defendants.

4 11. Defendant LAURA SPELLMAN (hereinafter "Defendant SPELLMAN") is  
5 an individual who, at all relevant times herein mentioned, was the Human Resources  
6 Manager of PHARMACO, INC. (DBA PREMIER INFUSION CARE), and DOES 1  
7 through 50, inclusive. As such, Defendant SPELLMAN was an officer and managing  
8 agent of Defendants who held supervisory authority over DR. BOWIE. DR. BOWIE is  
9 informed and believes, and thereon alleges, that Defendant SPELLMAN resides and, at  
10 all relevant times, resided in the County of Los Angeles, California.

11 12. Defendant ANNA CASH (hereinafter "Defendant CASH") is an individual  
12 who, at all relevant times herein mentioned, was a Pharmacy Technician for  
13 PHARMACO, INC. (DBA PREMIER FUSION CARE), and DOES 1 through 50,  
14 inclusive. DR. BOWIE is informed and believes, and thereon alleges, that Defendant  
15 CASH resides and, at all relevant times, resided in the County of Los Angeles, California.

16 13. Defendant BRIAN DEANDA (hereinafter "Defendant DEANDA") is an  
17 individual who, at all relevant times herein mentioned, was a Pharmacy Technician for  
18 PHARMACO, INC. (DBA PREMIER FUSION CARE), and DOES 1 through 50,  
19 inclusive. DR. BOWIE is informed and believes, and thereon alleges, that Defendant  
20 DEANDA resides and, at all relevant times, resided in the County of Los Angeles,  
21 California.

22 14. The true names and capacities, whether corporate, associate, individual or  
23 otherwise of Defendants DOES 1 through 50, inclusive, are unknown to DR. BOWIE,  
24 who therefore sues said Defendants by such fictitious names. Each of the Defendants  
25 designated herein as a DOE is negligently or otherwise legally responsible in some  
26 manner for the events and happenings herein referred to and caused injuries and damages  
27 proximately thereby to DR. BOWIE, as herein alleged. DR. BOWIE will seek leave of  
28

1 Court to amend this Complaint to show their names and capacities when the same have  
2 been ascertained.

3 15. At all times herein mentioned, Defendants, and each of them were the  
4 agents, representatives, employees, successors and/or assigns, each of the other, and at all  
5 times pertinent hereto were acting within the course and scope of their authority as such  
6 agents, representatives, employees, successors and/or assigns and acting on behalf of,  
7 under the authority of, and subject to the control of each other.

8  
9 **FACTS COMMON TO ALL CAUSES OF ACTION**

10 16. DR. BOWIE is a graduate of Idaho State University, where he graduated  
11 with high honors and at the top of his class with a Doctor of Pharmacy degree.

12 17. Since his graduation, DR. BOWIE has worked as a Pharmacist for  
13 approximately 21 years.

14 18. In or around May 2003, DR. BOWIE's life was changed forever when he  
15 was diagnosed with Stage III colon cancer. The cancer was immediately life-threatening,  
16 and required DR. BOWIE to undergo surgery to remove the cancer in or around that  
17 same month. This surgery also removed parts of his digestive system including the  
18 striated muscle tissue which allows a person awareness of and control over gasses leaving  
19 the body. Following this surgery, DR. BOWIE was no longer able to control flatulence.  
20 DR. BOWIE underwent chemotherapy and radiation from 2003 to February 2004. As a  
21 result of the surgery and these treatments, his cancer went into remission for many years.  
22 During this time, he continued working as a Pharmacist.

23 19. Sadly, in 2012, DR. BOWIE's cancer metastasized to his lungs as Stage IV  
24 lung cancer. He had surgery to remove parts of his lungs in November 2012. Thankfully,  
25 his cancer again went into remission and has not recurred.

26 20. Following his recovery, DR. BOWIE continued to work as a Pharmacist.  
27 He was hired as a Pharmacy Manager at Preferred Homecare in Henderson, NV in or  
28

1 around 2015. In early 2018, Preferred Homecare awarded DR. BOWIE a performance-  
2 based bonus of over \$20,000.00.

3 21. Preferred Homecare was purchased by Coram CVS Specialty Infusion  
4 Services in 2018. Coram CVS Specialty Infusion Services hired DR. BOWIE as its  
5 Pharmacy Manager in the Henderson, NV location. During his work at both Preferred  
6 Homecare and Coram CVS Specialty Infusion Services, DR. BOWIE received no  
7 negative performance reviews. He received no complaints from coworkers or patients  
8 regarding his smell.

9 22. In late 2018, DR. BOWIE left his job at Coram CVS Specialty Infusion  
10 Services to relocate to California. He began looking for work as a Pharmacist in  
11 California.

12 23. On or around April 1, 2019, DR. BOWIE was hired as a Staff Pharmacist  
13 by Defendant PHARMACO. He was tasked with overseeing the D-H team, which  
14 involved entering all new prescriptions for patients with last names ending in the letters D  
15 through H. In this role, he also signed off on refills, monitored labs, and made dose  
16 changes. DR. BOWIE supervised two Pharmacy Technicians, Defendants CASH and  
17 DEANDA.

18 24. Shortly after he was hired, in or around mid-April 2019, DR. BOWIE  
19 noticed that some of his coworkers were walking in and out of the anteroom to  
20 PHARMACO's clean room without protective booties over their shoes and that they were  
21 not always wearing protective clothing such as gowns, masks, and coats in the clean  
22 room. A clean room is a room in which the air is filtered to remove particulates so that  
23 prescriptions can be compounded safely in a sterile environment. The anteroom, also  
24 called the antechamber, is an area in close proximity to the cleanroom where technicians  
25 perform support tasks. It is critical for not just the clean room but also the anteroom to be  
26 "clean" because compounded medications made in non-"clean" areas may be subpotent,  
27 superpotent or contaminated, exposing patients to significant risk of adverse events or  
28 even death. The importance of compounding these medications in "clean" rooms is so



1 great that these areas are regulated by state and federal laws and regulations and the rules  
2 of private organizations including USP's (United States Pharmacopeia) Rules and  
3 Procedures of the Council of Experts such as USP 797 and USP 800.

4 25. Worried that the conduct of his coworkers could jeopardize the health and  
5 safety of their patients, DR. BOWIE complained to his direct supervisor, Senior Clinical  
6 Pharmacist Bipin Jathva that his coworkers were walking in and out of the anteroom to  
7 the clean room without protective booties over their shoes and that they were not always  
8 wearing protective clothing such as gowns, masks, and coats in the clean room. Lacking  
9 any concern about the health and safety of PHARMACO's patients, Mr. Jathva  
10 responded that PHARMACO had just passed a state board exam so they were not worried  
11 about those kinds of things.

12 26. In or around the same month, DR. BOWIE specifically complained to  
13 Sammy Refua, the Chief Executive Officer of PHARMACO, that the Company was not  
14 complying with new USP (United States Pharmacopeia) guidelines 797 and 800, which  
15 required protective clothing such as gowns, masks, and coats in the clean room. Mr.  
16 Refua stated that he would have a follow-up conversation with DR. BOWIE about this  
17 issue but he never did.

18 27. Throughout his employment with PHARMACO, DR. BOWIE complained  
19 to his fellow Pharmacists and to Mr. Jathva that the Company was sending out  
20 prescriptions for large amounts of IV diphenhydramine. It is widely known in the  
21 industry that prescriptions for large amounts of IV diphenhydramine are abused by  
22 people with chemical dependence issues. The other Pharmacists acknowledged that this  
23 was an issue but told him that he should just go ahead send out the prescriptions  
24 anyways. DR. BOWIE continued to complain about this practice because Pharmacists are  
25 required to refrain from providing prescriptions to individuals who they believe to have  
26 chemical dependence issues that would be exacerbated by those prescriptions.

27 28. Due to the 2003 surgery DR. BOWIE had undergone resulting in his  
28 inability to control flatulence, he ate a strict diet to minimize flatulence. Indeed, on the

1 days that he was working, DR. BOWIE would refrain from eating until after 1:00 p.m. to  
2 avoid activating his digestive system. However, despite his best efforts to control his  
3 flatulence, DR. BOWIE later learned from the Company that there had been complaints  
4 (presumably from Defendants CASH and DEANDA) that he smelled.

5 29. Dr. Bowie is informed and believes and thereon alleges that Defendants  
6 CASH and DEANDA did not like him because of his purported smell and that, as a  
7 consequence of their dislike, they were uncooperative and unfriendly toward him and  
8 they would not work with him. Additionally, Defendants CASH and DEANDA harassed  
9 DR. BOWIE because of his medical condition/disability. Among other things,  
10 Defendants CASH and DEANDA harassed DR. BOWIE by giggling and smirking at him  
11 and otherwise treating him in a rude manner on a daily basis. Defendants CASH and  
12 DEANDA would abruptly stop talking whenever he would enter their shared office  
13 space. They would sabotage DR. BOWIE at work by delaying giving him and/or hiding  
14 delivery tickets and other documents in order to make it look like he was not performing  
15 his work in a timely manner. Someone (presumably Defendants CASH and/or  
16 DEANDA) left an advertisement for adult diapers on his desk. Someone (presumably  
17 Defendants CASH and/or DEANDA) sprayed air freshener while he was out of the office  
18 that he would smell upon his return. DR. BOWIE was deeply humiliated, hurt and  
19 offended by the bullying and harassment he faced from his coworkers.

20 30. In or around April 2019, DR. BOWIE complained to Mr. Jathva about the  
21 harassment informing him that Defendants CASH and DEANDA were uncooperative,  
22 unfriendly, and that they were intentionally not working with him.

23 31. Later, in or around April 2019, DR. BOWIE reiterated his complaint to Mr.  
24 Jathva about the harassment informing him that that Defendants CASH and DEANDA  
25 were still uncooperative, unfriendly, and that they were intentionally not working with  
26 him.

27 32. On or about June 27, 2019, DR. BOWIE received an email from Defendant  
28 SPELLMAN asking that he meet with a member of Defendant PHARMACO's Human

1 Resources Department in the Company's conference room. When he arrived for the  
2 meeting, a Nursing Supervisor named Priscilla from Prive Care, a company related to  
3 Defendant PHARMACO, was there instead of a representative from the Company's  
4 Human Resources Department. Priscilla stated that there had been complaints of "foul  
5 odors" coming from him. She asked whether "foul odors" were indeed coming from him  
6 and whether he had some type of medical condition that caused him to smell. DR.  
7 BOWIE responded by informing her that he was Stage IV cancer survivor. He told her  
8 about the surgery he had undergone to remove parts of his digestive system and his  
9 resulting inability to control or sense his own flatulence. He also informed her that he has  
10 severe sleep apnea and that the Continuous Positive Airway Pressure (CPAP) machine  
11 that he wears at night to treat this condition fills his G.I. tract with additional air. She  
12 responded that he could leave because all she had wanted to know was whether it was  
13 caused by a medical condition. DR. BOWIE was extremely embarrassed and humiliated  
14 by this conversation.

15 33. On or about the following day, June 28, 2019, DR. BOWIE received  
16 another email from Defendant SPELLMAN requesting that he meet with her in the  
17 Company's conference room. Defendant SPELLMAN stated that she had learned from  
18 the Nursing Supervisor that DR. BOWIE had a serious medical condition. She informed  
19 DR. BOWIE that this information had placed her in a very uncomfortable and awkward  
20 position because his coworkers had a right to work in an odor-free environment and that  
21 he was impinging upon those rights due to his terrible smell. She asked him if he was  
22 going to request any special accommodations for his medical condition. He said yes. He  
23 suggested that the Company could place him in a small office alone or it could have a fan  
24 placed by his office window. He also stated that he was open to any other suggestions  
25 that she or the Company might suggest. Defendant SPELLMAN asked him to continue to  
26 think about other solutions to the problem. Defendant SPELLMAN stated she and the  
27 other managers would meet to discuss what to do about his "foul odors." DR. BOWIE  
28 was again extremely humiliated and upset by this conversation.

1           34.     Following this conversation with Defendant SPELLMAN, DR. BOWIE  
2 stopped eating at work completely. Nonetheless, he was still bullied and harassed by his  
3 coworkers, including Defendants CASH and DEANDA.

4           35.     On or about July 3, 2019, DR. BOWIE received a third email from  
5 Defendant SPELLMAN asking him to meet her in the Company's conference room. In  
6 this meeting, Defendant SPELLMAN stated that his "foul odors" were continuing, there  
7 was nothing that the Company could do, and that he needed to do something about it. She  
8 stated that she had decided that DR. BOWIE would need to wear diapers, starting  
9 immediately, to help contain his smell. Unbelievably, Defendant SPELLMAN then  
10 complained to DR. BOWIE that he had put the Company in a really bad position and that  
11 he was causing unbearable discomfort to those around him. Defendant SPELLMAN  
12 chastised DR. BOWIE and accusatorily asked him why he had not disclosed during the  
13 interview process that he "stank." Defendant SPELLMAN told DR. BOWIE that he was  
14 jeopardizing the success of the Company by making his coworkers sick with his "foul  
15 odors." Defendant SPELLMAN told DR. BOWIE that there was only so much a  
16 Company has to do or can do in a situation like this. Defendant SPELLMAN stated that,  
17 in her 25 years of experience with Human Resources, this was the "worst thing ever."  
18 Defendant SPELLMAN instructed DR. BOWIE to contact his doctor in an effort to learn  
19 how he could control his terrible smell and she instructed him to be a "squeaky wheel" in  
20 order to get some answers from his doctor as soon as possible. DR. BOWIE left this  
21 conversation feeling extremely embarrassed and afraid that the Company was going to  
22 fire him simply based on his disability and the medical symptoms that he suffered as a  
23 cancer survivor.

24           36.     Following his conversation with Defendant SPELLMAN, in fear for his  
25 job, DR. BOWIE began to wear diapers to work every day. He got in touch with his  
26 doctor as Defendant SPELLMAN had ordered.

27           37.     Shockingly, on or about July 7 or 8, 2019, Defendant SPELLMAN  
28 approached DR. BOWIE, told him that he still smelled and asked him whether he was

1 wearing diapers as she had instructed. DR. BOWIE informed Defendant SPELLMAN  
2 that he was, in fact, wearing diapers. Expressing disbelief at his answer, Defendant  
3 SPELLMAN then demanded that DR. BOWIE to show her the diaper that he was  
4 wearing. DR. BOWIE complied by lifting his shirt, partially pulling down his pants, and  
5 then pulling up the diaper to show her. DR. BOWIE was extremely humiliated, offended  
6 and embarrassed by this encounter.

7 38. On or about July 11, 2019, DR. BOWIE was asked by Bipin Jathva to  
8 follow him to Defendant SPELLMAN's office. Defendant SPELLMAN and Mr. Jathva  
9 informed DR. BOWIE that he was being fired effective immediately based on alleged  
10 "performance issues." When DR. BOWIE asked what performance issues there had been,  
11 they stammered as if not sure what to say, and then only responded by saying "you know  
12 what they are." DR. BOWIE asked if the termination had anything to do with his medical  
13 condition and Defendant SPELLMAN again stammered and then responded "Oh no!"  
14 DR. BOWIE was forced to leave the building with his personal items right after this  
15 meeting. DR. BOWIE was emotionally devastated by this abrupt termination.

16 39. Prior to the filing of this action, DR. BOWIE filed for and received his  
17 Right-To-Sue Letter from the California Department of Fair Employment and Housing  
18 ("DFEH").

19 40. Prior to the filing of this action, counsel for DR. BOWIE contacted  
20 Defendant PHARMACO to determine whether the Company was interested in pursuing  
21 settlement negotiations and/or mediation. Counsel for Defendant PHARMACO indicated  
22 that the Company was not interested in either settlement negotiations and/or mediation.  
23 Accordingly, Defendant PHARMACO left DR. BOWIE with no alternative but to file  
24 this action.

25 \\\

26 \\\

27 \\\

28 \\\

**FIRST CAUSE OF ACTION**

**HARASSMENT BASED ON CANCER/MEDICAL CONDITION AND/OR  
PHYSICAL DISABILITY (ACTUAL, REGARDED AS, AND/OR RECORD OF)**

**(Cal. Gov't Code § 12940(j)(1))**

**(Against All Defendants)**

41. DR. BOWIE realleges and incorporates by reference paragraphs 1 through 40, as though set forth in full.

42. At all times herein mentioned, the California Fair Employment and Housing Act ("FEHA"), Government Code § 12940 *et seq.*, was in full force and effect and was binding upon Defendants and each of them.

43. FEHA, Government Code § 12940(j)(1), expressly provides that it is an unlawful employment practice for an "employer or other entity covered by [FEHA]" to harass an employee because of the employee's medical condition and/or physical disability.

44. Defendants and Does 1 – 50 each constitute an "employer" or "other entity covered by [FEHA]" as those terms are defined by FEHA.

45. DR. BOWIE is an "employee" as that term is defined by FEHA.

46. DR. BOWIE has a medical condition and a physical disability as those terms are defined by FEHA.

47. DR. BOWIE has a record or history of having a medical condition and/or physical disability.

48. DR. BOWIE was regarded by Defendants as having a medical condition and/or physical disability.

49. Defendants were aware of DR. BOWIE's medical condition and/or physical disability.

50. Defendants harassed DR. BOWIE because of his medical condition and/or physical disability.

1           51. Defendants, their agents, and supervisors, actively engaged in, facilitated,  
2 fostered, approved of, knew or should have known of the unlawful harassment conduct,  
3 failed to take immediate and appropriate corrective action and otherwise failed to abide  
4 by their statutory duty to take all reasonable steps to prevent harassment from occurring.  
5 The harassment was sufficiently severe or pervasive as to alter the conditions of DR.  
6 BOWIE's employment and to create a hostile, intimidating and/or abusive work  
7 environment.

8           52. By the aforesaid acts and omissions of Defendants, and each of them, DR.  
9 BOWIE has been directly and legally caused to suffer actual damages including, but not  
10 limited to, loss of earnings and future earning capacity, attorneys' fees, costs of suit and  
11 other pecuniary loss not presently ascertained.

12           53. As a further direct and legal result of the acts and conduct of Defendants,  
13 and each of them, as aforesaid, DR. BOWIE has been caused to and did suffer and  
14 continues to suffer severe emotional and mental distress, anguish, humiliation,  
15 embarrassment, fright, shock, discomfort, anxiety, and related symptoms. The exact  
16 nature and extent of said injuries is presently unknown to DR. BOWIE. DR. BOWIE  
17 does not know at this time the exact duration or permanence of said injuries, but is  
18 informed and believes, and thereon alleges, that some, if it not all, of the injuries are  
19 reasonably certain to be permanent in character.

20           54. DR. BOWIE is informed and believes, and thereon alleges, that the  
21 Defendants, and each of them, by engaging in the aforementioned acts and/or in  
22 authorizing and/or ratifying such acts, engaged in willful, malicious, intentional,  
23 oppressive and despicable conduct, and acted with willful and conscious disregard of the  
24 rights, welfare and safety of DR. BOWIE thereby justifying the award of punitive and  
25 exemplary damages in an amount to be determined at trial.

26           55. As a result of Defendants' acts and conduct, as alleged herein, DR. BOWIE  
27 is entitled to reasonable attorneys' fees and costs of suit as provided in Section 12965(b)  
28 of the California Government Code.

1  
2 **SECOND CAUSE OF ACTION**

3 **DISCRIMINATION BASED ON CANCER/MEDICAL CONDITION AND/OR**  
4 **DISABILITY (ACTUAL, REGARDED AS, AND/OR RECORD OF)**

5 **(Cal. Gov't Code § 12940(a))**

6 **(Against Defendant Pharmaco, Inc. (dba Premier Infusion Care) and DOES 1 - 50)**

7 56. DR. BOWIE realleges and incorporates by reference paragraphs 1 through  
8 40 and 42 through 51 as though set forth in full.

9 57. As alleged herein and in violation of California Government Code Section  
10 12940(a), Defendants, and each of them, disciplined, terminated, discharged and  
11 otherwise subjected DR. BOWIE to adverse employment actions and discriminated  
12 against DR. BOWIE because of medical condition and/or physical disability.

13 58. At all times herein mentioned, the California Fair Employment and  
14 Housing Act ("FEHA"), Government Code § 12940 *et seq.*, was in full force and effect  
15 and was binding upon Defendants and each of them.

16 59. FEHA, Government Code § 12940(a), expressly provides that it is an  
17 unlawful employment practice for an "employer or other entity covered by [FEHA]" to  
18 discharge or otherwise discriminate against a person because of the person's medical  
19 condition and/or physical disability.

20 60. Defendants and Does 1 – 50 each constitute an "employer" or "other entity  
21 covered by [FEHA]" as those terms are defined by FEHA.

22 61. DR. BOWIE is an "employee" as that term is defined by FEHA.

23 62. DR. BOWIE has a medical condition and/or physical disability as those  
24 terms are defined by FEHA.

25 63. DR. BOWIE has a record or history of having a medical condition and/or  
26 physical disability.

27 64. DR. BOWIE was regarded by Defendants as having a medical condition  
28 and/or physical disability.



1           65. Defendants were aware of DR. BOWIE's medical condition and/or physical  
2 disability.

3           66. Defendants discriminated against DR. BOWIE by firing him because of his  
4 because of his medical condition and/or physical disability.

5           67. By the aforesaid acts and omission of Defendants, and each of them, DR.  
6 BOWIE has been directly and legally caused to suffer actual damages including, but not  
7 limited to, loss of earnings and future earning capacity, attorneys' fees, costs of suit and  
8 other pecuniary loss not presently ascertained.

9           68. As a further direct and legal result of the acts and conduct of Defendants,  
10 and each of them, as aforesaid, DR. BOWIE has been caused to and did suffer and  
11 continues to suffer severe emotional and mental distress, anguish, humiliation,  
12 embarrassment, fright, shock, discomfort, anxiety, and related symptoms. The exact  
13 nature and extent of said injuries is presently unknown to DR. BOWIE. DR. BOWIE  
14 does not know at this time the exact duration or permanence of said injuries, but is  
15 informed and believes, and thereon alleges, that some, if it not all, of the injuries are  
16 reasonably certain to be permanent in character.

17           69. DR. BOWIE is informed and believes, and thereon alleges, that the  
18 Defendants, and each of them, by engaging in the aforementioned acts and/or in  
19 authorizing and/or ratifying such acts, engaged in willful, malicious, intentional,  
20 oppressive and despicable conduct, and acted with willful and conscious disregard of the  
21 rights, welfare and safety of DR. BOWIE thereby justifying the award of punitive and  
22 exemplary damages in an amount to be determined at trial.

23           70. As a result of Defendants' acts and conduct, as alleged herein, DR. BOWIE  
24 is entitled to reasonable attorneys' fees and costs of suit as provided in Section 12965(b)  
25 of the California Government Code.

26 \\\

27 \\\

28 \\\

**THIRD CAUSE OF ACTION**

**FAILURE TO REASONABLY ACCOMMODATE MEDICAL CONDITION  
AND/OR DISABILITY (ACTUAL, REGARDED AS, AND/OR RECORD OF) OF  
AN EMPLOYEE**

**(Cal. Gov't Code § 12940(m)(1))**

**(Against Defendant Pharmaco, Inc. (dba Premier Infusion Care) and DOES 1 - 50)**

71. DR. BOWIE realleges and incorporates by reference paragraphs 1 through 40, 42 through 51, and 57 through 66 as though set forth in full.

72. At all times herein mentioned, the California Fair Employment and Housing Act ("FEHA"), Government Code § 12940 *et seq.*, was in full force and effect and was binding upon Defendants and each of them.

73. FEHA, Government Code § 12940(m)(1), expressly provides that it is an unlawful employment practice for an "employer or other entity covered by [FEHA] to fail to make reasonable accommodation for the known physical or mental disability of an applicant or employee."

74. Defendants and Does 1 – 50 each constitute an "employer" or "other entity covered by [FEHA]" as those terms are defined by FEHA.

75. DR. BOWIE is an "employee" as that term is defined by FEHA.

76. DR. BOWIE has a medical condition and/or physical disability as those terms are defined by FEHA.

77. DR. BOWIE has a record or history of having medical condition and/or physical disability as those terms are defined by FEHA.

78. DR. BOWIE was regarded by Defendants as having a medical condition and/or physical disability.

79. Defendants were aware of DR. BOWIE's medical condition and/or physical disability.

\\

1           80.    DR. BOWIE requested that Defendants provide him with a reasonable  
2 accommodation for his medical condition and/or physical disability.

3           81.    Defendants failed to provide DR. BOWIE with a reasonable  
4 accommodation for his known medical condition and/or physical disability.

5           82.    Rather than providing DR. BOWIE with a reasonable accommodation,  
6 Defendants retaliated against, harassed, humiliated and fired him.

7           83.    By the aforesaid acts and omissions of Defendants, and each of them, DR.  
8 BOWIE has been directly and legally caused to suffer actual damages including, but not  
9 limited to, loss of earnings and future earning capacity, attorneys' fees, costs of suit and  
10 other pecuniary loss not presently ascertained.

11          84.    As a further direct and legal result of the acts and conduct of Defendants,  
12 and each of them, as aforesaid, DR. BOWIE has been caused to and did suffer and  
13 continues to suffer severe emotional and mental distress, anguish, humiliation,  
14 embarrassment, fright, shock, discomfort, anxiety, and related symptoms. The exact  
15 nature and extent of said injuries is presently unknown to DR. BOWIE. DR. BOWIE  
16 does not know at this time the exact duration or permanence of said injuries, but is  
17 informed and believes, and thereon alleges, that some, if not at all, of the injuries are  
18 reasonably certain to be permanent in character.

19          85.    DR. BOWIE is informed and believes, and thereon alleges, that the  
20 Defendants, and each of them, by engaging in the aforementioned acts and/or in  
21 authorizing and/or ratifying such acts, engaged in willful, malicious, intentional,  
22 oppressive and despicable conduct, and acted with willful and conscious disregard of the  
23 rights, welfare and safety of DR. BOWIE, thereby justifying the award of punitive and  
24 exemplary damages in an amount to be determined at trial.

25          86.    As a result of Defendants' acts and conduct, as alleged herein, DR. BOWIE  
26 is entitled to reasonable attorneys' fees and costs of suit as provided in Section 12965(b)  
27 of the California Government Code.

28   \\

**FOURTH CAUSE OF ACTION**

**FAILURE TO ENGAGE IN A TIMELY, GOOD FAITH INTERACTIVE  
PROCESS TO DETERMINE REASONABLE ACCOMMODATIONS**

**(Cal. Gov't Code § 12940(n))**

**(Against Defendant Pharmaco, Inc. (dba Premier Infusion Care) and DOES 1 - 50)**

87. DR. BOWIE realleges and incorporates by reference paragraphs 1 through 40, 42 through 51, 57 through 66, and 72 through 82 as though set forth in full.

88. At all times herein mentioned, the California Fair Employment and Housing Act ("FEHA"), Government Code § 12940 *et seq.*, was in full force and effect and was binding upon Defendants and each of them.

89. FEHA, Government Code § 12940(n), expressly provides that it is an unlawful employment practice for an "employer or other entity covered by [FEHA] to fail to engage in a timely, good faith interactive process with [an] employee [] to determine effective reasonable accommodations, if any, in response to a request for reasonable accommodation by an employee [] with a known physical or mental disability or a known medical condition."

90. Defendants and Does 1 – 50 each constitute an "employer" or "other entity covered by [FEHA]" as those terms are defined by FEHA.

91. DR. BOWIE is an "employee" as that term is defined by FEHA.

92. DR. BOWIE has a medical condition and/or physical disability as those terms are defined by FEHA.

93. DR. BOWIE has a record or history of having a medical condition and/or physical disability.

94. DR. BOWIE was regarded by Defendants as having a medical condition and/or physical disability.

95. Defendants were aware of DR. BOWIE's medical condition and/or physical disability.

\\

1           96.     DR. BOWIE requested that Defendants provide him with a reasonable  
2 accommodation for his medical condition and/or physical disability.

3           97.     Defendants failed to engage in a timely, good faith interactive process with  
4 DR. BOWIE to determine effective reasonable accommodations.

5           98.     Rather than engaging in a timely, good faith interactive process with DR.  
6 BOWIE to determine effective reasonable accommodations, Defendants retaliated  
7 against, harassed, humiliated and fired him.

8           99.     By the aforesaid acts and omissions of Defendants, and each of them, DR.  
9 BOWIE has been directly and legally caused to suffer actual damages including, but not  
10 limited to, loss of earnings and future earning capacity, attorneys' fees, costs of suit and  
11 other pecuniary loss not presently ascertained.

12          100.    As a further direct and legal result of the acts and conduct of Defendants,  
13 and each of them, as aforesaid, DR. BOWIE has been caused to and did suffer and  
14 continues to suffer severe emotional and mental distress, anguish, humiliation,  
15 embarrassment, fright, shock, discomfort, anxiety, and related symptoms. The exact  
16 nature and extent of said injuries is presently unknown to DR. BOWIE. DR. BOWIE  
17 does not know at this time the exact duration or permanence of said injuries, but is  
18 informed and believes, and thereon alleges, that some, if not at all, of the injuries are  
19 reasonably certain to be permanent in character.

20          101.    DR. BOWIE is informed and believes, and thereon alleges, that the  
21 Defendants, and each of them, by engaging in the aforementioned acts and/or in  
22 authorizing and/or ratifying such acts, engaged in willful, malicious, intentional,  
23 oppressive and despicable conduct, and acted with willful and conscious disregard of the  
24 rights, welfare and safety of DR. BOWIE, thereby justifying the award of punitive and  
25 exemplary damages in an amount to be determined at trial.

26 \\\

27 \\\

28 \\\

**FIFTH CAUSE OF ACTION**

**RETALIATION FOR REQUESTING A REASONABLE ACCOMMODATION  
IN VIOLATION OF THE CALIFORNIA FAIR EMPLOYMENT AND  
HOUSING ACT**

**(Cal. Gov't Code § 12940(m)(2))**

**(Against Defendant Pharmaco, Inc. (dba Premier Infusion Care) and DOES 1 - 50)**

102. DR. BOWIE realleges and incorporates by reference paragraphs 1 through 40, 42 through 51, 57 through 66, 72 through 82, and 88 through 98 as though set forth in full.

103. At all times herein mentioned, the California Fair Employment and at all times herein mentioned, the California Fair Employment and Housing Act ("FEHA"), Government Code § 12940 *et seq.*, was in full force and effect and was binding upon Defendants and each of them.

104. FEHA, Government Code § 12940(m)(2), expressly provides that it is an unlawful employment practice for an "employer or other entity covered by [FEHA]" to "retaliate or otherwise discriminate against a person for requesting accommodation under [FEHA], regardless of whether that request was granted."

105. Defendants and Does 1 – 50 each constitute an "employer" or "other entity covered by [FEHA]" as those terms are defined by FEHA.

106. DR. BOWIE is an "employee" as that term is defined by FEHA.

107. DR. BOWIE has a medical condition and/or physical disability as those terms are defined by FEHA.

108. DR. BOWIE has a record or history of having a medical condition and/or physical disability as those terms are defined by FEHA.

109. DR. BOWIE was regarded by Defendants as having a medical condition and/or physical disability.

110. Defendants were aware of DR. BOWIE's medical condition and/or physical disability.

1           111. DR. BOWIE requested that Defendants provide him with a reasonable  
2 accommodation for his medical condition and/or physical disability.

3           112. Defendants failed to engage in a timely, good faith interactive process with  
4 DR. BOWIE to determine effective reasonable accommodations for his known medical  
5 condition and/or physical disability.

6           113. Rather than providing DR. BOWIE with a reasonable accommodation or  
7 engaging in a timely, good faith interactive process with DR. BOWIE to determine  
8 effective reasonable accommodations for his known medical condition and/or physical  
9 disability, Defendants retaliated and/or discriminated against him by firing him because  
10 of his request for a reasonable accommodation.

11           114. By the aforesaid acts and omissions of Defendants, and each of them, DR.  
12 BOWIE has been directly and legally caused to suffer actual damages including, but not  
13 limited to, loss of earnings and future earning capacity, attorneys' fees, costs of suit and  
14 other pecuniary loss not presently ascertained.

15           115. As a further direct and legal result of the acts and conduct of Defendants,  
16 and each of them, as aforesaid, DR. BOWIE has been caused to and did suffer and  
17 continues to suffer severe emotional and mental distress, anguish, humiliation,  
18 embarrassment, fright, shock, discomfort, anxiety, and related symptoms. The exact  
19 nature and extent of said injuries is presently unknown to DR. BOWIE. DR. BOWIE  
20 does not know at this time the exact duration or permanence of said injuries, but is  
21 informed and believes, and thereon alleges, that some, if not at all, of the injuries are  
22 reasonably certain to be permanent in character.

23           116. DR. BOWIE is informed and believes, and thereon alleges, that the  
24 Defendants, and each of them, by engaging in the aforementioned acts and/or in  
25 authorizing and/or ratifying such acts, engaged in willful, malicious, intentional,  
26 oppressive and despicable conduct, and acted with willful and conscious disregard of the  
27 rights, welfare and safety of DR. BOWIE, thereby justifying the award of punitive and  
28 exemplary damages in an amount to be determined at trial.

1 117. As a result of Defendants' acts and conduct, as alleged herein, DR. BOWIE  
2 is entitled to reasonable attorneys' fees and costs of suit as provided in Section 12965(b)  
3 of the California Government Code.

4  
5 **SIXTH CAUSE OF ACTION**  
6 **RETALIATION IN VIOLATION OF THE CALIFORNIA FAIR EMPLOYMENT**  
7 **AND HOUSING ACT**  
8 **(Cal. Gov't Code § 12940(h))**  
9 **(Against Defendant Pharmaco, Inc. (dba Premier Infusion Care) and DOES 1 - 50)**

10 118. DR. BOWIE realleges and incorporates by reference paragraphs 1 through  
11 40, 42 through 51, 57 through 66, 72 through 82, 88 through 98, and 103 through 113 as  
12 though set forth in full.

13 119. At all times herein mentioned, the California Fair Employment and  
14 Housing Act ("FEHA"), Government Code § 12940 et seq., was in full force and effect  
15 and was binding upon Defendants and each of them.

16 120. FEHA, Government Code § 12940(h), expressly provides that it is an  
17 unlawful employment practice for an "employer or other entity covered by [FEHA] to  
18 discharge, expel, or otherwise discriminate against any person because the person has  
19 opposed any practice forbidden under [FEHA] or because the person has filed a  
20 complaint [under FEHA]."

21 121. Defendants and Does 1 – 50 each constitute an "employer" or "other entity  
22 covered by [FEHA]" as those terms are defined by FEHA.

23 122. DR. BOWIE is an "employee" as that term is defined by FEHA.

24 123. DR. BOWIE has a medical condition and/or physical disability as those  
25 terms are defined by FEHA.

26 124. DR. BOWIE has a record or history of having a medical condition and/or  
27 physical disability.  
28



1           125. DR. BOWIE was regarded by Defendants as having a medical condition  
2 and/or physical disability.

3           126. Defendants were aware of DR. BOWIE's medical condition and/or physical  
4 disability.

5           127. DR. BOWIE requested that Defendants provide him with a reasonable  
6 accommodation for his medical condition and/or physical disability.

7           128. Defendants failed to provide DR. BOWIE with a reasonable  
8 accommodation for his medical condition and/or physical disability.

9           129. Defendants failed to engage in a timely, good faith interactive process with  
10 DR. BOWIE to determine effective reasonable accommodations for his known medical  
11 condition and/or physical disability.

12           130. DR. BOWIE complained to Defendants about and otherwise opposed and  
13 protested the fact that Defendants were neither accommodating his medical condition  
14 and/or physical disability nor engaging in the interactive process. DR. BOWIE also  
15 complained to Defendants that the Company was discriminating/harassing him because  
16 of his medical condition and/or physical disability.

17           131. Because of his complaints, Defendants retaliated against, harassed,  
18 humiliated and fired DR. BOWIE.

19           132. By the aforesaid acts and omissions of Defendants, and each of them, DR.  
20 BOWIE has been directly and legally caused to suffer actual damages including, but not  
21 limited to, loss of earnings and future earning capacity, attorneys' fees, costs of suit and  
22 other pecuniary loss not presently ascertained.

23           133. As a further direct and legal result of the acts and conduct of Defendants,  
24 and each of them, as aforesaid, DR. BOWIE has been caused to and did suffer and  
25 continues to suffer severe emotional and mental distress, anguish, humiliation,  
26 embarrassment, fright, shock, discomfort, anxiety, and related symptoms. The exact  
27 nature and extent of said injuries is presently unknown to DR. BOWIE. DR. BOWIE  
28 does not know at this time the exact duration or permanence of said injuries, but is

1 informed and believes, and thereon alleges, that some, if not at all, of the injuries are  
2 reasonably certain to be permanent in character.

3 134. DR. BOWIE is informed and believes, and thereon alleges, that the  
4 Defendants, and each of them, by engaging in the aforementioned acts and/or in  
5 authorizing and/or ratifying such acts, engaged in willful, malicious, intentional,  
6 oppressive and despicable conduct, and acted with willful and conscious disregard of the  
7 rights, welfare and safety of DR. BOWIE, thereby justifying the award of punitive and  
8 exemplary damages in an amount to be determined at trial.

9 135. As a result of Defendants' acts and conduct, as alleged herein, DR. BOWIE  
10 is entitled to reasonable attorneys' fees and costs of suit as provided in Section 12965(b)  
11 of the California Government Code.

### 12 **SEVENTH CAUSE OF ACTION**

#### 13 **RETALIATION IN VIOLATION OF THE CALIFORNIA LABOR CODE**

14 **(Cal. Labor Code § 1102.5)**

15 **(Against Defendant Pharmaco, Inc. (dba Premier Infusion Care) and DOES 1 - 50)**

16 136. DR. BOWIE realleges and incorporates by reference paragraphs 1 through  
17 40, 42 through 51, 57 through 66, 72 through 82, 88 through 98, 103 through 113, and  
18 119 through 131 as though set forth in full.

19 137. As alleged herein and in violation of California Labor Code Section 1102.5,  
20 DR. BOWIE had reasonable cause to believe that Defendants, and each of them, were  
21 violating federal, state, and local laws and regulations prohibiting, among other things,  
22 workplace harassment, discrimination, and retaliation, regulating health and safety  
23 standards applicable to pharmacies, and regulating the sale of prescription drugs to  
24 people who were addicts or possible addicts, including, without limitation, Sections  
25 12940, *et seq.*, of the California Government Code; Section 4000, *et seq.*, of the  
26 California Business and Professions Code; Sections 510 and 2056 of the California  
27 Business and Professions Code; Section 1700, *et seq.*, of Title 16 of the California Code  
28

1 of Regulations; Section 11000, *et seq.*, of the California Health and Safety Code; the  
2 federal Controlled Substances Act, 21 U.S.C. ch. 13, Section 801, *et seq.*; Article I,  
3 Sections and 1 and 8 of the California Constitution; Sections 51, *et seq.*, of the California  
4 Civil Code; and various other California and federal statutes, regulations and codes.

5 138. As alleged herein, DR. BOWIE complained about, raised concerns and  
6 otherwise disclosed information about said violations, among others, to Defendants,  
7 including to persons with authority over him and to employees who had the authority to  
8 investigate, discover, or correct the violation or noncompliance.

9 139. As alleged herein and in violation of Sections 1102.5, *et seq.*, of the  
10 California Labor Code, Defendants disciplined, terminated and otherwise took adverse  
11 employment actions against DR. BOWIE in retaliation for engaging in protected  
12 activities including firing him.

13 140. By the aforesaid acts and omissions of Defendants, and each of them, DR.  
14 BOWIE has been directly and legally caused to suffer actual damages including, but not  
15 limited to, loss of earnings, reliance damages, costs of suit and other pecuniary loss in an  
16 amount not presently ascertained, but to be proven at trial.

17 141. As a further direct and legal result of the acts and conduct of Defendants,  
18 and each of them, as aforesaid, DR. BOWIE has been caused to and did suffer and  
19 continues to suffer severe emotional and mental distress, anguish, humiliation, shame,  
20 embarrassment, fright, shock, pain, discomfort and anxiety. DR. BOWIE does not know  
21 at this time the exact duration or permanence of said injuries, but is informed and  
22 believes, and thereon alleges, that some if not all of the injuries are reasonably certain to  
23 be permanent in character.

24 142. DR. BOWIE is informed and believes and thereon alleges that the  
25 Defendants, and each of them, by engaging in the aforementioned acts and/or in  
26 authorizing and/or ratifying such acts, engaged in willful, malicious, fraudulent,  
27 intentional, oppressive and despicable conduct, and acted with willful and conscious  
28

disregard of the rights, welfare and safety of DR. BOWIE, thereby justifying the award of punitive and exemplary damage in an amount to be determined at trial.

143. The aforesaid acts and omissions of Defendants, and each of them justify the imposition of any and all civil penalties pursuant to Cal. Labor Code §§ 1102.5(f).

144. As a result of Defendants' conduct as alleged herein, DR. BOWIE is entitled to reasonable attorneys' fees and costs of suit as provided in Section 1021.5 of the California Civil Procedure Code.

### **EIGHTH CAUSE OF ACTION**

#### **INVASION OF PRIVACY – INTRUSION INTO PRIVATE AFFAIRS**

##### **(Against All Defendants)**

145. DR. BOWIE realleges and incorporates by reference paragraphs 1 through 40, 42 through 51, 57 through 66, 72 through 82, 88 through 98, 103 through 113, 119 through 131, and 137 through 139 as though set forth in full.

146. DR. BOWIE had a reasonable expectation of privacy with respect to his medical condition and/or disability, his symptoms, his undergarments, and his person.

147. Defendants intentionally intruded into DR. BOWIE's medical condition and/or disability, his symptoms, his undergarments, and his person.

148. Defendants' intrusion would be highly offensive to a reasonable person.

149. By the aforesaid acts and omissions of Defendants, and each of them, DR. BOWIE has been directly and legally caused to suffer actual damages including, but not limited to, loss of earnings, reliance damages, costs of suit and other pecuniary loss in an amount not presently ascertained, but to be proven at trial.

150. As a further direct and legal result of the acts and conduct of Defendants, and each of them, as aforesaid, DR. BOWIE has been caused to and did suffer and continues to suffer severe emotional and mental distress, anguish, humiliation, shame, embarrassment, fright, shock, pain, discomfort and anxiety. DR. BOWIE does not know at this time the exact duration or permanence of said injuries, but is informed and

believes, and thereon alleges, that some if not all of the injuries are reasonably certain to be permanent in character.

151. As a further result of Defendants' invasion of DR. BOWIE's privacy as described above, he has been compelled to retain the professional services of attorneys, and has expended reasonable attorneys' fees.

152. As a further result of Defendants' invasion of DR. BOWIE's privacy, he is entitled to exemplary damages according to proof.

### **NINTH CAUSE OF ACTION**

#### **FAILURE TO TAKE ALL REASONABLE STEPS TO PREVENT DISCRIMINATION AND HARASSMENT**

**(Cal. Gov't Code § 12940(k))**

**(Against Defendant Pharmaco, Inc. (dba Premier Infusion Care) and DOES 1 – 50)**

153. DR. BOWIE realleges and incorporates by reference paragraphs 1 through 40, 42 through 51, 57 through 66, 72 through 82, 88 through 98, 103 through 113, 119 through 131, 137 through 139, and 146 through 148 as though set forth in full.

154. As alleged herein and in violation of California Government Code Section 12940(k), Defendants, and each of them, failed to take all reasonable steps necessary to prevent discrimination and harassment from occurring.

155. By the aforesaid acts and omissions of Defendants, and each of them, DR. BOWIE has been directly and legally caused to suffer actual damages including, but not limited to, loss of earnings and future earning capacity, attorneys' fees, costs of suit and other pecuniary loss not presently ascertained.

156. As a further direct and legal result of the acts and conduct of Defendants, and each of them, as aforesaid, DR. BOWIE has been caused to and did suffer and continues to suffer severe emotional and mental distress, anguish, humiliation, embarrassment, fright, shock, discomfort, anxiety and related symptoms. The exact nature and extent of said injuries is presently unknown to DR. BOWIE. DR. BOWIE

1 does not know at this time the exact duration or permanence of said injuries, but is  
2 informed and believes, and thereon alleges, that some if not all of the injuries are  
3 reasonably certain to be permanent in character.

4 157. DR. BOWIE is informed and believes, and thereon alleges, that the  
5 Defendants, and each of them, by engaging in the aforementioned acts and/or in  
6 authorizing and/or ratifying such acts, engaged in willful, malicious, intentional,  
7 oppressive and despicable conduct, and acted with willful and conscious disregard of the  
8 rights, welfare and safety of DR. BOWIE, thereby justifying the award of punitive and  
9 exemplary damages in an amount to be ascertained at trial.

10 158. As a result of Defendants' acts and conduct, as alleged herein, DR. BOWIE  
11 is entitled to reasonable attorneys' fees and costs of suit as provided in Section 12965(b)  
12 of the California Government Code.

#### 13 14 **TENTH CAUSE OF ACTION**

#### 15 **WRONGFUL TERMINATION IN VIOLATION OF PUBLIC POLICY**

16 **(Against Defendant Pharmaco, Inc. (dba Premier Infusion Care) and DOES 1 - 50)**

17 159. DR. BOWIE realleges and incorporates by reference paragraphs 1 through  
18 40, 42 through 51, 57 through 66, 72 through 82, 88 through 98, 103 through 113, 119  
19 through 131, 137 through 139, 146 through 148, and 154 as though set forth in full.

20 160. As set forth herein, Defendants, and each of them, wrongfully terminated  
21 DR. BOWIE's employment in violation of various fundamental public policies of the  
22 United States and the State of California. These fundamental public policies are  
23 embodied in, *inter alia*, the following California and Federal statutes and codes: Sections  
24 12940, *et seq.*, of the California Government Code; Section 4000, *et seq.*, of the  
25 California Business and Professions Code; Sections 510 and 2056 of the California  
26 Business and Professions Code; Section 1700, *et seq.*, of Title 16 of the California Code  
27 of Regulations; Section 11000, *et seq.*, of the California Health and Safety Code; the  
28 federal Controlled Substances Act, 21 U.S.C. ch. 13, Section 801, *et seq.*; Article I,

1 Sections 1 and 8 of the California Constitution; Sections 51, *et seq.*, of the California  
2 Civil Code; Section 1102.5 of the California Labor Code, and various other California  
3 and federal statutes, regulations and codes.

4 161. By the aforesaid acts and omissions of Defendants, and each of them, DR.  
5 BOWIE has been directly and legally caused to suffer actual damages including, but not  
6 limited to, loss of earnings, reliance damages, costs of suit and other pecuniary loss in an  
7 amount not presently ascertained, but to be proven at trial.

8 162. As a further direct and legal result of the acts and conduct of Defendants,  
9 and each of them, as aforesaid, DR. BOWIE has been caused to and did suffer and  
10 continues to suffer severe emotional and mental distress, anguish, humiliation, shame,  
11 embarrassment, fright, shock, pain, discomfort and anxiety. DR. BOWIE does not know  
12 at this time the exact duration or permanence of said injuries, but is informed and  
13 believes, and thereon alleges, that some if not all the injuries are reasonably certain to be  
14 permanent in character.

15 163. DR. BOWIE is informed and believes and thereon alleges that the  
16 Defendants, and each of them, by engaging in the aforementioned acts and/or in  
17 authorizing and/or ratifying such acts, engaged in willful, malicious, fraudulent,  
18 intentional, oppressive and despicable conduct, and acted with willful and conscious  
19 disregard of the rights, welfare and safety of DR. BOWIE, thereby justifying the award of  
20 punitive and exemplary damages in an amount to be ascertained at trial.

21 164. As a result of Defendants' conduct as alleged herein, DR. BOWIE is  
22 entitled to reasonable attorneys' fees and costs of suit as provided in Section 1021.5 of  
23 the California Civil Procedure Code.

24 \\\

25 \\\

26 \\\

27 \\\

28 \\\

**ELEVENTH CAUSE OF ACTION**

**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

**(Against all Defendants)**

165. DR. BOWIE realleges and incorporates by reference paragraphs 1 through 40, 42 through 51, 57 through 66, 72 through 82, 88 through 98, 103 through 113, 119 through 131, 137 through 139, 146 through 148, 154, and 160 as though set forth in full.

166. Defendants' conduct as described above was extreme and outrageous and was done with the intent of causing DR. BOWIE to suffer emotional distress and/or with reckless disregard as to whether DR. BOWIE would suffer emotional distress.

167. By the aforesaid acts and omissions of Defendants, DR. BOWIE has been caused to and did suffer and continues to suffer severe emotional and mental distress, anguish, humiliation, embarrassment, fright, shock, pain, discomfort and anxiety. DR. BOWIE does not know of this time the exact duration or permanence of said injuries, but is informed and believes and thereon alleges that some if not all of the injuries are reasonably certain to be permanent in character.

168. DR. BOWIE is informed and believes and thereon alleges that the Defendants, and each of them, by engaging in the aforementioned acts and/or in authorizing and/or ratifying such acts, engaged in willful, malicious, fraudulent, intentional, oppressive and despicable conduct, and acted with willful and conscious disregard of the rights, welfare and safety of DR. BOWIE, thereby justifying the award of punitive and exemplary damages in an amount to be determined at trial.

\\

\\

\\

\\

\\

\\



1 **TWELFTH CAUSE OF ACTION**

2 **NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

3 **(Against all Defendants)**

4 169. DR. BOWIE realleges and incorporates by reference paragraphs 1 through  
5 40, 42 through 51, 57 through 66, 72 through 82, 88 through 98, 103 through 113, 119  
6 through 131, 137 through 139, 146 through 148, and 154 as though set forth in full.

7 170. In the alternative, Defendants breached their duty of care owed to DR.  
8 BOWIE to protect him from foreseeable harm. Defendants' conduct, as alleged above,  
9 was done in a careless or negligent manner, without consideration for the effect of such  
10 conduct upon DR. BOWIE's emotional well-being.

11 171. By the aforesaid acts and omissions of Defendants, and each of them, DR.  
12 BOWIE has been directly and legally caused to suffer actual damages including, but not  
13 limited to, loss of earnings and future earning capacity, attorneys' fees, costs of suit and  
14 other pecuniary loss not presently ascertained.

15 172. As a further direct and legal result of the acts and conduct of Defendants,  
16 and each of them, as aforesaid, DR. BOWIE has been caused to and did suffer and  
17 continues to suffer severe emotional and mental distress, anguish, humiliation, shame,  
18 embarrassment, fright, shock, pain, discomfort and anxiety. DR. BOWIE does not know  
19 at this time the exact duration or permanence of said injuries, but is informed and  
20 believes, and thereon alleges, that some if not all the injuries are reasonably certain to be  
21 permanent in character.

22 **PRAYER FOR RELIEF**

23  
24 **WHEREFORE, DR. JOHN L. BOWIE** prays for judgment against Defendants  
25 as follows:

- 26 1. General damages in an amount to be proved at trial;  
27 2. Special damages in an amount to be proved at trial;  
28

3. Punitive damages in an amount appropriate to punish Defendants and to make an example of Defendants to the community;
4. Penalties;
5. Reasonable attorneys' fees;
6. Costs of suit;
7. Interest;
8. For such other relief as the Court deems proper.

Date: November 20, 2019

HELMER FRIEDMAN LLP



By: \_\_\_\_\_  
ANDREW H. FRIEDMAN, P.C.  
Attorneys for Plaintiff,  
DR. JOHN L. BOWIE

1                                    **PLAINTIFF'S DEMAND FOR JURY TRIAL**

2

3                    Plaintiff DR. JOHN L. BOWIE hereby demands a trial by jury.

4

5    Date: November 20, 2019

HELMER FRIEDMAN LLP

6

7                                    

8

9                                    By: \_\_\_\_\_

10                                    ANDREW H. FRIEDMAN, P.C.

11                                    Attorneys for Plaintiff,

12                                    DR. JOHN L. BOWIE

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28