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Los Angeles Superior Court

APR 24 2017

Sherril R. Carter, Executive Officer/clerk  
By Shaunya Bolden, Deputy

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

BC 658923

11 HAROLD CARTER,

12 Plaintiff,

13 vs.

14 FEDERAL EXPRESS CORPORATION, a  
15 Delaware Corporation; and DOES 1 through  
10, inclusive,

16 Defendants.

CASE NO.

COMPLAINT FOR:

(1) DISABILITY DISCRIMINATION  
IN VIOLATION OF CAL. GOV'T  
CODE §§ 19200 *ET SEQ.*;

(2) FAILURE TO PROVIDE  
REASONABLE ACCOMMODATION  
IN VIOLATION OF CAL. GOV'T  
CODE §§ 12900 *ET SEQ.*;

(3) FAILURE TO ENGAGE IN THE  
INTERACTIVE PROCESS IN  
VIOLATION OF CAL. GOV'T CODE  
§§ 12900 *ET SEQ.*;

(4) RETALIATION IN VIOLATION  
OF CAL. GOV'T CODE §§ 12900 *ET*  
*SEQ.*;

(5) WRONGFUL TERMINATION IN  
VIOLATION OF PUBLIC POLICY;  
AND

(6) INTENTIONAL INFLECTION OF  
EMOTIONAL DISTRESS

REQUEST FOR JURY TRIAL

1 Plaintiff Harold Carter ("Plaintiff" or "Mr. Carter") hereby brings his complaint  
2 against the above-named defendants and states and alleges as follows:

3 General Allegations

4 1. Plaintiff is informed and believes and thereupon alleges that at all times  
5 mentioned herein Defendant Federal Express Corporation ("Defendant" or "FedEx"), was,  
6 and is, a Delaware corporation authorized to do business and doing business in California.

7 2. At all times mentioned herein, and at the time the causes of action arose,  
8 Plaintiff was an individual and citizen of the State of California, and at all relevant times  
9 regularly worked for Defendant in the County of Los Angeles. The acts giving rise to  
10 Plaintiff's claims occurred in the County of Los Angeles.

11 3. Plaintiff is unaware of the true names and capacities of Defendants sued herein  
12 as DOES 1-10, inclusive, and for that reason sues said Defendants by such fictitious names.  
13 Plaintiff will file and serve an amendment to this complaint alleging the true names and  
14 capacities of said fictitiously named Defendants if and when such true names and capacities  
15 become known to Plaintiff.

16 4. Plaintiff is informed and believes, and based thereon alleges, that each of the  
17 fictitiously named Defendants is responsible in some manner for, and proximately caused, the  
18 harm and damages alleged herein below.

19 5. Plaintiff is informed and believes, and based thereon alleges, that each of the  
20 Defendants and individuals named herein acted as the employee, agent, partner, alter-ego  
21 and/or joint venturer of each of the other Defendants named herein and, in doing the acts and  
22 in carrying out the wrongful conduct alleged herein, each of said Defendants acted within the  
23 scope of said relationship and with the permission, consent and ratification of each of the  
24 other Defendants named herein.

25 6. Hereinafter in the complaint, unless otherwise specified, reference to a  
26 Defendant or Defendants shall refer to all Defendants, and each of them.

27 7. Mr. Carter began working for Defendant on or about June 24, 1991 as a part-  
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1 time cargo handler. He consistently received positive recognition, raises, and promotions as  
2 he worked his way up the company ranks to a full-time management position in 1995.

3 8. On or about December 29, 2014, Mr. Carter suffered a life threatening spinal  
4 cord injury at work. A large box fell on his head causing neck and upper extremity pain with  
5 partial paralysis of his arms. He remained in the hospital for 3 days. He had to relearn his  
6 fine motor skills to begin healing from this devastating injury. Obviously, this meant that he  
7 required a leave of absence as a reasonable accommodation. (In addition, Mr. Carter filed a  
8 workers' compensation claim for this injury.)

9 9. On or about January 12, 2015, Mr. Carter's physician provided Defendant with  
10 information regarding Mr. Carter's condition. Specifically, that Mr. Carter was unable to  
11 drive a truck or lift more than ten (10) pounds and further requested a schedule limited to five  
12 (5) days a week. Thus, Mr. Carter was able to return to work with such reasonable  
13 accommodations. Indeed, Defendant easily could have reasonably accommodated Mr. Carter  
14 by allowing him to do desk duty. Defendant, however, refused. Instead, Defendant told Mr.  
15 Carter that per company policy/practice, he could not return to work without a "100% release  
16 to full duty." In other words, Defendant insisted that Mr. Carter could not return until he was  
17 100% healed with no restrictions. Moreover, Defendant told Mr. Carter that he had no more  
18 than 90 days to return to work or he would lose his management position.

19 10. Thus, on or about May 15, 2015, Mr. Carter returned to work. He reported to  
20 Kim Cooper. Ms. Cooper clearly had it out for Mr. Carter because he had taken a leave of  
21 absence. Mr. Carter made clear to Ms. Cooper upon his return to work that he struggled  
22 through mild to excessive pain on a daily basis. Indeed, he continued to have restrictions to  
23 avoid heavy lifting and frequent bending and turning of the neck. Accordingly, Mr. Carter  
24 requested a lighter schedule as an accommodation in light of these restrictions, but Ms.  
25 Cooper told Mr. Carter to "stop being such a pussy."

26 11. Instead of helping Mr. Carter by making reasonable accommodations, Ms.  
27 Cooper actually *increased* his workload compared to others. Thus, other managers were  
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1 allowed to leave early or have Saturdays off, but Mr. Carter was assigned to pick up their  
2 slack. In addition, Mr. Carter believed that Ms. Cooper had been making changes to the  
3 employee time cards without telling management. (Indeed, the internal computer records  
4 show that Ms. Cooper's employee code made such changes.)

5 12. On or about August 11, 2015, Ms. Cooper issued Mr. Carter a performance  
6 reminder letter for alleged time card process failures. Ms. Cooper, however, deviated from  
7 the company policy in doing so. Specifically, Defendant's policy generally required the  
8 providing of counseling (referred to as an "OLCC") *prior* to issuing a written performance  
9 reminder letter. Yet Ms. Cooper did not issue any OLCC to Mr. Carter. Instead, she went  
10 straight to a disciplinary letter.

11 13. On or about September 2, 2015, the Qualified Medical Evaluation regarding  
12 Mr. Carter's workers' compensation claim was provided to Defendant. In that report, the  
13 physician found Mr. Carter's disability status to be "permanent and stationary" and  
14 recommended work restrictions that Mr. Carter should be "precluded from heavy lifting and  
15 frequent bending and turning of the neck." Again, however, Defendant did nothing to honor  
16 these restrictions. Instead, Defendant continued to assign Mr. Carter a disproportionately  
17 higher workload than his peers and continued to target Mr. Carter for either false or trivial  
18 reasons.

19 14. For example on September 23, 2015, Ms. Cooper issued an OLCC to Mr.  
20 Carter alleging that he had failed to pay two employees for the correct hours. This was  
21 completely untrue. Further, on or about October 8, 2015, Ms. Cooper issued an OLCC to Mr.  
22 Carter for allegedly having employees work unnecessary hours. On or about October 14,  
23 2015, Ms. Cooper issued an OLCC to Mr. Carter for an alleged timecard error on January 2,  
24 2015. This, however, simply could not be attributed to Mr. Carter *as he was in the hospital*  
25 *on January 2, 2015 suffering from his spinal injury and not at work.* (Moreover, it was  
26 entirely unclear why Ms. Cooper was issuing a reprimand in October 2015 for an alleged  
27 error that occurred in January 2015.) Again, on November 3, 2015, Ms. Cooper issued  
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1 another OLCC to Mr. Carter regarding alleged time errors. (Mr. Carter further discovered  
2 that Ms. Cooper had gone into the electronic time card system and manually deleted an  
3 employee's pay without the employee's permission.) Notably, other managers had many  
4 similar time errors – if not more – but Ms. Cooper only had it out for Mr. Carter.

5 15. On November 18, 2015, Mr. Carter learned that a new manager had joined the  
6 team. Thus, Mr. Carter again contacted Ms. Cooper and renewed his request to be taken off  
7 the Saturday shifts. He also again reported that he felt he had been placed on the Saturday  
8 shift as harassment (i.e., retaliation) for his disability leave/needed restrictions. But Ms.  
9 Cooper did not accommodate Mr. Carter. Instead – less than a week later – on or about  
10 November 24, 2015, Ms. Cooper issued a second written performance reminder letter to Mr.  
11 Carter for alleged timecard process failures. Ms. Cooper specifically included as a basis for  
12 this discipline the alleged timecard error on January 2, 2015, which could not truthfully be  
13 attributed to Mr. Carter because he was in the hospital at that time.

14 16. Thus, it became abundantly clear that Ms. Cooper was targeting Mr. Carter. On  
15 or about November 26 and 30, 2015, Mr. Carter filed an internal complaint of discrimination,  
16 harassment, and retaliation based on his disability detailing the foregoing. Not only did  
17 Defendant fail to promptly investigate and respond, but this only incensed Ms. Cooper and/or  
18 Mr. Fitzpatrick.<sup>1</sup> Ms. Cooper told Mr. Carter's peers that "getting rid of [Mr. Carter] was a  
19 trophy goal" and that she was "targeting" him.

20 17. Defendant, however, did not take Mr. Carter's complaint seriously. It  
21 continued to tell Mr. Carter that it was "investigating," but had to put things on hold until  
22 they spoke with Ms. Carter. As of May 2016, Defendant still had not completed its

23  
24 <sup>1</sup> Mr. Fitzpatrick had been in Mr. Carter's chain of command since at least 2004. In  
25 approximately 2004, 2006, and 2010, Mr. Carter reported his prior supervisor (Pat Helm) for  
26 discrimination/harassment/retaliation based on race – including because Mr. Helm threatened  
27 Mr. Carter with a Nazi emblazoned knife, used the n-word, and kicked Mr. Carter in the  
28 buttocks. Neither Mr. Fitzpatrick nor Defendant did anything in response to these  
complaints.

1 investigation.

2 18. Instead, Defendant further retaliated against Mr. Carter by escalating him to  
3 termination. This time Defendant alleged that Mr. Carter had failed to pay an employee on  
4 June 27 and 29, 2016. But, again, this allegation was false. In truth, the employee had  
5 requested leave without pay on those days. The employee in question confirmed that he had  
6 made such a request, took the days off, and did not complain or ask for pay for such days.  
7 Despite this evidence, Defendant terminated Mr. Carter on August 4, 2016.

8 19. To add insult to injury, on August 15, 2016, Defendant finally responded to Mr.  
9 Carter's EEO complaint, only to say that the claim had "been thoroughly investigated."  
10 Incredulously, however, Defendant had not even attempted to interview Mr. Carter regarding  
11 these allegations.

12 20. Defendant fired Mr. Carter after 25 years of dedicated service for false and/or  
13 trivial reasons. Mr. Carter is informed and believes that his peers made many – if not more –  
14 of the same errors Defendant accused him of making, yet those employees were retained.  
15 Defendant, instead, had it out for Mr. Carter because of his disability, because it did not want  
16 to accommodate him, and/or in retaliation for raising what he reasonably believed to be  
17 unlawful discriminatory conduct and/or filing a workers' compensation claim.

18 21. On or about March 17, 2017, Plaintiff filed charges of discrimination with the  
19 Department of Fair Employment and Housing and the Equal Employment Opportunity  
20 Commissions and obtained an immediate right-to-sue notice. Plaintiff has exhausted his  
21 administrative remedies.

22 **FIRST CAUSE OF ACTION**

23 **(DISABILITY DISCRIMINATION IN VIOLATION OF CAL. GOV'T CODE**

24 **§§ 12900 *ET SEQ.*)**

25 22. Plaintiff realleges and incorporates herein paragraphs 1 through 21 of this  
26 complaint as though fully set forth.

27 23. Under the Fair Employment and Housing Act ("FEHA"), Cal. Gov't Code  
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1 §§ 12900 *et seq.*, it is an unlawful employment practice for an employer to discharge an  
2 employee in whole or in part because of an employee's disability and/or medical condition.  
3 *See, e.g.*, Cal. Gov't Code § 12940(a).

4 24. As set forth above, Plaintiff suffers from a disability and/or medical condition  
5 under California law because he suffered from a severe spinal injury, as well as related  
6 disabilities that limited him in several major life activities, including making him unable to  
7 lift heavy objects, bend and turn his neck, and otherwise perform every day tasks. Plaintiff  
8 made Defendant aware of his disability and/or medical condition on numerous occasions and  
9 requested reasonable accommodations for his disability and/or medical condition, *e.g.* a leave  
10 of absence, reduced hours, restrictions on lifting and bending and turning his neck.

11 25. While Defendant initially purported to grant Plaintiff the accommodations he  
12 required (a leave of absence), Defendant then told Plaintiff that such a leave would be limited  
13 to 90 days and, moreover, that he could only return to work without restrictions (*i.e.*, 100%  
14 healed).

15 26. Then after Plaintiff returned to work from his disability leave as Defendant  
16 demanded, Defendant began a retaliatory campaign of assigning him more work than his  
17 peers and reprimanding him for false or trivial conduct. Ultimately Defendant terminated  
18 Plaintiff for reasons that was demonstrably false. Moreover, Plaintiff is informed and  
19 believes that his non-disabled peers engaged in equal – if not more severe – time card errors  
20 than Defendant alleged he committed, yet Defendant did not terminate their employment.  
21 Thus, Defendant's reasons for reprimand and termination were pretext for disability  
22 discrimination in violation of the FEHA.

23 27. As a direct, legal, and proximate result of Defendant's conduct, as alleged  
24 above, Plaintiff endured economic, including lost wages and benefits, and non-economic  
25 damages, including emotional distress, to which Plaintiff is entitled to general and special  
26 damages according to proof.

27 28. As a further direct, legal and proximate result of Defendant's conduct, Plaintiff  
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1 was caused to and did employ the services of counsel to prosecute this action, and is  
2 accordingly entitled to an award of attorneys' fees according to proof.

3 29. Plaintiff is informed and believes and thereupon alleges that Defendant's actions  
4 and each of them were taken with malice, oppression, fraud, and/or willful and conscious  
5 disregard of Plaintiff's rights, and were carried out by Defendant's managing agents and/or  
6 ratified by Defendant. Plaintiff is therefore entitled to punitive damages in an amount to be  
7 determined at trial.

8 **SECOND CAUSE OF ACTION**

9 **(FAILURE TO PROVIDE REASONABLE ACCOMMODATION IN VIOLATION OF**  
10 **CAL. GOV'T CODE §§ 12900 ET SEQ.).**

11 30. Plaintiff realleges and incorporates herein paragraphs 1 through 29 of this  
12 complaint as though fully set forth.

13 31. Under the FEHA, it is an unlawful employment practice for an employer to fail  
14 to offer a reasonable accommodation to an employee with a disability. *See, e.g.,* Cal. Gov't  
15 Code § 12940(m).

16 32. As set forth above, Plaintiff suffers from a disability and/or medical condition  
17 under California law because he suffered from a severe spinal injury, as well as related  
18 disabilities that limited him in several major life activities, including making him unable to  
19 lift heavy objects, bend and turn his neck, and otherwise perform every day tasks. Plaintiff  
20 made Defendant aware of his disability and/or medical condition on numerous occasions and  
21 requested reasonable accommodations for his disability and/or medical condition, *e.g.* a leave  
22 of absence, reduced hours, restrictions on lifting and bending and turning his neck.

23 33. While Defendant initially purported to grant Plaintiff the accommodations he  
24 required (a leave of absence), Defendant then told Plaintiff that such a leave would be limited  
25 to 90 days and, moreover, that he could only return to work without restrictions (*i.e.*, 100%  
26 healed). Defendant then constantly demanded Plaintiff work beyond his physical limitations.  
27 Indeed, after Plaintiff returned to work from his disability leave as Defendant demanded,  
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1 Defendant began a retaliatory campaign of assigning him more work than his peers and  
2 reprimanding him for false or trivial conduct. When Plaintiff complained to his supervisor  
3 and requested a lighter schedule as a reasonable accommodation, Plaintiff's supervisor  
4 responded by telling him to "stop being such a pussy." Thus, Defendant ultimately failed to  
5 accommodate Plaintiff in violation of the FEHA.

6 34. As a direct, legal, and proximate result of Defendant's conduct, as alleged  
7 above, Plaintiff endured economic, including lost wages and benefits, and non-economic  
8 damages, including emotional distress, to which Plaintiff is entitled to general and special  
9 damages according to proof.

10 35. As a further direct, legal and proximate result of Defendant's conduct, Plaintiff  
11 was caused to and did employ the services of counsel to prosecute this action, and is  
12 accordingly entitled to an award of attorneys' fees according to proof.

13 36. Plaintiff is informed and believes and thereupon alleges that Defendant's actions  
14 and each of them were taken with malice, oppression, fraud, and/or willful and conscious  
15 disregard of Plaintiff's rights, and were carried out by Defendant's managing agents and/or  
16 ratified by Defendant. Plaintiff is therefore entitled to punitive damages in an amount to be  
17 determined at trial.

18 **THIRD CAUSE OF ACTION**

19 **(FAILURE TO ENGAGE IN THE INTERACTIVE PROCESS IN VIOLATION OF**  
20 **CAL. GOV'T CODE §§ 12900 ET SEQ.)**

21 37. Plaintiff realleges and incorporates herein paragraphs 1 through 36 of this  
22 complaint as though fully set forth.

23 38. Under the FEHA, it is an unlawful employment practice for an employer to fail  
24 to engage in a timely, good-faith interactive process with a disabled employee to determine if  
25 a reasonable accommodation exists. *See, e.g.*, Cal. Gov't Code § 12940(n).

26 39. As set forth above, Plaintiff suffers from a disability and/or medical condition  
27 under California law because he suffered from a severe spinal injury, as well as related  
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1 disabilities that limited him in several major life activities, including making him unable to  
2 lift heavy objects, bend and turn his neck, and otherwise perform every day tasks. Plaintiff  
3 made Defendant aware of his disability and/or medical condition on numerous occasions and  
4 requested reasonable accommodations for his disability and/or medical condition, e.g. a leave  
5 of absence, reduced hours, restrictions on lifting and bending and turning his neck.

6 40. This triggered Defendant's obligation to engage in a good-faith interactive  
7 process to determine if any accommodation existed that would allow Plaintiff to remain  
8 employed. While Defendant initially purported to grant Plaintiff the accommodations he  
9 required, Defendant stopped doing so and began demanding Plaintiff work beyond his  
10 physical limitations. Defendant told Plaintiff that such a leave would be limited to 90 days  
11 and, moreover, that he could only return to work without restrictions (i.e., 100% healed).  
12 Defendant then constantly demanded Plaintiff work beyond his physical limitations. Indeed,  
13 after Plaintiff returned to work from his disability leave as Defendant demanded, Defendant  
14 began a retaliatory campaign of assigning him more work than his peers and reprimanding  
15 him for false or trivial conduct. When Plaintiff complained to his supervisor and requested a  
16 lighter schedule as a reasonable accommodation, Plaintiff's supervisor responded by telling  
17 him to "stop being such a pussy."

18 41. Defendant ultimately terminated Plaintiff's employment without first engaging  
19 in the required interactive process. Defendant, thus, failed to engage in a good-faith  
20 interactive process in violation of the FEHA.

21 42. As a direct, legal, and proximate result of Defendant's conduct, as alleged  
22 above, Plaintiff endured economic, including lost wages and benefits, and non-economic  
23 damages, including emotional distress, to which Plaintiff is entitled to general and special  
24 damages according to proof.

25 43. As a further direct, legal and proximate result of Defendant's conduct, Plaintiff  
26 was caused to and did employ the services of counsel to prosecute this action, and is  
27 accordingly entitled to an award of attorneys' fees according to proof.

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1 was caused to and did employ the services of counsel to prosecute this action, and is  
2 accordingly entitled to an award of attorneys' fees according to proof.

3 49. Plaintiff is informed and believes and thereupon alleges that Defendant's actions  
4 and each of them were taken with malice, oppression, fraud, and/or willful and conscious  
5 disregard of Plaintiff's rights, and were carried out by Defendant's managing agents and/or  
6 ratified by Defendant. Plaintiff is therefore entitled to punitive damages in an amount to be  
7 determined at trial.

8 **FIFTH CAUSE OF ACTION**

9 **(WRONGFUL TERMINATION IN VIOLATION OF PUBLIC POLICY)**

10 50. Plaintiff realleges and incorporates herein paragraphs 1 through 49 of this  
11 complaint as though fully set forth.

12 51. It is against fundamental and well established public policy to discharge an  
13 employee because of his disability, and/or to circumvent accommodating the employee and/or  
14 engaging in the interactive process, and/or for retaliation for reporting what he reasonably and  
15 in good faith believes to be unlawful failure to accommodate, and/or for filing a workers  
16 compensation claim. These fundamental public policies are embodied in the FEHA, the  
17 California Constitution, and California Labor Code. *See, e.g.,* Cal. Gov't Code § 12940(a),  
18 (m), (n); Cal. Lab. Code § 132a.

19 52. As set forth above, Defendant discharged Plaintiff in whole, or in part in  
20 violation of these fundamental public policies. Defendant, thus, committed the tort of  
21 wrongful discharge in violation of public policy.

22 53. As a direct, legal, and proximate result of Defendant's conduct, as alleged  
23 above, Plaintiff endured emotional distress, loss of wages and benefits pursuant to which  
24 Plaintiff is entitled to general and special damages according to proof.

25 54. Plaintiff is informed and believes and thereupon alleges that Defendant's  
26 actions and each of them were taken with malice, oppression, fraud, and/or willful and  
27 conscious disregard of Plaintiff's rights, and were carried out by Defendant's managing  
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1 agents and/or ratified by Defendant. Plaintiff is therefore entitled to punitive damages in an  
2 amount to be determined at trial.

3 55. As a further direct, legal and proximate result of Defendant's conduct, Plaintiff  
4 was caused to and did employ the services of counsel to prosecute this action, and is  
5 accordingly entitled to an award of attorneys' fees according to proof, including pursuant to  
6 California Code of Civil Procedure § 1021.5 because this lawsuit seeks to enforce important  
7 public rights.

8 **SIXTH CAUSE OF ACTION**

9 **(INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS)**

10 56. Plaintiff realleges and incorporates herein paragraphs 1 through 55 of this  
11 complaint as though fully set forth.

12 57. Defendant's above described conduct was extreme and outrageous and beyond  
13 the bounds of all decency and as a violation of statute and/or public policy outside the course  
14 and scope of the normal employment relationship. Defendant acted with the intent to  
15 denigrate, degrade, discriminate, harass, and retaliate against Plaintiff. The above described  
16 conduct of Defendant was not anticipated by Plaintiff at the inception or during the course of  
17 his employment and it was beyond all bounds of human decency.

18 58. Plaintiff could not have reasonably anticipated being treated in such an  
19 outrageous manner when he accepted employment with Defendants.

20 59. As a legal, direct, and proximate result of Defendant's extreme and outrageous  
21 conduct, as alleged above, Plaintiff has been caused to and did suffer and continues to suffer  
22 severe emotional and mental distress, anguish, humiliation, shame, embarrassment, fright,  
23 shock, pain, discomfort and anxiety. Plaintiff does not know at this time the exact duration or  
24 permanence of said injuries, but is informed and believes, and thereon alleges, that some if  
25 not all of the injuries are reasonably certain to be permanent in character.

26 60. Plaintiff is informed and believes and thereupon alleges that Defendant's actions  
27 and each of them were taken with malice, oppression, fraud, and/or willful and conscious  
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1 disregard of Plaintiff's rights, and were carried out by Defendant's managing agents and/or  
2 ratified by Defendant. Plaintiff is therefore entitled to punitive damages in an amount to be  
3 determined at trial.

4 61. As a further direct, legal and proximate result of Defendant's conduct, Plaintiff  
5 was caused to and did employ the services of counsel to prosecute this action, and is  
6 accordingly entitled to an award of attorneys' fees according to proof, including pursuant to  
7 California Code of Civil Procedure § 1021.5 because this lawsuit seeks to enforce important  
8 public rights.

9 **PRAYER FOR RELIEF**

10 WHEREFORE, Plaintiff Harold Carter prays for judgment against Defendant Federal  
11 Express Corporation, and Does 1 through 10, inclusive, and each of them, as follows:

12 1. For general damages according to proof, on each cause of action for which such  
13 damages are available;

14 2. For compensatory damages, according to proof on each cause of action for  
15 which such damages are available;

16 3. For special damages according to proof on each cause of action for which such  
17 damages are available;

18 4. For prejudgment and postjudgment interest on any lost or unpaid wages  
19 according to law;

20 5. For reasonable attorneys' fees and costs of suit incurred herein pursuant to  
21 California Government Code § 12965(b), California Code of Civil Procedure § 1021.5, and  
22 any other relevant provision under California law that provides for attorneys' fees;

23 6. For equitable relief to the extent available under law;

24 7. For statutory penalties to the extent available under law; and

25 8. For such other and further relief as the Court deems proper and just.

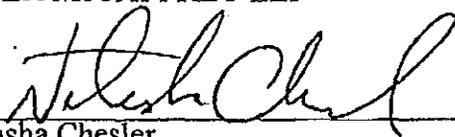
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1 PLAINTIFF HEREIN DEMANDS A TRIAL BY JURY OF ALL CAUSES OF  
2 ACTION ALLEGED HEREIN.

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DATED: April 24, 2017

CHESLER McCAFFREY LLP

By   
Natasha Chesler

Attorneys for Plaintiff  
Harold Carter