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11 **UNITED STATES DISTRICT COURT**
12 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

14 KHRISTINE ELAINE
15 EROSHEVICH, M.D.,
an individual,

16 Plaintiff,

17 v.

18 GEORGE P. PARISOTTO, in his
19 official capacity as Acting
Administrative Director of the
20 California Division of Workers
Compensation; DIVISION OF
21 WORKERS' COMPENSATION, an
agency of the State of California; and
22 DOES 1 through 10, inclusive,

23 Defendants.

Case No. 2:17-CV-07343

**VERIFIED CIVIL RIGHTS
COMPLAINT FOR
DECLARATORY, INJUNCTIVE OR
OTHER RELIEF PURSUANT TO 42
U.S.C. § 1983**

**UNITED STATES CONSTITUTION:
ARTICLE I, SECTION 9; ARTICLE
I, SECTION 10; FIFTH AND
FOURTEENTH AMENDMENTS**

**CALIFORNIA CONSTITUTION:
ARTICLE I, SECTION 7; ARTICLE
I, SECTION 9**

JURISDICTION AND VENUE

1
2 1. This action presents “as applied” challenges to the constitutionality of
3 California Labor Code section 139.21, subdivision (a)(1), which empowers the
4 California Division of Workers’ Compensation, acting through its Administrative
5 Director, to suspend individuals and corporate entities from participating in the
6 California workers’ compensation system under certain, defined conditions. By
7 way of this action, Plaintiff seeks injunctive relief pursuant to 42 U.S.C. § 1983
8 enjoining Defendants from enforcement of this statute against her on the grounds
9 that such enforcement would violate Plaintiff’s rights under Article I, §§ 9 and 10,
10 and the Fifth, and Fourteenth Amendments to the United States Constitution, along
11 with the corresponding provisions of the California Constitution, Article I, § 7, and
12 Article I, § 9.

13 2. This Court has jurisdiction over claims for relief alleged in this action
14 pursuant to 23 U.S.C. §§ 1331 and 1343 based on 42 U.S.C. § 1983 and questions
15 of federal constitutional law. This Court also has jurisdiction over claims for relief
16 alleged in this action pursuant to 28 U.S.C. § 2201, subdivision (a), and 28 U.S.C. §
17 2202. This Court has supplemental jurisdiction over Plaintiff’s claims for relief
18 arising under California state law pursuant to 28 U.S.C. § 1367.

19 3. This Court has personal jurisdiction over Defendants because all
20 Defendants are domiciled in and/or have “continuous, systematic” ties to the State
21 of California.

22 4. Venue is proper in this Court pursuant to 28 U.S.C. § 1391,
23 subdivision (b)(2), because a substantial part of the acts and omissions giving rise
24 to the claims for relief alleged in this action occurred in the Central District. Venue
25 is also proper in this Court pursuant to California Code of Civil Procedure § 401
26 because the California Attorney General maintains an office in the Central District.
27 (Straus Family Creamery v. Lyons, 219 F.Supp.2d 1046, 1048 (N.D. Cal. 2002).
28

1 (iii) It is a financial crime that relates to the Medi-Cal program,
2 Medicare program, or workers' compensation system.

3 (iv) It is otherwise substantially related to the
4 qualifications, functions, or duties of a provider of
5 services.

6 (B) The individual or entity has been suspended, due to fraud
7 or abuse, from the federal Medicare or Medicaid programs.

8 (C) The individual's license, certificate, or approval to provide
9 health care has been surrendered or revoked.

10 8. The California Legislature enacted Labor Code section 139.21,
11 subdivision (a)(1), to create a suspension process to be employed in the California
12 workers' compensation system expressly patterned after the suspension process
13 employed in the Medi-Cal program as set forth in California Welfare and
14 Institutions Code section 14123. Indeed, in addition to enacting Labor Code
15 section 139.21 as a new statute, AB 1244 also enacted certain amendments to
16 Welfare and Institutions Code section 14123. However, as further discussed *infra*,
17 in contrast to its Medi-Cal counterpart, the suspension process now employed in the
18 California workers' compensation system incorporates no provision for
19 reinstatement or reduction of the term of suspension and vests no discretion in the
20 Administrative Director to rescind or modify an order of suspension no matter the
21 circumstances leading to the suspension order. As such, Labor Code section 139.21
22 actually creates a "termination process", not a suspension process.

23 9. In enacting AB 1244, the California expressed its intent to address "a
24 specter haunting California, the fraud in the workers' compensation system".
25 While the aims of this legislation certainly are worthy and laudable, "[a] strong
26 public desire to improve the public condition is not enough to warrant achieving the
27 desire by a shorter cut than the constitutional way." (Horne v. Department of
28

1 Agriculture, 135 S.Ct. 2419 (2015).) The United States and the California
2 Constitutions protect the rights of individuals such as Plaintiff from deprivation of
3 life, liberty or property without due process, including by unlawful and unjust
4 retroactive application of legislative enactments, from enactments which impair the
5 obligations of lawful contracts, and from unlawful ex post facto enactments.
6 Plaintiff alleges that Labor Code section 139.21, subdivision (a)(1), as applied to
7 her, violates each and every one of these constitutional protections.

8 10. Under the guise of chasing the “specter” of fraud haunting the state
9 workers’ compensation system, the California Legislature has created a medical
10 service provider “termination process.” If applied to Plaintiff, this “termination
11 process” would permanently preclude her for participating in the California
12 workers’ compensation system based upon events which occurred years before
13 Labor Code section 139.21 was enacted, which are not substantially related to her
14 function, qualifications, and duties as a physician and do not evidence present or
15 potential unfitness of Plaintiff to practice medicine as more particularly described
16 hereafter, and would unlawfully impair Plaintiff’s vested contractual rights to
17 provide medical care services in that system. Accordingly, application of Labor
18 Code section 139.21, subdivision (a)(1), to Plaintiff would violate Article I, § 9,
19 Article I, § 10, and the Fifth and Fourteenth Amendments of the United State
20 Constitution, as well as Article I, § 7, and Article I, § 9, of the California
21 Constitution.

22 **THE PARTIES**

23 11. Plaintiff KHRISTINE ELAINE EROSHEVICH, M.D. (“Plaintiff”) is
24 a resident of Studio City, California, which is within the Western Division, and is a
25 physician who is board-certified in field of psychiatry. Plaintiff has been licensed
26 to practice medicine by the Medical Board of California since 1978. The majority
27 of Plaintiff’s current medical practice involves evaluating and treating injured
28 workers who have filed claims in the California workers’ compensation system, and

1 she maintains offices in Beverly Hills, California, and in El Monte, California.
2 Since initially becoming involved in the workers' compensation system in the
3 1980's, Plaintiff has provided services in a variety of capacities, including as a
4 treating physician and as an independent forensic medical evaluator.

5 12. Plaintiff is a participating provider in numerous medical provider
6 networks ("MPN") established and maintained by workers' compensation insurance
7 carriers and third-party claims administrators pursuant to California Labor Code
8 sections 4616 *et seq.* The California Legislature enacted these statutes to empower
9 employers, insurance carriers and claims administrators to assert more control over
10 medical treatment costs in the California workers' compensation system by
11 requiring injured workers covered by an MPN to receive treatment exclusively from
12 an MPN-participating provider. As a participating provider, Plaintiff is part of an
13 exclusive pool of medical service providers who are legally authorized to provide
14 such services to injured workers who covered by one of the MPN's in which she is
15 a participating member. Furthermore, Plaintiff's participation in certain of these
16 MPN's involves a direct contractual relationship between Plaintiff and the MPN
17 pursuant to which Plaintiff, subject to certain conditions and in exchange for
18 specified compensation, has agreed to provide medical treatment services to injured
19 workers who are required to receive treatment from a participating provider. For
20 these reasons, Plaintiff has a present, vested interest in continued participation in
21 the California workers' compensation system.

22 13. Defendant GEORGE P. PARISOTTO ("PARISOTTO") is the Acting
23 Administrative Director of the California Department of Workers Compensation.
24 His official duties include overseeing all aspects of the administration of the
25 California workers' compensation system, including adopting regulations and
26 ensuring enforcement of the laws under his authority, including Labor Code section
27 139.21.
28

1 14. Defendant DIVISION OF WORKERS' COMPENSATION ("DWC")
2 is an "agency" of the State of California as defined in Government Code section
3 11500. Pursuant to California Labor Code sections 111 *et seq.*, through its
4 Administrative Director, Defendant DWC exercises control over virtually all
5 aspects of the workers' compensation system, except judicial powers which are
6 expressly reserved to the California Workers' Compensation Appeals Board
7 pursuant to Section 111.

8 15. Each of the Defendants, their employees and agents, participated
9 personally in the unlawful conduct challenged herein and, to the extent that they did
10 not personally participate, authorized, acquiesced, set in motion, or otherwise failed
11 to take necessary steps to prevent the acts that resulted in the unlawful conduct and
12 the harm suffered by Plaintiff. Each acted in concert with each other. The
13 challenged acts caused the violation of Plaintiff's rights as alleged herein.

14 16. Plaintiff lacks knowledge of the true names and capacities of the
15 defendants sued herein as DOES 1-10, inclusive, and therefore sue these defendants
16 by such fictitious names. Plaintiff is informed and believe that each of the
17 defendants designated herein as a DOE is responsible in some manner for the
18 events and happenings herein alleged. Plaintiff will amend this complaint to allege
19 those defendants' true names and capacities when they have been ascertained.

20 **NATURE OF DISPUTE**

21 17. This action pursuant to 42 U.S.C. § 1983 seeks (1) a declaration that
22 Labor Code section 139.21, subdivision (a)(1), which permanently terminates a
23 medical service provider from further participation in the California workers'
24 compensation system, is unconstitutional as applied to Plaintiff under Article I, § 9,
25 Article I, § 10, and the Fifth and Fourteenth Amendments of the United State
26 Constitution, as well as Article I, § 7, and Article I, § 9, of the California
27 Constitution; and (2) a preliminary injunction preventing the Defendants from
28 enforcing Labor Code section 139.21, subdivision (a)(1), against Plaintiff.

1 18. To enforce the rights afforded by the United States and California
2 Constitutions, Plaintiff bring this action pursuant to 42 U.S.C. §1983 for
3 declaratory and injunctive relief against the enforcement of Labor Code section
4 139.21, subdivision (a)(1), against her. Plaintiff also seeks to recover all her
5 attorneys' fees, costs and expenses incurred in this action and any other relief that
6 this Court may order.

7 **PLAINTIFF'S IMPENDING SUSPENSION FROM**
8 **THE WORKERS' COMPENSATION SYSTEM**

9 19. By way of letter dated September 8, 2017(Exhibit 1), Defendant
10 PARISOTTO notified Plaintiff of his intention to suspend her from further
11 participation in the California workers' compensation system pursuant to Labor
12 Code section 139.21, subdivision (a)(1), on the following grounds:

13 "The Acting Administrative Director of the Division of
14 Workers' Compensation (DWC) is required by Labor
15 Code sections 139.21(a)(1)(A) and 139.21(a)(1)(B) to
16 suspend you from participation in the California
17 workers' compensation system for one or more of the
18 following reasons: you have been convicted of a crime
19 described in Labor Code section 139.21(a)(1)(A), and/or
20 you have been suspended, due to fraud or abuse, from
21 participation in the federal Medicare or Medicaid
22 programs. Enclosed are copies of the documents relied
23 upon by the Acting Administrative Director as the basis
24 for taking this action."

25 Said letter contained these enclosures which were allegedly relied upon as the
26 basis for Plaintiff's proposed suspension:

- 27 Encls:
28 -Second Amended Felony Complaint in *The People of the State of California v. Khristine Eroshevich, et al.* (Case No. BA353907), Superior Court of California, County of Los Angeles
- Minute Order of the Superior Court of California, County of Los Angeles in *The People of the State of California v. Khristine Eroshevich* (Case No. BA353907), Superior Court of California, County of Los Angeles
- Letter dated July 26, 2012 to Khristine Elaine Eroshevich from the Department of Health Care Services, State of

1 California- Health and Human Services Agency,
2 advising of suspension from Medi-Cal program

3 -Declaration of Socorro Tongco in Support of Notice of
4 Provider Suspension

5 -Proof of Service

6 20. On September 18, 2017, Plaintiff filed a request for hearing with both
7 Defendant PARISOTTO and Defendant DWC via personal delivery.

8 21. On September 21, 2017, Defendant PARISOTTO served a Notice of
9 Hearing regarding his proposed suspension of Plaintiff. (Exhibit 2). That hearing is
10 scheduled to take place on October 10, 2017.

11 22. The basis for Plaintiff's proposed suspension is wrong and inaccurate,
12 and is capricious and arbitrary. In particular, without limitation, the enclosures are
13 materially incomplete, misleading, and unfair. As to the first ground for
14 suspension, namely, that Plaintiff was convicted of a crime which falls within the
15 categories set forth in Labor Code section 139.21, subdivision (a)(1), Defendants
16 know or should have known, had they examined the full record of the proceedings
17 in the case of *People v. Khristine Eroshevich* (Los Angeles Superior Court Case
18 No. BA 353907) that, in fact, there are no convictions whatsoever at this time
19 against Plaintiff. For proof of this, see Plaintiff's Request for Judicial Notice filed
20 concurrently herewith and to Exhibits 3 (Petition for Dismissal), 4 (Order for
21 Dismissal, and 5 (Docket Sheet; in particular pages 73 and 78 thereof) therein.

22 23. As the full record (Exhibits 3, 4, and 5) demonstrates, three of the four
23 convictions were dismissed by the Superior Court as a matter of law based upon a
24 lack of evidence. The remaining conviction was reduced to a misdemeanor, and the
25 Superior Court imposed a sentence consisting of one year of summary probation,
26 no period of incarceration and a restitution fine of \$100. Thereafter, this count was
27 ordered set aside, a plea of not guilty was entered, and it was also dismissed by the
28 Superior Court.

1 24. The second basis for the action by the Defendants is that Plaintiff was
2 suspended “from participation in the federal Medicare or Medicaid programs.”

3 25. Plaintiff has never applied or participated in the federal Medicare
4 program and hence was not suspended from that program.

5 26. On or about July 26, 2012, Plaintiff was suspended by the Director of
6 the California Department of Health Care Services from participation in the federal
7 Medicaid program administered in California and known as the Medi-Cal program.
8 That suspension was based solely on one of the since-dismissed convictions.

9 27. Plaintiff has petitioned for reinstatement as a provider of service in the
10 Medi-Cal system, on various grounds, principally, that the conviction upon which
11 her suspension was based has been dismissed. Her petition for reinstatement is
12 currently pending before the Director of the California Department of Health Care
13 Services. However, Plaintiff is informed and believes that her reinstatement will
14 not occur prior to the hearing set by Defendant PARISOTTO regarding his
15 proposed suspension of Plaintiff.

16 28. The proposed suspension is groundless for the following reasons:

- 17 a. It is based on materially incomplete, inaccurate, and unfair information
18 as there is no criminal conviction;
- 19 b. It is not substantially related to her function, qualifications, and duties
20 as a physician, in that the basis does not evidence present or potential
21 unfitness of Plaintiff EROSHEVICH to practice medicine in a manner
22 consistent with the public health, safety, or welfare and does not
23 evidence an expectation that the behavior relating to the convictions
24 from events which happened over ten years ago and which were
25 dismissed would occur again; and
- 26 c. It fails to provide for the right to refute or to reinstatement, as
27 California Welfare and Institutions Code Section 14123 does for the
28 California Medi-Cal/Medicaid program on such grounds, among

1 others, of rehabilitation, making it not a suspension but a permanent
2 revocation by use of a de facto conclusive and irrebuttable
3 presumption made so since, as set forth above, it is not substantially
4 related present or potential unfitness to practice medicine.

5 29. As separate and distinct grounds in addition to the foregoing in
6 paragraph 11, Labor Code Section 139.21 was not expressly by the terms thereof
7 made retroactive in application to convictions which were dismissed and to any
8 such matters which are not substantially related to her function, qualifications, and
9 duties as a physician, in that the grounds for the suspension do not evidence present
10 or potential unfitness of Plaintiff to practice medicine in a manner consistent with
11 the public health, safety, or welfare and do not evidence an expectation that the
12 behavior relating to the convictions from events which happened over ten years ago
13 and which were dismissed would occur again. Even though Labor Code Section
14 139.21 uses the words “has been convicted” which are a present perfect continuous
15 predicate which mean recently or lately they are ambiguous since either they mean
16 up to enactment on January 1, 2017 or before. The legislative history contained in
17 50 reports omits reference to any such retroactive application or any retroactive
18 application at all. Use of the State’s public policy in protecting the public’s health,
19 safety, and welfare as an aid to construction of this statute fails to support such a
20 retroactive application either because promotion of this policy is not substantially
21 related to her fitness to practice medicine as more particularly described above. She
22 will suffer grave and irreparable harm by the loss of her practice and her income
23 while such suspension will not protect the public under these circumstances since
24 she poses no clear and present danger to the public or the public must be
25 safeguarded from her justifying such action.

26 30. Accordingly, enforcement of Labor Code section 139.21, subdivision
27 (a)(1), against Plaintiff by Defendants would constitute an improper retroactive
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1 application of this statute in violation of Plaintiff's due process rights as guaranteed
2 by the United States and the California Constitutions.

3 31. Similarly, allowing the impending suspension proceedings against
4 Plaintiff to proceed before she has been afforded a reasonable opportunity to obtain
5 reinstatement or other relief from her prior suspension from the Medi-Cal program
6 and thereby remove the remaining basis for her suspension pursuant to Labor Code
7 section 139.21, subdivision (a)(1), would offend core principles of due process and
8 fundamental fairness as guaranteed by the United States and the California
9 Constitutions.

10 32. Furthermore, although Labor Code section 139.21, subdivision (a)(1),
11 is clothed in trappings of a civil penalty, it is so punitive in nature that it constitutes
12 a quasi-criminal statute, and its enforcement against Plaintiff would violate the
13 prohibition against ex post facto laws contained in by the United States and the
14 California Constitutions.

15 33. Additionally, Plaintiff's proposed suspension pursuant to Labor Code
16 section 139.21, subdivision (a)(1), would unlawfully impair Plaintiff's vested,
17 contractual rights to provide medical treatment services in the California workers'
18 compensation system as alleged *supra* in violation of the protections of such
19 contractual rights by the United States and the California Constitutions.

20 **NEED FOR IMMEDIATE RELIEF**

21 34. The Medi-Cal suspension process, which the California Legislature
22 expressly sought to emulate when it enacted Labor Code section 139.21, provides
23 for various forms of relief from an order of suspension:

- 24 (a) Welfare and Institutions Code section 14123, subdivision (a)(3),
25 provides that after issuance of a suspension from the Medi-Cal
26 program the Director of the California Department of Health Care
27 Services: "may grant an informal hearing at the request of the provider
28 of service to determine in the director's sole discretion if the

1 circumstances surrounding the conviction justify rescinding or
2 otherwise modifying the suspension provided for in this subdivision.”

3 (b) Welfare and Institutions Code section 14123, subdivision (a)(4),
4 provides: “If the provider of service appeals [a] conviction and the
5 conviction is reversed, the provider may apply for reinstatement to the
6 Medi-Cal program after the conviction is reversed.”

7 (c) Title 22, California Code of Regulations, § 51459, provides: “A
8 provider whose participation in the [Medi-Cal] program has been
9 suspended may petition the Department for reinstatement or reduction
10 of term of suspension after a period of not less than one year has
11 elapsed from the effective date of the decision, or from the date of the
12 denial of a similar petition.

13 35. By contrast, however, the suspension process established by Labor
14 Code section 139.21 incorporates no provision for reinstatement or reduction of the
15 term of suspension and vests no discretion in the Administrative Director to rescind
16 or modify an order of suspension no matter the circumstances leading to the
17 suspension order. As such, Labor Code section 139.21 actually creates a
18 “termination process,” not a suspension process, from which there is no return. It
19 is an administrative “death penalty.” Should Defendants be permitted to enforce
20 Labor Code section 139.21, subdivision (a)(1), against Plaintiff, and to do so before
21 she has been afforded a reasonable opportunity to obtain reinstatement or other
22 relief from her prior suspension from the Medi-Cal program, Plaintiff will suffer
23 such a “death penalty.”

24 **INJUNCTIVE RELIEF**

25 36. Plaintiff is entitled to preliminary and permanent injunctions.
26 Defendants are acting and threatening to act under color of state law to deprive
27 Plaintiff of her constitutional rights as alleged above. Plaintiff will suffer
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1 irreparable injury as a result of the enforcement of Labor Code section 139.21,
2 subdivision (a)(1). Plaintiff has no plain, adequate, or speedy remedy at law.

3 **DECLARATORY RELIEF**

4 37. An actual and immediate controversy exists between Plaintiff and
5 Defendants. Plaintiff contends that Labor Code Labor Code section 139.21,
6 subdivision (a)(1), as applied to her is unlawful and unconstitutional. Defendants
7 contend otherwise.

8 38. Plaintiff is, therefore, entitled to a declaration of rights with respect to
9 this controversy. Without such a declaration, both Plaintiff and Defendants will be
10 uncertain of their respective rights and responsibilities under the law.

11 **FIRST CLAIM FOR RELIEF**

12 **Due Process**

13 **42 U.S.C. § 1983, Fifth and Fourteenth Amendments, United**
14 **States Constitution; California Constitution Article I, Section 7**
15 **Plaintiff Khristine Elaine Eroshevich, M.D., against all Defendants**

16 39. The allegations of the preceding paragraphs are incorporated as though
17 fully set forth herein.

18 40. As applied to Plaintiff, Labor Code Section 139.21, subdivision (a)(1),
19 would deprive Plaintiff of life, liberty or property without due process of law in
20 violation of the Fifth Amendment to the United States Constitution as applied to the
21 States through the Fourteenth Amendment to the United States Constitution, and in
22 violation of Article I, Section 7, of the California Constitution.

23 41. By acting and threatening to act under color of state law to deprive
24 Plaintiff of rights guaranteed by the Constitution and laws of the United States,
25 Defendants have violated and threaten to continue to violate 42 U.S.C. § 1983.

26 42. Wherefore, Plaintiff is entitled to a declaratory judgment, preliminary
27 and permanent injunctive relief, and such other relief as the court deems just.
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SECOND CLAIM FOR RELIEF

Ex Post Facto Clause

**42 U.S.C. § 1983, Article I, Sections 9 and 10, Fourteenth Amendment, United States Constitution; Art. I, Section 9, California Constitution
Plaintiff Khristine Elaine Eroshevich, M.D., against all Defendants**

43. The allegations of the preceding paragraphs are incorporated as though fully set forth herein.

44. As applied to Plaintiff, Labor Code section 139.21, subdivision (a)(1), constitutes an impermissible ex post facto law in violation of Article I, Sections 9 and 10 of the United States Constitution, as applied to the States through the Fourteenth Amendment to the United States Constitution, and in violation of Article I, Section 9, of the California Constitution.

45. By acting and threatening to act under color of state law to deprive Plaintiff of rights guaranteed by the Constitution and laws of the United States, Defendants have violated and threaten to continue to violate 42 U.S.C. § 1983.

46. Wherefore, Plaintiff is entitled to a declaratory judgment, preliminary and permanent injunctive relief, and such other relief as the court deems just.

THIRD CLAIM FOR RELIEF

Contract Clause

**42 U.S.C. § 1983, Article 1, Section 10, clause 1, Fourteenth Amendment, United States Constitution; Art. 1, § 9, California Constitution
Plaintiff Khristine Elaine Eroshevich, M.D., against all Defendants**

47. The allegations of the preceding paragraphs are incorporated as though fully set forth herein.

48. As applied to Plaintiff, Labor Code section 139.21, subdivision (a)(1), would unconstitutionally impair the obligation of contracts in violation of Plaintiff's rights as guaranteed by Article 1, Section 1, clause 1 of the United States Constitution as applied to the States through the Fourteenth Amendment to the

1 United States Constitution, and as guaranteed by Article 1, Section 9 of the
2 California Constitution, all of which prohibit Defendants from interfering with
3 existing contracts.

4 49. By acting and threatening to act under color of state law to deprive
5 Plaintiffs of rights guaranteed by the Constitution and laws of the United States,
6 Defendants have violated and threatened to continue violating 42 U.S.C. § 1983.

7 50. Wherefore, Plaintiffs are entitled to a declaratory judgment,
8 preliminary and permanent injunctive relief, and such other relief as the court
9 deems just.

10 **PRAYER**

11 Plaintiff respectfully request the following relief:

12 1. A declaratory judgment holding that, as applied to Plaintiff, Labor
13 Code section 139.21, subdivision (a)(1), violates the United States Constitution and
14 the California Constitution.

15 2. A preliminary injunction and permanent injunction prohibiting
16 Defendants from enforcing Labor Code section 139.21, subdivision (a)(1).

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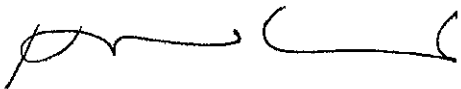
VERIFICATION

I, Khristine Elaine Eroshevich, M.D. declare and state as follows:

I am the Plaintiff in this action. I certify that the contents stated in the foregoing Complaint are true of my own knowledge, except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

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

Executed this 5th day of October, 2017 at Los Angeles, California.



Khristine Elaine Eroshevich, M.D.