





1 capacities of these fictitiously named Defendants, the Plaintiff will amend this complaint to  
2 show the true names and capacities of these fictitiously named defendants.

3 7. Unless otherwise alleged in this complaint, the Plaintiff is informed, and on the basis  
4 of that information and belief alleges that at all times herein mentioned, each of the remaining  
5 codefendants, in doing the things hereinafter alleged, were acting within the course, scope, and  
6 under the authority of their agency, employment, or representative capacity, with the consent of  
7 her/his codefendants.

8 8. On or about September 28, 2006, Plaintiff began employment at the Defendants doing  
9 production work for the Dr. Phil show and earning \$29.42 an hour approximately 50 hours a  
10 week. Plaintiff physically worked at the 5555 Melrose address described in Paragraphs 2-3  
11 where he worked on the Paramount lot.

12 9. On or about September 13, 2007, Plaintiff was diagnosed with prostate cancer. On or  
13 about September 15, 2007, Plaintiff discussed his diagnosis with Loma Renee Tanz, the tape  
14 vault manager and supervisor of Plaintiff. Plaintiff is informed and believes that Tanz informed  
15 human resources of the CBS Defendants.

16 10. It was decided that Plaintiff would have to go on a leave of absence for his prostate  
17 cancer on or about November 5, 2007. Tanz was informed of the leave, and so was  
18 Entertainment Partners. In addition, between first informing Tanz of the diagnosis and  
19 November 5, 2007, Tanz would periodically discuss Plaintiff's diagnosis with him and ask how  
20 he was feeling.

21 11. Plaintiff contracted Meniere's disease, Tanz knew, and his surgery was delayed.  
22 Plaintiff is informed and believes that all named Defendants, and each of them, had Plaintiff out  
23 on leave for Miners disease November 5, 2007 through November 19, 2007, and thereafter for  
24 prostate cancer, surgery, and related aftercare.

25 12. On or about November 28, 2007, Plaintiff communicated with Tanz and said he  
26 thought he could be back January 5, 2008. Tanz said something like your job is here, take your  
27 time. Ultimately, Plaintiff's leave was extended.

28 13. During the entirety of Plaintiff's leave through April of 2008, Plaintiff sent numerous

1 and frequent e-mails to Tanz updating her and advising her of his condition.

2 14. As things turned out Plaintiff was not released to come back to work until on or  
3 about April 1, 2008. On or about March 28, 2008, Plaintiff spoke to Tanz and told her he would  
4 be ready to come back on or about April 1, 2008. Tanz said it was not a bad time to come back,  
5 and that all she would need to do would be to change the schedule so Plaintiff could come back  
6 because two new men had been hired, but that Plaintiff had seniority so he could chose a  
7 schedule.

8 15. On or about April 2, 2008, Plaintiff let Tanz know he was cleared to go back to work  
9 on April 12, 2008. Prior to April 2, 2008, Tanz had told Plaintiff that he had seniority so he  
10 should be picking out what shift he wanted to work when he came back. Plaintiff had even  
11 picked a shift. However, on or about April 4, 2008, Tanz called Plaintiff and said there was no  
12 position for him at that time.

13 16. On or about April 4, 2008, Tanz called Plaintiff and said there was not any work for  
14 him.

15 17. During the first week of April of 2008, Plaintiff spoke to Richard de Michele,  
16 executive in charge. He told Michele that Tanz had told Plaintiff his job was not available.  
17 Michele tried to convince Plaintiff he didn't want to work at Defendants. Plaintiff told Michele  
18 that he would not turn down any work.

19 18. During May of 2008, Plaintiff inquired on the CBS Defendants as to what his status  
20 was. On or about May 7, 2008, Tanz wrote an e-mail to Plaintiff stating the CBS Defendants  
21 didn't have anything for Plaintiff at that time. On or about May 12, 2008, Plaintiff wrote a letter  
22 to the CBS Defendants trying to get his job back.

23 19. The named Defendants failed to ever put Plaintiff back on schedule. Plaintiff  
24 therefore contends that his employment was terminated and he was refused reinstatement.

25 20. All of the foregoing and following actions taken towards the Plaintiff that are alleged  
26 in this complaint were carried out by managerial employees and agents of each other acting in a  
27 deliberate, cold, callous, malicious, oppressive, and intentional manner in order to injure and  
28 damage the Plaintiff.

1 FIRST CAUSE OF ACTION

2 DISABILITY & MEDICAL CONDITION DISCRIMINATION UNDER CALIFORNIA  
3 GOVERNMENT CODE SECTION 12900, ET. SEQ. (AGAINST ALL NAMED  
4 DEFENDANTS AND DOE DEFENDANTS)  
5

6 21. Plaintiff realleges the information set forth in Paragraphs 1-20 above and hereby  
7 incorporates these paragraphs as though fully set forth and alleged herein.

8 22. Plaintiff suffered from a perceived and physical disability under California  
9 Government Code Section 12926(k) and a medical condition, cancer, under 12926(h)(1).  
10 Plaintiff contends that he required the reasonable accommodation of time off to treat, seek  
11 medical treatment, or recuperate after his prostrate surgery. However, violated California  
12 Government Code Section 12940 by failing to reasonably accommodate him by providing the  
13 necessary leave, failing to keep Plaintiff's job open, discriminating against him due to his  
14 medical condition and disability and letting others work but not him, failing to reinstate  
15 Plaintiff, and terminating Plaintiff's employment as a result of taking his leave of absence.

16 23. Against Defendant, CBS BROADCASTING, INC. on July 9, 2008, Plaintiff filed  
17 with the Department of Fair Housing and Employment, charges that Plaintiff was fired, not  
18 reinstated, denied accommodation, and discriminated against due to his disability and cancer. A  
19 true and correct copy of these charges has been attached to this complaint, made a part hereof,  
20 and has been marked as Exhibit 1. On July 18, 2008, the Department of Fair Housing and  
21 Employment issued to the Plaintiff a Right to Sue letter and notice of case closure that is  
22 attached hereto, made a part hereof, and Marked as Exhibit 2.

23 24. Against Defendant, CBS (PDI) DISTRIBUTION, INC. aka on CBS PARAMOUNT  
24 DOMESTIC TV, on July 9, 2008, Plaintiff filed with the Department of Fair Housing and  
25 Employment, charges that Plaintiff was fired, not reinstated, denied accommodation, and  
26 discriminated against due to his disability and cancer. A true and correct copy of these charges  
27 has been attached to this complaint, made a part hereof, and has been marked as Exhibit 3. On  
28 July 18, 2008, the Department of Fair Housing and Employment issued to the Plaintiff a Right

1 to Sue letter and notice of case closure that is attached hereto, made a part hereof, and Marked  
2 as Exhibit 4.

3 25. Against Defendant, ENTERTAINMENT PARTNERS on July 9, 2008, Plaintiff filed  
4 with the Department of Fair Housing and Employment, charges that Plaintiff was fired, not  
5 reinstated, denied accommodation, and discriminated against due to his disability and cancer. A  
6 true and correct copy of these charges has been attached to this complaint, made a part hereof,  
7 and has been marked as Exhibit 5. On July 18, 2008, the Department of Fair Housing and  
8 Employment issued to the Plaintiff a Right to Sue letter and notice of case closure that is  
9 attached hereto, made a part hereof, and Marked as Exhibit 6.

10 26. As a direct, foreseeable, and proximate result of the conduct complained of in this  
11 cause of action, the Plaintiff has suffered, and continues to suffer emotional distress, substantial  
12 losses in salary, bonuses, job benefits, and other employment benefits Plaintiff would have  
13 received from all named Defendants plus expenses incurred in obtaining substitute employment  
14 and not being regularly employed for months, all to Plaintiff's damage in a sum within the  
15 jurisdiction of this court, to be ascertain according to proof.

16 27. As a further direct and proximate result of all named Defendants' unlawful  
17 discrimination, the Plaintiff has suffered, and continues to suffer, extreme and severe anguish,  
18 humiliation, emotional distress and mental suffering, nervousness, tension, anxiety, depression,  
19 and physical ailments, in a sum within the jurisdiction of this court, to be ascertain according to  
20 proof.

21 28. The grossly reckless, and/or intentional, malicious, and bad faith manner in which  
22 said Defendants engaged in those acts as described in this cause of action by willfully violating  
23 those statutes enumerated in this cause of action and terminating the Plaintiff for refusing to  
24 comply with their willful violations of the above referenced statutes entitle the Plaintiff to  
25 punitive damages against said Defendants in an amount within the jurisdiction of this court, to  
26 be ascertained by the fact finder, that is sufficiently high to punish said Defendants, deter them  
27 from engaging in such conduct again, and to make an example of them to others.

28 29. The Plaintiff is informed, believes, and based thereon, alleges that the outrageous





1 36. The grossly reckless and/or intentional, malicious, and bad faith manner in which  
2 said Defendants conducted themselves as described in this cause of action by willfully violating  
3 those statutes enumerated in Paragraph 33, the Plaintiff prays for punitive damages against said  
4 Defendants in an amount within the jurisdiction of this court, to be ascertained by the fact  
5 finder, that is sufficiently high to punish said Defendants, deter them from engaging in such  
6 conduct again, and to make an example of them to others.

7 37. The Plaintiff is informed, believes, and based thereon, alleges that the outrageous  
8 conduct of said Defendants described above, in this cause of action, was done with oppression,  
9 and malice, by the Plaintiff's supervisor and manager and was ratified by those other individuals  
10 who were managing agents of the Defendant employer. These unlawful acts were further  
11 ratified by the named Defendants and all DOE Defendants, and done with a conscious disregard  
12 for the Plaintiff's rights and with the intent, design and purpose of injuring the Plaintiff. By  
13 reason thereof, the Plaintiff is entitled to punitive or exemplary damages against said Defendant,  
14 and each of them, for their acts as described in this cause of action in a sum to be determined at  
15 the time of trial.

16  
17 **THIRD CAUSE OF ACTION**

18 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

19 **(AGAINST ALL NAMED DEFENDANTS AND ALL DOE DEFENDANTS)**  
20

21 38. Plaintiff realleges the information set forth in Paragraphs 1-20 above, Paragraphs 21-  
22 30 of the First Cause of Action, Paragraphs 31-37 of the Second Cause of Action, and hereby  
23 incorporates these paragraphs as though fully set forth and alleged herein.

24 39. Defendants acted intentionally and/or recklessly and subjected the Plaintiff to  
25 severe emotional distress by doing the outrageous acts alleged to have been done by said  
26 Defendants, to the Plaintiff as follows:

- 27 a. Defendants refusing to accommodate the Plaintiff's disability;  
28 b. terminating Plaintiff because Defendants did not want to accommodate Plaintiff's



- 1 1. For general damages in an amount according to proof, but in excess of the minimum
- 2 jurisdiction of this court;
- 3 2. For special damages in an amount according to proof, but in the excess of the
- 4 minimum jurisdiction of this court, in order to compensate the Plaintiff for loss of past and
- 5 future earnings, and all damages flowing from the Plaintiff's loss of earnings, loss of job
- 6 security, failure to properly advance within Plaintiff's career, damage to Plaintiff's reputation;
- 7 3. For all costs and disbursements incurred in this suit;
- 8 4. For such other and further relief as the Court deems just and proper;
- 9 5. For all interest as allowed by law;
- 10 6. For all general and special damages in an amount according to proof, but in the
- 11 excess of the minimum jurisdiction of this court, in order to compensate the Plaintiff for any
- 12 medical expenses and suffering.
- 13 7. For punitive damages, as allowed by law, in an amount to be ascertained, according to
- 14 proof, that will sufficiently punish Defendant, make an example of them, and deter future
- 15 conduct.


16  
17 As to the First Cause of Action:

- 18
- 19 8. For reasonable attorneys fees and costs, as allowed by law, under the California Fair
- 20 Employment and Housing Act, for the time that the Plaintiff's attorneys spend pursuing this
- 21 cause of action against the Defendants.
- 22
- 23

08/06/08  
Karl Gerber

24 DATED: AUGUST 6, 2008

EMPLOYMENT LAWYERS GROUP

25  
26 BY:   
27 KARL GERBER,  
28 ATTORNEY FOR PLAINTIFF,  
MARTIN BARSNACK

**EMPLOYMENT**

**COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT**

DFEH # B210801R-0077-cpc  
DFEH USE ONLY

**CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING**

YOUR NAME (Indicate Mr. or Ms.) MARTIN BARSNACK TELEPHONE NUMBER (INCLUDE AREA CODE) (818) 783-7300

ADDRESS CONTACT COUNSEL: EMPLOYMENT LAWYERS GROUP, 13418 VENTURA BOULEVARD

CITY/STATE/ZIP SHERMAN OAKS, CA. 91423 COUNTY LOS ANGELES COUNTY CODE

NAMED IS THE EMPLOYER, PERSON, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, OR STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME:

NAME CBS BROADCASTING, INC.; CBS PARAMOUNT DOMESTIC TV TELEPHONE NUMBER (include Area Code)

ADDRESS 5555 MELROSE AVENUE, LOS ANGELES, CA. COUNTY LOS ANGELES DFEH USE ONLY

CITY/STATE/ZIP CORPORATE ADDRESS: 51 W. 52ND STREET, NY NY 10019 COUNTY LOS ANGELES COUNTY CODE

NO. OF EMPLOYEES/MEMBERS (if known) 50+ DATE MOST RECENT OR CONTINUING DISCRIMINATION TOOK PLACE (month, day, and year) 4-4-08 & CONTINUING RESPONDENT CODE

THE PARTICULARS ARE  
On 4/4/08 & CONTINUING I was  fired  denied employment  denied family or medical leave  
 laid off  denied promotion  denied pregnancy leave  
 demoted  denied transfer  denied equal pay  
 harassed  denied accommodation  denied right to wear pants  
 genetic characteristics testing  impermissible non-job-related inquiry  denied pregnancy accommodation  
 forced to quit  other (specify) \_\_\_\_\_

by \_\_\_\_\_ Name of Person \_\_\_\_\_ Job Title (supervisor/manager/personnel director/etc.)

because of my:  sex  national origin/ancestry  physical disability  cancer  genetic characteristic  pregnancy/perceived pregnancy (circle one)  
 age  marital status  mental disability  other (specify) \_\_\_\_\_  
 religion  sexual orientation  
 race/color  association

the reason given by \_\_\_\_\_ Name of Person and Job Title

Was because of Failure to reinstate following cancer leave; termination of  
[please state employment; failure to provide reasonable accommodation, time off  
what you believe to be reason(s)]

I wish to pursue this matter in court. I hereby request that the Department of Fair Employment and Housing provide a right-to-sue notice. I understand that if I want a federal notice of right-to-sue, I must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of the DFEH "Notice of Case Closure," or within 300 days of the alleged discriminatory act, whichever is earlier.

I have not been coerced into making this request, nor do I make it based on fear of retaliation if I do not do so. I understand it is the Department of Fair Employment and Housing's policy to not process or reopen a complaint once the complaint has been closed on the basis of "Complainant Elected Court Action."

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated JULY 7, 2008

At SHERMAN OAKS City

Martin Barsnack  
COMPLAINANT'S SIGNATURE  
MARTIN BARSNACK  
**RECEIVED**  
JUL 9 - 2008

DATE FILED: JULY 9, 2008  
EXHIBIT 1



Notice of Case Closure  
Page Two

DFEH does not retain case files beyond three years after a complaint is filed, unless the case is still open at the end of the three-year period.

Sincerely,

*Mary L. Bonilla*

Mary Bonilla  
District Administrator

cc: Case File

TMZ

Executive Officer  
CBS BROADCASTING, INC., CBS PARAMOUNT DOMESTIC TV  
5555 Melrose Ave  
Los Angeles, CA 90002

DFEH-200-43 (08/06)

**\*\*\* EMPLOYMENT \*\*\***  
**COMPLAINT OF DISCRIMINATION UNDER**  
**THE PROVISIONS OF THE CALIFORNIA**  
**FAIR EMPLOYMENT AND HOUSING ACT**

DFEH # E210808R-0077-09c  
 DFEH USE ONLY

**CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING**

YOUR NAME (indicate Mr. or Ms.) MARTIN BARSNACK TELEPHONE NUMBER (INCLUDE AREA CODE) (818) 783-7300

ADDRESS CONTACT COUNSEL: EMPLOYMENT LAWYERS GROUP, 13418 VENTURA BOULEVARD  
 CITY/STATE/ZIP SHERMAN OAKS, CA. 91423 COUNTY LOS ANGELES COUNTY CODE

NAMED IS THE EMPLOYER, PERSON, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, OR STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME:

NAME CBS BROADCASTING, INC.; CBS PARAMOUNT DOMESTIC TV TELEPHONE NUMBER (include Area Code)

ADDRESS 5555 MELROSE AVENUE, LOS ANGELES, CA. COUNTY LOS ANGELES DFEH USE ONLY  
 CITY/STATE/ZIP COUNTY COUNTY CODE

CORPORATE ADDRESS: 51 W. 52ND STREET, NY NY 10019  
 NO. OF EMPLOYEES/MEMBERS (if known) 50+ DATE MOST RECENT OR CONTINUING DISCRIMINATION TOOK PLACE (month, day, and year) 4-4-08 & CONTINUING RESPONDENT CODE

THE PARTICULARS ARE:

On 4/4/08 & CONTINUING I WAS  fired  denied employment  denied family or medical leave  
 laid off  denied promotion  denied pregnancy leave  
 demoted  denied transfer  denied court day  
 harassed  denied accommodation  denied right to wear pants  
 genetic characteristics testing  impermissible non-job-related inquiry  denied pregnancy accommodation  
 forced to quit  other (specify) \_\_\_\_\_

by \_\_\_\_\_  
 Name of Person Job Title (supervisor/manager/personnel director/etc.)

because of my:  sex  national origin/ancestry  physical disability  cancer (Circle one) physical disability  
 age  marital status  mental disability  genetic characteristic  
 religion  sexual orientation  other (specify) \_\_\_\_\_  
 race/color  association

the reason given by \_\_\_\_\_  
 Name of Person and Job Title

Was because of Failure to reinstate following cancer leave; termination of  
 [please state employment; failure to provide reasonable accommodation, time off  
 what you believe to be reason(s)] \_\_\_\_\_

I wish to pursue this matter in court. I hereby request that the Department of Fair Employment and Housing provide a right-to-sue notice. I understand that if I want a federal notice of right-to-sue, I must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of the DFEH "Notice of Case Closure," or within 300 days of the alleged discriminatory act, whichever is earlier.

I have not been coerced into making this request, nor do I make it based on fear or retaliation if I do not do so. I understand it is the Department of Fair Employment and Housing's policy not to process or reopen a complaint once the complaint has been closed on the basis of "Complainant Elected Court Action."

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Date: JULY 7, 2008

At SHERMAN OAKS  
 City

Martin Barsnack  
 COMPLAINTANT'S SIGNATURE  
 MARTIN BARSNACK  
**RECEIVED**  
 JUL 9 - 2008

DATE FILED: July 9, 2008

Department of Fair Employment and Housing  
 STATE OF CALIFORNIA  
 LS-DFEH  
 Legal Solutions  
 Ca Plus

EXH 13 11 3

**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

611 West 5th Street, Suite 1500, Los Angeles, CA 90017  
(213) 439-6770 (800) 700-2320 Fax (213) 439-6780



July 18, 2008

MARTIN BARSNACK  
13418 Ventura Blvd  
Sherman Oaks, CA 91423

RE: E200809R0077-00-pc  
BARSNACK/CBS BROADCASTING, INC., CBS PARAMOUNT DOMESTIC TV

Dear MARTIN BARSNACK:

**NOTICE OF CASE CLOSURE**

This letter informs that the above-referenced complaint that was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective July 9, 2008 because an immediate right-to-sue notice was requested. DFEH will take no further action on the complaint.

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

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

100-59945-6-15-08-00000000

EXHIBIT 4

Notice of Case Closure  
Page Two

DFEH does not retain case files beyond three years after a complaint is filed, unless the case is still open at the end of the three-year period.

Sincerely,

*Mary L. Bonilla*

Mary Bonilla  
District Administrator

cc: Case File

TMZ

Executive Officer  
CBS BROADCASTING, INC., CBS PARAMOUNT DOMESTIC TV  
5555 Melrose Ave  
Los Angeles, CA 90002

DFEH-200-43 (06/06)