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 8 KANG "ERIC" TING

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

12 KANG "ERIC" TING, an individual,
 13 Plaintiff,

14 v.

15 THE REGENTS OF THE
 16 UNIVERSITY OF CALIFORNIA;
 THE UNIVERSITY OF CALIFORNIA,
 17 LOS ANGELES; PAUL KREBSBACH,
 an individual; SOTIRIOS TETRADIS,
 18 an individual; KATHRYN ATCHISON,
 an individual; ANDREW LEUCHTER,
 19 an individual; CLARICE LAW, an
 individual; ALISTAIR COCHRAN, an
 20 individual; and DOES 1-100

21 Defendants.

Case No. 20STCV19888

COMPLAINT FOR

- 22 (1) RETALIATION IN VIOLATION OF CAL. FAIR EMPLOYMENT AND HOUSING ACT (FEHA) (GOV'T CODE § 12940(h))
- 23 (2) RETALIATION IN VIOLATION OF THE CAL. FAMILY RIGHTS ACT (CFRA) (GOV'T CODE § 12945.2(l))
- 24 (3) FAILURE TO PREVENT RETALIATION (FEHA) (GOV'T CODE § 12940(k))
- 25 (4) EMPLOYMENT DISCRIMINATION (FEHA) (GOV'T CODE § 12940(a))
- 26 (5) UNLAWFUL HARASSMENT (FEHA) (GOV'T CODE 12940 § (j)(1))
- 27 (6) FAILURE TO ACCOMMODATE DISABILITY (FEHA) (GOV'T CODE § 12940(m))
- 28 (7) FAILURE TO ENGAGE IN INTERACTIVE PROCESS (FEHA) (GOV'T CODE § 12940(n))
- (8) ACCOUNTING

JURY TRIAL REQUESTED

GREENBERG GLUSKER FIELDS CLAMAN & MACHTINGER LLP
 2049 Century Park East, Suite 2600
 Los Angeles, California 90067

1 Plaintiff Kang “Eric” Ting (“Plaintiff” or “Dr. Ting”), by and through his undersigned
2 counsel, complains and alleges against Defendants the Regents of the University of California
3 (the “Regents”); the University of California, Los Angeles (the “University”); Paul Krebsbach, an
4 individual (“Dean Krebsbach”); Sotirios Tetradis, an individual (“Dr. Tetradis”); Kathryn
5 Atchison, an individual (“Dr. Atchison”); Andrew Leuchter, an individual (“Dr. Leuchter”);
6 Clarice Law, an individual (“Dr. Law”); and Alistair Cochran, an individual (“Dr. Cochran”)
7 (collectively, “Defendants”), as follows:

8
9 **INTRODUCTION**

10 1. Dr. Ting, a highly-regarded senior professor at the University, brings this
11 Complaint as a last resort after suffering retaliatory abuse, harassment, and discrimination at the
12 hands of the Defendants. Defendants’ campaign of abusive conduct began when Dr. Ting took
13 leaves of absence to care for his ailing father and attend to his own serious health issues. Those
14 personal health issues intensified after Dr. Ting provided truthful testimony as a witness in a Title
15 IX proceeding involving a student’s allegations of sexual misconduct against Dr. Tetradis, and
16 reached a high mark after Dr. Ting reported Defendants’ acts of retaliation and harassment
17 against him to University officials.

18 2. In response to Dr. Ting’s actions, Defendants have embarked on a campaign to
19 drive him out of the University. As a tenured Professor, however, Dr. Ting is protected from
20 termination absent an act of gross misconduct. In light of this, Defendants have endeavored to
21 manufacture false accusations against Dr. Ting and otherwise make his employment so difficult
22 that he will leave on his own.

23 3. In particular, as retaliation against Dr. Ting, Defendants stripped him of his
24 position as Chair of the University’s Section of Orthodontics and replaced him with a far more
25 junior professor—a move Dean Krebsbach derisively referred to as taking “the keys to the
26 Mercedes” away from Dr. Ting.

27 4. In further retaliation, Defendants subjected Dr. Ting to a number of meritless
28 “audits” and “investigations” in an effort to punish him into silence and drive him out of the

1 University. On the basis of anonymous and false accusations, Defendants have disrupted Dr.
2 Ting’s work and research with a never-ending parade of inquiries. These investigations have
3 ultimately led nowhere and—to date—have resulted in Dr. Ting being exonerated from any
4 wrongdoing.

5 5. Defendants, however, have exploited these ongoing proceedings as a fig leaf to
6 deprive Dr. Ting of employment benefits that are routinely afforded to similarly-situated
7 professors, such as denying his proper requests for sabbatical leave, withholding his profit sharing
8 payments, and delaying renewal of his O-1 Visa.

9 6. Defendants’ actions have caused irreparable harm to Dr. Ting’s distinguished
10 career, tarnished his good reputation at the University, and have caused him to suffer serious
11 anxiety; that anxiety has manifested itself in a number of ways, including in the form of a stress-
12 induced ulcer and insomnia.

13
14 **PARTIES**

15 7. Plaintiff Dr. Ting is an accomplished Step-6 Professor who has worked for over
16 twenty-five years in the University’s School of Dentistry. He holds multiple degrees from
17 Harvard University, including a Magna Cum Laude Doctoral degree. He is considered a world
18 leader in orthodontics and an expert in Craniofacial Biology and tissue engineering. He oversees
19 a research lab that is one of the largest in the School of Dentistry and is one of the few professors
20 in the School of Dentistry who has received repeated funding (a total of over \$20 million) through
21 several National Institutes of Health (NIH) grants. Dr. Ting’s team was also the first research
22 unit to conduct a successful in vivo osteoporotic drug trial within the confines of the International
23 Space Station. In or about 2015, Dr. Ting received a 3-year acceleration in his promotions. He
24 further went through an obstacle promotion into the Professor Step-6 rank in or about 2018, with
25 highly positive evaluations from the University’s Academic Personnel Committee. Until
26 Defendants’ unwarranted removal of him in February of 2019, Dr. Ting served as the Chair of the
27 Section of Orthodontics and the Division of Growth and Development in the School of Dentistry.
28

1 8. Defendant the Regents are the governors of the University of California, consisting
2 of 26 members who, pursuant to Section 9 of the California Constitution, have “full powers of
3 organization and governance” over the University.

4 9. Defendant the University is a public research university located in Los Angeles,
5 California, and is a part of the University of California system.

6 10. Defendant Paul Krebsbach is the Dean of the University’s School of Dentistry, in
7 which Dr. Ting works. He has held this appointment since June 30, 2016. He is also a professor
8 in the University’s Section of Periodontics.

9 11. Defendant Sotirios Tetradis is the Senior Associate Dean of the School of
10 Dentistry at the University. He is a professor in the University’s Division of Diagnostic and
11 Surgical Sciences.

12 12. Defendants Kathryn Atchison, Andrew Leuchter, Clarice Law, and Alistair
13 Cochran currently serve as the four Interim Co-Chairs of the Section of Orthodontics (the
14 “Interim Chair Defendants”). They are also professors at the University.

15 13. The true names of Defendant Does 1 through 100, inclusive, are presently
16 unknown to Dr. Ting, who therefore sues these Defendants by such fictitious names and
17 capacities. Dr. Ting will amend this complaint to allege their true identities when ascertained.
18 Dr. Ting is informed and believes, and on that basis alleges, that each fictitiously named
19 Defendant is responsible in some way for the acts and failures to act alleged herein, and that Dr.
20 Ting’s injuries as herein alleged were legally caused by the conduct of each such Defendant.

21 14. Dr. Ting is informed and believes, and thereupon alleges, that at all times material
22 herein, each of the Defendants was the agent or employee of, and/or working in concert with,
23 his/her/its co-Defendants and was acting within the scope of such agency, employment, and/or
24 concerted activity. Dr. Ting alleges that to the extent that certain acts and omissions were
25 perpetrated by certain Defendants, the remaining Defendant or Defendants confirmed and ratified
26 said acts and omissions.

27
28

1 15. Whenever and wherever reference is made in this Complaint to any act or failure
2 to act by a Defendant or Defendants, such allegations and references shall also be deemed to
3 mean the acts and failures of each Defendant acting individually, jointly and severally.
4

5 **JURISDICTION AND VENUE**

6 16. Jurisdiction is proper in this Court because Plaintiff is a resident of Los Angeles,
7 California, and the University, which is operated by the Regents, is located in Los Angeles,
8 California. Jurisdiction is also proper because, on information and belief, Dean Krebsbach, Dr.
9 Tetradis, Dr. Atchison, Dr. Leuchter, Dr. Law, and Dr. Cochran all reside in Los Angeles County.

10 17. Venue is proper in this Court because the Defendants conduct significant business
11 in Los Angeles, and the acts and omissions giving rise to Dr. Ting’s claims arose in Los Angeles.
12 Cal. Code Civ. Pro. § 395(a).

13 18. Dr. Ting has exhausted his administrative remedies and, prior to filing this
14 Complaint, he filed a claim with the Department of Fair Employment and Housing and obtained a
15 Right to Sue notice therefor.
16

17 **FACTS COMMON TO ALL CLAIMS**

18 **Defendants Retaliated Against Dr. Ting for Taking Family and Medical Leave, and**
19 **Wrongfully Denied His Request to Accommodate His Disability**

20 19. As a faculty member of the University’s School of Dentistry, Dr. Ting is currently
21 employed by the Regents and the University, and has been an employee of the Regents and the
22 University for the past 25 years.

23 20. At the end of 2017, Dr. Ting took a leave of absence to care for his sick father in
24 Taiwan, pursuant to the California Family Rights Act (“CFRA”).

25 21. In response to Dr. Ting’s request for leave under the CFRA, Dr. Tetradis told Dr.
26 Ting that an “anonymous” complaint had been made regarding Dr. Ting and his colleague Dr.
27 Won Moon, alleging they violated admissions policies. The identity of this anonymous claimant
28 was never disclosed to Dr. Ting. On the basis of these faceless and false allegations, Dr. Ting

1 was forced to defer his request to take CFRA leave for over two months. Dr. Tetradis formed a
2 formal committee, with the knowledge of the Regents and the University. He investigated the
3 allegations, and reluctantly concluded on or about August 31, 2017, that Dr. Ting had committed
4 no wrongdoing.

5 22. During the time Dr. Tetradis' baseless investigation was pending, he knew Dr.
6 Ting would be unable to take the leave he had formally requested from the Regents and the
7 University pursuant to the CFRA. Ultimately, Dr. Tetradis' investigation forced Dr. Ting to
8 delay his CFRA leave for six weeks—leaving his sick father without the care he required.

9 23. When Dr. Ting returned to the University in January 2018, the retaliation
10 continued. Apparently frustrated with Dr. Ting for taking CFRA leave, Dean Krebsbach and Dr.
11 Tetradis began to micromanage Dr. Ting in his role as Chair of the Section of Orthodontics,
12 questioning whether he spent enough time in the Section's clinic. This treatment was entirely
13 different than Dean Krebsbach's and Dr. Tetradis' typical management style, and reflected a
14 significant, negative change in Dr. Ting's work environment. Dr. Ting responded to these
15 questions by explaining that he had to attend to his father's illness, and that he would work more
16 in the clinic now that he had returned.

17 24. This retaliation continued throughout 2018, and caused Dr. Ting to experience
18 severe and persistent anxiety. In or about the middle of 2018, this anxiety led to Dr. Ting
19 developing a duodenal ulcer and gastric erosions, which caused him severe pain and suffering.
20 Dr. Ting was prescribed and began taking medication to treat this condition.

21 25. In or about March of 2018, Dr. Ting advised Dr. Tetradis and Dean Krebsbach that
22 he would be undergoing a gastrointestinal tract procedure for which he would need ten days to
23 recover. The two again made it clear to Dr. Ting that they were unhappy that he was taking any
24 medical leave. In subsequent meetings, Dean Krebsbach and Dr. Tetradis questioned why Dr.
25 Ting would take another leave when he had recently taken CFRA leave. Their disapproval was
26 further evidenced by their incessant questioning of Dr. Ting's whereabouts while he was out
27 recovering from his surgery. The two accused Dr. Ting of spending too much time away from the
28 University.

1 26. After his gastrointestinal procedure in March 2018, the medication Dr. Ting took
2 for his ulcer caused him to experience hypotension and lightheadedness, requiring him to use a
3 cane to walk and balance. Eager to appease Dean Krebsbach and Dr. Tetradis, Dr. Ting returned
4 to work at the University quickly but repeatedly experienced severe vertigo that caused him near-
5 falls, especially when he had to had to stand. Eventually, he did fall and injure his leg as the
6 result of his condition.

7 27. Because of these health issues, Dr. Ting requested an accommodation from Dean
8 Krebsbach and Dr. Tetradis to stop seeing patients in his clinic for six months due to his inability
9 to stand for long periods of time. Dean Krebsbach and Dr. Tetradis denied this request; they
10 instead criticized him for not spending enough time in his clinic, and pressured him to work even
11 harder. This caused Dr. Ting’s health to worsen.

12 28. On March 30, 2018, Dr. Ting emailed Dean Krebsbach and Dr. Tetradis
13 complaining that they were harassing him based on his disability. This complaint was not
14 pursued or investigated by the University.

15 29. On April 25, 2018, Dr. Tetradis met with Dr. Ting and told him he and Dean
16 Krebsbach were “not happy” that Dr. Ting had been causing “trouble” in the School of Dentistry.
17 During this meeting, Dr. Tetradis began what became a year-long campaign to remove Dr. Ting
18 as Chair of the Section of Orthodontics. Dr. Tetradis pressured Dr. Ting to step down as Chair of
19 the Section of Orthodontics, explaining that this was what Dean Krebsbach wanted as well. Dr.
20 Tetradis expressly questioned whether Dr. Ting’s health allowed him to continue as Chair.

21 30. Dr. Ting was upset by this meeting, and the ongoing acts of retaliation against him,
22 and emailed Josiah Jenkins, with the University’s Discrimination Prevention Office (DPO),
23 complaining of Dean Krebsbach and Dr. Tetradis’ treatment of him.

24 31. Shortly after, on May 1, 2018, Dean Krebsbach and Dr. Tetradis asked Dr. Ting if
25 they could meet with him and record the conversation. During this meeting, Dean Krebsbach and
26 Dr. Tetradis again pressured Dr. Ting to step down as Chair of the Section of Orthodontics. As
27 with the prior meeting, Dr. Ting reported this to Mr. Jenkins, who urged Dr. Ting to file a formal
28 complaint based upon this treatment.

1 32. On October 26, 2018, Dr. Ting received a letter from the University's Employee
2 Disability Management Services department, denying his request for an accommodation to spend
3 less time in the Orthodontics Clinic. The letter incorrectly stated that Dr. Ting was not required
4 to spend more time in the clinic, even though Dean Krebsbach and Dr. Tetradis had explicitly
5 asked Dr. Ting to do so.

6
7 **Defendants Attacked Dr. Ting for His Role as a Witness in a Title IX**
8 **Sexual Harassment Proceeding Against Dr. Tetradis**

9 33. At the time Dr. Ting complained to Mr. Jenkins, he was unaware that Dean
10 Krebsbach and Dr. Tetradis had also been endeavoring to get his students to lodge complaints
11 against him. Specifically, on April 13, 2018, Dr. Tetradis met with and attempted to pressure one
12 of Dr. Ting's mentees, Justine Tanjaya, to falsely accuse Dr. Ting of sexual harassment.

13 34. Bizarrely, despite Dr. Tanjaya's complete denial of any sexual harassment by Dr.
14 Ting, Dr. Tetradis nonetheless manufactured and filed a false Title IX complaint on Dr. Tanjaya's
15 behalf claiming Dr. Ting had harassed her. Dr. Tanjaya categorically denied these allegations,
16 which Dr. Tetradis purportedly made on her behalf.

17 35. In fact, Dr. Tanjaya herself filed a Title IX complaint against *Dr. Tetradis* on June
18 25, 2018, describing his inappropriate harassment of her in connection with his efforts to pressure
19 her to complain against Dr. Ting. On July 17, 2018, Dr. Ting also filed an obligatory Title IX
20 report per University policy as a witness of Dr. Tetradis' misconduct.

21 36. Enflamed by this, Dean Krebsbach and Dr. Tetradis increased their campaign to
22 unseat Dr. Ting and deprive him of his rights as a full professor. Dr. Ting's health continued to
23 worsen because of this adverse treatment. His gastrointestinal erosions and ulcerations, and the
24 medication he took for it, began to significantly impact his well-being. To deal with this, Dr.
25 Ting requested a 6-week medical leave beginning in or about July of 2018. Once again, Dr.
26 Tetradis became openly upset at the suggestion, and argued with Dr. Ting that he did not need
27 this leave.

1 **Defendants Continued Their Retaliatory Campaign, and Removed Dr. Ting as**
2 **Chair of the Section of Orthodontics**

3 37. Ultimately, after much emotional distress, Dr. Ting’s request for leave was
4 approved. Just before Dr. Ting went out on this medical leave, on July 2, 2018, Dean Krebsbach
5 and Dr. Tetradis again met with Dr. Ting and pressured him to step down as Chair of the Section
6 of Orthodontics, presumably because there was no actual basis for them to remove him. They
7 claimed that Dr. Ting was causing “trouble” in the School of Dentistry, and stated that they
8 needed a “new voice” for the Section. At the end of this meeting, Dean Krebsbach asked Dr.
9 Ting if he would prepare his own resignation statement, making it clear that he wanted to remove
10 Dr. Ting as Chair.

11 38. Due to these aggressive tactics by the Defendants, Dr. Ting delayed his planned
12 medical leave—a measure which further contributed to the deterioration of his health.

13 39. Just a few days after this meeting, Dr. Ting learned from his colleague, Dr. Won
14 Moon, that Dean Krebsbach and Dr. Tetradis intended to remove Dr. Ting from his position as
15 Chair of the Section of Orthodontics as soon as possible.

16 40. In early August 2018, Dr. Tetradis and Dean Krebsbach once again met with Dr.
17 Ting and attempted to convince him to step down as Chair of the Section of Orthodontics. Dr.
18 Ting held steadfast and refused.

19 41. Dr. Ting went out on medical leave on August 6, 2018. But even during his leave,
20 Dean Krebsbach continued his campaign to replace Dr. Ting, meeting repeatedly with Dr. Won
21 Moon, another orthodontics professor, regarding appointing him as the new Chair of
22 Orthodontics.

23 42. In or about January of 2019, Dean Krebsbach, with the approval of the Regents
24 and the University, removed Dr. Ting as Chair of the Section of Orthodontics and appointed Dr.
25 Moon instead—even though Dr. Moon had far less experience than Dr. Ting, and was not a
26 member of the University’s Academic Senate.

1 43. Nevertheless, Defendants’ mistreatment of Dr. Ting continued unabated. On
2 January 16, 2019, the University’s Associate Dean for Graduate Studies, Dr. Cun Yu Wang,
3 threatened Dr. Ting, stating: “You will get hurt if you don’t stop.”

4 44. Then, in a January 19, 2019, meeting before the entire section, Dean Krebsbach
5 derided Dr. Ting, explaining that he was replacing Dr. Ting with a more junior professor, Dr.
6 Moon, to whom he would be giving the “keys to the Mercedes.”

7
8 **After Stripping Dr. Ting of His Position as Section Chair, the University Commenced a**
9 **Retaliatory Investigation of Dr. Ting, Using It to Deny Him Benefits of His Employment**

10 45. On April 15, 2019, Dr. Ting learned that he had been named as a subject in yet
11 another whistleblower investigation, this one led by the law firm Hueston & Hennigan LLP
12 (“Hueston”). According to a letter dated September 26, 2019, from Hueston attorney Michael
13 Behrens, this “independent” investigation involved the management of the international student
14 training program run by the Section of Orthodontics.

15 46. As part of that investigation, Dr. Ting provided Hueston’s investigators with
16 thousands of pages of documents and fully cooperated with all stages of the investigation,
17 including sitting for a full-day interview on November 20, 2019. During that interview, attorney
18 Behrens stated that the investigation would be concluded within “a matter of weeks.” This could
19 not have been further from the truth.

20 47. Six months have passed since Dr. Ting’s interview and, despite repeated requests,
21 Dr. Ting has not received any further information from Hueston, the Regents, or the University
22 regarding the completion of this investigation. The investigation has now been pending for over a
23 year and, despite repeated requests by Dr. Ting, the Regents and the University refuse to say
24 when it will conclude.

25 48. The specter of this never-ending investigation has buoyed Dean Krebsbach’s and
26 Dr. Tetradis’ retaliatory campaign against Dr. Ting, denying him basic benefits of his
27 employment, including the right to take a sabbatical for research purposes.
28

1 49. Dr. Ting submitted a formal request for a sabbatical for research purposes on July
2 1, 2019. Such requests are routinely and promptly reviewed and granted by the Regents and the
3 University. Dr. Ting, however, did not hear anything regarding his sabbatical request for over
4 three months.

5 50. The Regents and the University ultimately denied Dr. Ting’s sabbatical request,
6 citing the existence of the pending Hueston investigation. On October 11, 2019, the University’s
7 Director of Academic Personnel, Steven Shaevel, told Dr. Ting his “sabbatical leave request will
8 be held in abeyance until the pending investigation is concluded.” Likewise, in a February 5,
9 2020 email, Dean Krebsbach stated that he would “not consider this request until the investigation
10 is complete and any potential actions [sic] items are resolved.”

11 51. Pursuant to the Regents and the University’s Academic Personnel Manual Section
12 740-16, however, a pending whistleblower investigation is not grounds for refusing to consider a
13 proper sabbatical request. Despite this, the University has never been able to articulate another,
14 legitimate reason for its refusal to even consider Dr. Ting’s request. At no time has anyone even
15 pretended that there is any logical connection between the investigation and Dr. Ting’s ability to
16 take a research sabbatical.

17 52. Nonetheless, the Regents and the University still have not acted on Dr. Ting’s
18 request, which has now been pending for over 10 months.

19 53. The Regents and the University further used the pending investigation as an
20 excuse to seriously jeopardize Dr. Ting’s ability to work and teach in the United States. On
21 February 1, 2020, Interim Orthodontics Chair Dr. Leuchter stated that the University could not
22 yet approve Dr. Ting’s request to renew his existing O-1 Visa because his application was subject
23 to ongoing review by “legal counsel.” Such review and approval, especially where the Visa has
24 already been issued and simply requires renewal, is typically automatic at the University. And
25 yet, the Regents and the University insisted on delaying the approval of Dr. Ting’s O-1 Visa for
26 months. This cruel threat to Dr. Ting’s ability to travel to the United States caused him severe
27 anxiety and worsened his overall physical health.
28

1 **Defendants Continued to Improperly Deny Dr. Ting’s Right to Receive**
2 **Profit-Sharing Payments, or to Account for the Financial Grounds for This Denial**

3 54. Defendants have also engaged in improper efforts to deny Dr. Ting the profit-
4 sharing payments to which he is entitled for his work in the University’s Orthodontics Clinic. In
5 addition to their continuing campaign to remove Dr. Ting as Section Chair, in June of 2018, Dean
6 Krebsbach and Dr. Tetradis began questioning for the first time in 25 years the profit-sharing
7 arrangements of the Section of Orthodontics faculty. That month, without explanation, Dean
8 Krebsbach withheld Dr. Ting’s profit-sharing payments for months by refusing to sign off on any
9 new profit-sharing proposal for the Section of Orthodontics. Dr. Ting is informed and believes
10 that this treatment was entirely different from other sections in the School of Dentistry, which did
11 not have their profit-sharing payments delayed in a similar manner.

12 55. The policies of the University’s Health Sciences program state that faculty
13 members may receive incentive and bonus compensation for their work, in the manner to be
14 described by their department’s own implementing procedures, and upon approval by their Dean.
15 In practice, Dr. Ting is informed and believes that almost every clinic operating within the
16 University’s Health Sciences program has approved a form of incentive bonus compensation,
17 paid out of the earnings from those clinics’ operations.

18 56. Until on or about July of 2019, the School of Dentistry allowed the Orthodontics
19 Clinic to participate in such a profit-sharing program, paying faculty members working in the
20 clinic a percentage of the profit earned by the clinic. Dr. Ting participated in this program, and
21 routinely received incentive compensation under it.

22 57. Then, in or about July of 2019, Dean Krebsbach cut off Dr. Ting’s profit-sharing
23 payments. Although Dean Krebsbach claimed this was because the Section of Orthodontics was
24 operating at a deficit, Dr. Ting is informed and believes that this claim is false, and that any such
25 deficit is the invention of Dean Krebsbach, with the assistance of the Interim Chair Defendants, in
26 further punitive retaliation against Dr. Ting for invoking certain legal rights.

27 58. Dr. Ting is further informed and believes that, in reality, Dean Krebsbach and Dr.
28 Tetradis have enlisted the Interim Chair Defendants to deny Dr. Ting his right to share in the

1 profits of the Orthodontics Clinic—a profit generated from Dr. Ting’s own labor in the clinic—as
2 retaliation for Dr. Ting’s actions set forth above.

3 59. From August 2019 to present, Dr. Ting has repeatedly demanded that Dean
4 Krebsbach and the Interim Chairs provide him with the Orthodontics Clinic’s financial and
5 accounting documents, so he can verify their claim that the clinic is operating at a deficit. At
6 every turn, these requests have been denied.

7
8 **Dr. Ting Made Every Effort to Resolve His Issues Through the Regents’**
9 **and the University’s Internal Administrative Processes**

10 60. Dr. Ting has repeatedly brought this discriminatory and harassing treatment to the
11 attention of the Regents’ and the University’s administrators, to no avail. On July 23, 2018, no
12 longer able singlehandedly to take on the bullying and oppression directed toward him, Dr. Ting
13 submitted an administrative complaint against Dean Krebsbach and Dr. Tetradis with the
14 University’s DPO. Dr. Ting amended his DPO complaint on September 10, 2018, alleging that
15 Dean Krebsbach and Dr. Tetradis had harassed, retaliated, and discriminated against him on the
16 basis of his disability, for taking CFRA leave, and for engaging in protected activities under
17 FEHA.

18 61. Additionally, Dr. Ting filed a complaint with the Department of Fair Employment
19 and Housing (DFEH) the following month, on August 20, 2018, alleging that Dean Krebsbach
20 and Dr. Tetradis had retaliated against him for taking CFRA and medical leave, had discriminated
21 against and harassed him based upon his disability, and were retaliating against him for
22 participating in the Title IX investigation of Dr. Tetradis.

23 62. Moreover, on August 22, 2018, Dr. Ting filed a grievance with the University’s
24 Academic Senate, making the same allegations. Later, in or about October of 2018, Dr. Ting
25 filed a complaint with the Academic Senate’s Charge Committee.

26 63. Unfortunately, the Regents and the University have been totally unwilling to
27 protect Dr. Ting from this unlawful conduct. On December 12, 2018, the University’s Title IX
28 Office concluded that it did not find a Title IX violation based on Dr. Ting’s claims. Likewise, in

1 or about June of 2019, the University’s DPO issued an Outcome Letter denying Dr. Ting’s
2 claims.

3 64. On October 3, 2019, the Academic Senate’s Charge Committee issued a
4 determination of probable cause to investigate the alleged violations in Dr. Ting’s complaint, and
5 Vice Chancellor of Academic Personnel, Michael Levine, concurred on November 27, 2019. But
6 then, on December 10, 2019, the University’s Privilege & Tenure Committee issued a report
7 denying Dr. Ting’s claims and closing his grievance.

8 65. Finally, Dr. Ting filed a further DFEH Complaint against Defendants, alleging
9 additional acts of retaliation, discrimination, and harassment against him based on his disability,
10 in violation of FEHA. Dr. Ting received his Right to Sue Letter in connection with that DFEH
11 Complaint.

12
13 **FIRST CAUSE OF ACTION**

14 **(Unlawful Retaliation in Violation of FEHA [Gov’t Code Section 12940(h)])**

15 **Against the University and the Regents)**

16 66. Dr. Ting realleges and incorporates herein by reference the allegations contained
17 in the preceding paragraphs.

18 67. California Government Code Section 12940(h) prevents an employer from
19 retaliating against an employee who complains about and/or opposes any discrimination or
20 harassment under FEHA or for exercising his or her rights under FEHA.

21 68. Dr. Ting is an employee of the Regents and the University, and has been employed
22 by the Regents and the University for 25 years. Dr. Ting complained to Defendants about
23 conduct or practices that he reasonably believed to constitute discrimination and/or harassment
24 under FEHA, including but not limited to acts of disability discrimination and harassment against
25 Dr. Ting and acts of sexual harassment by Dr. Tetradis against Justine Tanjaya. Defendants
26 permitted and/or fostered a hostile work environment and failed to take appropriate action in
27 response to the complaints and/or opposition made by Dr. Ting and his coworkers.
28

1 69. Rather than remedy the issues Dr. Ting raised, Defendants retaliated against him,
2 including by removing him from his position as Chair of the Section of Orthodontics, improperly
3 denying him profit-sharing payments to which he is entitled for his work in the Orthodontics
4 clinic, commencing several meritless and retaliatory investigations of Dr. Ting, and denying him
5 basic benefits of his employment such as approving his sabbatical and delaying his application to
6 renew his O-1 Visa.

7 70. Dr. Ting’s opposition to the hostile work environment he experienced in the
8 School of Dentistry was a motivating reason for the adverse employment actions described above,
9 which Dr. Ting suffered because he exercised his rights under FEHA.

10 71. The adverse employment actions taken by Defendants materially affected the
11 terms, conditions, and/or privileges of Dr. Ting’s employment, and constitute unlawful retaliation
12 in violation of FEHA under Government Code Section 12940(h).

13 72. As a direct and proximate result of the acts of Defendants, as alleged above, Dr.
14 Ting has suffered and will continue to suffer economic damages, including lost wages and other
15 compensatory damages in an amount to be ascertained at the time of trial.

16 73. As a further direct and proximate result of the acts of Defendants, as alleged
17 above, Dr. Ting has suffered and will continue to suffer mental and emotional distress, including
18 but not limited to humiliation, anxiety, nervousness, a stomach ulcer, gastrointestinal issues, and
19 depression and has been generally damaged in an amount to be ascertained at the time of trial.

20 74. As a direct and proximate result of the acts of Defendants, as alleged above, Dr.
21 Ting has necessarily incurred and will continue to incur attorneys’ fees and costs in an amount to
22 be proven at the time of trial. Pursuant to the provisions of Government Code Section 12965(b),
23 Dr. Ting is entitled to the reasonable value of such attorneys’ fees and costs.

24 75. The above-described acts of Defendants, which were carried out by managing
25 agents of the Regents and the University, were willful, intentional, and carried out in conscious
26 disregard of the rights and safety of Dr. Ting. As such, in committing the above-described acts,
27 Defendants acted with malice and with the intent to vex, injure and annoy Dr. Ting, thereby
28

1 warranting the imposition of exemplary and punitive damages in an amount sufficient to punish
2 Defendants and to deter others from engaging in similar conduct.

3
4 **SECOND CAUSE OF ACTION**

5 **(Retaliation in Violation of CFRA [Gov't Code § 12945.2(1)])**

6 **Against the University and the Regents)**

7 76. Dr. Ting realleges and incorporates herein by reference the allegations contained
8 in the preceding paragraphs.

9 77. Government Code Section 12945.2(1) makes it an unlawful employment practice
10 for an employer to discriminate or retaliate against employees because of their exercise of the
11 right to take leave for the purposes of protected family care and/or medical leave. An employee
12 is entitled to take up to 12 work weeks in a 12-month period for the purposes of family or medical
13 leave, without being subjected to discrimination or retaliation as a result of this leave.

14 78. Dr. Ting is an employee of the Regents and the University, and has been employed
15 by the Regents and the University for 25 years. Defendants unlawfully discriminated and
16 retaliated against Dr. Ting for being entitled to, requesting, and taking family and medical leave,
17 by altering the terms and conditions of his employment, punishing and harassing Dr. Ting,
18 ridiculing him, and discouraging him from taking the leave to which he was entitled under the
19 CFRA.

20 79. Through the acts and conduct described above, the Regents and the University
21 knew about the aforementioned acts, but failed to fully investigate, prevent, or remedy this
22 discrimination and retaliation in violation of the CFRA. These acts were so pervasive as to alter
23 the conditions of Dr. Ting's employment and create an abusive working environment. Dr. Ting's
24 request and/or taking family and medical leave, and his complaints about Dean Krebsbach's and
25 Dr. Tetradis' failure to allow him to take such leave, were motivating reasons for this conduct.

26 80. As a proximate result of the acts of the Defendants, as described above, Dr. Ting
27 has suffered and will continue to suffer economic damages, including lost wages, lost benefits,
28

1 loss of promotional opportunity, and other compensatory damages in an amount to be ascertained
2 at the time of trial.

3 81. As a proximate result of the acts of the Defendants, Dr. Ting has suffered and will
4 continue to suffer mental and emotional distress, including but not limited to humiliation, anxiety,
5 nervousness, a stomach ulcer, gastrointestinal issues, and depression and has been generally
6 damaged in an amount to be ascertained at the time of trial.

7 82. As a direct and proximate result of the conduct of the Defendants, Dr. Ting was
8 forced to incur substantial costs and attorneys' fees. Under Government Code Section 12965(b),
9 Dr. Ting is entitled to recover reasonable attorneys' fees according to proof at the time of trial.

10 83. The acts of the Defendants, which were carried out by managing agents of the
11 Regents and the University, were intentional, willful and malicious and done in conscious
12 disregard of Dr. Ting's rights, safety and well-being and with the intent to vex, injure and annoy
13 Dr. Ting; as such, Dr. Ting requests that exemplary and punitive damages be assessed against the
14 Regents and the University in an amount sufficient to punish them and to deter others from
15 engaging in similar conduct.

16
17 **THIRD CAUSE OF ACTION**

18 **(Failure to Prevent Retaliation in Violation of FEHA [Gov't Code § 12940(k)]**

19 **Against the University and the Regents)**

20 84. Dr. Ting realleges and incorporates herein by reference the allegations contained
21 in the preceding paragraphs.

22 85. The Regents and the University have a statutory duty under Government Code
23 Section 12940(k) to take all reasonable steps necessary to prevent retaliation from occurring.

24 86. Dr. Ting is an employee of the Regents and the University, and has been employed
25 by the Regents and the University for 25 years. Here, as set forth above, the Regents and the
26 University permitted and/or fostered a hostile work environment, failed to take appropriate action
27 in response to the complaints and/or opposition made by Dr. Ting and his coworkers, and
28 wrongfully removed Dr. Ting from his duties as Chair of the Section of Orthodontics, at least in

1 part, due to his reports regarding such conduct. In doing so, the Regents and the University
2 unlawfully ignored their duty to prevent retaliation, and instead condoned and encouraged such
3 unlawful conduct.

4 87. As a proximate result of the acts of the Regents and the University, as described
5 above, Dr. Ting has suffered and will continue to suffer economic damages, including lost wages,
6 lost benefits, loss of promotional opportunity, and other compensatory damages in an amount to
7 be ascertained at the time of trial.

8 88. As a proximate result of the acts of the Regents and the University, Dr. Ting has
9 suffered and will continue to suffer mental and emotional distress, including but not limited to
10 humiliation, anxiety, nervousness, a stomach ulcer, gastrointestinal issues, and depression and has
11 been generally damaged in an amount to be ascertained at the time of trial.

12 89. As a direct and proximate result of the conduct of the Regents and the University,
13 Dr. Ting was forced to incur substantial costs and attorneys' fees. Under Government Code
14 Section 12965(b), Dr. Ting is entitled to recover reasonable attorneys' fees according to proof at
15 the time of trial.

16 90. The acts of the Regents and the University, which were carried out by their
17 managing agents, were intentional, willful and malicious and done in conscious disregard of Dr.
18 Ting's rights, safety and well-being and with the intent to vex, injure and annoy Dr. Ting; as such,
19 Dr. Ting requests that exemplary and punitive damages be assessed against the Regents and the
20 University in an amount sufficient to punish them and to deter others from engaging in similar
21 conduct.

22
23 **FOURTH CAUSE OF ACTION**

24 **(Employment Discrimination in Violation of FEHA [Gov't Code § 12940(a)])**

25 **Against the University and the Regents)**

26 91. Dr. Ting realleges and incorporates herein by reference the allegations contained
27 in the preceding paragraphs.
28

1 92. Under Government Code Section 12940(a), it is an unlawful employment practice
2 for an employer to refuse to hire or employ a person, or to discriminate against a person in the
3 terms, conditions or privileges of employment on the basis of, among other things, the person's
4 disability.

5 93. Dr. Ting is an employee of the Regents and the University, and has been employed
6 by the Regents and the University for 25 years. Dr. Ting was subjected to discrimination in the
7 workplace based on his disability. Dr. Ting made it known to his supervisors, Dean Krebsbach
8 and Dr. Tetradis, that he was suffering from a duodenal ulcer and extreme anxiety, and that he
9 was experiencing vertigo and difficulty balancing as the result of the medication he took for his
10 condition.

11 94. These disabilities limited Dr. Ting in work and in his personal life. Dr. Ting
12 directly informed the Regents' and the University's administrators of his disabilities. Defendants
13 were aware of Dr. Ting's disabilities through communications directly with Dr. Ting and through
14 their interactions with him both at work and outside of work. Alternatively, Defendants regarded
15 Dr. Ting as disabled.

16 95. Despite being disabled, Dr. Ting could perform his essential job duties either with
17 or without a reasonable accommodation.

18 96. The Regents and the University, through the actions of Dean Krebsbach, Dr.
19 Tetradis, the Interim Chair Defendants, and others, engaged in unlawful and discriminatory
20 employment practices against Dr. Ting because of his disability, and because he engaged in
21 protected activities under FEHA.

22 97. As a proximate result of the acts of the Regents and the University, as described
23 above, Dr. Ting has suffered and will continue to suffer economic damages, including lost wages,
24 lost benefits, loss of promotional opportunity, and other compensatory damages in an amount to
25 be ascertained at the time of trial.

26 98. As a proximate result of the acts of the Regents and the University, Dr. Ting has
27 suffered and will continue to suffer mental and emotional distress, including but not limited to
28

1 humiliation, anxiety, nervousness, a stomach ulcer, gastrointestinal issues, and depression and has
2 been generally damaged in an amount to be ascertained at the time of trial.

3 99. As a direct and proximate result of the conduct of the Regents and the University,
4 Dr. Ting was forced to incur substantial costs and attorneys' fees. Under Government Code
5 Section 12965(b), Dr. Ting is entitled to recover reasonable attorneys' fees according to proof at
6 the time of trial.

7 100. The acts of the Regents and the University, which were carried out by their
8 managing agents, were intentional, willful and malicious and done in conscious disregard of Dr.
9 Ting's rights, safety and well-being and with the intent to vex, injure and annoy Dr. Ting; as such,
10 Dr. Ting requests that exemplary and punitive damages be assessed against the Regents and the
11 University in an amount sufficient to punish them and to deter others from engaging in similar
12 conduct.

13
14 **FIFTH CAUSE OF ACTION**

15 **(Unlawful Harassment in Violation of FEHA [Gov't Code § 12940(j)(1)])**

16 **Against All Defendants)**

17 101. Dr. Ting realleges and incorporates herein by reference the allegations contained
18 in the preceding paragraphs.

19 102. California Government Code Section 12940(j)(1) requires employers to refrain
20 from harassing, or creating or maintaining a hostile work environment against an employee based
21 upon the employee's protected characteristics under FEHA, including among other things, the
22 person's disability.

23 103. Dr. Ting is an employee of the Regents and the University, and has been employed
24 by the Regents and the University for 25 years. Dean Krebsbach, Dr. Tetradis, and the Interim
25 Chair Defendants are also employed by the Regents and the University, serving as Dr. Ting's
26 supervisors. Defendants harassed and otherwise subjected Dr. Ting to a hostile work
27 environment on the basis of his disability and his engaging in protected activities under FEHA.
28

1 110. Under Government Code Section 12940(m), it is unlawful for an employer to fail
2 to make reasonable accommodations for an employee with a disability. The employer also has an
3 affirmative duty to, among other things, inform employees with a disability of other job positions
4 and ascertain whether the employee is interested in or qualified for said positions. Additionally,
5 an employer who regards an employee or applicant as disabled also has a duty to provide
6 reasonable accommodations for that employee.

7 111. Dr. Ting is an employee of the Regents and the University, and has been employed
8 by the Regents and the University for 25 years. Dr. Ting was disabled and/or perceived by
9 Defendants as disabled. As such, the Regents and the University, who were aware of Dr. Ting's
10 disability, had a duty to provide Dr. Ting with reasonable accommodations if any were necessary.

11 112. The Regents and the University violated Section 12940(m) by refusing to provide
12 Dr. Ting a reasonable accommodation for his disabilities. Specifically, Dr. Ting suffered from a
13 severe ulcer and was taking medication for this ulcer that caused him to lose balance while
14 standing. Dr. Ting fell and injured himself due to this condition. Dr. Ting requested that the
15 Regents and the University provide him with a reasonable accommodation by allowing him to
16 take six months off from working in the Orthodontics Clinic, while maintaining his usual duties
17 as Professor, including teaching, researching, and attending to administrative tasks. The Regents
18 and the University refused to provide Dr. Ting with this accommodation, or any other form of
19 accommodation for his disability.

20 113. As a proximate result of the acts of the Regents and the University, as described
21 above, Dr. Ting has suffered and will continue to suffer economic damages, including lost wages,
22 lost benefits, loss of promotional opportunity, and other compensatory damages in an amount to
23 be ascertained at the time of trial.

24 114. As a proximate result of the acts of the Regents and the University, Dr. Ting has
25 suffered and will continue to suffer mental and emotional distress, including but not limited to
26 humiliation, anxiety, nervousness, a stomach ulcer, gastrointestinal issues, and depression and has
27 been generally damaged in an amount to be ascertained at the time of trial.
28

1 115. As a direct and proximate result of the conduct of the Regents and the University,
2 Dr. Ting was forced to incur substantial costs and attorneys' fees. Under Government Code
3 Section 12965(b), Dr. Ting is entitled to recover reasonable attorneys' fees according to proof at
4 the time of trial.

5 116. The acts of the Regents and the University, which were carried out by their
6 managing agents, were intentional, willful and malicious and done in conscious disregard of Dr.
7 Ting's rights, safety and well-being and with the intent to vex, injure and annoy Dr. Ting; as such,
8 Dr. Ting requests that exemplary and punitive damages be assessed against the Regents and the
9 University in an amount sufficient to punish them and to deter others from engaging in similar
10 conduct.

11
12 **SEVENTH CAUSE OF ACTION**

13 **(Failure to Engage in the Interactive Process in Violation of FEHA [Gov't Code § 12940(n)]**

14 **Against the University and the Regents)**

15 117. Dr. Ting realleges and incorporates herein by reference the allegations contained
16 in the preceding paragraphs.

17 118. Under Government Code Section 12940(n), it is unlawful for an employer to fail
18 to engage in a timely, good faith interactive process to determine effective reasonable
19 accommodations, if any, for an employee or applicant with a disability. Section 12940(n) also
20 requires an employer who regards an employee as disabled to engage that employee in a timely,
21 good faith interactive process to determine effective accommodations for that perceived
22 disability. Engaging in the interactive process is a continuing duty of the employer under FEHA.

23 119. Dr. Ting is an employee of the Regents and the University, and has been employed
24 by the Regents and the University for 25 years. Dr. Ting was disabled and/or perceived by
25 Defendants as disabled. As such, the Regents and the University, who were aware of Dr. Ting's
26 disability, had a duty to engage in a good faith, interactive process with Dr. Ting.

27 120. The Regents and the University violated Section 12940(n) by failing to engage in a
28 timely, good faith interactive process with Dr. Ting at all required times. Dr. Ting in good faith

1 requested that the Regents and the University engage in an interactive process to determine an
2 effective and reasonable accommodation for his disability.

3 121. As a proximate result of the acts of the Regents and the University, as described
4 above, Dr. Ting has suffered and will continue to suffer economic damages, including lost wages,
5 lost benefits, loss of promotional opportunity, and other compensatory damages in an amount to
6 be ascertained at the time of trial.

7 122. As a proximate result of the acts of the Regents and the University, Dr. Ting has
8 suffered and will continue to suffer mental and emotional distress, including but not limited to
9 humiliation, anxiety, nervousness, a stomach ulcer, gastrointestinal issues, and depression and has
10 been generally damaged in an amount to be ascertained at the time of trial.

11 123. As a direct and proximate result of the conduct of the Regents and the University,
12 Dr. Ting was forced to incur substantial costs and attorneys' fees. Under Government Code
13 Section 12965(b), Dr. Ting is entitled to recover reasonable attorneys' fees according to proof at
14 the time of trial.

15 124. The acts of the Regents and the University, which were carried out by their
16 managing agents, were intentional, willful and malicious and done in conscious disregard of Dr.
17 Ting's rights, safety and well-being and with the intent to vex, injure and annoy Dr. Ting; as such,
18 Dr. Ting requests that exemplary and punitive damages be assessed against the Regents and the
19 University in an amount sufficient to punish them and to deter others from engaging in similar
20 conduct.

21
22 **EIGHTH CAUSE OF ACTION**

23 **(Accounting, Against the University and the Regents)**

24 125. Dr. Ting realleges and incorporates herein by reference the allegations contained
25 in the preceding paragraphs.

26 126. Dr. Ting is an employee of the Regents and the University in the University's
27 Health Sciences program, School of Dentistry, Section of Orthodontics. His Section has adopted
28 a profit-sharing, incentive compensation model for all work done by faculty members in the

1 Orthodontics Clinic, pursuant to applicable University policy governing his Section. Dr. Ting, at
2 all relevant times hereto, has worked in the Section of Orthodontics and thus is entitled to receive
3 profit-sharing bonus payments for his work pursuant to this policy.

4 127. The amount of profit-sharing payments due to Dr. Ting can only be ascertained
5 through an accounting of the financial records of the University—specifically for the Section of
6 Orthodontics. Defendants have repeatedly claimed, without any support, that the Section of
7 Orthodontics is running at a deficit and thus cannot pay Dr. Ting his bonus. Dr. Ting is informed
8 and believes, however, that the Defendants are not being honest about this purported “deficit,”
9 and that the amount of money currently owed to him in the form of profit-sharing payments is
10 substantial. An accounting is required to determine the true amounts due and owing to Dr. Ting
11 in connection with his work in the Orthodontics Clinic and his consequent right to receive his
12 profit-sharing payments.

13 128. Dr. Ting has repeatedly demanded such an accounting, first from Dean Krebsbach,
14 and then from the Interim Chair Defendants. His requests have been repeatedly denied.

15
16 **PRAYER FOR RELIEF**

17 WHEREFORE, Dr. Ting prays for judgment against Defendants, and each of them, as
18 follows:

19 **For the First, Second, Third, Fourth, Sixth, and Seventh Causes of Action**

20 **(Against the Regents and the University)**

21 1. For general, compensatory, and special damages, including lost wages and benefits,
22 lost profit-sharing payments, lost earning potential, harm to Dr. Ting’s good name and reputation,
23 pain and suffering damages, emotional distress damages, and medical expenses, in an amount in
24 excess of the jurisdictional minimum of this Court;

25 2. For injunctive relief barring the Regents and the University’s discriminatory
26 employment policies and practices in the future, and reinstating Dr. Ting as Chair of the Section of
27 Orthodontics;

28 3. For prejudgment interest at the maximum legal rate;

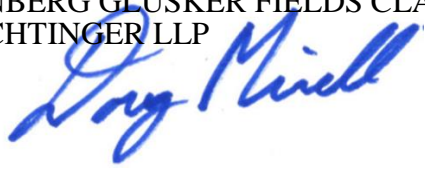
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DEMAND FOR JURY TRIAL

Plaintiff Kang “Eric” Ting demands a jury trial on all causes of action for which trial by jury is authorized.

DATED: May 26, 2020

GREENBERG GLUSKER FIELDS CLAMAN
& MACHTINGER LLP

By: 

DOUGLAS E. MIRELL (SBN 94169)

Attorneys for Plaintiff Kang “Eric” Ting

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Superior Court of California
County of Los Angeles

Receipt No: EFM-2020-2040293.1

Date: 5/27/20 8:07 AM

Time: 5/27/20 8:07 AM

CASE # 20STCV19888

KANG ERIC TING vs THE REGENTS OF

Unlimited Civil- Compt/UD/Pet filed >25k - GC70611,70602.5,70602.6	435.00
Court Transaction Fee	1.75
Case Total:	<u>436.75</u>

Total Paid: 436.75

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