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ELECTRONICALLY
FILED

Superior Court of California,
County of San Francisco

04/25/2023
Clerk of the Court

BY: JEFFREY FLORES
Deputy Clerk

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **FOR THE COUNTY SAN FRANCISCO**

13 **CGC-23-606080**

14 FRANK HAN, an individual,

15 PLAINTIFF,

16 v.

17 PFIZER INC., a Delaware Corporation;
18 TARA PALESH, an individual; JEFF
19 SCOTT; an individual; ERIC EICHINGER;
an individual; and DOES 1 through 100,
inclusive,

20 DEFENDANTS.

Case No.:

COMPLAINT FOR DAMAGES:

1. Whistleblower (Cal. Lab. Code § 1102.5)
2. Hostile Work Environment;
3. Harassment;
4. Failure to Prevent, Harassment, and Retaliation;
5. Intentional Infliction of Emotional Distress;
6. Violation of Business & Professions Code §17200-17208;
7. Retaliation in Violation of Government Code §12900, *et seq.*; and
8. Wrongful Termination in Violation of Public Policy.

24 PLAINTIFF FRANK HAN, by and through his attorneys of record herein, brings this
25 complaint against DEFENDANTS PFIZER INC., TARA PALESH, JEFF SCOTT, ERIC
26 EICHINGER and DOES 1 through 100 (collectively “DEFENDANTS”) as follows:
27
28

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1 **I. GENERAL ALLEGATIONS**

2 1. At all relevant times, PLAINTIFF FRANK HAN (hereinafter referred to as
3 “PLAINTIFF”) is an individual residing in the County of Alameda, State of California, and was an
4 employee of DEFENDANT PFIZER INC. At all relevant times, DEFENDANT PFIZER INC.,
5 was and now is a Delaware limited liability corporation, existing, doing business as PFIZER INC.
6 (hereinafter referred to as “EMPLOYER” or “PFIZER”), and employing individuals in the County
7 of San Francisco, State of California. PLAINTIFF is informed and believes that DEFENDANT
8 PFIZER INC. is a Delaware limited liability company doing business in the County of San
9 Francisco, California, and operating in and under the laws of the State of California.
10 DEFENDANT PFIZER’S headquarters is in New York. DEFENDANT TARA PALESH
11 (hereinafter “PALESH”), DEFENDANT JEFF SCOTT (hereinafter “SCOTT”), and
12 DEFENDANT ERIC EICHINGER (hereinafter “EICHINGER”), were all individuals with
13 managerial authority for DEFENDANT PFIZER INC. DEFENDANT PALESH resides in the
14 County of New York, New York, and the residencies for DEFENDANTS SCOTT and
15 EICHINGER are unknown to PLAINTIFF. The true names of the DEFENDANTS named herein
16 as DOES 1 through 100, inclusive, whether individual, corporate, associate or otherwise, are
17 unknown to the PLAINTIFF who, therefore sues such DEFENDANTS by fictitious names
18 pursuant to California Code of Civil Procedure section 474. PLAINTIFF is informed and believes,
19 and on that basis alleges that each DEFENDANT sued under such fictitious name is in some
20 manner responsible for the wrongs and the damages as alleged below, and in so acting was
21 functioning as the owner, shareholder, agent, servant, partner, joint venturer, alter-ego, employee,
22 proxy, managing agent, and principal of the CO-DEFENDANTS, and in doing the actions
23 mentioned below was acting, at least in part, within the course and scope of their authority as such
24 agent, servant, proxy, partner, joint venturer, employee, alter-ego, managing agent, and principal
25 with the permission and consent of the DEFENDANTS.

26 2. The true names and capacities of DEFENDANTS DOES 1 through 100, inclusive,
27 whether individual, corporate, associate or otherwise, are unknown to PLAINTIFF at the time of
28 filing this Complaint and PLAINTIFF, therefore, sues said DEFENDANTS by such fictitious

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1 names and will ask leave of Court to amend this Complaint to show their true names or capacities
2 when the same have been ascertained. PLAINTIFF is informed and believes, and based thereon
3 alleges, that each of the DOE DEFENDANTS is, in some manner, responsible for the events and
4 happenings herein set forth and proximately caused injury and damages to PLAINTIFF as herein
5 alleged.

6 3. At all times herein mentioned, DEFENDANTS were acting as agents and/or
7 employees of each of the remaining DEFENDANTS, and were, at all times herein mentions, acting
8 within the scope of said agency and employment, except where alleged to the contrary.

9 4. Whenever in this Complaint reference is made to any act of DEFENDANTS, such
10 allegations shall be deemed to mean all named DEFENDANTS and DOES 1 through 100, or their
11 officers, agents, managers, representatives, employees, heirs, assignees, customers and tenants, did
12 or authorized such acts while actively engaged in the operation, management, direction or control
13 of the affairs of DEFENDANTS and while acting within the course and scope of their duties.

14 **II. JURISDICTION AND VENUE**

15 5. Venue is proper in San Francisco County because: (1) the employment relationship
16 between PLAINTIFF and EMPLOYER arose and was performed here; (2) the injuries alleged
17 herein occurred here; (3) the unlawful discriminatory and retaliatory practices alleged were
18 committed here; (4) the records relevant to the unlawful discriminatory practices were maintained
19 and administered here; and (5) PLAINTIFF would have worked here but for the alleged unlawful
20 practices. This court is the proper court because the amount at issue exceeds the jurisdictional
21 minimum of this court.

22 6. At all times herein, PLAINTIFF was duly qualified and did perform his
23 employment duties in a satisfactory manner. PLAINTIFF performed and was willing to continue to
24 perform all duties and responsibilities on his part to be performed, which duties and
25 responsibilities were part of the employment relationship between EMPLOYER and PLAINTIFF.
26 At all times, PLAINTIFF was an “employee” as that term is defined by California Government
27 Code § 12926(c). As an employee of DEFENDANT PFIZER, PLAINTIFF was entitled to all of
28 the benefits provided by EMPLOYER'S personnel policies, procedures and practices, and those

1 confirmed in the by-laws governing said organization. At all times, DEFENDANT PFIZER INC.
2 is and was an “EMPLOYER” within the meaning of California Government Code § 12926(d).
3 Hereinafter in the Complaint, unless otherwise specified, reference to a DEFENDANT or
4 DEFENDANTS shall refer to all DEFENDANTS, and each of them.

5 **III. EXHAUSTION OF ADMINISTRATIVE PROCEEDINGS**

6 7. On February 24, 2023, prior to initiating this complaint, PLAINTIFF filed with the
7 Department of Fair Employment and Housing (hereinafter “DFEH”), a Complaint of
8 Discrimination, Harassment, and Retaliation against DEFENDANT PFIZER. On February 24,
9 2023, the DFEH issued a Notice of Case Closure and Right-to-Sue letter to PLAINTIFF,
10 authorizing him to file a private lawsuit against DEFENDANTS in order to enforce his rights to
11 full and equal employment opportunities free from unlawful discrimination and retaliation.
12 Attached hereto as **Exhibit 1** is the Right-to-Sue letter. PLAINTIFF has therefore exhausted all
13 administrative remedies as a prerequisite to filing this action.

14 **IV. STATEMENT OF FACTS**

15 8. PLAINTIFF worked for DEFENDANTS from May 2017 until November 2022.
16 DEFENDANTS hired PLAINTIFF as an Associate Director and Group Lead for Clinical
17 Programming. DEFENDANTS promoted PLAINTIFF to Director of Global Compliance
18 Analytics in 2018. PLAINTIFF remained in that role until the date of his termination on
19 November 3, 2022. DEFENDANT PALESH supervised PLAINTIFF during his employment with
20 DEFENDANT PFIZER.

21 9. On or around August 6, 2021, PLAINTIFF was scored a 5.2 / 5 on his performance
22 review by PALESH for completing two innovative and challenging breakthroughs.

23 10. On or around November 4, 2021, PLAINTIFF developed and presented a new
24 algorithm on analysis of PFIZER’S global external fundings (between Q2 of 2019 through Q3 of
25 2021) to Potentially Influential Government Officials (“PIGOs”) to detect fraud. While
26 developing this algorithm, PLAINTIFF discovered that DEFENDANTS spent over ten times the
27 amount of money on PIGOs in China than they had spent on other countries during the same time
28 frame. Specifically, PLAINTIFF discovered that DEFENDANT PFIZER had spent \$12 million in

1 the United States, \$11 million in Canada, \$7.5 million in Russia, and \$7.1 million in the United
2 Kingdom during this time frame but had spent *\$168 million* on PIGOs in China between Q2 of
3 2019 through Q3 of 2021. Out of the \$168 million PFIZER had spent on PIGOs in China during
4 this time, \$138 million had gone to corporate sponsorships. By way of comparison,
5 DEFENDANT PFIZER had spent just \$2 million on corporate sponsorships in the United States
6 during this time.

7 11. Upon discovery, PLAINTIFF raised these compliance concerns and potential
8 Foreign Corrupt Practices Act (“FCPA”) violations to his immediate supervisor PALESH, and
9 colleagues Ben Brackbill (Director, Reporting and Analytics Lead), and Steven Kim (Director,
10 Global Compliance Analytics) in virtual meeting presentation on November 4, 2021. However,
11 PLAINTIFF was never informed of any investigation conducted and/or whether or not the
12 concerns were raised to higher ups in the company.

13 12. On or around January 21, 2022, PLAINTIFF was scored 4.8/5 by PALESH in
14 his performance review. PALESH indicated that PLAINTIFF’S work was not translating into “end
15 products.” During this review, PALESH began baselessly critiquing his work, berating him, and
16 impeding his ability to perform his job.

17 13. On or around March 2, 2022, PLAINTIFF had a one-on-one meeting with
18 PALESH where PALESH screamed at PLAINTIFF about his work which caused PLAINTIFF
19 undue stress. It was clear to PLAINTIFF that PALESH’S statements and actions were in
20 retaliation to his complaints about the fraudulent activity he had uncovered.

21 14. On or around March 30, 2022, PLAINTIFF was issued his first performance
22 feedback by PALESH. During this interaction, PLAINTIFF informed PALESH that he was
23 overwhelmed with work and the situation he reported.

24 15. On or around March 31, 2022, PLAINTIFF reported PALESH’s harassing and
25 retaliatory treatment to his manager, DEFENDANT SCOTT.

26 16. On or around April 4, 2022, PLAINTIFF also reported PALESH’S retaliatory
27 conduct to DEFENDANT PFIZER’S Ombudsman Advisor Lourdes Delgado-Cheers. PLAINTIFF
28 informed SCOTT and Ms. Delgado-Cheers about PALESH’S retaliatory and harassing behavior.

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1 PLAINTIFF told both SCOTT and Ms. Delgado-Cheers that PALESH’S improper behavior fit all
2 the signs of harassment (as stated in the PFIZER Harassment Training) and that it had created a
3 hostile work environment for him. On that same day, PLAINTIFF spoke to SCOTT and asked if
4 he could temporarily not report to PALESH until the situation improved and/or was investigated
5 by management. However, PLAINTIFF was told that if he wanted to continue to work for
6 DEFENDANT PFIZER, he had to report to PALESH.

7 17. On or around May 4, 2022, PALESH issued PLAINTIFF a second negative
8 Performance Feedback. PALESH wrongly accused PLAINTIFF of project delays and advised
9 PLAINTIFF to quit his employment with DEFENDANT PFIZER.

10 18. On or around August 1, 2022, PALESH issued PLAINTIFF a 1.6/5 on his
11 Performance Review. This review explicitly acknowledges that PALESH had given him a low
12 performance rating for working on compliance irregularities, because his project “was not work
13 that was required and currently there is no use case to leverage the work.”

14 19. On or around August 3, 2022, PALESH sent PLAINTIFF a “Final Notice of
15 Underperformance” and noted that PLAINTIFF “embarked on a Global Security analysis that was
16 not required or validated as useful ... instead of focusing on higher priority work as [he was]
17 coached.” PALESH made it clear that PLAINTIFF was being punished for uncovering the fraud.

18 20. On or around August 5, 2022, PLAINTIFF continued to report his concerns about
19 Ms. PALESH’s improper conduct (as well as the fraud he had discovered) to Ms. Delgado-Cheers.
20 In response, Ms. Delgado-Cheers recommended to PLAINTIFF that he present his performance
21 rebuttal to the chain of command of the Compliance Division based on DEFENDANT PFIZER’s
22 so-called open-door policy.

23 21. On or around August 21, 2022, PLAINTIFF submitted his rebuttal letter against
24 PALESH’S unfair performance review and once again raised the FCPA concerns.

25 22. On or around September 1, 2022, PLAINTIFF met with DEFENDANT PFIZER’S
26 Human Resource Manager, Eric EICHINGER. DEFENDANT EICHINGER broke down
27 PLAINTIFF’S concerns in PLAINTIFF’S rebuttal letter into three categories: (1) employee
28 relation issues between PLAINTIFF and PALESH; (2) performance review issues; and (3)

1 business issues. As to (1), EICHINGER told PLAINTIFF that he would investigate PLAINTIFF'S
2 concerns. Regarding (2), EICHINGER told PLAINTIFF he would have SCOTT investigate.
3 Regarding (3), EICHINGER told PLAINTIFF that DEFENDANT PFIZER'S audit team would
4 investigate the business concerns. PLAINTIFF was only ever contacted by the audit team for an
5 initial discussion.

6 23. On or around September 12, 2022, PLAINTIFF spoke to Jane Gerasimova and
7 Brian Badal from DEFENDANT PFIZER's Corporate Investigation team and once again raised
8 concerns about the FCPA violations. In response, EICHINGER told PLAINTIFF: "Per corporate
9 audit's investigative process, no further action has been deemed necessary."

10 24. On or around September 20, 2022, PLAINTIFF met with SCOTT in regard to the
11 Independent Performance Review investigation that was to be conducted by SCOTT. To date,
12 PLAINTIFF has never been informed of any outcome regarding said investigation by SCOTT.

13 25. On or around October 12, 2022, Mr. EICHINGER allegedly concluded his
14 investigation and left PLAINTIFF with the impression that he would inform PLAINTIFF of the
15 investigation results. To date, PLAINTIFF has never been informed of any outcome of said
16 investigation.

17 26. On or around October 17, 2022, PALESH issued PLAINTIFF a Notice of
18 Underperformance. That same day, PLAINTIFF reached out to DEFENDANT PFIZER'S
19 Ombudsman Advisor Lourdes Delgado-Cheers about the lack of transparency in the
20 investigations. PLAINTIFF informed the Ombudsman that, due to lack of transparency,
21 PLAINTIFF was left no choice but to report the DEFENDANTS to the Securities and Exchange
22 Commission ("SEC") for the perceived FCPA violations.

23 27. On or around October 22, 2022, PLAINTIFF filed a report with the SEC.
24 PLAINTIFF reported the same fraud discussed at length above and the misrepresentation and
25 corruption concerns he had repeatedly raised to the DEFENDANTS.

26 28. On or around November 3, 2022, after various rescheduled one-on-one meetings,
27 PALESH scheduled a virtual meeting with PLAINTIFF and DEFENDANT PFIZER's HR
28 Representative Kisha Daniels (hereinafter "Ms. Daniels"). Prior to this meeting, PLAINTIFF was

1 not informed that Ms. Daniel’s would be included in the discussion with PALESH. To
2 PLAINTIFF’s surprise, PALESH announced the termination and asked PLAINTIFF to verify his
3 personal email address and indicated she would be sending him the separation package via email.

4 29. On or around November 4, 2022, PLAINTIFF received a separation email to his
5 personal email address.

6 **FIRST CAUSE OF ACTION**

7 **Whistleblower**

8 **[Cal. Lab. Code § 1102.5]**

9 **(By PLAINTIFF Against DEFENDANT Employer)**

10 30. PLAINTIFF restates and incorporates by this reference each and every preceding
11 paragraph in this complaint as though full set forth at this point.

12 31. California Labor Code § 1102.5 prohibits employers from retaliating against
13 employees who engage in protected “whistleblowing” activities when the employee has reasonable
14 cause to believe that the information discloses a violation of state or federal statute. In addition,
15 California Labor Code § 1102.5 subd. (b) forbids retaliation if the employee disclosed, or the
16 employer believes he/she disclosed “to a person with authority over the employee or another
17 employee who has the authority to investigate, discover, or correct the violation or
18 noncompliance.”

19 32. DEFENDANTS terminated PLAINTIFF in retaliation for disclosing information
20 and/or refusing to participate in an unlawful act. Cal. Lab. Code. § 1102.5. DEFENDANTS
21 believed and were aware that PLAINTIFF disclosed to a government agency and/or law
22 enforcement agency the compliance irregularities and/or fraudulent activity.

23 33. PLAINTIFF reasonably believed that DEFENDANT PFIZER’s policies violated
24 federal, state, or local statutes, rules or regulations.

25 34. PLAINTIFF informed DEFENDANTS that he had no choice but to provide
26 information to the SEC for it to conduct an investigation into PLAINTIFF’s compliance concerns.
27 PLAINTIFF had a reasonable cause to believe that the information disclosed was a violation of a
28 local, state and/or federal statute, rule or regulation.

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1 35. DEFENDANTS terminated PLAINTIFF because he reported the noncompliance
2 concerns, and PLAINTIFF was retaliated by a person “acting on behalf of the employer.” Cal.
3 Lab. Code. § 1102.5(a)-(d). Further, PLAINTIFF’S disclosure of information was a contributing
4 factor in DEFENDANTS’ decision to terminate PLAINTIFF.

5 36. As a proximate result of DEFENDANTS’ conduct and pursuant to Labor Code §
6 1102.5(f), PLAINTIFF was harmed and DEFENDANTS are liable to PLAINTIFF for a civil
7 penalty. DEFENDANTS’ conduct was a substantial factor in causing PLAINTIFF’s harm.

8 37. As a further proximate result of DEFENDANTS’ conduct, PLAINTIFF has
9 suffered actual, consequential and incidental financial losses, including without limitation, loss of
10 salary and benefits, and the intangible loss of employment-related opportunities for growth in his
11 field and damage to his professional reputation, all in an amount subject to proof at the time of
12 trial. PLAINTIFF claims such amounts as damages together with prejudgment interest pursuant to
13 Civil Code Sections 3287 and/or 3288 and/or any other provision of law providing for
14 prejudgment interest.

15 38. As a further proximate result of the wrongful acts of DEFENDANTS, and each of
16 them, PLAINTIFF has suffered and continues to suffer anxiety, worry, embarrassment,
17 humiliation, mental anguish, and emotional distress and will likely incur, medical expenses as a
18 result. PLAINTIFF is informed and believes and thereon alleges that he will continue to
19 experience said pain and mental and emotional suffering for a period in the future he cannot
20 presently ascertain, all in an amount subject to proof at the time of trial.

21 39. As a further proximate result of the wrongful acts of DEFENDANTS, and each of
22 them, PLAINTIFF has been forced to hire attorneys to prosecute his claims herein and has
23 incurred and is expected to continue to incur attorneys’ fees and costs in connection therewith.
24 PLAINTIFF is entitled to recover such attorneys’ fees and costs under Labor Code § 1102.5(j)
25 and/or any other provision of law providing for attorneys’ fees and costs.

26 40. The acts taken toward PLAINTIFF were carried out by and/or ratified by
27 DEFENDANTS and/or managing agent employees of DEFENDANTS acting in a despicable,
28 oppressive, fraudulent, malicious, deliberate, egregious, and inexcusable manner in order to injure

1 and damage PLAINTIFF, thereby justifying an award to him of punitive damages in a sum
2 appropriate to punish and make an example of DEFENDANTS.

3 **SECOND CAUSE OF ACTION**
4 **Hostile Work Environment**
5 **[California Government Code §§ 12940 *et seq.*]**
6 **(By PLAINTIFF against DEFENDANT Employer)**

7 41. PLAINTIFF restates and incorporates by this reference each and every preceding
8 paragraph in this complaint as though full set forth at this point.

9 42. At all times herein mentioned, FEHA, Government Code section 12940, *et seq.*,
10 was in full force and effect and was binding on DEFENDANTS. This statute requires
11 DEFENDANTS to refrain from harassing any employee because he or she is part of a protected
12 class.

13 43. PLAINTIFF was subjected to harassing conduct through a hostile work
14 environment, in whole or in part, after PLAINTIFF submitted a formal complaint. Pursuant to
15 Government Code section 12923(b), a single incident or harassing conduct is sufficient to create a
16 hostile work environment if the harassing conduct has unreasonably interfered with PLAINTIFF's
17 work performance or created an intimidating, hostile, or offensive working environment.

18 44. As a proximate result of DEFENDANTS' willful, knowing, and intentional
19 harassment of PLAINTIFF, PLAINTIFF has sustained and continues to sustain substantial losses
20 of earnings and other employment benefits.

21 45. As a proximate result of DEFENDANTS' willful knowing, and intentional
22 harassment of PLAINTIFF, PLAINTIFF has suffered and continues to suffer humiliation,
23 emotional distress, and mental and physical pain and anguish, all to his damage in a sum according
24 to proof.

25 46. PLAINTIFF has incurred and continues to incur legal expenses and attorneys' fees.
26 Pursuant to Government Code section 12965(b), PLAINTIFF is entitled to recover reasonable
27 attorneys' fees and costs (including expert costs) in an amount according to proof.

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1 47. DEFENDANTS’ harassment was committed intentionally, in a malicious,
2 fraudulent, and/or oppressive manner, and this entitles PLAINTIFF to punitive damages against
3 DEFENDANTS.

4 **THIRD CAUSE OF ACTION**

Harassment

5 **[Violation of FEHA, California Government Code § 12940, et seq.]**

6 **(By PLAINTIFF against all DEFENDANTS)**

7 48. PLAINTIFF restates and incorporates by this reference each and every preceding
8 paragraph in this complaint as though full set forth at this point.

9 49. California Government Code provides that it shall be unlawful for an employer or
10 for any person to harass an employee because of a person’s complaint. See Cal. Gov’t Code §
11 12940.

12 50. As alleged above, during PLAINTIFF’S employment with DEFENDANTS,
13 DEFENDANTS intentionally engaged in harassment of PLAINTIFF. DEFENDANTS, including
14 through their managers and supervisors, acted in a manner that was antagonistic to PLAINTIFF
15 and which exhibited harassing motivations, intentions, and consciousness. A reasonable person
16 subjected to the harassing conduct would find, as PLAINTIFF did, that the harassment so altered
17 PLAINTIFF’s working conditions as to make it more difficult to do his job.

18 51. The doctrines of equitable tolling and continuing violations apply to PLAINTIFF’S
19 claim of harassment. See *Richards v. CH2M Hill, Inc.*, 26 Cal.4th 798 (2001) (an employee is not
20 required to file a lawsuit the moment conditions become intolerable for the employee); *McDonald*
21 *v. Antelope Valley Community College Dist.*, 45 Cal.4th 88 (2008).

22 52. As a proximate result of DEFENDANTS’ willful, knowing, and intentional
23 harassment against PLAINTIFF, PLAINTIFF has sustained and continues to sustain substantial
24 losses of earnings and other employment benefits, and has suffered and continues to suffer
25 humiliation, emotional distress, and physical and mental pain and anguish, all to his damage in a
26 sum according to proof.

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FOURTH CAUSE OF ACTION
Failure to Prevent, Investigate, and Remedy Harassment, or Retaliation
[Violation of the FEHA, Cal. Gov’t Code § 12940(k)]
(By PLAINTIFF against DEFENDANT Employer)

53. PLAINTIFF restates and incorporates by this reference each and every preceding paragraph in this complaint as though full set forth at this point.

54. California law requires employers to “take all reasonable steps necessary to prevent” and correct wrongful behavior, including but not limited to, discriminatory and harassing behavior in the workplace. *See* Cal. Gov’t Code § 12940(k); *see also* Cal. Gov’t Code § 12940(j). (“Harassment of an employee ... shall be unlawful if the entity, or its agents or supervisors, knows or should have known of this conduct and fails to take immediate and appropriate corrective action.”).

55. As alleged herein and above, DEFENDANTS violated California law by failing to take all reasonable steps necessary to prevent the harassment, discrimination, and retaliation from occurring. *See* Cal. Gov’t. Code § 12940(k).

56. As a proximate result of DEFENDANTS’ willful, knowing, and intentional failure to prevent, investigate or remedy harassment, discrimination, and retaliation against PLAINTIFF, PLAINTIFF has sustained and continues to sustain substantial losses of earnings and other employment benefits.

57. As a proximate result of DEFENDANTS’ willful, knowing, and intentional failure to prevent, investigate, or remedy discrimination, harassment, or retaliation against PLAINTIFF, PLAINTIFF has suffered and continues to suffer humiliation, emotional distress, and mental and physical pain and anguish, all to his damage in a sum according to proof. PLAINTIFF has incurred and continues to incur legal expenses and attorneys’ fees. Pursuant to California Government Code section 12965(b), PLAINTIFF is entitled to recover reasonable attorneys’ fees and costs (including expert costs) in an amount according to proof.

58. DEFENDANTS committed the acts herein despicably, maliciously, fraudulently, and oppressively, with the wrongful intention of injuring PLAINTIFF, from an improper and evil

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1 motive amounting to malice, and in conscious disregard of the rights of PLAINTIFF. PLAINTIFF
2 is thus entitled to punitive damages from DEFENDANTS in an amount according to proof.

3 **FIFTH CAUSE OF ACTION**
4 **Intentional Infliction of Emotional Distress**
5 **[California Gov. Code 12965(b) and Gov. Code Section 12900 *et seq.*]**
6 **(By PLAINTIFF against DEFENDANT Employer)**

7 59. PLAINTIFF restates and incorporated by this reference each and every preceding
8 paragraph in this complaint as though fully set forth at this point.

9 60. The above-referenced conduct was extreme, outrageous and beyond all possible
10 bounds of human decency as DEFENDANTS knew and condoned the intentional conduct of its
11 agents, which conduct is regarded as atrocious and utterly intolerable in an employment
12 environment or civilized community matter.

13 61. DEFENDANTS conduct was done with reckless disregard of the probability of
14 causing PLAINTIFF emotional distress or with the intent of causing PLAINTIFF to suffer
15 emotional distress.

16 62. PLAINTIFF did in fact suffer severe emotional distress. PLAINTIFF’S emotional
17 distress was a direct and proximate result of outrageous conduct of DEFENDANTS.

18 63. Moreover, DEFENDANTS’ conduct was oppressive, fraudulent, malicious,
19 despicable, and was carried on by DEFENDANTS with willful disregard of the rights or safety of
20 PLAINTIFF. DEFENDANTS therefore subjected PLAINTIFF to cruel and unjust hardship in
21 conscious disregard of PLAINTIFF’s rights.

22 64. As a further proximate result of DEFENDANTS’ actions against PLAINTIFF, as
23 alleged above, PLAINTIFF has been harmed in that PLAINTIFF has suffered humiliation, mental
24 anguish, emotional and physical distress, anxiety, and has been injured in the mind and body.
25 PLAINTIFF is thereby entitled to general and compensatory damages in an amount to be proven at
26 trial.

27 65. PLAINTIFF is further informed and believes that each business or employer,
28 through its officers, directors and managing agents, and each individual has advanced knowledge
of the wrongful conduct set forth above and sanctioned said wrongful conduct, thereby ratifying it,

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1 with a conscious disregard of the rights and safety of PLAINTIFF and for the deleterious
2 consequences of DEFENDANTS’ actions, and after becoming aware of their wrongful conduct,
3 each DEFENDANT and DOES 1 through 100 by and through its agents, and each individual
4 DEFENDANT and DOES 1 through 100, authorized and ratified the wrongful conduct herein
5 alleged. Accordingly, PLAINTIFF seeks an award of punitive and exemplary damages in an
6 amount according to proof.

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8 **SIXTH CAUSE OF ACTION**
9 **Violation of Business & Professions**
10 **[Code §17200-17208]**
11 **(By PLAINTIFF against DEFENDANT Employer)**

12 66. PLAINTIFF restates and incorporates by this reference each and every preceding
13 paragraph in this complaint as though full set forth at this point.

14 67. California Business & Professions Code §§ 17200-*et seq.* prohibits acts of unfair
15 competition, which includes any “unlawful and unfair business practices.” It is the policy of this
16 State to enforce minimum labor standards, to ensure that employees are not required or permitted
17 to work under substandard and unlawful conditions, and to protect those employers who comply
18 with the law from losing competitive advantage to other employers who fail to comply with labor
19 standards and requirements.

20 68. Through the conduct alleged herein, DEFENDANTS acted contrary to these public
21 policies and has engaged in unlawful and/or unfair business practices in violation of Business &
22 Professions Code §§17200, *et seq.* depriving PLAINTIFF his rights, benefits, and privileges
23 guaranteed to employees under California law.

24 69. Additionally, and throughout PLAINTIFF’S employment with DEFENDANTS,
25 DEFENDANTS have committed unlawful, unfair, and/or fraudulent business acts and practices as
26 defined and in violation of Business & Professions Code §§17200 by failing to pay overtime
27 wages, to provide meal and rest breaks, to pay wages due at the time of separation, to furnish
28 timely and accurate wage statements, to remit gratuities, and to reimburse business expenses in
violation of California law.

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///

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1 70. By engaging in these business practices, which are unfair business practices within
2 the meaning of Business & Professions Code §§17200 *et. seq.*, DEFENDANTS have reaped
3 unfair benefits and illegal profits at the expense of PLAINTIFF. DEFENDANTS must disgorge
4 these ill-gotten gains and restore to PLAINTIFF the wrongfully withheld wages pursuant to
5 section 17203 of the California Business and Professions Code.

6 **SEVENTH CAUSE OF ACTION**
7 **Retaliation In Violation of Public Policy**
8 **[Government Code § 12900, *et seq.*]**
9 **(By PLAINTIFF against DEFENDANT Employer)**

10 71. PLAINTIFF restates and incorporates by this reference each and every preceding
11 paragraph in this complaint as though full set forth at this point. At all times herein mentioned, the
12 FEHA was in full force and effect and was binding on DEFENDANTS. This statute requires
13 DEFENDANTS to refrain from retaliating against any employee for opposing practices forbidden
14 by the FEHA or who asserts rights under FEHA, including complaining of discrimination or
15 harassment.

16 72. DEFENDANTS, through their agents and supervisors, took actions and made a
17 number of comments to and about PLAINTIFF that exhibited discriminatory, harassing and
18 retaliatory motivations, intentions, and consciousness.

19 73. The decision to terminate PLAINTIFF’s employment was in retaliation for
20 PLAINTIFF engaging in protected activity, including his complaints described above.

21 74. The doctrines of equitable tolling and continuing violations apply to PLAINTIFF’S
22 claims of retaliation. *See Richards v. CH2M Hill, Inc.*, 26 Cal.4th 798 (2001); *McDonald v.*
Antelope Valley Community College Dist., 45 Cal.4th 88 (2008).

23 75. As a proximate result of DEFENDANTS’ willful, knowing, and intentional
24 retaliation against PLAINTIFF, PLAINTIFF has sustained and continues to sustain substantial
25 losses of earnings and other employment benefits.

26 76. As a proximate result of DEFENDANTS’ willful, knowing, and intentional
27 retaliation against PLAINTIFF, PLAINTIFF has suffered and continues to suffer humiliation,
28

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1 emotional distress, and mental and physical pain and anguish, all to his damage in a sum according
2 to proof.

3 77. PLAINTIFF has incurred and continues to incur legal expenses and attorneys’ fees.
4 Pursuant to California Government Code section 12965(b), PLAINTIFF is entitled to recover
5 reasonable attorneys’ fees and costs (including expert costs) in an amount according to proof.

6 78. DEFENDANTS committed the acts herein despicably, maliciously, fraudulently,
7 and oppressively, with the wrongful intention of injuring PLAINTIFF, from an improper and evil
8 motive amounting to malice, and in conscious disregard of the rights of PLAINTIFF. PLAINTIFF
9 is thus entitled to punitive damages from DEFENDANTS in an amount according to proof.

10 **EIGHTH CAUSE OF ACTION**
11 **Wrongful Termination in Violation of Public Policy**
12 **(By PLAINTIFF against all DEFENDANTS)**

13 79. PLAINTIFF restates and incorporates by this reference each and every preceding
14 paragraph in this complaint as though full set forth at this point.

15 80. Under California law, it is unlawful for an employer to terminate an employee in
16 violation of a fundamental public policy of the United States of America and/or the State of
17 California.

18 81. As alleged herein, DEFENDANTS’ decision to terminate PLAINTIFF was
19 substantially motivated by PLAINTIFF’s protected status in blatant violation of the public policy
20 protections set forth in the FEHA and California Labor Code. PLAINTIFF is informed and
21 believes that DEFENDANTS’ managing agents made the decision to terminate PLAINTIFF and
22 that DEFENDANTS ratified their decision.

23 82. As a direct and proximate result of the violation of PLAINTIFF’s rights under
24 California law, PLAINTIFF has sustained and continues to sustain substantial losses of earnings
25 and employment benefits.

26 83. As a proximate result of the violation of PLAINTIFF’S right under California law,
27 PLAINTIFF has suffered and continues to suffer humiliation, emotional distress, and physical and
28 mental pain and anguish, all to her damage in a sum according to proof.

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1 84. DEFENDANTS committed the acts herein despicably, maliciously, fraudulently,
2 and oppressively, with the wrongful intention of injuring PLAINTIFF, from an improper and evil
3 motive amounting to malice, and in conscious disregard of the rights of PLAINTIFF. PLAINTIFF
4 is thus entitled to punitive damages from DEFENDANTS in an amount according to proof.
5 PLAINTIFF is presently unaware of the precise amount of these expenses and fees, and prays
6 leave of Court to amend this Complaint when the amounts are more fully known.

7 **PRAYER FOR RELIEF**

8 **WHEREFORE**, PLAINTIFF prays for relief against DEFENDANTS as follows:

- 9 1. For economic, non-economic, general and compensatory damages, including but
- 10 not limited to lost wages and employment benefits at the prevailing rate and other
- 11 special damages according to proof;
- 12 2. For mental and emotional distress damages;
- 13 3. For punitive and exemplary damages;
- 14 4. For an award of interest, including prejudgement interest, at the legal rate;
- 15 5. For equitable remedies including injunctive and declaratory relief;
- 16 6. For interest accrued to date;
- 17 7. For costs of suit, including reasonable attorneys fees and costs, including expert
- 18 witness fees, pursuant to California Government Code section 12965(b), and all
- 19 other applicable laws;
- 20 8. For reinstatement to his job with DEFENDANT EMPLOYER; and
- 21 9. For such other and further relief as this Court may deem just and proper.

22 **DEMAND FOR JURY TRIAL**

23 10. PLAINTIFF hereby demands a jury trial for the causes of action set forth herein.

24 DATED: April 25, 2023

ALDERLAW, PC

25 By: 
26 Michael Alder
27 Zulma Munoz
28 Attorneys for PLAINTIFF
FRANK HAN

Alder Law, P.C.
12800 Riverside Drive, 2nd Floor
Valley Village, CA 91607

EXHIBIT 1



Civil Rights Department

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1684 (voice) | 800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@dfeh.ca.gov

February 24, 2023

Michael Alder
12800 Riverside Drive, 2nd Floor
Valley Village, CA 91607

RE: **Notice to Complainant's Attorney**
CRD Matter Number: 202302-19785124
Right to Sue: Han / Pfizer

Dear Michael Alder:

Attached is a copy of your complaint of discrimination filed with the Civil Rights Department (CRD) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also attached is a copy of your Notice of Case Closure and Right to Sue.

Pursuant to Government Code section 12962, CRD will not serve these documents on the employer. You must serve the complaint separately, to all named respondents. Please refer to the attached Notice of Case Closure and Right to Sue for information regarding filing a private lawsuit in the State of California. A courtesy "Notice of Filing of Discrimination Complaint" is attached for your convenience.

Be advised that the CRD does not review or edit the complaint form to ensure that it meets procedural or statutory requirements.

Sincerely,

Civil Rights Department



Civil Rights Department

KEVIN KISH, DIRECTOR

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1684 (voice) | 800-700-2320 (TTY) | California's Relay Service at 711
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February 24, 2023

RE: Notice of Filing of Discrimination Complaint
CRD Matter Number: 202302-19785124
Right to Sue: Han / Pfizer

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Civil Rights Department (CRD) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. You may contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlinerequests@dfeh.ca.gov and include the CRD matter number indicated on the Right to Sue notice.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

No response to CRD is requested or required.

Sincerely,



STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency

GAVIN NEWSOM, GOVERNOR

Civil Rights Department

KEVIN KISH, DIRECTOR

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Civil Rights Department

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KEVIN KISH, DIRECTOR

February 24, 2023

Frank Han

RE: **Notice of Case Closure and Right to Sue**
CRD Matter Number: 202302-19785124
Right to Sue: Han / Pfizer

Dear Frank Han:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective February 24, 2023 because an immediate Right to Sue notice was requested.

This letter is also your 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.

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. Contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@dfeh.ca.gov and include the CRD matter number indicated on the Right to Sue notice.



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To obtain a federal Right to Sue notice, you must contact the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this CRD Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Civil Rights Department

**COMPLAINT OF EMPLOYMENT DISCRIMINATION
BEFORE THE STATE OF CALIFORNIA
Civil Rights Department
Under the California Fair Employment and Housing Act
(Gov. Code, § 12900 et seq.)**

In the Matter of the Complaint of

Frank Han

CRD No. 202302-19785124

Complainant,

vs.

Pfizer
2002 N Tampa Street
Tampa, FL 33602

Respondents

1. Respondent **Pfizer** is an **employer** subject to suit under the California Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

2. Complainant **Frank Han**, resides in the City of , State of .

3. Complainant alleges that on or about **November 3, 2022**, respondent took the following adverse actions:

Complainant was harassed because of complainant's age (40 and over), race (includes hairstyle and hair texture).

Complainant was discriminated against because of complainant's age (40 and over), race (includes hairstyle and hair texture) and as a result of the discrimination was terminated.

Complainant experienced retaliation because complainant reported or resisted any form of discrimination or harassment and as a result was terminated.

Additional Complaint Details: Respondent Pfizer hired Claimant on or around 2017 as an Associate Director and Group Lead for Statistical Programming and was soon after promoted to Director of Global Compliance and Analytics.

1 In or around November 2021, Claimant present a new algorithm to detect fraud. In this
2 development, Claimant noticed fraudulent activity and raised compliance concerns –
3 potential Foreign Corrupt Practices Act (FCPA) violations – to supervisors.

4 On or around January 21, 2022, during Claimant’s review, Supervisor Tara Palesh began
baselessly critiquing his work, berating him, and impeding his ability to perform his job.

5 In or around March 2022, in a one-on-one meeting, Palesh began raising her voice and
6 ultimately yelled at Claimant Claimant then reported Palesh’s improper behavior to Palesh’s
manager, Jeff Scott. Scott did nothing.

7 On or around April 2022, Claimant reported Palesh’s improper treatment to Respondent's
8 Advisor, Lourdes Delgado-Cheers. Claimant reported the harassment and hostile work
environment to Delgado-Cheers.

9 In or around May 2022, Palesh created barriers causing Project delays for Claimant
10 ultimately affecting his performance. In or around August 2022, Palesh issued Claimant a
11 1.6/5 on his Performance Review in retaliation of reporting her harassment. Claimant
12 reported further concerns to Delgado-Cheers. In or around September 2022, Claimant met
13 with Eric Eichinger from Human Resources and reported all issues. Claimant was told that
an investigation would be conducted. In or around October 2022, Eichinger concluded his
investigation but did not disclose his findings. Claimant was left with no choice but to report
to the SEC about the perceived FCPA violations.

14 On or around October 22, 2022, Claimant filed a report with the SEC, where he reported
15 foreign bribery, misrepresentation and corruption. On or around November 03, 2022, only
16 days after filing an SEC complaint, Palesh and Pfizer retaliated against Claimant and
terminated him.

1 VERIFICATION

2 I, **Michael Alder**, am the **Attorney** in the above-entitled complaint. I have read the
3 foregoing complaint and know the contents thereof. The matters alleged are based
4 on information and belief, which I believe to be true.

5 On February 24, 2023, I declare under penalty of perjury under the laws of the State
6 of California that the foregoing is true and correct.

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Valley Village, CA