

Christopher Ho, State Bar No. 129845
Isabel Flores-Ganley, IL Bar No. 6345667
LEGAL AID AT WORK
180 Montgomery Street, Suite 600
San Francisco, California 94104
Telephone: (415) 864-8848
Facsimile: (415) 593-0096
Email: cho@legalaidatwork.org
Email: iflores@legalaidatwork.org

Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

LAUREN GAW,

Plaintiff,

v.

SURGICAL CARE AFFILIATES,
LLC, d/b/a SCA HEALTH,

Defendant.

Case No: 3:25-cv-01556-CAB-DEB

**FIRST AMENDED COMPLAINT
FOR RETALIATION,
DISCRIMINATION, HARASSMENT
AND WRONGFUL TERMINATION
IN VIOLATION OF PUBLIC
POLICY**

[Jury Trial Demanded]

1 Plaintiff Lauren Gaw brings this action for relief against Defendant Surgical
2 Care Affiliates, LLC, doing business as SCA Health, and alleges as follows:

3 INTRODUCTION

4 1. This action is brought to vindicate the right of employees, under
5 longstanding California law, to engage in political activity without interference by
6 their employers, and to be free from discrimination, harassment and retaliation
7 because of their association with protected communities.

8 2. Plaintiff Lauren Gaw is a registered nurse. In her personal life, she is a
9 passionate human rights activist who advocates for progressive political causes. At
10 her places of work, however, Ms. Gaw has never sought to engage fellow
11 employees in discussions or debates about political matters, and prefers to focus on
12 providing professional patient care.

13 3. Nonetheless, Ms. Gaw was suspended, and then fired, by Defendant
14 for having brought to work two water bottles that bore stickers expressing her
15 personal political opinion in support of Palestinian freedom and in opposition to
16 Israel's conduct in the war in Gaza.

17 4. In so doing and as further alleged below, Defendant violated Ms.
18 Gaw's rights under California Labor Code Sections 1101 and 1102, Labor Code
19 Section 98.6, and Government Code Sections 12940(a) and (h).

20 5. Ms. Gaw seeks legal and equitable relief, and her reasonable
21 attorneys' fees, costs and litigation expenses, as remedies for Defendant's
22 violations of her rights.

23 JURISDICTION AND VENUE

24 6. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §
25 1332(a)(1) because there exists complete diversity between the parties, and the
26 amount in controversy exceeds \$75,000.

7. This Court has personal jurisdiction over Defendant because it regularly conducts business in California and has sufficient minimum contacts with California.

8. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) because a substantial part of the events or omissions giving rise to Plaintiff's claims occurred in this District.

PARTIES

9. Plaintiff Lauren Gaw is, and at all relevant times was, a citizen of the State of California and a resident of San Diego County, California.

10. On information and belief, Defendant Surgical Care Affiliates, LLC, is a corporation incorporated in Delaware and headquartered in Birmingham, Alabama.

11. On information and belief, Defendant owns and operates SCA Health, a national chain of surgery centers. SCA Health, in turn, operates the Outpatient Surgery Center of La Jolla, located in San Diego County, California, as well as numerous other ambulatory surgery facilities throughout California and nationally.

12. At all relevant times, Defendant employed Plaintiff at the Outpatient Surgery Center of La Jolla (hereafter, “SCA Health”).

STATEMENT OF THE FACTS

13. In April 2023, Ms. Gaw began working at SCA Health, providing care to patients in the preoperative and post-anesthesia care units.

14. While employed at SCA Health, Ms. Gaw avoided discussing her political beliefs with any of her colleagues or superiors.

15. Prior to the events at issue herein, Ms. Gaw had never received any negative performance evaluations of any sort or been disciplined for any reason at SCA Health.

1 16. On January 31, 2024, after Ms. Gaw had clocked out from her shift
2 and was on her way to the parking garage, she was accosted by Dr. David Levine,
3 who worked at SCA Health.

4 17. Dr. Levine stated to Ms. Gaw that he had received complaints about
5 her water bottle and, specifically, a sticker on the bottle that read “Israel is
6 committing genocide in Gaza,” which he said was “upsetting people.”

7 18. Dr. Levine directed Ms. Gaw to stop bringing her water bottle to
8 work, admonishing her that “work is not a place to be political.”

9 19. Ms. Gaw was taken aback, since she had neither discussed nor called
10 attention to the sticker at work. Nonetheless, she agreed not to bring the bottle to
11 work.

12 20. On February 5, 2024, Ms. Gaw returned to work with her only other
13 water bottle, which had a sticker on it that read “Palestine will be free from the
14 river to the sea.” After her lunch break, she was summoned into a meeting with her
15 supervisors Gladys Barajas, Benjamin Travis Woodward, and Sandy [last name
16 unknown].

17 21. During the meeting, the supervisors stated they had received
18 complaints about the sticker on Ms. Gaw’s second water bottle and that they, the
19 supervisors, considered the sticker to constitute “harassment.” They instructed her
20 not to bring the bottle to work again, and to put it away in her locker.

21 22. In disbelief, Ms. Gaw responded that it was not her intention to harass
22 anyone. Instead, she intended only to express her personal political opinion in
23 support of Palestinian freedom and in opposition to Israel’s conduct in the war in
24 Gaza. She pointed out that she did not own another water bottle, and also noted
25 that she had brought the same water bottles to work for weeks and had never
26 before been told that they were inappropriate.

27 23. Ms. Gaw also asked the supervisors to explain SCA Health’s policy,
28 if any, on stickers. She noted that coworkers had stickers on their water bottles

1 espousing other political views, including support for the Black Lives Matter
2 movement and that, to her knowledge, they had not been counseled, reprimanded
3 or disciplined in any way.

4 24. In addition, Ms. Gaw sought clarity regarding what stickers she was
5 prohibited from displaying, and whether she should avoid stickers mentioning any
6 country or only those referencing Palestine and Israel. She expressed that she felt
7 she was being singled out because of her support for Palestine.

8 25. The supervisors did not respond to Ms. Gaw's queries. Instead, they
9 merely repeated that she could not bring her water bottles to work again. She
10 agreed she would do as instructed, and placed the water bottle in her locker.

11 26. Ms. Gaw then returned to her workstation, where her coworkers asked
12 her why she was late for her shift. She responded that she had been in a meeting
13 with management. When they inquired further, Ms. Gaw explained that she had
14 been reprimanded because of her water bottle stickers, expressed her frustration
15 with her supervisors' actions, and said that she intended to contact Human
16 Resources.

17 27. At this point, Dr. Alison Gordon, an SCA Health physician who was
18 not part of the conversation, interjected herself. In front of employees and patients,
19 she began yelling at Ms. Gaw about how "inappropriate" her stickers were, and
20 that Ms. Gaw should "do [her] research."

21 28. Ms. Gaw understood Dr. Gordon to be referring to the war in Gaza.
22 She calmly thanked Dr. Gordon for sharing her views on the subject, and said that
23 she did not want to have a conversation with her about it. Nonetheless, Dr. Gordon
24 persisted in her explosive diatribe against Ms. Gaw and declared that she, Dr.
25 Gordon, was on the "right side of history," that "it is about humanity," and that Ms.
26 Gaw "should educate [herself]." Ms. Gaw respectfully reiterated that she did not
27 want to discuss the subject with Dr. Gordon.
28

1 29. Ms. Gaw was deeply shaken by Dr. Gordon's unrestrained personal
2 attack against her. It caused Ms. Gaw to experience profound embarrassment and
3 distress. Moreover, Ms. Gaw was acutely aware that although she was being
4 reprimanded for a sticker, Dr. Gordon was permitted to openly unleash a torrent of
5 abuse, verbally assault Ms. Gaw, and vociferously express her own, opposite
6 political viewpoint with impunity.

7 30. Later that day, Ms. Gaw told Ms. Barajas and Mr. Woodward that Dr.
8 Gordon had loudly confronted her about her stickers. Ms. Barajas said they would
9 investigate the matter.

10 31. On the same day, Ms. Gaw contacted Human Resources and
11 recounted her interactions with Drs. Levine and Gordon. She additionally stated
12 that she felt discriminated against because her stickers were about Palestine, and
13 queried whether Black Lives Matter stickers would have been treated the same
14 way. She also stated that these events had "contributed to a hostile work
15 environment."

16 32. On February 8, 2024, Ms. Gaw received a call at home from Julio
17 Portillo, a Human Resources representative for SCA Health. Ms. Gaw asked to be
18 called back during work hours and provided him with her availability for a phone
19 call. She never heard from Mr. Portillo again.

20 33. The next day, Ms. Gaw received the work schedule for the following
21 week and saw that she had no shifts assigned to her. When she contacted Ms.
22 Barajas to ask about this, Ms. Barajas said that she had been suspended for the
23 following week and told her not to come to work. When Ms. Gaw asked why she
24 was being suspended, Ms. Barajas responded only by stating that she would
25 conduct an investigation.

26 34. On February 14, 2024, Ms. Barajas and Mr. Woodward told Ms. Gaw
27 that she had been terminated. Ms. Gaw was shocked, especially since no one had
28 spoken to her as part of an investigation. She expressed this concern to Ms. Barajas

1 and Mr. Woodward and told them she did not understand why she was being
2 terminated. Ms. Barajas stated, in response, that Ms. Gaw's "behavior did not align
3 with [SCA Health's] values."

4 35. Subsequently, on or about February 16, 2024, Ms. Gaw received a
5 document from SCA Health entitled "NOTICE TO EMPLOYEE AS TO
6 CHANGE IN RELATIONSHIP." This document cited, as a reason for her
7 termination, a "violation of a company policy or rule."

8 36. At no point has SCA Health identified the "company policy or rule"
9 that Ms. Gaw allegedly violated.

10 37. On December 4, 2024, Ms. Gaw filed a complaint (RCI-CM-
11 1066434) with the California Labor Commissioner against Defendant, alleging
12 retaliation by SCA Health in violation of California Labor Code Sections 1101 and
13 1102. SCA Health was served with a copy thereof on December 5, 2024.

14 38. On March 26, 2025, Ms. Gaw filed a complaint of discrimination,
15 harassment and retaliation in violation of the California Fair Employment and
16 Housing Act against Defendant with the California Civil Rights Department, which
17 issued a notice of right to sue the same day. SCA Health was served with a copy
18 thereof on April 2, 2025.

19 39. On June 17, 2025, the California Labor Commissioner issued a notice
20 stating that it had closed its investigation of the complaint in RCI-CM-1066434.

21 40. On June 18, 2025, Plaintiff filed the within action in this Court.

22 **FIRST CLAIM FOR RELIEF**

23 **[Violation of California Labor Code § 1101]**

24 41. Plaintiff re-alleges and incorporates by reference each preceding
25 paragraph as if fully set forth herein.

26 42. Section 1101 of the California Labor Code prohibits employers from
27 making, adopting, or enforcing any rule, regulation or policy that forbids or
28 prevents employees from engaging or participating in politics, or controls or

1 directs, or tends “to control or direct the political activities or affiliations of
2 employees.”

3 43. Plaintiff’s placement of stickers expressing her support of Palestine on
4 her water bottles constituted political activity and affiliation protected by Section
5 1101.

6 44. Defendant’s actions as alleged herein were motivated by its
7 opposition to Plaintiff’s political activity and affiliation.

8 45. Defendant’s actions amounted to, and were taken pursuant to, a rule,
9 regulation, or policy that sought to control or direct Plaintiff’s political activity and
10 affiliation, as stated in Defendant’s notice to Plaintiff.

11 46. Defendant’s actions effectively declared that it would not tolerate the
12 espousal of views or advocacy supporting Palestine at SCA Health.

13 47. By suspending and then terminating Plaintiff because of her political
14 activity and affiliation, Defendant violated Section 1101.

15 48. Defendant’s actions were undertaken with oppression, fraud or malice
16 and in conscious or reckless disregard of Plaintiff’s rights.

17 49. As a direct and proximate result of Defendant’s unlawful acts,
18 Plaintiff has sustained economic and non-economic damages according to proof at
19 trial, including without limitation back pay, lost employment benefits, and
20 compensatory and punitive damages.

21 50. Plaintiff also seeks her reasonable attorneys’ fees, costs and litigation
22 expenses.

23 **SECOND CLAIM FOR RELIEF**

24 **[Violation of California Labor Code § 1102]**

25 51. Plaintiff re-alleges and incorporates by reference each preceding
26 paragraph as if fully set forth herein.

27 52. Section 1102 of the California Labor Code prohibits employers from
28 coercing or influencing or attempting “to coerce or influence [their] employees

1 through or by means of threat of discharge or loss of employment to adopt or
2 follow or refrain from adopting or following any particular course or line of
3 political action or political activity.”

4 53. Plaintiff’s placement of stickers expressing her support of Palestine on
5 her water bottles constituted a course or line of political action or political activity
6 protected by Section 1102.

7 54. Defendant’s actions as alleged herein were motivated by its
8 opposition to Plaintiff’s course or line of political action or political activity.

9 55. By suspending and then terminating Plaintiff because of her course or
10 line of political action or political activity, Defendant violated Section 1102.

11 56. Defendant’s actions were undertaken with oppression, fraud or malice
12 and in conscious or reckless disregard of Plaintiff’s rights.

13 57. As a direct and proximate result of Defendant’s unlawful acts,
14 Plaintiff has sustained economic and non-economic damages according to proof at
15 trial, including without limitation back pay, lost employment benefits, and
16 compensatory and punitive damages.

17 58. Plaintiff also seeks her reasonable attorneys’ fees, costs and litigation
18 expenses.

19 **THIRD CLAIM FOR RELIEF**

20 **[Violation of California Labor Code § 98.6]**

21 59. Plaintiff re-alleges and incorporates by reference each preceding
22 paragraph as if fully set forth herein.

23 60. Section 98.6 of the California Labor Code prohibits employers from
24 discharging, retaliating, or taking any adverse action against any employee because
25 the employee engaged in any conduct related to their rights under specified
26 sections of the Labor Code, including Labor Code Sections 1101 and 1102.

1 61. Defendant retaliated against Plaintiff by suspending and terminating
2 her employment because she engaged in political activity protected by California
3 Labor Code Sections 1101 and 1102. In so doing, Defendant violated Section 98.6.

4 62. Defendant's actions were undertaken with oppression, fraud or malice
5 and in conscious or reckless disregard of Plaintiff's rights.

6 63. As a direct and proximate result of Defendant's unlawful acts,
7 Plaintiff has sustained economic and non-economic damages according to proof at
8 trial, including without limitation civil penalties, back pay, lost employment
9 benefits, and compensatory and punitive damages.

10 **FOURTH CLAIM FOR RELIEF**

11 **[Discrimination in Violation of California Government Code § 12940(a)]**

12 64. Plaintiff re-alleges and incorporates by reference each preceding
13 paragraph as if fully set forth herein.

14 65. Section 12940(a) of the California Government Code makes it
15 unlawful for an employer *inter alia* "to discharge [any] person from employment"
16 because of that person's national origin, religious creed or race.

17 66. Section 12926(o)(3) of the California Government Code provides that
18 the terms " '[r]ace, religious creed [and] national origin'" include "a perception
19 that the person has any of those characteristics or that the person is associated with
20 a person who has, or is perceived to have, any of those characteristics."

21 67. Plaintiff is informed and believes and thereon alleges that Defendant's
22 termination of Plaintiff was motivated by its perception that because of her support
23 for Palestine, Plaintiff was associated with the Palestinian, Arab and/or Muslim
24 communities.

25 68. Plaintiff is informed and believes and thereon alleges that Defendant's
26 actions in this regard were informed by pernicious and pejorative stereotypes
27 concerning those communities.
28

1 69. Defendant's actions were undertaken with oppression, fraud or malice
2 and in conscious or reckless disregard of Plaintiff's rights.

3 70. As a direct and proximate result of Defendant's unlawful acts,
4 Plaintiff has sustained economic and non-economic damages according to proof at
5 trial, including without limitation back pay, lost employment benefits, and
6 compensatory and punitive damages.

7 71. Plaintiff also seeks her reasonable attorneys' fees, costs and litigation
8 expenses.

9 **FIFTH CLAIM FOR RELIEF**

10 **[Harassment in Violation of California Government Code § 12940(j)(1)]**

11 72. Plaintiff re-alleges and incorporates by reference each preceding
12 paragraph as if fully set forth herein.

13 73. Section 12940(j)(1) of the California Government Code makes it
14 unlawful for an employer to harass an employee *inter alia* because of that
15 employee's national origin, religious creed or race.

16 74. Section 12926(o)(3) of the California Government Code provides that
17 the terms "[r]ace, religious creed [and] national origin" include "a perception that
18 the person has any of those characteristics or that the person is associated with a
19 person who has, or is perceived to have, any of those characteristics."

20 75. On February 5, 2024, Dr. Alison Gordon, an SCA Health physician,
21 confronted and verbally assaulted Plaintiff because of Plaintiff's support for
22 Palestine. Dr. Gordon's loud, public and unrestrained personal attack upon Plaintiff
23 and the views Plaintiff espoused left Plaintiff deeply shaken, and caused her to
24 experience profound embarrassment and distress, which she continues to
25 experience.

26 76. Dr. Gordon's harassment of Plaintiff created a hostile work
27 environment for Plaintiff on the basis of race, religious creed and national origin.
28

1 77. Plaintiff is informed and believes and thereon alleges that Defendant
2 never took any disciplinary action against Dr. Gordon, or any other remedial or
3 preventive measures sufficient to ensure that such harassment would not recur.

4 78. Plaintiff is informed and believes and thereon alleges that Defendant's
5 failure to take any such actions or measures with respect to Dr. Gordon's actions
6 was motivated by its perception that because of Plaintiff's support for Palestine,
7 Plaintiff was associated with the Palestinian, Arab and/or Muslim communities.

8 79. Plaintiff is informed and believes and thereon alleges that Defendant's
9 actions and inactions in this regard were informed by pernicious and pejorative
10 stereotypes concerning those communities.

11 80. Defendant's actions were undertaken with oppression, fraud or malice
12 and in conscious or reckless disregard of Plaintiff's rights.

13 81. As a direct and proximate result of Defendant's unlawful acts,
14 Plaintiff has sustained economic and non-economic damages according to proof at
15 trial, including without limitation back pay, lost employment benefits, and
16 compensatory and punitive damages.

17 82. Plaintiff also seeks her reasonable attorneys' fees, costs and litigation
18 expenses.

19 **SIXTH CLAIM FOR RELIEF**

20 **[Retaliation in Violation of California Government Code § 12940(h)]**

21 83. Plaintiff re-alleges and incorporates by reference each preceding
22 paragraph as if fully set forth herein.

23 84. Section 12940(h) of the California Government Code makes it
24 unlawful for an employer to retaliate against persons because they have opposed
25 practices made unlawful by the California Fair Employment and Housing Act.

26 85. Plaintiff engaged in protected activities *inter alia* when she pressed
27 SCA Health to explain why it barred her from bringing her water bottles to work,
28

1 stated she felt she was being singled out because of her support for Palestine, and
2 when she complained to SCA Health about her harassment by Dr. Gordon.

3 86. Defendant retaliated against Plaintiff because she engaged in those
4 protected activities, first by suspending and then by firing her.

5 87. Plaintiff is informed and believes and thereon alleges that Defendant's
6 retaliation was motivated by its perception that because of her support for
7 Palestine, Plaintiff was associated with the Palestinian, Arab and/or Muslim
8 communities.

9 88. Plaintiff is informed and believes and thereon alleges that Defendant's
10 actions in this regard were informed by pernicious and pejorative stereotypes
11 concerning those communities.

12 89. Defendant's actions were undertaken with oppression, fraud or malice
13 and in conscious or reckless disregard of Plaintiff's rights.

14 90. As a direct and proximate result of Defendant's unlawful acts,
15 Plaintiff has sustained economic and non-economic damages according to proof at
16 trial, including without limitation back pay, lost employment benefits, and
17 compensatory and punitive damages.

18 91. Plaintiff also seeks her reasonable attorneys' fees, costs and litigation
19 expenses.

20 **SEVENTH CLAIM FOR RELIEF**

21 **[Wrongful Termination in Violation of Public Policy]**

22 92. Plaintiff re-alleges and incorporates by reference each preceding
23 paragraph as if fully set forth herein.

24 93. It is the public policy of the State of California, as manifested in
25 California Labor Code Sections 1101 and 1102, to protect the right of employees
26 to engage in political activity free from interference from their employers.

27 94. It is the public policy of the State of California, as manifested in
28 Article I, Section 8 of the California Constitution and the California Fair

1 Employment and Housing Act, that persons be free from discrimination and
2 harassment in employment on the basis *inter alia* of their national origin, religious
3 creed or race.

4 95. It is the public policy of the State of California, as manifested in
5 California Labor Code Section 98.6 and California Government Code Section
6 12940(h), that employees be protected from retaliation for their exercise of rights
7 protected by the Labor Code and Fair Employment and Housing Act, respectively.

8 96. By taking the actions set forth above, Defendant wrongfully
9 terminated Plaintiff's employment in violation of the public policy of the State of
10 California.

11 97. As a direct and proximate result of Defendant's unlawful acts,
12 Plaintiff has sustained economic and non-economic damages according to proof at
13 trial, including without limitation back pay, lost employment benefits, and
14 compensatory and punitive damages.

15 **DECLARATORY RELIEF ALLEGATIONS**

16 98. A present and actual controversy exists between Plaintiff and
17 Defendant concerning their rights and respective duties. Plaintiff contends that
18 Defendant violated her rights under California law as alleged in this complaint.
19 Plaintiff is informed and believes and thereon alleges that Defendant denies these
20 allegations. A judicial declaration of the rights and duties of the respective parties
21 is therefore necessary and appropriate.

22 **PRAYER FOR RELIEF**

23 WHEREFORE, Plaintiff Lauren Gaw prays for relief as follows:

24 1. For a declaratory judgment that Defendant's actions herein violated
25 Plaintiff's rights to engage in political activity free from employer interference, as
26 protected by the California Labor Code; to be free from employment
27 discrimination and harassment, as protected by the California Fair Employment
28

1 and Housing Act; and to be free from retaliation for exercising her rights under
2 those statutes;

3 2. For an award of back pay and lost employment benefits, in an amount
4 according to proof;

5 3. For an award of all civil penalties authorized by the California Labor
6 Code;

7 4. For an award of compensatory damages, including but not limited to
8 emotional injury damages, in an amount according to proof;

9 5. For an award of punitive damages, in an amount according to proof;

10 6. Interest on the judgment, including pre-judgment and post-judgment
11 interest, and an upward adjustment for inflation;

12 7. Attorneys' fees and costs reasonably incurred in the filing and
13 prosecution of this action, pursuant to California Code of Civil Procedure Section
14 1021.5 and California Government Code Section 12965(b); and

15 8. Such other and further relief as the Court deems appropriate.

16
17 Dated: July 10, 2025

Respectfully submitted,

18 Christopher Ho
19 Isabel Flores-Ganley*
20 LEGAL AID AT WORK

21
22 By: /s/ Isabel Flores-Ganley
23 ISABEL FLORES-GANLEY

24 Attorneys for Plaintiff

25 *Admitted Pro Hac Vice
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Dated: July 10, 2025

Christopher Ho
Isabel Flores-Ganley*
LEGAL AID AT WORK

Attorneys for Plaintiff

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FIRST AMENDED COMPLAINT