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6 SUPERIOR COURT FOR THE STATE OF WASHINGTON
7 COUNTY OF KING
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10 ALANA CURATOLA, an individual,
11 Plaintiff,

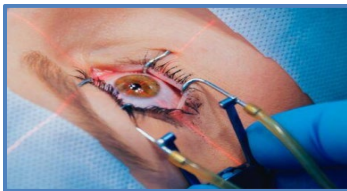
12 vs.

13 SIGHT PARTNERS PHYSICIANS, P.C. d/b/a
14 NORTHWEST EYE SURGEONS, a Washington
15 corporation,
16 Defendants.

CASE NO.:
COMPLAINT FOR DAMAGES
JURY DEMAND REQUESTED

17 **I. NATURE OF THE CASE**

18 1.1 Defendant Sight Partners Physicians d/b/a Northwest Eye Surgeons ("NWES")
19 provides thousands of restorative and cosmetic eye surgeries to Washington patients each
20 year. Northwest Eye Surgeons falsely claims to be a "people-oriented" firm that conducts
21 business in an ethical, non-discriminatory manner. But, like many private equity-backed
22 medical facilities, NWES has repeatedly placed short-term profits over the law, patient care,
23 and employee rights.



Illustrative photo of NWES eye surgery

1 1.2 For five years, Plaintiff Alana Curatola worked for NWES as a high-performing,
2 award-winning optometric physician. In written performance reviews, NWES praised Alana as
3 “outstanding,” “detail oriented,” “team player,” “reliable, responsible, and dependable,” and a
4 “caring physician” who goes “the extra mile to show kindness and compassion.”
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10 Dr. Alana Curatola

11 1.3 But, as workers across Washington know, working women face workplace bias—
12 especially new mothers. Employers frequently push assertive women out because they do not
13 conform with traditional gender stereotypes. And employers often stereotype new mothers as
14 uncommitted. New mothers everywhere struggle to climb over this wall of maternal bias,
15 especially when employers perceive new mothers as less profitable.
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21 Illustrative photo of maternal wall bias

22 1.4 That is what happened here. Shortly before Alana took unpaid maternity leave,
23 a supervisor told her to **“keep her baby inside”** due to NWES’s heavy patient workload. Then,
24 NWES grew upset with Alana because she had the **“audacity” to advocate for fair pay**, just as
25 her imminent motherhood would—in their view—reduce her productivity and profitability.
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1 1.5 **The day that Alana returned from unpaid maternity leave**, NWES handed Alana
2 a letter terminating her employment **“without cause.”** The real reason NWES fired their high-
3 performing, award-winning, and outstanding physician: unlawful gender (including
4 pregnancy) discrimination and retaliation.

5 1.6 Indeed, Region 19 of the National Labor Relations Board (“NLRB”) has already
6 considered her advocacy for fair pay and “found merit to the allegation that Sight Partner[s]
7 fired Alana Curatola in retaliation for her protected, concerted activity.” But Alana’s fight does
8 not end there. She wants change for women and new mothers.

9 1.7 By pushing back against the status quo, Alana will enable jurors to bring down
10 the maternal wall of bias for all mothers and women. Alana hopes that this lawsuit will help
11 ensure that women, including her newborn daughter, are judged on their merit, not on gender
12 or fair wage advocacy.



Alana, husband Nick, and daughter Cali (December 2022)

1 **II. PARTIES**

2 2.1 Dr. Alana Curatola is NWES’s former employee. At all relevant times to this
3 Complaint, Dr. Curatola was assigned to and regularly worked out of the medical clinic’s
4 physical location in the state of Washington, County of King.

5 2.2 Defendant NWES is a professional corporation incorporated under the laws of
6 Washington state. NWES was Dr. Curatola’s “employer” within the meaning of Title 49 RCW
7 and the Washington Law Against Discrimination (“WLAD”). At all times relevant hereto, NWES
8 has transacted business in King County. NWES’s has offices in King County, including at 332
9 NE Northgate Way, Seattle, Washington, County of King.

10 **III. JURISDICTION AND VENUE**

11 3.1 This Court has subject matter jurisdiction over this case under RCW 2.08.010.

12 3.2 This Court is the appropriate venue under RCW 4.12.020(1), (2) and RCW
13 4.12.025(1).
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15 **IV. INTRODUCTION REGARDING DISCRIMINATION**

16 4.1 As the jury will hear, scientific research confirms that discriminatory attitudes are
17 common, even typical, in 21st-century America.

18 4.2 Maternal Wall bias, or bias against mothers, is the most common type of
19 workplace bias. According to stereotypes, the “ideal” worker must be unreservedly devoted to
20 work, while the “ideal” new mother must invest similarly intense devotion to her children. As a
21 result, motherhood is frequently stereotyped as incompatible with competence or work effort.
22

23 4.3 Another pattern of discrimination is requiring female employees to provide
24 more evidence of competence to be seen as equally competent, known as the “Prove It Again”
25 bias. Men build on their successes, but women must constantly prove their worth to be seen
26 as equal. These double standards force many women to work twice as hard to get half as far.
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Curatola at graduation from medical school (2014)

5.7 In 2017, Northwest Eye Surgeons hired Dr. Curatola as a Doctor of Optometry.

5.8 During her employment, Dr. Curatola consistently met or exceeded the expectations for her role.

5.9 For example, in 2019, 2020, 2021, and 2022, Seattle Met recognized Dr. Curatola as a "Top Doctor" based on peer reviews. Additionally, in 2022, Newsweek acknowledged Dr. Curatola as a "Top Doctor."



Seattle Met Award (2019)

5.10 In December 2019, Dr. Curatola received a positive written annual performance review from NWES. That review praised her for "doing a good job" and contributing to a "good production year." A "good production year" meant a year of high profit for the clinic ownership. The review praised her for meeting or exceeding expectations in all areas.

5.11 The next year, in December 2020, Dr. Curatola received another positive written annual performance review from NWES. This review again found that she "met" or

1 “exceed[ed]” expectations in all areas. The company complimented her for, among other
2 things, being a “team player” and “going the extra mile to show kindness and compassion” to
3 patients.

4 5.12 The next year, in December 2021, Dr. Curatola received a positive verbal annual
5 performance review from NWES. She did not receive a written review. But NWES processed
6 Dr. Curatola’s annual compensation step increase.

7 5.13 As a matter of standard practice, NWES only processes an employee’s step
8 increase if they are meeting expectations for their role.

9 5.14 Dr. Curatola continued to receive positive performance feedback from NWES in
10 2022.

11 5.15 In 2022, Dr. Curatola was meeting or exceeding expectations for her role.

12 5.16 NWES practices progressive discipline. And NWES did not provide Dr. Curatola
13 with any progressive discipline, including written warnings or reminders, in 2020, 2021, or
14 2022:

15 5.16.1 NWES’s practice is to use progressive discipline before firing an employee.

16 5.16.2 Part of NWES’s practice of progressive discipline includes giving written
17 reminders and using Performance Improvement Plans.

18 5.16.3 For example, in 2019—nearly three years before NWES terminated Dr.
19 Curatola’s employment—she received a written reminder counseling her to
20 work on interpersonal communication with staff.

21 5.16.4 In response to this feedback, Dr. Curatola exhibited a growth mindset and
22 committed herself to improving. NWES’s written reviews recognized her
23 improvement in this area.
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1 5.16.5 For example, her December 2019 annual performance review
2 complimented her for “tak[ing] it upon herself to improve” regarding “staff
3 communications and support,” including being “positive.”

4 5.16.6 Additionally, her December 2020 performance review—her last written
5 performance review—also indicated that staff viewed her as a “team player.”

6 5.16.7 In 2020, 2021, and 2022, NWES gave Dr. Curatola no progressive discipline,
7 including written reminders or Performance Improvement Plans.
8

9 5.17 This was because she was meeting or exceeding expectations for her role, as
10 indicated in written and verbal performance feedback to Dr. Curatola.

11 **C. NWES was more than a job to Dr. Curatola; it was a career and a family.**

12 5.18 This was more than a job. Dr. Curatola’s career gave her purpose and helped
13 define who she was.

14 5.19 She grew close to many of her co-workers. She came to view these co-workers
15 as her work family, enjoying activities at and outside of work:
16



Curatola and scribe Kevin Nguyen (2022) Curatola and Dr. Sarah Sandhaus (Aug. 2022)



Dinner with colleagues (2019)

D. In early 2022, Dr. Curatola advocates for fair pay for herself and others.

5.20 In January 2022, only a month after receiving another positive annual performance review, NWES imposed a new wage scale on its optometrists.

5.21 The new wage scale was not well received by the optometrists: it did not fairly compensate their doctors.

5.22 This is because, in part, NWES demanded that physicians see more patients on average per day.

5.23 Dr. Curatola, with the assistance of others, objected to the new wage scale.

5.24 Over the next few months, Dr. Curatola helped lead the push for fair and equitable compensation for her and other optometrists at her worksite.

5.25 As part of this push, Dr. Curatola questioned her wages and the wages of other employees. She asked NWES to provide a sound reason for her and others' wages.

E. In mid-2022, Dr. Curatola advocates for a step increase in her salary.

5.26 Shortly before taking maternity leave, Dr. Curatola also advocated that NWES should move her up one wage/step level on the scale to compensate for her work experience before joining NWES.

5.27 Two doctors (without recent pregnancies) had received a similar step increase based on the same reasoning.

1 5.28 As part of her push for a step increase, Dr. Curatola discussed her wages and
2 asked NWES to provide a reason for her wages, conduct that is protected by, among other
3 laws, the Washington Equal Pay and Opportunities Act (Chapter 49.58 RCW).

4 5.29 NWES reacted negatively to Dr. Curatola asserting her right to advocate for fair
5 and equitable pay.

6 5.30 NWES's negative reaction to Dr. Curatola's assertion of these rights was, in
7 substantial part, due to unlawful gender stereotypes and expectations. Women, especially
8 pregnant women, are expected to stay deferential. By being assertive, Dr. Curatola triggered
9 gender biases.
10

11 **F. Dr. Curatola takes maternity leave from May 2022 to September 12, 2022.**

12 5.31 Dr. Curatola was pregnant with her first child. She scheduled an (unpaid)
13 maternity leave under Washington's Paid Family Medical Leave Act, Title 50A RCW, to begin
14 in May 2022.

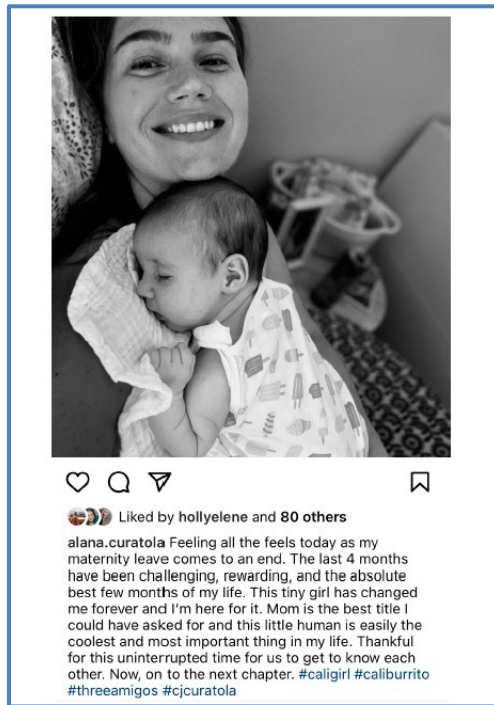
15 5.32 NWES afforded Dr. Curatola only the amount of protected leave required by the
16 Paid Family Medical Leave Act: 18 weeks. They did not afford any leave beyond the amount
17 required by law.
18

19 5.33 Just before taking her maternity leave in May 2022, Dr. Curatola arranged with
20 NWES to reduce her schedule upon her return as an accommodation for her pregnancy. This
21 included a reduced patient load the first week back and using accrued PTO to take
22 Wednesdays off for two months. She also arranged for breast-pumping breaks.

23 5.34 Requests for flexibility such as these are common triggers for Maternity Wall
24 bias, and based on information and belief that is what happened here.

25 5.35 While on protected leave from May through September 2022, Dr. Curatola
26 enjoyed the time with her new daughter. But she was also excited to return to the co-workers
27

1 and work she loved, including reflecting her excitement to return in a social media post the
2 day her leave ended on Sunday, September 11, 2022:



September 2022 Instagram Post by Dr. Curatola

15 **G. NWES lies to lure Dr. Curatola to its corporate offices, and they fire her “without cause”**
16 **the day she returns from unpaid maternity leave.**

17 5.36 Dr. Curatola returned from (unpaid) maternity leave on September 12, 2022.

18 5.37 A few days earlier, Mary Napolitano, the NWES Regional Clinic Director, set a
19 meeting with Curatola for the day she returned—purportedly to discuss “overpayment of
20 salary”:

21 Hi Dr. Curatola. Accounting has
22 reached out to me and they need
23 to speak to you about an
24 overpayment of salary during
25 your leave. We have blocked
26 your schedule in Renton for the
27 morning and a meeting is
scheduled for you in the Everett
office at 9am. The address is:

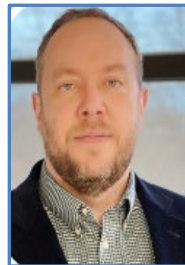
September 9, 2022 text message from Napolitano

1 5.38 When Dr. Curatola arrived at the meeting, she discovered that NWES lied to her
2 about the meeting’s purpose. NWES abruptly fired her at the meeting—on the same day she
3 returned from maternity leave.

4 5.39 Based on information and belief, Chief Executive Officer Spencer Michael and
5 Chief Operating Officer Lance Baldwin made the decision to terminate Dr. Curatola’s
6 employment.



12 CEO Michael

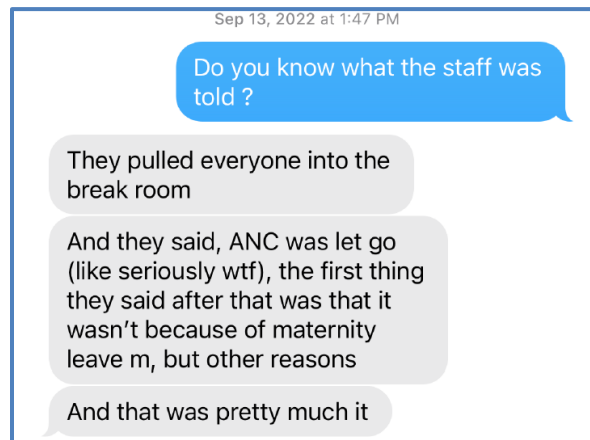


12 COO Baldwin

13 **H. When NWES announces the firing to staff, they claim—without prompting—that their
14 decision to fire Dr. Curatola had nothing to do with her maternity leave.**

15 5.40 When NWES Clinic Manager Cristina Lynn announced Curatola’s firing to
16 NWES’s staff, she claimed that NWES had not fired Dr. Curatola because she took maternity
17 leave.

18 5.41 A staff member confirmed this in a text message to Dr. Curatola:



26 September 13, 2022 text message from NWES employee

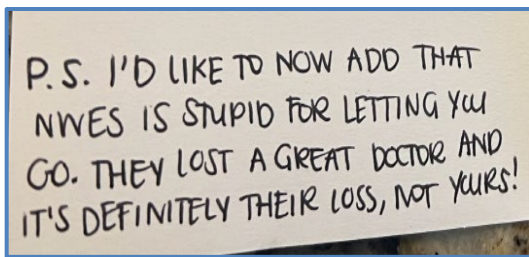
1 5.42 The supervisor's defensive posture makes one doubt the truth and sincerity of
2 the company's denial of pregnancy discrimination.

3 **I. Rather than accepting responsibility, NWES makes false attacks against Dr. Curatola.
4 She is seriously harmed.**

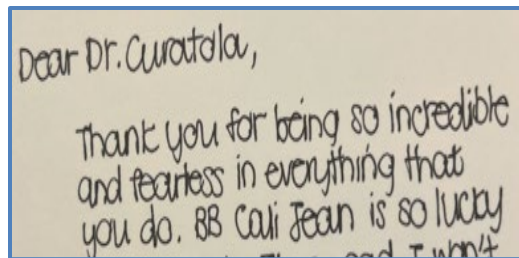
5 5.43 Rather than take accountability for unlawfully terminating Dr. Curatola's
6 employment, NWES attacked her. For example, NWES claimed they fired Dr. Curatola because
7 she mistreated her co-workers.

8 5.44 This claim is false.

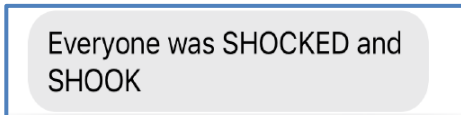
9 5.45 Indeed, outraged and dismayed co-workers expressed shock and grief at
10 NWES's decision, including many messages disagreeing with her firing and supporting Alana:
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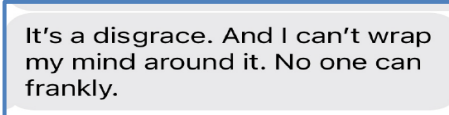
12 Excerpt of card from NWES employee



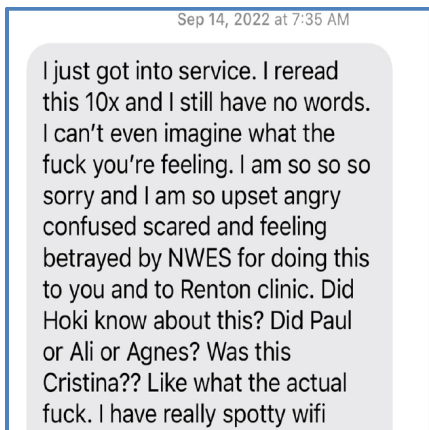
13 Excerpt of card from another NWES employee



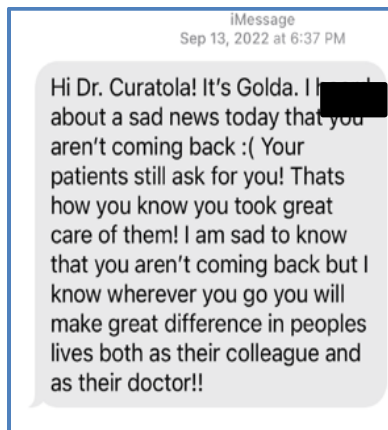
14 9/2022 text message from NWES employee



15 9/2022 text message from another NWES employee

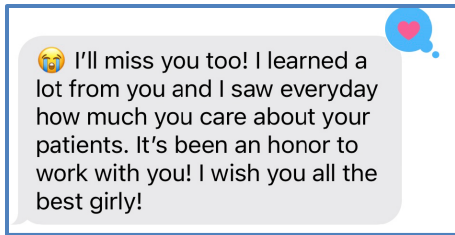


16 9/2022 text from another NWES employee



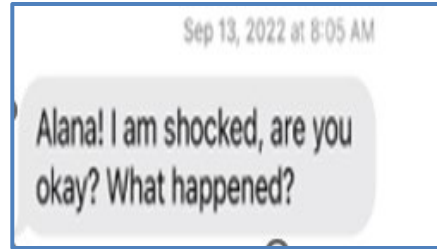
17 9/2022 text from another NWES employee

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🥹 I'll miss you too! I learned a lot from you and I saw everyday how much you care about your patients. It's been an honor to work with you! I wish you all the best girly!

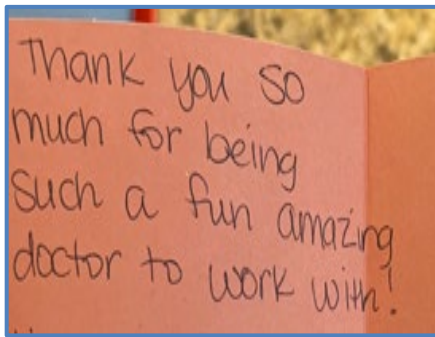
9/2022 text from another NWES employee



Sep 13, 2022 at 8:05 AM

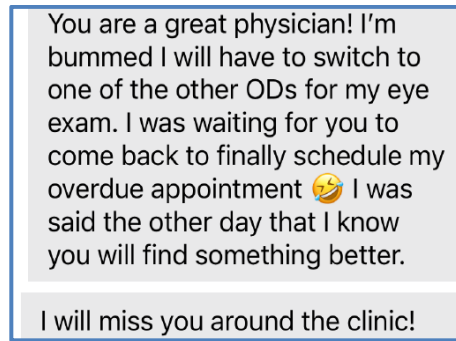
Alana! I am shocked, are you okay? What happened?

9/2022 text from another NWES employee



Thank you so much for being such a fun amazing doctor to work with!

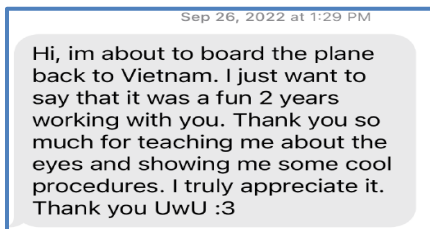
Excerpt of card from another NWES employee



You are a great physician! I'm bummed I will have to switch to one of the other ODs for my eye exam. I was waiting for you to come back to finally schedule my overdue appointment 🥹 I was said the other day that I know you will find something better.

I will miss you around the clinic!

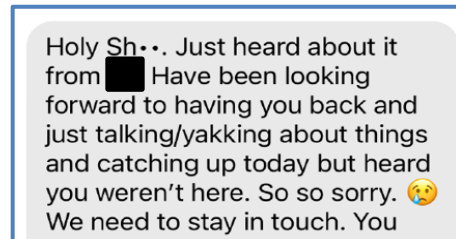
9/2022 text from another NWES employee



Sep 26, 2022 at 1:29 PM

Hi, im about to board the plane back to Vietnam. I just want to say that it was a fun 2 years working with you. Thank you so much for teaching me about the eyes and showing me some cool procedures. I truly appreciate it. Thank you UwU :3

9/2022 text from another NWES employee



Holy Sh... Just heard about it from [REDACTED] Have been looking forward to having you back and just talking/yakking about things and catching up today but heard you weren't here. So so sorry. 🥹 We need to stay in touch. You

9/2022 text from another NWES employee

5.46 This false claim is also a further sign of gender discrimination. Assertive women like Alana are commonly stereotyped as aggressive and unwarm—and forced out. Here, the hyper-focus on women's perceived personality flaws contributed to Alana's termination.

5.47 NWES's unlawful treatment caused and continues to cause Dr. Curatola serious harm. Her lost wages and benefits are significant, but what the company took from her in non-economic harms—including damage to reputation and humiliation—is much more severe.

5.48 As a direct result of Defendants' unlawful conduct, as detailed in the Cause of Action sections below, Dr. Curatola has suffered and continues to suffer lost wages and pecuniary benefits of her employment, future lost earnings, and emotional harm, including grief, loss of enjoyment, damage to reputation, fear, anxiety, anguish, embarrassment,

1 humiliation, and other damages in amounts to be proved at trial. These harms are ongoing
2 and are reasonably likely to be experienced in the future.

3 **VI. FIRST CAUSE OF ACTION:**

4 **GENDER (INCLUDING PREGNANCY) DISCRIMINATION IN VIOLATION OF THE WLAD**

5 6.1 Plaintiff realleges the paragraphs above as if fully set forth herein.

6 6.2 Dr. Curatola is a woman.

7 6.3 Dr. Curatola's gender, including her pregnancy, was a substantial factor in
8 NWES's decision to terminate her employment.
9

10 **VII. SECOND CAUSE OF ACTION:**

11 **PAID FAMILY MEDICAL LEAVE ACT RETALIATION (CHAPTER 50A.40 RCW)**

12 7.1 Plaintiff realleges the paragraphs above as if fully set forth herein.

13 7.2 Dr. Curatola engaged in protected conduct, including without limitation when
14 she took approved and protected Paid Family Medical Leave Act leave due to her pregnancy
15 and childbirth.

16 7.3 NWES unlawfully used Dr. Curatola's decision to take protected leave as a
17 negative factor when deciding to fire Dr. Curatola.

18 7.4 NWES's termination of Dr. Curatola's employment was willful, entitling Dr.
19 Curatola to double damages.
20

21 **VIII. THIRD CAUSE OF ACTION:**

22 **PREGNANCY ACCOMMODATION RETALIATION (RCW 43.10.005)**

23 8.1 Plaintiff realleges the paragraphs above as if fully set forth herein.

24 8.2 During her employment, Dr. Curatola requested numerous accommodations
25 due to her pregnancy, including without limitation a reduced schedule following her maternity
26
27

1 leave to, in part, ensure she could fully recover physically and mentally from her pregnancy–
2 conduct that is protected under Chapter 43.10 RCW.

3 8.3 Dr. Curatola’s requested accommodations were a substantial factor in NWES’s
4 decision to terminate her employment.

5 **IX. FOURTH AND FIFTH CAUSES OF ACTION:**
6 **RETALIATION FOR DISCUSSING & INQUIRING ABOUT WAGES (CHAPTER 49.58 RCW)**
7 **AND WRONGFUL DISCHARGE IN VIOLATION OF PUBLIC POLICY**

8 9.1 Plaintiff realleges the paragraphs above as if fully set forth herein.

9 9.2 Under Washington’s Equal Pay and Opportunities Act, “[a]n employer may not
10 discharge . . . an employee for “[i]nquiring about disclosing, comparing or otherwise discussing
11 the employee’s wages or the wages of any other employee” or “asking the employer to provide
12 a reason for the employee’s wages” RCW 49.58.040(2)(a), (b).

13 9.3 Dr. Curatola engaged in protected activity under this statute, including without
14 limitation when she advocated for a step increase for herself around May 2022 (*supra*), which
15 included discussing her wages with others and asking the employer to provide a reason for
16 her wages.

17 9.4 A substantial factor motivating Defendant’s termination of Dr. Curatola’s
18 employment was her protected activity under RCW 49.58.040. This termination violated a clear
19 mandate of public policy, including without limitation the policies set forth in that Chapter.

20 **X. PRAYER FOR RELIEF**

21 WHEREFORE, Plaintiff prays that the Court enter judgment against Defendant,
22 awarding her:
23

24 1. Injunctive relief aimed at ensuring that current and future NWES employees are
25 free from unlawful discrimination and retaliation;
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- 1 2. Lost wages, including front and back pay, lost bonuses, and lost medical and
- 2 retirement benefits, and other lost pecuniary benefits of employment, in an amount to be
- 3 proven at trial;
- 4 3. Compensatory damages for emotional harm in an amount to be proven at trial;
- 5 4. Reasonable attorneys' fees, expert witness fees, and costs pursuant to, among
- 6 other statutes, RCW 49.60.030(2) and 49.48.030, and any other basis allowed by law;
- 7 5. Pre- and post-judgment interest at the maximum rate allowed by law;
- 8 6. Liquidated damages in the amount of all lost wages, salary, employment
- 9 benefits, or other compensation and interest, under RCW 50A.040.030;
- 10 7. Damages to make up for any adverse tax consequences for any award to Dr.
- 11 Curatola; and
- 12 8. Such other relief as this Court may deem appropriate.
- 13
- 14

15 **Alana Curatola hereby demands a jury trial on all the issues set forth herein.**

16 Dated this 12th day of March, 2024.

18 BLOOM LAW PLLC

20 _____
 /s/ Beth Bloom

21 _____
 /s/ Jay Corker Free

22 Beth Barrett Bloom, WSBA #31702
 Jay Corker Free, WSBA #51393
23 Attorneys for Plaintiff
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