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**LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW**

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**SUPREME COURT OF THE STATE OF NEW YORK  
NEW YORK COUNTY**

NAACP NEW YORK STATE CONFERENCE  
METROPOLITAN COUNCIL OF BRANCHES,

Plaintiff,

v.

PHILIPS ELECTRONICS NORTH AMERICA  
CORPORATION, KONINKLIJKE PHILIPS  
N.V., NTT DATA, INC., RECALL HOLDINGS  
LIMITED, RECALL TOTAL INFORMATION  
MANAGEMENT, INC., ADVANCE TECH  
PEST CONTROL, DOES 1-100

Defendants, individually  
and on behalf of a  
Defendant Class,

AND

MONSTER WORLDWIDE, INC.,  
ZIPRECRUITER, INC., INDEED, INC.,  
Joined Defendants.

**Index No.** \_\_\_\_\_

**CLASS ACTION COMPLAINT  
FOR DECLARATORY AND  
INJUNCTIVE RELIEF**

“Once you’re labeled a felon, the old forms of discrimination – employment discrimination, housing discrimination, denial of the right to vote, denial of educational opportunity, denial of food stamps and other public benefits, and

exclusion from jury service – are suddenly legal. As a criminal, you have scarcely more rights, and arguably less respect, than a black man living in Alabama at the height of Jim Crow. We have not ended racial caste in America; we have merely redesigned it.”

Michelle Alexander (in the New Jim Crow).

\* \* \*

Plaintiff the NAACP New York State Conference Metropolitan Council of Branches (“Plaintiff” or “NAACP Metropolitan Council”), on behalf of its members, alleges, as follows:

**NATURE OF THE ACTION**

1. The NAACP Metropolitan Council, comprised of each of the fourteen (14) local Branches of the National Association for the Advancement of Colored People, Inc. (“the national NAACP”) within the City of New York, functions to combat racial discrimination in, among other areas, employment and access to employment opportunities.

2. The national NAACP is the nation’s oldest, largest, and most respected civil rights organization. It is a membership organization with local community “Branches” and broader “State Conferences” located in communities throughout the United States, including New York State. The NAACP Metropolitan Council and each of its fourteen New York City composite Branches advocate and act under the auspices of both the national NAACP and the New York State Conference of NAACP Branches.

3. Defendants Philips Electronics North America Corporation, Koninklijke Philips N.V. (together with Philips Electronics North America Corporation, “Philips”), NTT Data, Inc., Recall Holdings Limited, Recall Total Information Management, Inc. (together with Recall Holdings Limited, “Recall”), Advance Tech Pest Control and Does 1-100 (“Named Defendants”), and members of the defendant class as defined herein (collectively, “Defendants”) create, post and disseminate job openings via online sites such as Monster Worldwide, Inc.

(“Monster”), ZipRecruiter, Inc. (“ZipRecruiter”), and Indeed, Inc. (“Indeed”) (collectively “Joined Defendants”) seeking applicants to apply for the posted jobs.

4. The job postings that the Defendants create, post and disseminate through the Joined Defendants online employment recruiting sites include job postings that explicitly bar applicants with felony convictions from applying for jobs.

5. New York City (“City”) law forbids the denial of employment because of a criminal conviction without the employer first conducting an individualized inquiry into the factors outlined in Article 23-A of the New York State Correction Law (the “Correction Law”).

6. By actively posting and disseminating job openings that ban applicants with felony convictions from applying, Defendants with the assistance of the Joined Defendants violate City law in a systematic and uniform manner.

7. The NAACP Metropolitan Council brings this suit on behalf of its members as well as the African American residents of the City of New York adversely affected by the discriminatory practices of the Defendants which bar them from seeking untold numbers of jobs just because they have a felony conviction, regardless of how much time has passed since the conviction, the nature of the conviction and /or whether the conviction is in any way related to the job that defendants recruit and solicit for online.

8. Plaintiff brings this action under CPLR § 901 against the Named Defendants individually and on behalf as representative of the defendant class of entities that post job openings in NYC on Monster, ZipRecruiter, and Indeed that include a blanket ban based on criminal history to seek a declaration that Defendants’ practice is unlawful and to enjoin Defendants’ illegal practice pursuant to the New York City Human Rights Law, N.Y.C. Admin. Code § 8-101, *et seq.* (“NYCHRL”).

9. Plaintiff joins Monster, ZipRecruiter, and Indeed as parties pursuant to CPLR § 1001 because they are necessary if complete relief is to be accorded and will be affected by a judgment in this action.

### **STATUTORY BACKGROUND**

10. “The public policy of [New York] state [and City], as expressed in [the Correction Law], [is] to encourage the licensure and employment of persons previously convicted of one or more criminal offenses.” N.Y. Corr. Law § 753(1)(a).

11. As articulated in the NYCHRL, “there is no greater danger to the health, morals, safety and welfare of the city and its inhabitants than the existence of groups prejudiced against one another and antagonistic to each other because of their actual or perceived differences, including those based on . . . conviction or arrest record.” N.Y.C. Admin. Code § 8-101.

12. Blanket bans on hiring because of a felony conviction undermine and violate the City’s clearly articulated policy.

13. Blanket bans on hiring because of a felony conviction are illegal and decrease employment opportunities for job applicants with felony convictions.

14. Such acts of discrimination “menace the institutions and foundation of a free democratic state.” N.Y.C. Admin. Code § 8-101.

15. The use of these arbitrary pre-employment bans also results in discrimination on the basis of race, ethnicity, color, and national origin because it imports the racial and ethnic disparities in the criminal justice system into the employment application process.

16. For these among other reasons the NYCHRL forbids companies from denying employment, or aiding and abetting the denial of employment, simply because a job applicant has a criminal record. Instead, companies must engage in an individualized evaluation of the

factors outlined in Article 23-A of the Correction Law.

## **PARTIES**

### **Plaintiff**

17. The NAACP Metropolitan Council is a subordinate unit of the national NAACP, a membership-based non-profit association organization under the laws of New York State.

18. NAACP Metropolitan Council currently operates throughout the New York City metropolitan region, and represents the region's fourteen Branches, including the Astoria Branch, the Bronx Branch, the Brooklyn Branch, the Co-Op City Branch, the Corona Branch - E. Elmhurst Branch, the Far Rockaway Branch, the Jamaica Branch, the Mid-Manhattan Branch, the New York Branch, the North East Queens Branch, the NYC Housing Authority Branch, the Parkchester Branch, the Staten Island Branch, and the Williamsbridge Branch.

19. The NAACP's mission is to "ensure the political, educational, social, and economic equality of rights of all persons and to eliminate race based discrimination."

20. NAACP Metropolitan Council and each of its fourteen composite NAACP Branches have a direct and vested interest in working and advocating for and on behalf of all African American citizens and residents of the City of New York and on behalf of all people of color who are residents and/or citizens of the City of New York.

21. At all relevant times, the NAACP Metropolitan Council was and is a "person" within the meaning of the NYCHRL.

### **Defendants**

#### **Philips**

22. Defendant Koninklijke Philips N.V. is a foreign corporation headquartered in the Netherlands and doing business in New York.

23. Defendant Philips Electronics North America Corporation is foreign business corporation with a headquarters in Andover, Massachusetts, and licensed to do business in New York with a registered agent at Corporation Service Company, 80 State Street, Albany, New York 12207.

24. Defendant Philips Electronics North America Corporation is a subsidiary of Defendant Koninklijke Philips N.V.

25. Within the relevant statute of limitations, Philips has caused, created, posted and/or disseminated, through online job sites including one or more of the Joined Defendants, job openings in New York City that contain blanket exclusions barring applicants with felony convictions.

26. At all relevant times, Philips was and is a “person” within the meaning of the NYCHRL.

27. At all relevant times, Philips was and is an “employer” within the meaning of the NYCHRL.

28. At all relevant times, Philips was and is a “private employer” within the meaning of the New York Correction Law.

**NTT Data, Inc.**

29. Defendant NTT Data, Inc. is a foreign corporation headquartered in Boston, Massachusetts, licensed to do business in New York with a registered agent at c/o National Registered Agents, Inc., 111 Eighth Avenue, New York, New York 10011.

30. Within the relevant statute of limitations, NTT Data has caused, created, posted and/or disseminated, through online job sites including one or more of the Joined Defendants, job openings in New York City that contain blanket exclusions barring applicants with felony

convictions.

31. At all relevant times, NTT Data, Inc. was and is a “person” within the meaning of the NYCHRL.

32. At all relevant times, NTT Data, Inc. was and is an “employer” within the meaning of the NYCHRL.

33. At all relevant times, NTT Data, Inc. was and is a “private employer” within the meaning of the New York Correction Law.

### **Recall**

34. Defendant Recall Holdings Limited is a foreign entity headquartered in Australia, with a U.S. headquarters in Atlanta, GA, and doing business in New York.

35. Defendant Recall Total Information Management, Inc. is a foreign business corporation, with a headquarters in Norcross, GA, and licensed to do business in New York with a registered agent at CT Corporation System, 111 Eighth Avenue, New York, NY 10011.

36. Defendant Recall Total Information Management, Inc. is a subsidiary of Defendant Recall Holdings Limited.

37. Within the relevant statute of limitations, Recall has caused, created, posted and/or disseminated, through online job sites including one or more of the Joined Defendants, job openings in New York City that contain blanket exclusions barring applicants with felony convictions.

38. At all relevant times, Recall was and is a “person” within the meaning of the NYCHRL.

39. At all relevant times, Recall was and is an “employer” within the meaning of the NYCHRL.

40. At all relevant times, Recall was and is a “private employer” within the meaning of the New York Correction Law.

**Advance Tech Pest Control, Corp.**

41. Defendant Advance Tech Pest Control, Corp. is a New York corporation headquartered at 88-07 69th Avenue, Forest Hills, New York 11375.

42. Within the relevant statute of limitations, Advance Tech Pest Control, Corp. has caused, created, posted and/or disseminated, through online job sites including one or more of the Joined Defendants, job openings in New York City that contain blanket exclusions barring applicants with felony convictions.

43. At all relevant times, Advance Tech Pest Control, Corp. was and is a “person” within the meaning of the NYCHRL.

44. At all relevant times, Advance Tech Pest Control, Corp. was and is an “employer” within the meaning of the NYCHRL.

45. At all relevant times, Advance Tech Pest Control, Corp. was and is a “private employer” within the meaning of the New York Correction Law.

**Does 1-100**

46. Defendant Does 1-100 are currently unidentified entities that have caused, created, posted and/or disseminated, through online job sites including one or more of the Joined Defendants, job openings in New York City that contain blanket exclusions barring applicants with felony convictions.

**Joined Defendants**

**Monster**

47. Monster is a foreign business corporation with a corporate headquarters located in



New York, New York.

48. Monster is a company that sells job placement services to employers and solicits, posts and disseminates employer job openings.

49. At all relevant times, Monster solicited, posted and disseminated ads from members of the Defendant Class that contain blanket felony bans and continues to do so.

50. Monster is a necessary party because any injunctive relief the Court may grant against the Defendants will affect Monster's business as it may: ( 1) require Monster to preserve and produce records or other information with regard to the Defendant class which is exclusively in its possession; (2) prohibit the Defendants from utilizing Monster's services without changing their postings to conform with the Correction Law; (3) place upon Monster the obligation to inform prospective posting entities about the requirements of the Correction Law.

### **ZipRecruiter**

51. ZipRecruiter is a foreign business corporation with a corporate headquarters located in Santa Monica, California.

52. ZipRecruiter is a company that sells job placement services to employers and solicits, posts and disseminates employer job openings.

53. At all relevant times, ZipRecruiter solicited, posted and disseminated ads from members of the Defendant Class that contain felony bans and continues to do so.

54. ZipRecruiter is a necessary party because any injunctive relief the Court may grant against the Defendants will affect ZipRecruiter's business as it may: ( 1) require ZipRecruiter to preserve and produce records or other information with regard to the Defendant class which is exclusively in its possession; (2) prohibit the Defendants from utilizing ZipRecruiter's services without changing their postings to conform with the Correction Law; (3)

place upon ZipRecruiter the obligation to inform prospective posting entities about the requirements of the Correction Law.

**Indeed**

55. Indeed is a foreign business corporation with a corporate headquarters located in Austin, Texas, and offices in New York, New York.

56. Indeed is a company that sells job placement services to employers and solicits, posts and disseminates employer job openings.

57. At all relevant times, Indeed solicited, posted and disseminated ads from members of the Defendant Class that contained felony bans and continues to do so.

58. Indeed is a necessary party because any injunctive relief the Court may grant against the Defendants will affect Indeed's business as it may: ( 1) require Indeed to preserve and produce records or other information with regard to the Defendant class which is exclusively in its possession; (2) prohibit the Defendants from utilizing Indeed's services without changing their postings to conform with the Correction Law; (3) place upon Indeed the obligation to inform prospective posting entities about the requirements of the Correction Law.

**JURISDICTION AND VENUE**

59. This Court has jurisdiction over the claim alleged in this Complaint pursuant to New York Civil Practice Law and Rule § 301.

60. This Court has personal jurisdiction over Defendants under New York Civil Practice Law and Rule § 302, because, among other things, Defendants regularly transact or transacted business in the State of New York, and have committed acts within the State that have caused injury to persons and/or property within the State.

61. At all times relevant and material to this action, Defendants have posted and

disseminated New York City job openings via Joined Defendants' online sites.

62. Venue is proper in this County pursuant to New York Civil Practice Law and Rule § 503 because the NAACP Metropolitan Council resides in New York County, many NAACP Branches are located in New York County, and many of the NAACP's constituents affected by Defendants' legal violations reside in New York County.

63. Contemporaneously with the filing of this Complaint, Plaintiff has mailed a copy of the Complaint to the New York City Commission of Human Rights and the Office of the Corporation Counsel of the City of New York, thereby satisfying the notice requirements of Section 8-502 of the New York City Administrative Code.

#### **CLASS FACTUAL ALLEGATIONS**

64. Defendants cause, create, post and/or disseminate job postings which explicitly bar applicants from applying for jobs if they possess any felony convictions. *See* Exhibits A-D.

65. These ads appear on online employment websites operated by the Joined Defendants.

66. Employers such as those in the Defendant class have to register and in some cases pay a fee to post job ads on the Joined Defendant's websites in order to reach potential applicants.

67. Through these and other actions, the Defendants denied and continue to deny employment to job applicants because of their felony convictions, without undertaking the individualized inquiry required by New York City law.

68. Defendants' actions violate the NYCHRL and the longstanding policy of the City and State of New York to increase the employment of individuals convicted of crimes and who have lawfully returned to the general population.

69. Plaintiff has reasonable grounds to believe that Defendants will continue to solicit applicants for employment opportunities by posting the discriminatory ads on the Joined Defendant's sites in violation of NYCHRL.

### **CLASS ACTION ALLEGATIONS**

70. Plaintiff brings its claim as a class action under CPLR § 901(a) against the Named Defendants and the Defendant class consisting of all companies that are "private employers" within the meaning of the Correction Law and have posted ads on Monster, ZipRecruiter, and/or Indeed for jobs to be performed at least in part in New York City that include a blanket ban based on a felony conviction from June 25, 2012, to the date of final judgment in this matter, for any position, except and excluding ads for those positions where a mandatory bar to employment, based on any type of prior criminal conviction, is imposed by federal statute, New York Statute, or other provision of law.

71. Excluded from the Defendant class are Defendant's legal representatives, officers, directors, assigns, and successors, or any individual who has, or who at any time during the class period has had, a controlling interest in Defendant; the Judge(s) to whom this case is assigned and any member of the Judges' immediate family; and all persons who will submit timely and otherwise proper requests for exclusion from the Class.

72. The parties to the Class (the "Defendant Class Members") identified above are so numerous that joinder of all members is impracticable.

73. Upon information and belief, the size of the Defendant class is at least 100 entities.

74. Defendants have acted or have refused to act on grounds generally applicable to the Plaintiff, thereby making appropriate an order against the Defendant class as a whole for final

injunctive relief or corresponding declaratory relief.

75. Common questions of law and fact exist as to the Defendant class and predominate over any questions affecting only individual members of the Defendant class, and include, but are not limited to, the following:

- a. Whether Defendants have violated and/or continue to violate the NYCHRL by posting job ads with blanket bans based on felony convictions;
- b. Whether Defendants have violated and/or continue to violate the NYCHRL by refusing to consider applicants with felony convictions; and
- c. Whether Defendants have violated and/or continue to violate the NYCHRL by rejecting applicants with felony convictions prior to applying the factors laid out in the Correction Law

76. The claim of Plaintiff is typical across the Defendant class because each Defendant engaged in the identical practice of including an explicit ban on hiring applicants with felony convictions in its job ads.

77. Upon information and belief, the named Defendants will fairly and adequately represent and protect the interests of the defendant class among other reasons because the interests of the named defendants to defend against the Plaintiff's claims are identical to the interests of the members of the defendant class.

78. A class action is superior to other available methods for the fair and efficient adjudication of the controversy, since joinder of all defendants is impracticable. Defendants have harmed and continue to harm Plaintiff's constituency based on common and uniform job postings banning applicants with felony convictions in violation of the NYCHRL. Although the relative damages suffered by individuals is not de minimis, such damages are small compared to the expense and burden of individual prosecution of this litigation. In addition, class litigation is superior because it will prevent unduly duplicative litigation that might result in inconsistent judgments.

79. There will be no difficulty in the management of this action as a class action. Moreover, judicial economy will be served by the maintenance of this lawsuit as a class action, in that it is likely to avoid the burden which would be otherwise placed upon the judicial system by the filing of thousands of similar suits by individual harmed persons. There are no obstacles to effective and efficient management of this lawsuit as a class action.

### **INJURIES TO THE NAACP'S MEMBERS**

80. The discriminatory actions discussed in this Complaint have harmed NAACP Metropolitan Council members.

81. The NAACP is a national membership organization with members throughout the United States including in the City of New York and New York County.

82. The hundreds of thousands of persons of color who are citizens and residents of the City and for whom NAACP Metropolitan Council advocates have felony convictions disproportionate to their numbers in the overall population, and the racial statistics of persons presently in the criminal justice system indicate this pattern will continue in the immediate future.<sup>1</sup>

83. As of 2013, the New York State prison population was approximately 53,550. Although Blacks make up only approximately 16% of the total New York population, according to the U.S. Census Bureau they make up approximately 53% of the incarcerated population. In New York City alone, in 2012 there were approximately 12,287 inmates in city jails, and 57% of them were Black. Of the individuals incarcerated in New York State, approximately 46% were committed from New York City.

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<sup>1</sup> In this country, African-Americans and Hispanics are more likely to have a criminal conviction, including a felony conviction, than Whites. *See, e.g.,* Kimani Paul-Emile, *Beyond Title VII: Rethinking Race, Ex-Offender Status, and Employment Discrimination in the Information Age*, 100 Va. L. Rev. 893, 910-13 (Sept. 2014).

84. As of January 1, 2014, 56% of all people in custody were sentenced as first-time felony offenders. At the same time, each year thousands of persons are released from New York State prisons, and need jobs in order to survive. For example, in 2013 approximately 23,832 persons were released from New York State prisons.

85. This means that job postings that discriminate on the basis of felonies also discriminate on the basis of race and ethnicity.

86. Because of felony convictions, NAACP Metropolitan Council members, as well as others with felony convictions, are barred from the jobs Defendants posted and continue to post on the respective websites of the Joined Defendants.

87. The felony exclusions in the job ads caused, created, posted and/or disseminated by the Defendants therefore have a drastically negative impact on NAACP's members and those in the City for which Plaintiff and its constituent Branches advocate.

88. Furthermore, it is futile for anyone with a felony conviction, including NAACP Metropolitan Council members with felony convictions, to apply for the jobs Defendants have posted that explicitly bar applicants with such convictions from applying.

89. Many of these individuals lack the funds necessary to bring a lawsuit to vindicate their rights, and would not be able to find a lawyer to represent them individually although they have standing. The NAACP Metropolitan Council is thus bringing this lawsuit to protect their rights.

90. The interests the NAACP Metropolitan Council seeks to protect are central to the organization's purpose.

91. Specifically, the NAACP Metropolitan Council is dedicated to promoting economic equality and eliminating race-based discrimination.

92. Blanket bans on employment for job applicants with criminal records decrease the economic opportunity of those job applicants who have such records, which decreases economic equality.

93. Because the NAACP Metropolitan Council is only invoking the Court's equitable power to seek injunctive relief, neither the claims asserted nor the relief requested require the participation of the NAACP's individual members in the lawsuit.

94. Defendants' unlawful and ongoing conduct causes harm now and will continue to do so unless this Court enjoins Defendants' illegal practices.

#### **CAUSE OF ACTION**

#### **Discriminatory Denial of Employment because of Criminal Convictions (New York City Human Rights Law, N.Y.C. Admin. Code. § 8-101 *et seq.*)**

95. Plaintiff incorporates the preceding paragraphs as alleged above.

96. The NYCHRL prohibits "any person" from "deny[ing] any license or permit or employment to any person by reason of his or her having been convicted of one or more criminal offenses . . . when such denial is in violation of the provisions of article twenty-three-a of the correction law." N.Y.C. Admin. Code § 8-107(10).

97. Under Article 23-A of the Correction Law, no application for employment "shall be denied or acted upon adversely by reason of the individual's having been previously convicted of one or more criminal offenses," N.Y. Corr. Law § 752, without consideration of the eight factors set forth in the Correction Law, N.Y. Corr. Law § 753(1), and any certificate of relief from civil disabilities or certificate of good conduct issued to the applicant, N.Y. Corr. Law § 753(2).

98. By posting, distributing and soliciting for job openings that exclude all individuals with felony convictions from applying, Defendants denied and deny employment to job



applicants with felony convictions, violating the NYCHRL.

99. Accordingly, Defendants' practice of posting, disseminating and soliciting for job openings that explicitly bar any and all applicants with felony convictions must be declared illegal and enjoined.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for relief as follows:

- (a) Certification of a Defendant Class;
- (b) An order that the Joined Defendants produce to Plaintiff a computer-readable data file containing the names, last known mailing addresses, last known telephone numbers, and last known email addresses for members of the Defendant Class;
- (c) A declaration enjoining Defendants' illegal practices;
- (d) An order forbidding Defendants from engaging in further unlawful conduct;
- (e) An order forbidding Joined Defendants from publishing the illegal content from any of the Defendant class members;
- (f) Costs incurred herein, including reasonable attorneys' fees to the extent allowable by law; and
- (g) Such other and further legal and equitable relief as this Court deems necessary, just, and proper.

Dated: New York, New York  
June 25, 2015

Respectfully submitted,

By:   
\_\_\_\_\_

Adam T. Klein

OUTTEN & GOLDEN LLP  
Adam T. Klein

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LAWYERS' COMMITTEE FOR  
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*Attorneys for Plaintiff NAACP New York State  
Conference of Metropolitan Council of Branches*

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF New York

NAACP New York State Conference Metropolitan Council of  
Branches

Plaintiff(s),

*-against-*

Philips Electronics North America Corporation, Koninklijke  
Philips N.V., NTT Data Inc., Recall Holdings Limited, Recall Total  
Information Management, Inc., Advance Tech Pest Control,  
Does 1-100, Monster Worldwide, Inc., ZipRecruiter, Inc., and  
Indeed, Inc.

Defendant(s).

Index No. [REDACTED]

**Summons**

Date Index No. Purchased: June 25, 2015

To the above named Defendant(s)

Philips Electronics North America Corporation & Koninklijke Philips N.V.  
c/o Corporation Service Company  
80 State Street, Albany, New York 12207

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

The basis of venue is New York County  
which is where Plaintiff resides and which is the principal place of business of Advance Tech Pest Control and Monster Worldwide Inc.

Dated: New York, NY

June 25, 2015

Outten & Golden LLP

by \_\_\_\_\_

Adam T. Klein

Attorneys for Plaintiff

Outten & Golden LLP  
3 Park Avenue, 29th Fl.  
New York, NY 10016

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF New York

NAACP New York State Conference Metropolitan Council of  
Branches

Plaintiff(s),

*-against-*

Philips Electronics North America Corporation, Koninklijke  
Philips N.V., NTT Data Inc., Recall Holdings Limited, Recall  
Total Information Management, Inc., Advance Tech Pest  
Control, Does 1-100, Monster Worldwide, Inc., ZipRecruiter,  
Inc., and Indeed, Inc.

Defendant(s).

Index No. [REDACTED]

**Summons**

Date Index No. Purchased: June 25, 2015

To the above named Defendant(s)

NTT Data Inc.  
c/o National Registered Agents, Inc.,  
111 Eighth Avenue, New York, New York 10011

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

The basis of venue is New York County  
which is where Plaintiff resides and which is the principal place of business of Advance Tech Pest Control and Monster Worldwide Inc.

Dated: New York, NY

June 25, 2015

Outten & Golden LLP

by \_\_\_\_\_

Adam T. Klein

Attorneys for Plaintiff

Outten & Golden LLP  
3 Park Avenue, 29th Fl.  
New York, NY 10016

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF New York

NAACP New York State Conference Metropolitan Council of  
Branches

Plaintiff(s),

*-against-*

Philips Electronics North America Corporation, Koninklijke Philips  
N.V., NTT Data Inc., Recall Holdings Limited, Recall Total  
Information Management, Inc., Advance Tech Pest Control, Does  
1-100, Monster Worldwide, Inc., ZipRecruiter, Inc., and Indeed, Inc.

Defendant(s).

Index No. [REDACTED]

**Summons**

Date Index No. Purchased: June 25, 2015

To the above named Defendant(s)

Recall Holdings Limited & Recall Total Information Management, Inc.  
c/o CT Corporation System  
111 Eighth Avenue, New York, NY 10011

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

The basis of venue is New York County  
which is where Plaintiff resides and which is the principal place of business of Advance Tech Pest Control and Monster Worldwide Inc.

Dated: New York, NY

June 25, 2015

Outten & Golden LLP

by \_\_\_\_\_

Adam T. Klein

Attorneys for Plaintiff

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3 Park Avenue, 29th Fl.  
New York, NY 10016

SUPREME COURT OF THE STATE OF NEW YORK  
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Plaintiff(s),

*-against-*

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Philips N.V., NTT Data Inc., Recall Holdings Limited, Recall  
Total Information Management, Inc., Advance Tech Pest  
Control, Does 1-100, Monster Worldwide, Inc., ZipRecruiter,  
Inc., and Indeed, Inc.

Defendant(s).

Index No. [REDACTED]

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Date Index No. Purchased: June 25, 2015

To the above named Defendant(s)

Advance Tech Pest Control, Corp.  
88-07 69th Avenue  
Forest Hills, New York 11375

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

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Dated: New York, NY

June 25, 2015

Outten & Golden LLP

by \_\_\_\_\_

Adam T. Klein

Attorneys for Plaintiff

Outten & Golden LLP  
3 Park Avenue, 29th Fl.  
New York, NY 10016

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF New York

NAACP New York State Conference Metropolitan Council of  
Branches

Plaintiff(s),

*-against-*

Philips Electronics North America Corporation, Koninklijke  
Philips N.V., NTT Data Inc., Recall Holdings Limited, Recall  
Total Information Management, Inc., Advance Tech Pest  
Control, Does 1-100, Monster Worldwide, Inc., ZipRecruiter,  
Inc., and Indeed, Inc.

Defendant(s).

Index No. [REDACTED]

**Summons**

Date Index No. Purchased: June 25, 2015

To the above named Defendant(s)

Monster Worldwide, Inc.  
ATTN: Jacqueline Cruz  
622 Third Ave., 9TH Fl., New York, NY 10017

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

The basis of venue is New York County  
which is where Plaintiff resides and which is the principal place of business of Advance Tech Pest Control and Monster Worldwide Inc.

Dated: New York, NY

June 25, 2015

Outten & Golden LLP

by \_\_\_\_\_

Adam T. Klein

Attorneys for Plaintiff

Outten & Golden LLP  
3 Park Avenue, 29th Fl.  
New York, NY 10016

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF New York

NAACP New York State Conference Metropolitan Council of  
Branches

Plaintiff(s),

*-against-*

Philips Electronics North America Corporation, Koninklijke  
Philips N.V., NTT Data Inc., Recall Holdings Limited, Recall  
Total Information Management, Inc., Advance Tech Pest  
Control, Does 1-100, Monster Worldwide, Inc., ZipRecruiter,  
Inc., and Indeed, Inc.

Defendant(s).

Index No. [REDACTED]

**Summons**

Date Index No. Purchased: June 25, 2015

To the above named Defendant(s)

Indeed, Inc.  
c/o CT Corporation System  
111 Eighth Avenue, New York, NY 10011

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

The basis of venue is New York County  
which is [REDACTED] where Plaintiff resides and which is the principal place of business of Advance Tech Pest Control and Monster Worldwide Inc.

Dated: New York, NY

June 25, 2015

Outten & Golden LLP

by \_\_\_\_\_

Adam T. Klein

Attorneys for Plaintiff

Outten & Golden LLP  
3 Park Avenue, 29th Fl.  
New York, NY 10016



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF New York

NAACP New York State Conference Metropolitan Council of  
Branches

Plaintiff(s),

*-against-*

Philips Electronics North America Corporation, Koninklijke  
Philips N.V., NTT Data Inc., Recall Holdings Limited,  
Recall Total Information Management, Inc., Advance  
Tech Pest Control, Does 1-100, Monster Worldwide, Inc.,  
ZipRecruiter, Inc., and Indeed, Inc.

Defendant(s).

Index No. [REDACTED]

**Summons**

Date Index No. Purchased: June 25, 2015

To the above named Defendant(s)

ZipRecruiter, Inc.  
c/o Corporation Service Company  
2710 Gateway Oaks Dr. Ste. 150N, Sacramento, CA 95833

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

The basis of venue is New York County  
which is where Plaintiff resides and which is the principal place of business of Advance Tech Pest Control and Monster Worldwide Inc.

Dated: New York, NY

June 25, 2015

Outten & Golden LLP

by \_\_\_\_\_

Adam T. Klein

Attorneys for Plaintiff

Outten & Golden LLP  
3 Park Avenue, 29th Fl.  
New York, NY 10016

# Exhibit A

# Network Integration Engineer- Healthcare Job Listing at Philips North America in Unit...

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Operation Control & Support Officer  
(<http://www.tweetmyjobs.com/standard-chartered-bank-jobs-operation-control-support-officer-15904373>)  
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United States of America

Administrative Assistant (Technology) - IT  
(<http://www.tweetmyjobs.com/standard-chartered-bank-jobs-administrative-assistant-technology-it-15904370>)  
Standard Chartered Bank  
Karachi

Officer/Analyst  
(<http://www.tweetmyjobs.com/standard-chartered-bank-jobs-officer-analyst-15904317>)  
Standard Chartered Bank  
New Delhi

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user[location]=United+States+of+America&user[preferred\_careerlevel\_id]=13&user[preferred\_industry]=Consumer+Goods&user[wants\_email\_job\_alerts]=true)

Get jobs like this tweeted to you

([http://twitter.com/tmj\\_USA\\_it](http://twitter.com/tmj_USA_it))

## Locate this job



**Location:** United States of America

**Application Deadline:** None

**Type:** Full time

**Career Level:** Mid-Senior Level

**Salary Range:** Not specified

**Number of Jobs:** 1

**Relocation Available:** No

APPLY ON COMPANY WEBSITE

View all jobs at Philips North America (</philips-north-america-jobs.html>)

Find connections to this company (<https://facebook.com/101881873186668>)

via LinkedIn

via Facebook

## Industries

Consumer Goods, Healthcare

## Description

Philips is seeking a Network Engineer for the Patient Care Monitoring Systems group. The PCMS business serves the healthcare community through effective and efficient management of capital medical equipment/solution implementation in various areas within the healthcare continuum.

### Responsibilities include:

- Design and lead the implementation and testing of complex IT integration solutions following industry and proprietary real-time patient data transfer requirement.
- Provide consultation to healthcare institutions on IT integration strategies and system integrations.
- Troubleshoot complex system integration issues to ensure acceptable (QOS) Quality of Service.

- Lead installation of complex multi-phase systems composed of IT infrastructure and patient monitoring in both clinical and non-clinical environments across an expansive geography.
- Provide technical review of system configurations to ensure viability of system performance.
- Lead and direct a diverse team of internal and external installation resources.
- Shares responsibility of successful project completion with the assigned Project Manager and project team.

Candidate Profile / Education Experience:

- BS Software Engineering or Computer Science disciplines with at least two years experience or AS Software Engineering or Computer Science with at least five years experience in Healthcare / IT environments preferred.

Knowledge Skills and Abilities:

- Oracle certified (OCA) or significant Javascript experience preferred
- Extensive knowledge of HL7 and Electronic medical record systems required.
- Extensive knowledge of information system technologies as reflected in formal Microsoft, Cisco, VM, or Active directory certifications desirable.
- Extensive knowledge of Patient Monitoring systems as reflected in completion of formal vendor training desired.
- Own technical issues through resolution.
- Influence internal and external resources to a stated objective without formal lines of authority.
- Effectively communicate to CXO level management - internal and external.
- Effectively negotiate.
- Deliver required results with high levels of customer satisfaction, both internal and external.
- Previous experience working in a healthcare environment desired
- Ability to travel approximately 10%, to where the projects require.

Other Requirements:

- Must hold a valid driver's license, and have a driving record showing zero felony or DUI convictions, and less than three moving violations in the previous three years.
- Must have excellent credit standing.

\*\*This is a work from home opportunity and can be located anywhere in the United States.

 APPLY ON COMPANY WEBSITE



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# Network Engineer- Healthcare Job Listing at Philips North America in United States of...

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## Similar Jobs

QA Test Engineer (Java & Rest Api)  
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Cognizant  
Culver City, CA

Programmer Analyst II, Tier 2 Support  
(<http://www.tweetmyjobs.com/ucia-health-careers-jobs-programmer-analyst-ii-tier-2-support-15902711>)  
UCLA Health Careers  
Los Angeles, CA

Senior Research Software Developer  
(<http://www.tweetmyjobs.com/city-of-hope-jobs-senior-research-software-developer-15479107>)  
City of Hope  
Irwindale, CA

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[user\[location\]=United+States+of+America&user\[preferred\\_careerlevel\\_id\]=13&user\[preferred\\_industry\]=Consumer+Goods&user\[wants\\_email\\_job\\_alerts\]=true](http://www.tweetmyjobs.com/user[location]=United+States+of+America&user[preferred_careerlevel_id]=13&user[preferred_industry]=Consumer+Goods&user[wants_email_job_alerts]=true)

Get jobs like this tweeted to you

[http://twitter.com/tmj\\_LAX\\_it](http://twitter.com/tmj_LAX_it)

Locate this job



**Location:** United States of America  
**Application Deadline:** None  
**Type:** Full time  
**Career Level:** Mid-Senior Level  
**Salary Range:** Not specified  
**Number of Jobs:** 1  
**Relocation Available:** No

[APPLY ON COMPANY WEBSITE](#)

[View all jobs at Philips North America \(/philips-north-america-jobs.html\)](/philips-north-america-jobs.html)

Find connections to this company (<https://facebook.com/101881873186668>)

[via LinkedIn](#)

[via Facebook](#)

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Consumer Goods, Healthcare

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- Troubleshoot complex system integration issues to ensure acceptable (QOS) Quality of Service.
- Lead installation of complex multi-phase systems composed of IT infrastructure and patient monitoring in both clinical and non-clinical environments across an expansive geography.

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- Own technical issues through resolution.
- Influence internal and external resources to a stated objective without formal lines of authority.
- Effectively communicate to CXO level management - internal and external.
- Effectively negotiate.
- Deliver required results with high levels of customer satisfaction, both internal and external.
- Previous experience working in a healthcare environment desired
- Ability to travel approximately 10%, to where the projects require.

Other Requirements:

- Must hold a valid driver's license, and have a driving record showing zero felony or DUI convictions, and less than three moving violations in the previous three years.

- Must have excellent credit standing.

 APPLY ON COMPANY WEBSITE



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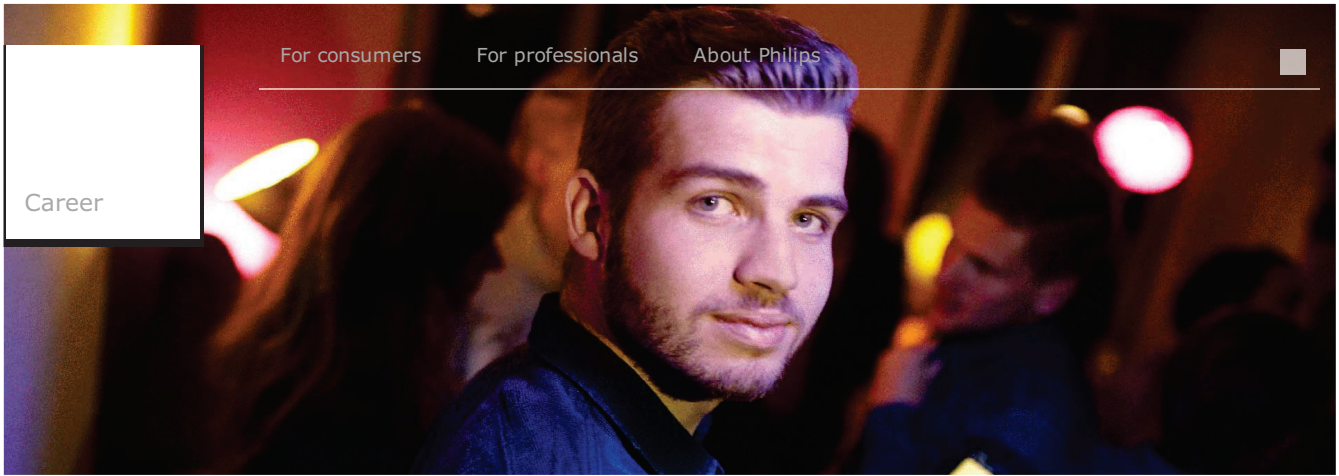
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**Job Description**

**Solution Delivery Consultant**



What will be your impact?

**Job Description**

We simplify healthcare by focusing on the people in the care cycle – patients and providers. Through combining human insights and clinical expertise, we aim to improve patient outcomes while lowering the burden on the healthcare system. Philips designs advanced solutions for health professionals, to meet the needs of patients and empowered consumers for affordable healthcare whether in a hospital or at home.

Some product highlights include: 256-slice Brilliance iCT scanner, integrated cath lab, fetal monitors, Ambient Experience MR and CT systems.

**Department Description:**

This particular position will work within the Patient Cardiac Monitoring Solutions Group Sales organization. This division of Philips Healthcare specializes in the installation and service of patient monitoring devices, networks, and telemetry systems. As hospital environments become more integrated the sales organization is looking to expand its ability to install and service complex networks as well and consult with customers on high end integrations.

**Abilities:**

1. Ability to design and verify complex network IT system
2. Leadership with the ability to influence internal and external resources to a stated objective without formal lines of authority.
3. Ability to effectively communicate to all levels of management internal and external
4. Ability to effectively negotiate.
5. Ability to deliver required results with high levels of customer satisfaction, both internal and external.
6. Ability to effectively participate and lead multiple complex patient monitoring teams

**OTHER REQUIREMENTS**

Must hold a valid driver's license and have a driving record showing zero felony convictions and less than three moving violations in the previous three years

Philips is seeking a PCMS solution delivery consultant to be placed in the Seattle area\*. The PCMS business serves the healthcare community through efficient management of capital medical equipment installations in various critical care and surgical areas.

1. Write technically detailed scopes of work/statements of work
2. Create technically accurate designs of patient monitoring networks
3. Create and present value added solutions to customers as well as aid in the sales of those solutions with sales counterparts
4. Provide technical review of quoted systems to ensure viability of sold systems
5. Grow the PCMS business in the assigned geography within the scope of both equipment and service revenue and contract revenue.
6. Work within a dynamic customer care team with clinical, sales, and service partners to support the business activities at the highest level.

**Education/Experience:**

- Bachelors of Science in Electrical Engineering or Computer Science disciplines with 2 years' experience or, Associates of Science in Electrical Engineering or Computer Science disciplines with 4 years' experience
  - Experience in Healthcare / IT Technologies
  - Preferred extensive knowledge of Healthcare environments and Patient Monitoring systems
  - Ability to demonstrate strong knowledge of various networking methodologies and design. Wireless networking knowledge preferred.
  - CCNA, Windows, or other technical certification preferred
  - Experience working with AutoCAD and Visio required
- \*Must be within 1 hour driving distance of a major airport.

"Philips is an equal opportunity employer. All qualified applicants will receive consideration for employment without regard to race, color, religion, age, sex (including pregnancy), sexual orientation, gender identity, national origin, genetic information, creed, citizenship, disability, protected veteran or marital status."

#LI-TS1

**Job Sales Account Management****Primary Location** United States-New York-New York**Organization** Patient Care & Monitoring Solutions (11022203)**Schedule** Full-time**Travel**-No**Job Number:-154234**[Apply Online](#)[Add to My Job Cart](#)[SHARE](#) [f](#) [t](#) [e](#) [...](#)[Connect with Philips](#)[Select country/language](#)[Select site](#)[Back To Top](#)[Investor Relations](#) | [Careers](#) | [Contact Philips](#) | [Philips](#) | [Privacy Policy](#) | [Terms of use](#) | [Site map](#)

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# Exhibit B



## Network/Systems Administrator

NTT Data - New York City, NY 10008

Posted: 5/23/2015

Apply Now

### Overview:

At NTT DATA, we know that with the right people on board, anything is possible. The quality, integrity, and commitment of our employees have been key factors in our company's growth and market presence. By hiring the best people and helping them grow both professionally and personally, we ensure a bright future for NTT DATA and for the people who work here.

A group company within NTT DATA currently seeks a Network/Systems Administrator to join our team in NYC, New York.

### Position Functions or Responsibilities:

Daily Tasks will include but not limited to the following:

System administration, user on-boarding, and Active Directory management. Windows Server 2012 installation and maintenance. System backup of server OS and server applications including MS Exchange 2010, MS SQL 2012 using Veritas Backup Exec. Creation and maintenance of virtual servers using VMWare. Performance monitoring of systems. Maintain and support SAN, NAS, and tape storage devices/servers. Data Center equipment monitoring and support

### Basic Qualifications:

5 years of experience in MS Windows servers, computer networks, messaging, cross-platform integration and large-scale, complex systems and applications design and implementation. 5 years of experience in disaster recovery/backup including production application such as Exchange and SQL Server Microsoft MCSE Certification 5 years of experience VMWare virtualization 5 years of experience Active Directory and Group Policy Management design and configuration 3 years of experience Storage Attached Network (SAN) configuration No prior felony arrests. No drug related arrests. This is a full-time salaried position with a group company within NTT DATA. Please note, 1099 or corp-2-corp contractors will NOT be considered. This position is only available to those interested in direct staff employment opportunities. We offer a full comprehensive benefits package that starts from your first day of employment.

### About NTT DATA

NTT DATA is your Innovation Partner anywhere around the world. With business operations in

more than 35 countries, we put emphasis on long-term commitment and combine global reach and local intimacy to provide premier professional services from consulting, system development, business process and IT outsourcing to cloud-based solutions.

Visit

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# Exhibit C

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saved documents and Job Search Agents

## Job Details

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### Courier - Brooklyn, NY

**Job ID #:** 4157

**Location:** NY\_NYC\_Brooklyn

**Position Type:** Part Time - Regular

**Education Required:** High School Diploma

**Experience Required:** 1 - 3 Years

**Relocation Provided:** No Relocation Offered

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[www.recall.com/about-us/recall-careers](http://www.recall.com/about-us/recall-careers) EOE

### Position Description

The courier will be responsible for driving to customer locations to deliver/retrieve items that require secure, environmentally controlled storage.

- Collects containers in various forms (size/weight) and returns to the company.
- Ensures all containers are properly secured/locked at all times.
- Obtains customer signature on receipt for pickup or delivery.
- Cleans inside of the company vehicle and performs routine pre-trip inspections.
- Assists in resolving customer complaints and notifies management of any issues.
- Ensures customer satisfaction and relays any concerns to management.
- Maintains telephone or radio contact with supervisor.
- Secures containers inside company vehicle by using straps, tie-downs and/or rope.
- Visits scheduled customers' sites to see if there are any containers/media for collection.
- Ensures all containers have the correct coding information (bar code and/or numbers) and that it matches the pick up/delivery receipts.
- Completes all necessary paperwork and inputs into computer as required by the Company.
- Completes daily run sheets and/or driver's log of customer sites visited and their respective timeframes, mileage driven and # of container picked up/dropped off.
- Exhibits professional, well groomed, neat appearance that is reflective of our image at Recall at all times

### Position Requirements

All couriers must successfully complete a road test, drug and alcohol test.

A high school education or equivalent is required.

Must be at least 21 years of age.

New employees must meet the following requirements:

Three years of driving experience driving the type of equipment that the driver will be assigned to operate. At least 1 of these years of experience must be immediately preceding the date of application or within 12 months of the date of application

No more than 3 moving violations in the last 3 years (in any type of vehicle)

No at fault accidents within the last 3 years (in any type of vehicle)

No convictions of any of the following offences' (in any type of vehicle) in the past 7 years:

Driving under the influence of alcohol or controlled substance

Leaving the scene of an accident involving a commercial motor vehicle

No more than 1 (one) excessive speeding (15 mph or more above the posted speed limit)

Reckless driving

A moving violation in connection with a fatal accident

Vehicular manslaughter or vehicular homicide

Eluding a police officer

Operating a vehicle with a suspended or revoked license

No felony convictions or confinement for conviction of a criminal offense

Some clients may have more stringent background requirements that will be applied for any and all couriers assigned to service those accounts. Specific details of such requirements will be shared with the employee at time of hire, at time of assignment to client work, or upon implementation of new standards, which ever comes first.

All couriers must abide by the Company Driver Policy and have a valid, unexpired driver's license for the state in which s/he resides.

Must be able to read, write and communicate in English.  
Reads, analyses and interprets customer work orders, Company maps and Company policies and procedures.  
Write on customer orders and/or business correspondence.  
Establishes rapport, presents information and responds to questions from managers, clients, customers and the general public.  
Must have the skill and ability to meet people, listen and utilize conflict resolution skills.  
Ability to calculate figures to reconcile container amounts with paperwork.  
Ability to apply concepts of basic accounting (counting).  
Ability to solve practical problems and deal with a variety of concrete variables.  
Ability to interpret a variety of instructions furnished in written, oral or schedule form.  
Retain a Class "C" license  
Must pass the Company's Road test for each type of vehicle driven.  
Must retain Company insurance information and accident reporting information in vehicle at all times.

What experience will be valued? :

- Industry experience
- Logistics (movement of people and customer property)
- Property/vehicle management

Read map books.  
Must be computer literate.  
Required to sit – 3 to 6 hours per day.  
Use hands/fingers, to handle controls and talk or hear – 6 to 8 hours a day.  
Reach with hands and arms - 3 to 6 hours per day.  
Stand; walk; and stoop 0 to 3 hours per day.  
Regularly lift, and/or move up to 50 pounds.

**Recall is an EEO employer. Diverse candidates are encouraged and all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, disability or veteran status.**

<http://www.dol.gov/ofccp/regs/compliance/posters/pdf/eeopost.pdf>

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# Exhibit D



what:

job title, keywords or company

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city, state, or zip

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## Licensed Exterminator

Advance Tech Pest Control - Forest Hills, NY

Licensed Exterminator wanted - Forest Hills

Licensed exterminator wanted for Saturday's. Must have a valid clean New York Driver's License, have your own car, and must also have a current vehicle insurance.

Technician must be reliable, clean cut, well spoken. Provide two (2) references, drug free, and no felonies.

This is a PART --TIME job.  
It pays \$20.00/ per hour on the books.  
Travel Expenses are compensated.

Please submit resume with cover letter to roe @ advancetechpestcontrol.com

Salary: \$20.00 /hour

Required experience:

- Exterminator Licence Required (7A): 1 year

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### » Apply Now

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Please review all application instructions before applying to Advance Tech Pest Control.

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About this company

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