

1 EVERSHEDES SUTHERLAND (US) LLP
Ian S. Shelton (SBN 264863)
2 ianshelton@eversheds-sutherland.com
3 500 Capitol Mall, Suite 1750
Sacramento, CA 95814
4 Telephone: (916) 844-2965
Facsimile: (916) 241-0501
5

6 EVERSHEDES SUTHERLAND (US) LLP
Gail Westover (PHV forthcoming)
7 gailwestover@eversheds-sutherland.com
John Hays (PHV forthcoming)
8 johnhays@eversheds-sutherland.com
700 Sixth Street, NW, Suite 700
9 Washington, DC 20001-3980
Telephone: (202) 383-0882
10 Facsimile: (202) 637-3593

11 *Attorneys for Defendant Cognizant Technology*
12 *Solutions, U.S. Corporation*

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA

15 KAJAL PRASAD,

16 Plaintiff,

17 vs.

18 COGNIZANT TECHNOLOGY SOLUTIONS
19 US CORPORATION, a Delaware Corporation
20 and DOES 1 through 50, Inclusive.

21 Defendants.
22
23
24
25
26
27
28

CASE NO.: 5:22-cv-319

**NOTICE OF REMOVAL BY
DEFENDANT COGNIZANT
TECHNOLOGY SOLUTIONS, US
CORPORATION**

1 PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant
2 Cognizant Technology Solutions US Corporation (“Cognizant” or “Defendant”) gives notice of
3 removal of the action captioned *Kajal Prasad v. Cognizant Technology Solutions, US*
4 *Corporation, a Delaware Corporation and Does 1 through 50, Inclusive*, Case No. 21-cv-392117,
5 on the docket of the Superior Court of the State of California, County of Santa Clara (“California
6 Action”). Plaintiff Kajal Prasad (“Prasad” or “Plaintiff”), filed her complaint in the California
7 Action on December 7, 2021 (“California Complaint”). Cognizant received service of the
8 California Complaint on December 17, 2021. The present notice of removal is supported by the
9 Declaration of Jvonne Telfair (“Telfair Decl.”). In support of this removal, Cognizant states as
10 follows:
11

12 FACTUAL BACKGROUND

- 13 1. Plaintiff filed the California Complaint against Cognizant on or about December 7,
14 2021. *See* Ex. 3, California Complaint.
- 15 2. Plaintiff served Cognizant on December 17, 2021. Ex. 4, State Court Pleadings
16 including Proof of Service of the California Complaint; *see also*, Telfair Decl. at ¶ 6.
- 17 3. Plaintiff is a resident of Santa Clara County California. California Complaint at ¶ 2.
- 18 4. Cognizant is incorporated under the laws of the state of Delaware. Telfair Decl. at ¶
19 3. Cognizant’s principal place of business is in College Station, Texas because that is where its
20 corporate headquarters is located, and its executive functions, including day-to-day decision
21 making for the Company, are performed there. Telfair Decl. at ¶ 4.
- 22 5. Plaintiff alleges that in February 2019, her employer Net2source, assigned her to an
23 IT Support role for Nvidia as a contractor. California Complaint at ¶¶ 6-8 and Telfair Dec. at ¶ 5.
- 24 6. Plaintiff alleges that Ramesh Pulagam (“Pulagam”) offered her a full-time role with
25 Cognizant in exchange for an intimate relationship. California Complaint at ¶ 12. Plaintiff further
26 alleges that after she declined Pulagam’s advance he became hostile towards her and critical of her
27 work for Nvidia. California Complaint at ¶¶ 14-15.
- 28

1 7. Plaintiff alleges her employment terminated on February 7, 2020. California
2 Complaint at ¶ 16.

3 8. Plaintiff seeks the following damages related to her allegations in the California
4 Complaint:

- 5 a. Loss of past and future earnings;
- 6 b. Non-economic damages for emotional harm in excess of the minimum
7 jurisdictional amount of the Superior Court of Santa Clara California; and
- 8 c. Punitive and exemplary damages.

9 *See* California Complaint “Prayer for Relief” at p. 5.

10 9. Plaintiff provided contract work for Cognizant through Net2source. Telfair Decl. at
11 ¶ 5. Although Cognizant did not pay Plaintiff directly, her annual compensation based on the
12 contract work she performed was approximately \$76,960.00. Telfair Decl. at ¶ 5.

13 **GROUND FOR REMOVAL**

14 10. This case is removable because there is complete diversity between the parties and
15 the amount in controversy exceeds \$75,000.

16 **A. Complete Diversity Exists**

17 11. In accordance with 28 U.S.C. § 1332, there is complete diversity between the
18 parties. At the time of filing the California Action on December 7, 2021, Plaintiff was a California
19 citizen. At the time of filing the California Action on December 7, 2021, Defendant Cognizant was
20 a Delaware Corporation with its principal place of business in College Station, Texas. Upon
21 information and belief, Plaintiff’s citizenship remained the same from the time of filing to the time
22 of removal. Cognizant’s citizenship remained the same from the time of filing to the time of
23 removal. Accordingly, complete diversity of citizenship between the parties existed at the time of
24 filing and the time of removal.

25 **B. The Amount in Controversy Exceeds \$75,000**

26 12. Plaintiff does not allege a specific monetary amount of damages she seeks in her
27 case. *See* California Complaint. Instead, Plaintiff alleges loss of past and future earnings, damages
28 for emotional injury and harm in excess of the jurisdictional limits of the California Superior

1 Court for Santa Clara County, and exemplary and punitive damages. California Complaint at p. 5.

2 13. Although Plaintiff does not alleges a specific amount of monetary damages, the
3 attached declaration of Jvonne Telfair establishes that the amount in controversy between the
4 parties exceeds \$75,000, exclusive of interest and costs.

5 14. Plaintiff's annual compensation was approximately \$76,960.00. As one element of
6 alleged damages, which are denied, Plaintiff claims lost earnings from the date of her alleged
7 termination (February 7, 2020) to December 7, 2021 (the date she filed the California Action) or
8 approximately 95 weeks. Plaintiff's hourly rate (\$37/hr) multiplied by 40 hours per week for a
9 total of 95 weeks equals approximately \$140,600. Therefore, the value of Plaintiff's claim for lost
10 past earnings alone exceeds \$75,000.¹

11 **C. Removal was Timely**

12 15. 28 U.S.C. § 1446 (b)(1) provides: "The notice of removal of a civil action or
13 proceeding shall be filed within 30 days after the receipt by the defendant, through service or
14 otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action
15 or proceeding is based, or within 30 days after the service of summons upon the defendant if such
16 initial pleading has then been filed in court and is not required to be served on the defendant,
17 whichever period is shorter."

18 16. As set for above, Plaintiff served Cognizant on December 17, 2021. Therefore,
19 Cognizant's Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b)(1).

20 **COMPLIANCE WITH REMOVAL STATUTE**

21 17. Cognizant's Notice of Removal was properly filed in the United States District
22 Court for the Northern District of California, because the Superior Court of the State of California,
23 County of Santa Clara, is located within the Northern District of California. Venue for removal is
24

25 _____
26 ¹ Plaintiff does not state for how long she seeks lost future earnings but, even assuming it is only for one year
27 (\$76,960), that amount also satisfies the amount in controversy requirement to justify removal to this Court. Plaintiff
28 also seeks non-economic damages for emotional injury and harm in excess of the minimum jurisdictional limits of the
California Superior Court for Santa Clara County (which is \$25,000) and an undisclosed amount of exemplary and
punitive damages, which the Court can take into account when evaluating whether it is "more likely than not" that her
alleged damages exceed \$75,000 exclusive of interest and costs. (Williams v. Am. Airlines, Inc. (N.D.Cal. Mar. 23,
2020 No. 19-cv-08434-JSC) 2020 U.S. Dist LEXIS 49949 at *11.)

1 therefore proper because this is the “district and division embracing the place where such action is
2 pending.” 28 U.S.C. § 1441(a).

3 18. Cognizant’s Notice of Removal is signed pursuant to Rule 11 of the Federal Rules
4 of Civil Procedure. 28 U.S.C. § 1446(a).

5 19. Cognizant’s Notice of Removal is timely under 28 U.S.C. § 1446(b)(1).

6 20. Pursuant to 28 U.S.C. § 1446(a), attached hereto are copies of all process
7 documents, pleadings and orders served on Cognizant by Plaintiff with respect to this action. The
8 following chart reflects the exhibit numbers for the state court documents:

9 Doc. No.	Date	Document
10 1	12/7/2021	Civil Case Cover Sheet
11 2	12/7/2021	Summons
12 3	12/7/2021	Complaint
13 4	12/20/2021	Proof of Service: Summons

14
15 21. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being served
16 upon counsel for Plaintiff and a copy, along with a Notice to Clerk of Removal, will be promptly
17 filed with the Clerk of the Superior Court of the State of California, County of Santa Clara.

18 CONCLUSION

19 For the foregoing reasons, Cognizant respectfully requests that this Court exercise
20 jurisdiction over this action and enter orders and grant relief as may be necessary to secure
21 removal and to prevent further proceedings in this matter in the Superior Court of the State of
22 California, County of Santa Clara.

23

24

25

26

27

28

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.