

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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JESSICA APPLEBY,

Plaintiff,

COMPLAINT

v.

JURY TRIAL DEMANDED

IORA HEALTH, INC.,

Defendant.

Civil Action No. **6:21-cv-00973 (LEK/ATB)**

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Plaintiff Jessica Appleby, by and through her attorneys, Tully Rinckey PLLC, sets forth the following as and for the complaint against Defendant Iora Health, Inc.:

NATURE OF ACTION

1. This action is brought pursuant to the Equal Pay Act 29 U.S.C. § 201 *et seq.*, NY Labor Law Chapter 31, Article 6, § 190 *et seq.*, and New York Executive Law § 290 *et seq.* The jurisdiction of this Court is invoked to secure protection of and redress deprivation of rights guaranteed by federal and state laws, which rights provide for injunctive and other relief for illegal discrimination and retaliation in employment.

JURISDICTION

2. Jurisdiction is proper before this Court pursuant to 28 U.S.C. § 1331, and 29 U.S.C. § 201 *et seq.*
3. This Court has supplemental jurisdiction over plaintiff's state law claims under 28 U.S.C. § 1367 and the New York State Human Rights Law, Article 15, § 290, *et seq.* and NY Labor Law Chapter 31, Article 6, § 190 *et seq.*

VENUE

4. Venue is proper by virtue of 28 U.S.C. § 1391, in that the events giving rise to the claims in this action arose in this judicial district.

PARTIES

5. At all times relevant herein, Jessica Appleby (hereinafter, the “Plaintiff”) was and remains a natural person and currently resides in the County of Otsego, State of New York.
6. At all times relevant herein, Iora Health, Inc. (hereinafter, the “Defendant”) was and remains a Foreign Business Corporation registered with the New York State Department of State, DOS ID 4303149, County of Kings, State of New York.

FACTUAL BACKGROUND

7. Plaintiff is female.
8. Since on or around April 2021, Defendant has employed Plaintiff as a Data Engineer.
9. At all times relevant herein, Plaintiff was a salaried employee earning \$105,000 per year.
10. On or about July 20, 2021, Plaintiff learned that her position, along with another female employee, was coded as a Level 3 Senior BI Engineer.
11. On or about July 20, 2021, Plaintiff learned that all of her male colleagues’ positions were coded as Level 5 Staff Engineers.
12. Upon information and belief, Plaintiff’s male colleagues were hired to the same job position as was Plaintiff.
13. Upon information and belief, the positions Plaintiff and her male colleagues held were the same job title and duties, but were internally coded differently.

14. Plaintiff's male colleagues were compensated significantly more than Plaintiff, approximately \$35,000 to \$50,000 per year more.
15. Plaintiff has comparable if not superior qualifications than her male colleagues.
16. On or about July 22, 2021, Plaintiff met with her immediate supervisor, Idan Ben-Arieh, regarding this pay discrepancy.
17. Mr. Ben-Arieh informed Plaintiff that he likes to "start people lower" to see if they have the skills they seem to have on paper. Upon information and belief, this was not done for Plaintiff's male colleagues, who started as Level 5 Staff Engineers.
18. Defendant is in the middle of a planned merger with 1Life Healthcare, Inc.
19. On August 3, 2021, Plaintiff met with Mr. Ben-Arieh and Clark Curtis from Human Resources. Plaintiff requested that her compensation be raised to match that of her similarly situated male colleagues. Mr. Curtis informed her that there was no way to honor this request given the position of the merger.
20. At this time, Plaintiff is still not being compensated fairly in comparison to her similarly situated male colleagues.

AS AND FOR A FIRST CAUSE OF ACTION  
AGAINST THE DEFENDANT  
Violation of the Equal Pay Act 29 U.S.C. § 201 et. seq.

21. Plaintiff repeats and realleges all previous allegations set forth in Paragraphs 1 through 20.
22. Defendant is an "employer" as defined by 29 U.S.C. § 203(d).
23. Plaintiff is an employee of Defendant, engaged in commerce and/or is employed in an enterprise engaged in commerce.
24. Plaintiff is female.

25. Defendant has discriminated between employees on the basis of sex by paying wages to employees in such establishment at a rate less than the rate at which they pay wages to employees of the opposite sex.
26. Plaintiff and her male colleagues perform equal work on jobs the performance of which requires equal skill, effort, and responsibility.
27. Plaintiff and her male colleagues perform duties under similar working conditions.
28. Such a differential is not based on a seniority system, a merit system, a quantity or quality of production system, or any other factor other than sex.
29. Defendant caused, attempted to cause, contributed to, or caused the continuation of the wage rate discrimination based on sex in violation of the Equal Pay Act. Moreover, Defendant willfully violated the Equal Pay Act by intentionally paying Plaintiff less than similarly situated or less qualified male employees.
30. As a direct and proximate result of the Defendant's actions, Plaintiff has been damaged in an amount to be determined by a jury at the time of trial, including damages in the amount of that she was underpaid based on her gender, liquidated damages, and attorneys' fees and costs.

AS AND FOR A SECOND CAUSE OF ACTION  
AGAINST THE DEFENDANT  
Violation of NY Labor Law Chapter 31, Article 6, § 190 et seq.

31. Plaintiff repeats and realleges all previous allegations set forth in Paragraphs 1 through 30.
32. Defendant is an "Employer" as defined in NY Lab. Law § 190.
33. Plaintiff is an employee of Defendant.
34. Plaintiff is female.

35. Defendant paid Plaintiff a wage at a rate less than the rate at which other employees outside of Plaintiff's protected class was paid for equal work on a job the performance of which requires equal skill, effort, and responsibility, and which is performed under similar working conditions.
36. Defendant paid Plaintiff a wage at a rate less than the rate at which other employees outside of Plaintiff's protected class was paid for substantially similar work, when viewed as a composite of skill, effort, and responsibility, and performed under similar working conditions.
37. Such a differential is not based on a seniority system, a merit system, a quantity or quality of production system, or any other bona fide factor.
38. Defendant caused, attempted to cause, contributed to, or caused the continuation of, the wage rate discrimination based on sex in violation of the New York Labor Law. Moreover, Defendant willfully violated the New York Labor Law by intentionally paying Plaintiff less than similarly situated or less qualified male employees.
39. As a direct and proximate result of the Defendant's actions, Plaintiff has been damaged in an amount to be determined by a jury at the time of trial, including damages in the amount of that she was underpaid based on her gender, liquidated damages, and attorneys' fees and costs.

AS AND FOR A THIRD CAUSE OF ACTION  
AGAINST THE DEFENDANT  
Violation of New York Executive Law § 290 et. seq.

40. Plaintiff repeats and realleges all previous allegations set forth in Paragraphs 1 through 39.
41. Defendant constitutes an "employer" as defined in N.Y. Exec. Law § 292.
42. Plaintiff is an employee of Defendant.

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