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Counsel for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RIVER PATRASCU,	:	
780 S 52nd Street, Apartment 523	:	
Philadelphia, PA 19143	:	
Plaintiff,	:	Civil Action No.
	:	
v.	:	Complaint and Jury Demand
	:	
PATH CCM,	:	
4470 W Sunset Boulevard, Suite 107	:	
Los Angeles, CA 94731	:	
Defendant.	:	

CIVIL ACTION

Plaintiff, River Patrascu (hereinafter “Plaintiff”), by and through his attorney, Koller Law, LLC, bring this civil matter against Path CCM (hereinafter “Defendant”), for violations of the Americans with Disabilities Act of 1990 (“ADA”), as amended, and the Pennsylvania Human Relations Act (“PHRA”). In support thereof, Plaintiff avers as follows:

THE PARTIES

1. Plaintiff is an adult individual residing at the above captioned address.
2. Upon information and belief, Defendant is a fully remote healthcare company that partners patients and providers with a location and corporate headquarters located at 4470 W Sunset Boulevard, Suite 107, Los Angeles, CA 94731.
3. At all times relevant hereto, Defendant employed managers, supervisors, agents, and

employees who Plaintiff alleges had the authority to make decisions concerning Plaintiff's employment. In making said decisions, these individuals engaged in the pattern and practice of discriminatory treatment, which forms the basis of Plaintiff's allegations in the instant Complaint.

4. At all times relevant hereto, Defendant employed managers, supervisors, agents, and employees who acted directly or indirectly in the interest of the employer. In so acting, these individuals engaged in the pattern and practice of discriminatory treatment, which forms the basis of Plaintiff's allegations in the instant Complaint.

JURISDICTION AND VENUE

5. The Court may properly maintain personal jurisdiction over Defendant because the Defendant's contacts with this state and this judicial district are sufficient for the exercise of jurisdiction and comply with traditional notions of fair play and substantial justice, thus satisfying the standard set forth by the United States Supreme Court in International Shoe Co. v. Washington, 326 U.S. 310 (1945) and its progeny.

6. The Court may exercise original subject-matter jurisdiction over the instant action pursuant to 28 U.S.C. §§ 1331 and 1343(a)(4) because it arises under the laws of the United States and seeks redress for violations of federal law.

7. The Court may also maintain supplemental jurisdiction over state law claims set forth herein pursuant to 28 U.S.C. § 1337(a) and Rule 18(a) of the Federal Rules of Civil Procedure because they are sufficiently related to one or more claims within the Court's original jurisdiction that they form part of the same case or controversy.

8. Venue is properly laid in the Eastern District of Pennsylvania pursuant to 28 U.S.C. §§ 1391(b)(1) and 1391(b)(2) because the Plaintiff is domiciled in this judicial district, the

Defendant is located in this judicial district and because all of the acts and/or omissions giving rise to the claims set forth herein occurred in this judicial district.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

9. Plaintiff exhausted her administrative remedies under the ADA and the PHRA.
10. Plaintiff timely filed a Charge of Discrimination (“Charge”) with the U.S. Equal Employment Opportunity Commission (“EEOC”) alleging disability discrimination and retaliation against Defendant.
11. The Complaint was assigned a Charge Number 530-2023-05595 and was dual filed with the Pennsylvania Human Relations Commission (“PHRC”).
12. The EEOC issued Plaintiff a Dismissal and Notice of Rights (“Right to Sue”) on request relative to the Charge and that Notice is dated January 9, 2024. Plaintiff received the Notice by electronic mail.
13. Prior to the filing of this action, Plaintiff notified the EEOC of his intent to proceed with a lawsuit in federal court.
14. Plaintiff files the instant Complaint within ninety (90) days of his receipt of his Right to Sue in this matter.
15. Plaintiff has exhausted his administrative remedies as to the allegations of this Complaint.

MATERIAL FACTS

16. Plaintiff incorporates the preceding paragraphs as if set forth more fully at length herein.
17. On or around January 3, 2022, Defendant hired Plaintiff in the position of Operations & Growth Associate.
18. Plaintiff was well qualified for his position and performed well.
19. Plaintiff had been referred to Defendant by Joseph Vozobule, Growth Marketing Manager.

20. From January 2022 to April 2022, Plaintiff reported to Vozobule without issue.
21. In April 2022, Defendant transferred Plaintiff to a new team, under the supervision of Aidan Quealy, Credentialing Lead.
22. Throughout 2022, Plaintiff was diagnosed with COVID-19 four (4) separate times and was hospitalized twice due to dangerously low oxygen levels.
23. COVID-19 is a medical condition that is considered a disability under the Americans with Disabilities Act of 1990 (“ADA”) and the Pennsylvania Human Relations Act (“PHRA”) as it affects the major life activities, including, but not limited to, breathing and respiratory function.
24. While under the supervision of Vozobule, Plaintiff missed days as needed without issue for his diagnosis of COVID-19.
25. However, after April 2022, Quealy began forcing Plaintiff to take PTO sick leave when he was diagnosed with COVID-19 and/or hospitalized.
26. Importantly, Defendant did not have a policy surrounding paid leave or sick leave at the time.
27. In the summer of 2022, Quealy stated that she needed more clarity about Plaintiff’s leave, to which he obliged.
28. Despite this, in or around September 2022, Jessica Garon, Human Resource Benefits and Compliance Manager, informed Plaintiff that he could take three (3) weeks of paid leave before he would have to file for Intermittent Family and Medical Leave Act (“FMLA”) leave.
29. Plaintiff did just this.
30. However, Quealy became outwardly annoyed by Plaintiff’s sick leave.

31. Beyond this, beginning in July 2022, Plaintiff noticed that Quealy would not let Plaintiff communicate with his team members.
32. Essentially, Quealy began wedging Plaintiff out, gatekeeping him from communicating across teams in general.
33. This made it very difficult for Plaintiff to perform his job duties, and set him up to fail.
34. During a performance evaluation, Quealy told Plaintiff that he needed to work on cross functional communication, but Quealy proceeded to reprimand Plaintiff whenever he CC'd another department on an email chain.
35. In October 2022, Quealy spoke highly of Plaintiff's improvements within the company.
36. However, in December 2022, Quealy's discriminatory and retaliatory conduct worsened after Plaintiff was forced to take a medical leave through Tilt, Defendant's third-party benefits administrator.
37. Thereafter, Quealy began to nitpick Plaintiff's work product, claim that assignments were falling through the cracks and that Plaintiff was too verbose in his messages.
38. In January 2023, Plaintiff was hospitalized for one (1) day due to COVID-19 and dangerously low oxygen levels.
39. At this time, Quealy informed Plaintiff that he must be in contact with Garon regarding paperwork required for his Intermittent FMLA leave.
40. Plaintiff began contacting Dr. Emily Littman, Pulmonologist, to fill out the required paperwork for the leave.
41. However, On January 19, 2023, Quealy placed Plaintiff on a Performance Improvement Plan ("PIP") before Plaintiff could finalize the required paperwork.

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