

EXHIBIT 1

FILED
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2021 JAN 11 PM 1:45
JOHN T. FREY
CLERK, CIRCUIT COURT
FAIRFAX, VA

V I R G I N I A :

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

MARGOT SILVA,)
)
Plaintiff,)
v.)
QUEST DIAGNOSTICS)
INCORPORATED, d/b/a)
QUEST DIAGNOSTICS,)
)
A Maryland Stock Corporation)
Authorized to Transact)
Business in Virginia)
)
Defendant.)

Case No. 2021 00544

COMPLAINT and JURY DEMAND

COMPLAINT AND JURY DEMAND

COMES NOW your Plaintiff, MARGOT SILVA, by and through her undersigned counsel, and hereby moves for entry of a judgment for certain legal and equitable relief against the Defendant, QUEST DIAGNOSTICS INCORPORATED, and as grounds therefor respectfully represents as follows.

Jurisdiction and Venue

1. This Court has jurisdiction over Defendant pursuant to Va. Code § 17.1-513, and 29 U.S.C. § 626 (b) and (c), and 29 U.S.C. § 216(b), which authorize an aggrieved person to file a complaint for relief under the Age Discrimination in Employment Act (ADEA), in a state or federal court of otherwise competent jurisdiction.

2. Venue is proper in this Court pursuant to Va. Code § 8.01-262(3), as a substantial portion of the

material events, acts and omissions giving rise to the claims herein occurred in Fairfax County, Plaintiff was employed by the Defendant in Fairfax County, and the records and documents relating to Plaintiff's employment with Defendant are believed to be found in Fairfax County, and the witnesses with knowledge related to this action are believed to be found in and around, Fairfax County, Virginia.

Parties

3. At all relevant times herein, Mrs. Silva was and is an adult female resident and domiciliary of Chantilly, Virginia. Mrs. Silva is currently 59 years of age. From on or about November of 2015 until September 18, 2017, Mrs. Silva was immediately re-employed by the Defendant, having also been employed continuously prior to that, for some sixteen years, by Defendant's corporate predecessor-in-interest, American Medical Laboratories.

4. Upon information and belief, Defendant QUEST DIAGNOSTICS INCORPORATED is a stock corporation organized and existing under the laws of Maryland, possessing a valid certificate of authority to do business in Virginia, and which during the relevant periods herein, did business, and does business, under the trade name "Quest Diagnostics" at,

among other locations, facilities located at 14225 Newbrook Drive, Chantilly, VA 20151.

5. Upon information and belief, Defendant QUEST DIAGNOSTICS INCORPORATED is an entity among several different, related, corporate entity shells, which entities are, upon information and belief, a common, unified enterprise, sharing use of the trade name "Quest Diagnostics."

Operative Facts

6. Upon information and belief, at all relevant times herein, Quest Diagnostics Incorporated had an annual gross volume of sales or business done of \$750,000.00 or more.

7. At all times relevant to this Complaint, Quest Diagnostics Incorporated was Plaintiff's employer, for purposes of the Age Discrimination in Employment Act (ADEA).

8. Quest Diagnostics is an enterprise engaged in interstate commerce, or engaged in the receipt of, and production of, goods and services, in interstate commerce, as those terms are defined in the ADE at all relevant times herein.

9. At all times referenced herein, Plaintiff performed the material duties of her positions with

Defendants in at least a satisfactory, if not exemplary, manner.

10. At all times referenced herein, each individual owner, manager, or supervisory employee of Defendant was acting with the actual and/or apparent authority to act on behalf of, that entity.

11. Upon information and belief, Defendant is part of a multinational, related set of corporations, collectively known as "Quest Diagnostics," which enterprise employs, upon information and belief, over 46,000 full-time employees globally, offering clinical laboratory and medical testing service for such things as cancer, cardiovascular disease, infectious diseases, neurological disorders, COVID-19, as well as employment and court-ordered drug testing, experiencing over \$6 billion dollars per year in revenue per year, during the time periods relevant to this case.

12. Plaintiff continued her employment with Defendant as a Medical Technologist in the Virology lab, beginning on or about May of 2016, having been employed since her date of re-hire, as as a temporary, full-time worker, in approximately seven or eight months immediately prior to that, in the Microbiology Department. Plaintiff had previously excelled in the Mycology Department. Relatively

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