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9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**

11 CHRISTY PALMER, VARTAN
12 PIROUMIAN, and EDWARD COX,

13 Plaintiffs,

14 v.

15 COGNIZANT TECHNOLOGY
16 SOLUTIONS CORPORATION and,
17 COGNIZANT TECHNOLOGY
18 SOLUTIONS U.S. CORPORATION,

19 Defendants.

Case No. 2:17-cv-06848

COMPLAINT

FOR EMPLOYMENT
DISCRIMINATION

CLASS ACTION

DEMAND FOR JURY TRIAL

21 Plaintiffs Christy Palmer, Vartan Piroumian, and Edward Cox bring this action
22 on behalf of themselves and a class of similarly situated individuals to remedy
23 pervasive, ongoing race discrimination by Defendants Cognizant Technology
24 Solutions Corporation and Cognizant Technology Solutions U.S. Corporation
25 (collectively “Cognizant”), and allege as follows:
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NATURE OF THE ACTION

1. Cognizant is an American multinational corporation that provides information technology and consulting services to customers worldwide. Cognizant employs approximately 40,000 individuals in the United States. While only about 12% of the United States’ IT industry (the industry in which Cognizant operates) is South Asian, at least 75% (if not more) of Cognizant’s United States workforce is South Asian (primarily from India).¹ As discussed further below, this grossly disproportionate workforce is the result of a pervasive and egregious discriminatory scheme to favor South Asians (and disfavor non-South Asians) in hiring, promotion, and termination decisions.

2. Cognizant’s employment practices violate the Civil Rights Act of 1866, as amended, 42 U.S.C. § 1981. Plaintiffs seek, on their own behalf, and on behalf of a class of similarly situated individuals, declaratory, injunctive, and other equitable relief, compensatory and punitive damages, including pre- and post-judgment interest, attorneys’ fees, and costs to redress Cognizant’s pervasive pattern and practice of discrimination.

¹ As used herein, “South Asian race” refers to individuals who trace their ancestry to the Indian sub-continent. *See, e.g., Fonseca v. Sysco Food Serv. of Az., Inc.*, 374 F.3d 840, 850 (9th Cir. 2004) (“Under 42 U.S.C. § 1981, discrimination based on ancestry or ethnic characteristics is prohibited” as discrimination based on race) (citation omitted).

PARTIES

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3. Plaintiff Christy Palmer is a citizen of the United States, born in the United States, and of American national origin and Caucasian race. Ms. Palmer is a resident of Arizona.

4. Plaintiff Vartan Piroumian is a citizen of the United States, born in the United States, and of American national origin and Caucasian race. Mr. Piroumian is a resident of California.

5. Plaintiff Edward Cox is a citizen of the United States, born in the United States, and of Hispanic national origin and Caucasian race. He is a resident of Texas.

6. Plaintiffs are all members of a protected class, as recognized by the Civil Rights Act of 1866, as amended (42 U.S.C. § 1981).²

7. Defendant Cognizant Technology Solutions Corporation is an American multinational corporation that provides information technology and consulting services. Cognizant Technology Solutions Corporations is a Delaware corporation and maintains its World Headquarters and principal place of business in Teaneck, New Jersey.

² Plaintiff Palmer and Plaintiff Piroumian have complied with the statutory prerequisites of filing a Title VII complaint by filing complaints against Cognizant with the U.S. Equal Employment Opportunity Commission (“EEOC”). Plaintiff Palmer and Plaintiff Piroumian have requested their Notice of Right to Sue from the EEOC, and intend to amend the complaint to add a Title VII claim upon receipt of their right to sue notices. *See* Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. § 2000e, *et seq.*).

1 8. Cognizant Technology Solutions U.S. Corporation was incorporated in 1996
2 and is a Delaware corporation. It operates as a subsidiary of Cognizant Technology
3 Solutions Corporation and is headquartered in College Station, Texas.
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5 **JURISDICTION**

6 9. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 and the
7 Civil Rights Act of 1866, 42 U.S.C. § 1981(a).
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9 10. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332(a), as
10 the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest
11 and costs, and is between citizens of different states.
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13 11. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332(d) as
14 this matter is a class action with an amount in controversy of greater than \$5 million,
15 exclusive of interest and costs, and involves at least one class member who is a citizen
16 of a state and is brought against a corporation that is a citizen of a different state.
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18 12. This Court has personal jurisdiction over Cognizant because it engages in
19 continuous and systematic business contacts within the State of California and
20 maintains a substantial physical presence in this State, including the operation of a
21 global delivery center in Sacramento, California, and a U.S.-based office in San
22 Ramon, California. Additionally, Plaintiffs’ claims arise, in part, out of Cognizant’s
23 activities in California.
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27 **VENUE**

28 13. Venue is proper in the Central District of California under 28 U.S.C. § 1391(b)-

1 (c) because Cognizant resides in this District, conducts business within this District,
2 and committed some of the acts giving rise to this action within this District, as
3 described below, including in Cerritos, Irvine, and Carpenteria, California.
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5 **STATEMENT OF FACTS**

6 *Overview of Cognizant's Business Model*

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8 14. Cognizant has approximately 37 offices in the United States and employs
9 approximately 40,000 employees domestically. Cognizant collected over \$13.4 billion
10 in revenue in the past fiscal year. The company derives over 78% of its revenue from
11 North America, the vast majority of which is from the United States.
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13 15. Cognizant contracts with U.S. companies to provide IT-related services. Once
14 Cognizant secures a contract with a client, it hires individuals to fill positions to service
15 the client. Individuals must apply and interview for these positions. Once a position
16 servicing a client comes to an end (or if an employee is removed from a position),
17 individuals are placed in a Corporate Deployment Pool, also known as being placed on
18 the "bench" or being "benched." Once on the bench, individuals must again seek new
19 positions within Cognizant, going through an application and interview process, as if
20 the individuals were again seeking employment with Cognizant.
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24 *Overview of Cognizant's Discriminatory Scheme*

25 16. Cognizant prefers South Asians in employment decisions and has instituted four
26 corporate practices to fulfill its discriminatory preference. First, Cognizant prefers to
27 employ South Asians (e.g., Indian nationals) in U.S. positions for whom Cognizant
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1 secures visas, primarily H-1B visas. The federal government annually awards 65,000
2 H-1B visas. Given the cap on H-1B visas, companies compete to secure visas. Each
3 year, H-1B visa applications are submitted at the beginning of April and visas are then
4 awarded in October. An H-1B visa application must identify a new position within the
5 U.S. available for the individual for whom the application is submitted.
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8 17. To fulfill its employment preference for South Asian visa holders, Cognizant
9 seeks to maximize the number of visas it receives each year from the federal
10 government. For example, Cognizant submits visa applications in April for jobs that
11 do not exist. As part of this application process, Cognizant drafts “invitation letters”
12 stating that clients have new work for Cognizant that Cognizant will need to staff.
13 These invitation letters identify the foreign worker employed by Cognizant who will
14 work in a specific job, at a specific U.S.-based location, and under the supervision and
15 control of a specific Cognizant employee in the U.S. Cognizant then submits these
16 letters to the federal government in support of Cognizant’s H-1B visa applications.
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20 18. Cognizant’s invitation letters are routinely false, and the jobs that Cognizant
21 represents in visa applications as available and requiring staffing routinely do not exist.
22 The federal government then awards visas against these fictitious positions.
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24 19. Through its visa practices, Cognizant has successfully built a robust inventory
25 of South Asians available to staff U.S. positions. Cognizant was the top recipient of
26 H-1B visas from the U.S. government in 2015 and 2016, and received 15,547 and
27 21,459 newly approved visa petitions in 2015 and 2016, respectively. (Cognizant also
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1 has filed almost 20,000 L-1 petitions over the past decade.) A U.S. Senior
2 Administration Official recently commented on Cognizant’s use of the visa program
3 to build an inventory of South Asians:
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5 Right now, as you may know, H1B visas are awarded by random
6 lottery. . . . Just to illustrate a little bit more how the lottery works --
7 so some companies oftentimes are called outsourcing firms. You may
8 know their names well, but . . . the top recipients of the H-1B visa are
9 companies like Tata, Infosys, Cognizant -- they will apply for a very
10 large number of visas, more than they get, by putting extra tickets in the
11 lottery raffle, if you will, and then they’ll get the lion’s share of
12 visas. Which is very different than I think how most people think of
the H1B program -- they imagine it for more -- being for -- again, they
would think of it as being for skilled domestic work, rather than
contract work.³

13 20. Cognizant prefers to fill U.S. positions with “visa ready” individuals – *i.e.*,
14 individuals for whom Cognizant has secured a visa and who reside overseas, almost
15 always (if not always) in India. As a matter of corporate practice, when new U.S.
16 positions become available, “visa ready” individuals are given first – if not exclusive
17 – preference. Cognizant’s explicit preference to staff visa holders in U.S. positions
18 minimizes or eliminates competition for the jobs from non-South Asians residing in
19 the U.S. Similarly, “visa ready” individuals often are used to replace non-South Asians
20 working for Cognizant in U.S. positions. Non-South Asians are then
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26 ³ *Background Briefing on Buy American, Hire American Executive Order*, The White
27 House, Office of the Press Secretary (Apr. 17, 2017), *available at*
28 <https://www.whitehouse.gov/the-press-office/2017/04/17/background-briefing-buy-american-hire-american-executive-order>.

1 disproportionately relegated to the bench, as jobs are given to visa-holding Indians.

2 21. Second, Cognizant’s discriminatory preference is fulfilled through its corporate
3 practice of seeking out and preferring to hire South Asians (primarily individuals of
4 Indian origin) residing in the U.S. for whom a visa is not needed rather than non-South
5 Asians. For example, Cognizant relies on third party recruiters to supply Cognizant
6 with South Asian job applicants. Cognizant also sources South Asian job applicants
7 from internal recruiting sources. As a result, and upon information and belief,
8 Cognizant’s “local hiring” (*i.e.*, hiring of individuals who do not require a visa)
9 disproportionately favors South Asians.
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13 22. Third, Cognizant’s discriminatory preference is furthered by its promotions
14 policy that favors South Asians. Employees in the U.S. are awarded Year End
15 Appraisals (“YEAs”) on a scale of 1 to 5 (5 being the highest, indicating that the
16 employee exceeded all expectations). Promotions at Cognizant are tied to an
17 employee’s YEA score, and employees receiving scores of 4 or 5 are more likely to
18 receive a promotion from Cognizant. Upon information and belief, non-South Asians
19 are typically awarded lower YEA scores, and thus, non-South Asians are promoted less
20 frequently than South Asians at Cognizant.
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24 23. Fourth, Cognizant maintains a terminations policy that favors South Asians. For
25 example, Cognizant has a policy to terminate employees who are on the bench for more
26 than five weeks. Non-South Asians are benched at disproportionate rates compared to
27 South Asians. This is particularly true because “visa ready” individuals from India
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1 replace non-South Asians working in U.S. positions or are placed in a position to which
2 a benched non-South Asian employee has applied or would otherwise be considered as
3 a candidate. As a result, and upon information and belief, non-South Asians are
4 terminated at a disproportionately higher rate than South Asians.
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6 24. Cognizant's U.S. workforce reflects the result of its discriminatory scheme. At
7 least 75% (if not more) of Cognizant's United States-based workforce is South Asian
8 (primarily from India). By contrast, during the 2010 census, all Asian subgroups
9 combined made up 4.8% of the U.S. population. South Asians made up 1-2% of the
10 U.S. population and about 12% of the U.S. IT industry.
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13 *Plaintiff Palmer's Experiences*

14 25. Ms. Palmer has almost 20 years of advanced training and job experience in the
15 IT services industry, including extensive senior management experience. She obtained
16 a Bachelor of Applied Science degree from the University of Phoenix in 2005 and has
17 also taken related courses at Pima Community College. She was hired by Cognizant
18 in December 2012 and worked for three years in a management-level role overseeing
19 client projects. Her main responsibilities included serving as a Consulting Manager
20 across all roles, an Application Migration Manager, and a UAT Program Manager. Ms.
21 Palmer first reported to Raj Swaminathan, a Client Partner, who is South Asian.
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25 26. During her tenure with Cognizant, Ms. Palmer was repeatedly removed from
26 her position servicing Cognizant clients and replaced with younger, South Asian
27 workers. For example, in early 2013, Cognizant required Ms. Palmer to relocate from
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1 Tucson, Arizona to Cerritos, California to work for Cognizant client Caremore.
2 However, just four months later, Ms. Palmer was prematurely removed from this
3 position and replaced without any explanation by Kumar Praveen, who is South Asian.
4 Ms. Palmer then relocated to Phoenix, Arizona, as requested by Cognizant, to perform
5 work for Cognizant client United Healthcare. Just six months later, she was again
6 prematurely removed from her position servicing United Healthcare and replaced by a
7 South Asian employee, Avanthi Kalidindi.
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10 27. In her manager-level role, Ms. Palmer oversaw the staffing of various positions
11 servicing Cognizant clients. Ms. Palmer observed that Cognizant staffed initial client-
12 based roles with non-South Asian employees and later replaced these individuals with
13 visa holding South Asians once the project was in good standing. The non-South
14 Asians were then benched and forced to look for new positions within the company.
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17 28. When Ms. Palmer needed an additional employee to service a Cognizant client,
18 she would contact executive leadership. Cognizant routinely provided Ms. Palmer with
19 profiles of South Asian employees available to fill the openings. On one occasion in
20 early 2016, Ms. Palmer requested a specific non-South Asian employee out of
21 Michigan who was a good fit for the Enterprise Architect role for Cognizant client
22 BARD, but was told by Cognizant that an H-1B worker from India would assume the
23 position instead, despite being unqualified for the role. On another occasion, upper
24 management at Cognizant instructed Ms. Palmer to replace a non-South Asian
25 employee who had been working for BARD for three to four months with a South
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1 Asian. Ms. Palmer was later instructed to replace a non-South Asian worker servicing
2 Cognizant client PHH with a South Asian employee.

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4 29. Despite being hired by Cognizant as a manager of client projects, Ms. Palmer
5 was improperly reviewed as an infrastructure architect, and received unjustifiably low
6 performance ratings from her managers. For instance, in early 2016, Ms. Palmer
7 received a YEA of 3 on a scale of 1 to 5. Ms. Palmer contested this low rating, as she
8 had served as an Application Migration Lead for Cognizant's CIS Horizontal Division
9 the prior year in Thousand Oaks, California. Ms. Palmer had performed well in this
10 role, and her team sold and signed over \$10 million worth of deals for Cognizant over
11 a 5-month period. Moreover, Ms. Palmer was consistently sought out by other business
12 units for help and education in the Cognizant Applicant Lead Migration methodology
13 sold by the company. However, Cognizant refused to alter Ms. Palmer's appraisal score
14 and forced her to take coaching classes. Ms. Palmer never received a promotion from
15 Cognizant, despite performing well with the company for three years.

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20 30. Ms. Palmer was subject to a hostile work environment by Cognizant employees.
21 Ms. Palmer was often the only non-South Asian employee at her work location and
22 was intentionally left off meeting invites and not invited to group lunches or after-work
23 events. For instance, when working in Cerritos, California for Cognizant client
24 Caremore, Ms. Palmer's manager, Mr. Swaminathan, would often invite the entire staff
25 except Ms. Palmer to all-team meetings, and would exclude her from the meetings. In
26 the few instances that Ms. Palmer was invited to team meetings, South Asian managers
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1 would turn their back on Ms. Palmer when she was speaking, and ignore her ideas and
2 suggestions. In fact, in late 2015, during an all-team meeting with Cognizant client
3 PPH, Ms. Palmer was told to “shut the f*ck up” by Dimple Shah, a South Asian
4 Director from Cognizant, when contributing to the meeting.
5

6 31. In the fall of 2016, Ms. Palmer was assigned to a position servicing Cognizant
7 client AGI in Phoenix, Arizona that was scheduled to continue into 2017. Despite
8 performing well in her managerial role, Ms. Palmer was asked to relocate to Cleveland,
9 Ohio so she could be replaced with a South Asian worker. Ms. Palmer’s project team,
10 however, advocated for her to remain with AGI for the duration of the contract, and
11 Ms. Palmer was allowed to continue with her work.
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14 32. In December 2016, Ms. Palmer was forced to resign from Cognizant because
15 of the company’s discriminatory practices and hostile work environment. Her last day
16 with the company was December 9, 2016.
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18 *Plaintiff Piroumian’s Experiences*
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20 33. Vartan Piroumian has over 30 years of professional experience and advanced
21 training in software engineering, software architecture, and enterprise architecture. He
22 holds a Bachelor’s Degree in Computer Science and has studied at both MIT and UC
23 Irvine. Mr. Piroumian has authored 8 publications on Java technology and was a staff
24 instructor for the UC Santa Cruz Professional Extension program.
25

26 34. Mr. Piroumian began working with Cognizant on April 1, 2012 as an Enterprise
27 Architect. During his tenure with Cognizant, Mr. Piroumian’s was repeatedly removed
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1 from positions servicing Cognizant clients prematurely and replaced with less
2 qualified, South Asian workers. Examples of this pattern include:

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- 4 • In 2012, with client News America Marketing, Krishna Marepalli, Director of
5 Business Development, replaced Mr. Piroumian with a younger, South Asian
6 employee;
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- 8 • In September 2012, with client John Wiley and Sons, Mr. Piroumian was
9 replaced after just 6 weeks by a less qualified South Asian employee;
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- 11 • In March 2013, with client Ithaka, Cognizant's all-Indian account team replaced
12 Mr. Piroumian with a younger, South Asian employee;
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- 14 • In 2013, with client PR Newswire, Mr. Piroumian was replaced by a younger,
15 South Asian employee;
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- 17 • In January 2014, with client Optum Rx in Irvine, California, Mr. Piroumian was
18 prematurely replaced with a less qualified Indian national;
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- 20 • On May 3, 2015, with client Prudential, Mr. Piroumian was released prematurely
21 despite performing well in his role;
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- 23 • On May 27, 2016, with client CR Bard, Mr. Piroumian was released from his
24 position and replaced by Prabaharan Kalirethinam, a younger, South Asian
25 employee brought over from India, despite the protests of Christy Palmer, the
26 project manager, who praised Mr. Piroumian's work;
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- 28 • In September 2016, with client AIG in Houston, Texas, despite receiving a

1 favorable review from John Troxel, the Cognizant Program Manager with AIG,
2 Mr. Piroumian was removed from a 9-month project after just four weeks, and
3 the South Asian account manager, Deepak Jha, replaced him with a younger,
4 South Asian employee, Thirunavukkarasu Sagadevan, who was not a qualified
5 Enterprise Architect and did not have the proper skillset to assume the role;
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- 8 • On March 10, 2017, with client Gymboree in San Francisco, Mr. Piroumian was
9 prematurely removed despite receiving positive feedback from Biswadeep Hota,
10 the Cognizant Project Manager.
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12 35. Mr. Piroumian also experienced discrimination in his efforts to obtain new
13 positions with Cognizant clients. For example, on July 29, 2013, Mr. Piroumian
14 performed well during an interview for Cognizant client Comcast, which selected him
15 for the role, and informed him that he was the first of 25 candidates to pass the client's
16 technical phone screen. On August 2, 2013, however, Cognizant informed Mr.
17 Piroumian that he was not being allocated to the role, and instead, a younger, South
18 Asian worker was selected for the opening.
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21 36. On May 8, 2014, Mr. Piroumian performed well during an interview for an
22 Enterprise Architect role with Cognizant client Bank of America and was selected by
23 the client. Later that day, Mr. Piroumian received an email from Basavaraj Hukkeri, a
24 South Asian Director at Cognizant, informing Mr. Piroumian that he was "not [the]
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1 right fit” for the position.⁴ Instead, a South Asian employee was chosen for the role.

2 37. On May 16, 2014, after performing well during a Xerox client interview, Mr.
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4 Piroumian was notified by Pamod Kariyadath Panaghat, the team’s South Asian
5 account manager, that he was selected for the opening. Mr. Piroumian placed several
6 calls to Mr. Panaghat over the next few days regarding his allocation, yet received no
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8 reply, and was never allocated to Xerox.

9 38. Mr. Piroumian repeatedly complained about his discriminatory treatment, but
10 his complaints proved futile. Mr. Piroumian complained of discrimination to his
11 manager, Purna Roy, during an August 10, 2015 telephone call, in hopes that Mr. Roy
12 would escalate his complaint to the appropriate Human Resources manager.
13 Specifically, Mr. Piroumian informed Mr. Roy that his release from his position
14 servicing Prudential on May 3, 2015 was discriminatory, as despite his exemplary
15 work, he was removed from his role, whereas Saisekhar Patnaik, a South Asian
16 employee who performed similar work, was retained. Mr. Roy, however, failed to
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18 escalate or investigate Mr. Piroumian’s complaint, and instead informed him that he
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20 should not question Indian management’s directives.
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22 39. In January 2016, Mr. Piroumian again reported Cognizant’s discrimination to
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24 Mr. Roy and informed him of certain South Asian managers’ attempts to discredit his
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26 ⁴ Later that same day, Mr. Piroumian received a second email from Mr. Hukkeri stating,
27 “I found Vartan to be [a] highly proficient Enterprise level solution Architect. Please
28 feel free to consider him for any of your requirements[.]”

1 work. Mr. Roy took no action.

2 40. On January 11, 2016, Mr. Piroumian began servicing Cognizant client CR Bard.
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4 The two project Directors, Nadimpalli Narasimha Rao and Gopakumar Narayanan
5 Nair, both South Asian, instructed Mr. Piroumian not to meet with the client or attend
6 any client-facing meetings, thereby preventing him from fully participating in the
7 contracted work. The following month, Mr. Rao instructed Mr. Piroumian to work
8 from home, further impeding his ability to lead and take initiative among his peers. On
9 February 1, 2016, during his weekly status report to leadership in India, Mr. Piroumian
10 highlighted the discriminatory communication, coordination, and planning issues he
11 noticed while servicing CR Bard, yet no action was taken by management. On April 9
12 and April 20, 2016, Mr. Piroumian asked his manager, Mr. Roy, to provide him with
13 the appropriate contact in Human Resources to report Cognizant's discriminatory
14 conduct, but his requests were ignored.
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18 41. In July 2016, Mr. Roy stopped giving Mr. Piroumian work, negatively affecting
19 Mr. Piroumian's utilization rate at Cognizant.
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21 42. Mr. Piroumian worked with Cognizant client AIG in Houston, Texas for four
22 weeks beginning August 29, 2016. He was prematurely replaced with an unqualified
23 South Asian employee even though Mr. Piroumian had received a favorable review on
24 the project from the Cognizant Program Manager with AIG. On October 4, 2016, Mr.
25 Piroumian informed Mr. Roy that his removal from AIG was discriminatory. Mr. Roy
26 refused to acknowledge Mr. Piroumian's grievance and informed him that his early
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1 removal from the position indicated that his work was unsatisfactory even though Mr.
2 Piroumian had received accolades for his work.

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4 43. On May 2, 2017, Mr. Piroumian again requested that Mr. Roy provide him with
5 Human Resources' contact information, so that he could submit a formal complaint of
6 discrimination. Mr. Roy finally answered Mr. Piroumian's inquiries on May 8.

7
8 44. On May 16, 2017, Mr. Piroumian spoke with Human Resources Director Paul
9 Vanbuhler and Human Resources Compliance and Employee Relations Advisor
10 Sabrena Civil. During the call, Mr. Piroumian outlined the discrimination he had
11 experienced during his tenure at Cognizant, and requested a written summary of their
12 ensuing investigation, but they refused.

13
14 45. Mr. Piroumian received discriminatory performance appraisals from his South
15 Asian supervisors at Cognizant and never received a promotion. In 2014, Mr.
16 Piroumian received YEA scores of 5 out of 5 (5 being the highest) when reporting to
17 Jean-Claude Franchitti, who is not South Asian. In 2015, when he was reporting to Mr.
18 Roy, who is South Asian, Mr. Roy awarded him a YEA rating of 3. While Mr.
19 Piroumian repeatedly requested documentation and feedback supporting Mr. Roy's
20 low appraisal, his requests were ignored. Despite performing well throughout 2016,
21 Mr. Piroumian received a "meets some expectations" YEA (a 2 out of 5) from Mr.
22 Roy. Mr. Piroumian vehemently contested the low appraisal score, and forwarded Mr.
23 Roy various accolades he had received throughout the year. Mr. Piroumian also
24 requested that Mr. Roy provide him with documentation of his poor performance. Mr.
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1 Roy refused to address Mr. Piroumian's concerns.

2 46. On May 25, 2017, Mr. Piroumian asked Mr. Roy to allocate him to an open
3 position within Cognizant. Mr. Roy informed Mr. Piroumian that a few opportunities
4 were available, and that his profile would be submitted for an open role. Five days
5 later, Mr. Piroumian received a voicemail message from Mr. Roy, informing him that
6 he was being placed on the bench effective May 31, 2017. Mr. Piroumian later received
7 an email stating his first day on the bench was June 19.
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9 47. While benched, Mr. Piroumian was contacted by just two Cognizant employees
10 concerning open roles within the company. On July 19, he received an email from
11 Sandeep Mehta discussing an Enterprise Architect role in Denver, Colorado or Atlanta,
12 Georgia. However, Mr. Mehta failed to provide Mr. Piroumian with any details as to
13 his proposed job functions, and failed to call him to discuss the role as promised. As a
14 result, he was not offered the Enterprise Architect position. On July 24, Mr. Piroumian
15 was contacted by Kapil Apshankar regarding a DevOps Transformation Director role
16 in Toronto, Canada. After exchanging initial emails with Mr. Apshankar discussing the
17 role, Mr. Piroumian never heard back from Mr. Apshankar, and was not invited to
18 interview for the open position.
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24 48. Mr. Piroumian remained on the bench for approximately six weeks. Cognizant
25 terminated his employment on August 2, 2017.

26 49. Cognizant's discriminatory conduct has caused Mr. Piroumian to seek medical
27 treatment for stress, anxiety, and sleep-related issues. Mr. Piroumian first visited his
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1 primary care physician in November 2016, and was prescribed an antidepressant. His
2 physician increased his dosage in May 2017, as the result of increased stress and Mr.
3 Piroumian's continued inability to sleep. Mr. Piroumian was also referred to a
4 psychiatrist who he began seeing in June 2017.
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6 *Plaintiff Cox's Experiences*

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8 50. Edward Cox is an experienced and highly skilled IT professional with over 35
9 years of academic and work experience. Mr. Cox began working for Cognizant in
10 January 2014 as an Infrastructure Engagement Manager / Program Manager (a senior
11 level, director role) supporting infrastructure services and staffing sales and delivery
12 for North American clients.
13

14 51. During his first year at Cognizant, Mr. Cox reported to Anil Bhandari, who is
15 South Asian. During client-facing meetings, Mr. Bhandari would talk over Mr. Cox,
16 and refuse to allow him to speak to the client. Mr. Bhandari routinely spoke in Hindi
17 while discussing client-related work and sales opportunities.
18

19 52. Starting in 2015, Mr. Cox began reporting to Deepak Parameswaran, Senior
20 Vice President, Infrastructure Services. In early 2016, Mr. Cox began reporting to Bala
21 Balasubmaranian, a Senior Director. Both Mr. Parameswaran and Mr.
22 Balasubmaranian are South Asian, and took little interest in Mr. Cox or his work, and
23 failed to provide him with any performance reviews or regular feedback.
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26 53. Mr. Cox did not receive a single performance review during his three years of
27 employment with Cognizant, thereby precluding him from receiving a raise or a
28

1 promotion, despite performing well. Further, when Mr. Cox’s travel and hospitality
2 vertical met all of its revenue goals in 2016, and ranked first in four key customer
3 attributes, Mr. Cox received a lower bonus than his South Asian team members.
4

5 54. Mr. Cox was treated poorly by his South Asian colleagues and managers, who
6 created a hostile work environment for him. For instance, in late 2016, Mr. Cox’s
7 manager, Mr. Balasubmaranian, intentionally did not invite Mr. Cox to the annual pre-
8 sales kickoff meeting, preventing Mr. Cox from participating in defining Cognizant’s
9 sales strategy as he had done in prior years. Mr. Cox’s managers and team members
10 also spoke Hindi socially and during meetings, precluding Mr. Cox from fully
11 participating in client-based work.
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14 55. In January 2017, Mr. Cox’s manager, Mr. Balasubmaranian, informed him that
15 he was being benched. While on the bench, Mr. Cox interviewed for multiple open
16 roles within Cognizant, but was told that he was not “vetted” or proven qualified for
17 the positions, despite having already performed the same role, meeting all project
18 deliverables and milestones on time and under budget, for Cognizant client PHH
19 Mortgage the prior year. A less qualified South Asian employee was placed in the open
20 positions. On one occasion, Mr. Cox was asked to meet with Cognizant client Country
21 Financial in Illinois to develop an agenda and presentation to address the client’s IT
22 needs. After Mr. Cox spoke with the client and completed this preliminary work,
23 Cognizant refused to allow him to travel for the presentation two days later, and the
24 role was given to a less qualified, South Asian employee.
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1 56. Cognizant terminated Mr. Cox's employment on April 3, 2017 with no
2 severance. Although Cognizant informed Mr. Cox that his termination was due to his
3 prolonged period on the bench, Mr. Cox was actually terminated because of
4 Cognizant's preference for employees of South Asian race.
5

6 **CLASS ACTION ALLEGATIONS**
7

8 57. Plaintiffs bring this Class Action pursuant to Federal Rule of Civil Procedure
9 23(a), (b)(2), (b)(3), and (c)(4), seeking injunctive, declaratory, equitable, and
10 monetary relief for Cognizant's systematic pattern and practice of discriminatory
11 employment practices based upon individuals' race. This action is brought on behalf
12 of the following class of individuals:
13

14 All persons who are not of South Asian race and who applied for
15 positions with (or within) Cognizant and were not hired, who were
16 not promoted after being in a position at least 12 months, and/or who
17 were terminated.

18 58. The class period runs from September 18, 2013 onwards.

19 59. Members of the class are so numerous and geographically dispersed across the
20 United States that joinder is impracticable. While the exact number of class members
21 is unknown to Plaintiffs, it is believed to be in the thousands. Furthermore, the class is
22 readily identifiable from information and records in Cognizant's possession.
23

24 60. There are numerous questions of law and fact common to the class. Among the
25 common questions of law or fact are: (a) whether Cognizant has intentionally
26 discriminated against individuals who are not of South Asian race in making
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1 employment decisions; (b) whether Cognizant has intentionally favored South Asians
2 in hiring, placement, promotion, and termination/retention decisions; (c) whether
3 Cognizant has violated 42 U.S.C. § 1981; (d) whether equitable and injunctive relief is
4 warranted for the class and (e) whether punitive damages are warranted for the class.
5

6 61. Plaintiffs' claims are typical of the class. All members of the class were
7 damaged by the same discriminatory policies and practices employed by Cognizant,
8 *i.e.*, they were denied the opportunity to fairly compete for and obtain employment
9 with Cognizant, and were denied positions and promotions within the company.
10

11 62. Plaintiffs will fairly and adequately protect the interest of other class members
12 because they have no interest that is antagonistic to or which conflicts with those of
13 any other class member, and Plaintiffs are committed to the vigorous prosecution of
14 this action and have retained competent counsel experienced in class litigation to
15 represent them and the class.
16

17 63. Because of Cognizant's actions, Plaintiffs and the class they seek to represent
18 have suffered substantial harm for which punitive damages is warranted.
19

20 64. Class certification is appropriate pursuant to Federal Rule of Civil Procedure
21 23(b)(2) because Cognizant has acted and/or refused to act on grounds generally
22 applicable to the class, making declaratory and injunctive relief appropriate with
23 respect to Plaintiffs and the class as a whole. Members of the class are entitled to
24 declaratory and injunctive relief to end Cognizant's systematic, common, uniform,
25 unfair, and discriminatory policies and practices.
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1 65. Class certification is appropriate pursuant to Federal Rule of Civil Procedure
2 23(b)(3) for determination of the damage claims of individual class members because
3 the issue of liability is common to the class and the common nucleus of operative facts
4 forms the central issue, which predominates over individual issues of proof. The
5 primary question common to the class is whether Cognizant has discriminated on the
6 basis of race in their employment practices. This question is central to the case and
7 predominates over individual issues among the members of the proposed class.
8 Cognizant has engaged in a common course of discriminatory conduct in a manner that
9 has harmed all of the class members. Class certification under Rule 23(b)(3) would be
10 superior to other methods for fair and efficient resolution of the issues because
11 certification will avoid the need for repeated litigation by each individual class
12 member. The instant case will be manageable as a class action. Plaintiffs know of no
13 difficulty to be encountered in the maintenance of this action that would preclude its
14 maintenance as a class action.
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20 66. In the alternative, class certification is appropriate pursuant to Federal Rule of
21 Civil Procedure 23(c)(4) to litigate Plaintiffs' claims for prospective classwide
22 compliance and affirmative injunctive relief necessary to eliminate Cognizant's
23 discrimination. Certification under this rule is also appropriate to decide whether
24 Cognizant has adopted a systemic pattern and practice of racial discrimination in hiring
25 and employment decisions, and to determine classwide damages, including punitive
26 damages.
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1 **COUNT I**
2 **(Disparate Treatment on the Basis of Race)**
3 **(Violation of Civil Rights Act of 1866, as amended, 42 U.S.C. § 1981)**
4 **(On behalf of all Plaintiffs and the Class)**

5 67. Plaintiffs re-allege each preceding paragraph as though fully set forth herein.

6 68. This claim is brought by Plaintiffs on behalf of themselves and the class.

7 69. Throughout the class liability period, Cognizant has engaged in a pattern and
8 practice of discriminating against individuals who are not of South Asian race by: (a)
9 knowingly and intentionally favoring South Asian individuals in employment
10 decisions, including hiring, placement, promotion, and termination decisions, (b)
11 knowingly and intentionally disfavoring non-South Asian individuals (including
12 Plaintiffs) in employment decisions, including hiring, placement, promotion, and
13 termination decisions, (c) knowingly and intentionally creating and maintaining an
14 overwhelmingly disproportionate workforce in the United States consisting of at least
15
16
17 75% (if not more) South Asian employees.

18 70. As a direct and proximate result of Cognizant's intentional discrimination,
19 Plaintiffs and members of the class have been denied employment, denied the fair
20 opportunity to obtain employment, and denied fair opportunities with regard to
21 placement, advancement, and/or continued employment with Cognizant.
22

23 71. Cognizant's actions constitute unlawful discrimination on the basis of race in
24 violation of 42 U.S.C. § 1981.
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1 **PRAYER FOR RELIEF**

2 WHEREFORE, Plaintiffs and the class pray for relief as follows:

- 3
- 4 a. Certification of the case as a class action pursuant to Federal Rule of Civil
- 5 Procedure 23;
- 6 b. Designation of Plaintiffs as representatives of the class;
- 7 c. Designation of Plaintiffs' counsel as counsel for the class;
- 8 d. A declaratory judgment that the practices complained of herein are unlawful and
- 9 violate the Civil Rights Act of 1866, 42 U.S.C. § 1981;
- 10 e. A permanent injunction against Defendants and their officers, agents, successors,
- 11 employees, representatives, and any and all persons acting in concert with them,
- 12 from engaging in unlawful policies, practices, customs, and usages set forth herein;
- 13 f. Order Defendants to adopt a valid, non-discriminatory method for hiring,
- 14 placement, termination, and other employment decisions;
- 15 g. Order Defendants to post notices concerning its duty to refrain from discriminating
- 16 against employees on the basis of race;
- 17 h. Award Plaintiffs and the class damages for the harm they suffered as a result of
- 18 Defendants' violations of § 1981;
- 19 i. Award Plaintiffs and the class pre- and post-judgment interest at the prevailing rate
- 20 on the compensatory damages as a result of Defendants' discriminating against
- 21 them in violation of § 1981;
- 22 j. Award reasonable attorneys' fees, expert witness fees, expenses, and costs of this
- 23 action and of prior administrative actions; and
- 24 k. Award Plaintiffs and the class such other relief as this Court deems just and
- 25 appropriate.

24 **JURY DEMAND**

25 Pursuant to Federal Rule of Civil Procedure 38, Plaintiffs and the class

26 respectfully demand a trial by jury on all issues properly triable by a jury in this action.

27

28

1 DATED: September 18, 2017

Respectfully submitted,

2 /s/Daniel Low

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