

**CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK**

-----X
ROY DEN HOLLANDER,

Plaintiff,

-against-

EPIQ SYSTEMS, INC.,
DOMINICK OLIVO, and
JUAN DOE, an illegal alien working for Select
Office Suites,

Defendants.

Index No: 000854 cv 2016

COMPLAINT

Jury Demanded

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Plaintiff, by and through his attorney, Roy Den Hollander, complaining of the defendants herein states as follows:

FACTS

1. Defendant Epiq Systems, Inc. fired Plaintiff, a natural-born U.S. citizen, for referring to an illegal alien as “illegal.”
2. Plaintiff, an attorney, was hired by Defendant Epiq Systems’ wholly owned and controlled subsidiary DeNovo Legal LLC for a temporary project to provide legal services to Defendant Epiq’s client, the law firm of Weil, Gotshal & Manges LLP (“Weil”), in a litigation case involving a Fortune 200 corporation. (Ex. A).
3. On January 5, 2016, Plaintiff started work with about 40 other attorneys on the project reviewing documents for Weil as to relevance and privilege. The project was scheduled to last four weeks with Plaintiff working 40 hours a week at \$31 per hour, but the project abruptly ended for Plaintiff when Karen Herckis (“Herckis”), Senior Director for Human Resources of Epiq, emailed Plaintiff on January 11, 2016, at 7 PM that he was fired “effective immediately.” (Ex. B).

4. The occurrence that led to the firing of Plaintiff happened on January 7th around 9:30 AM.

5. Plaintiff and the other attorneys worked in a make-shift, large office located next to the water tower on the roof of 1115 Broadway in Manhattan. Defendant Epiq rented this space from Select Office Suites, also located at 1115 Broadway, New York, N.Y. 10010.

6. Select Office Suites rents out offices to companies and individuals on floors 10, 11, 12 and the one on the roof that Defendant Epiq rents—guess that’s floor 13.

7. To access the roof-top office, the attorneys take an elevator to the 12th floor, walk through the reception area to a door that requires a keypad code. Floors 10 to 12 all require a keypad code to enter the rented office-space area. The attorneys proceed down a hallway passed numerous offices to the end of the floor where they enter the fire escape stairwell. Up a flight of narrow (two abreast), steep stairs to a door that opens onto a large wooden deck on the roof, then 10 yards down a hallway made of wood and open to the elements to a door that enters into the roof-top office space where the attorneys, eventually numbering 60, work with computers reviewing documents for Weil.

8. The roof-top office has no other access or exit unless one considers the windows in the office that look out on the roof and water tower.

9. The roof-top also has one tiny restroom for each sex. The men’s restroom has the capacity of one.

10. Select Office Suites maintains restrooms on floors 10 to 12 for all those who work in its rented office spaces. Its maintenance staff keeps the restrooms and other parts of the infra structure operating. As is typical in New York City, most of Select Office Suites’ maintenance staff are illegal aliens because Select Office Suites can pay them less than Americans.

11. On January 7th, Plaintiff went looking for an available restroom.

12. The roof-top restroom and the one on floor 12 were full, so Plaintiff exited the keypad door on floor 12 and went down to floor 11. Plaintiff, however, was unsure whether the keypad code given him for the 12th floor would work on the 11th floor, so he decided to test the code on the keypad door for future reference. The door was being held open by one of Select Office Suites maintenance persons—a young, muscular man clearly from south of the border with not the best of English. This young man is called Defendant Juan Doe because his real name is unknown to Plaintiff.

13. Plaintiff asked Defendant Juan Doe to release the door so that Plaintiff could test his keypad code to see whether it would open the door. Defendant Juan Doe just stood there grinning maliciously and refusing to let the door close. Plaintiff made the request a couple of times but Defendant Juan Doe just kept grinning like Calvera from the Magnificent Seven.

14. Defendant Juan Doe then, in a Spanish accent, asserted that Plaintiff's code, which Juan Doe did not know, would open the door, so it was not necessary for Plaintiff to test it.

15. Once again Plaintiff asked Defendant Juan Doe to let the door close to which he barked "out of my way" and barreled his way through the door opening grazing Plaintiff's left arm, a minor battery but still a battery, to which Plaintiff replied, "Watch it illegal."

16. Juan Doe stopped and turned to face Plaintiff in an intimidating stance and effort to bully the 68 year-old Plaintiff not only physically but by resorting to that refuge of PCers, criminals, illegals, and the nefarious by accusing Plaintiff of "discrimination." (If Defendant Juan Doe wasn't an illegal, then he would have retorted that he was a permanent resident or citizen—he didn't.) Plaintiff told Defendant Juan Doe he was going to take him to court and asked for his name, which Juan Doe refused to give.

17. Defendant Juan Doe proceeded to walk into the reception area and Plaintiff also proceeded into the reception, since that was where the stairs were that led back to the 12th floor.

18. Late Friday afternoon around 4:30 PM, January 8th, Plaintiff was told to contact an individual at Epiq, which he did. The individual informed Plaintiff that an “Incident Report” had been lodged against him by Select Office Suites and provided to Defendant Epiq. The report made accusations against Plaintiff and Defendant Epiq wanted to hear Plaintiff’s side of the story, which Plaintiff provided over the telephone.

19. After the discussion with the individual at Epiq about the occurrence, Plaintiff immediately interviewed Select Office Suites Office Manager Loly Mendez who informed Plaintiff that Defendant Dominick Olivo, Director of Sales & Marketing for Select Office Suites, had talked with Defendant Juan Doe and wrote up the incident report, which he sent to Plaintiff’s employer, Defendant Epiq.

20. Defendant Olivo never even talked to Plaintiff about the occurrence before authoring and sending his false report to Plaintiff’s employer.

21. Defendant Dominick Olivo is a New York licensed “Associate Real Estate Broker,” number 10301207058. He’s the person who rents out office space for Select Office Suites. N.Y. Real Property Law § 440(2) requires that an associate real estate broker work “under the name and supervision of another individual broker or another broker who is licensed under a partnership, trade name, limited liability company or corporation.” In Defendant Olivo’s case, the supervising broker would likely be Select Office Suites. The problem is that Select Office Suites is not registered with the New York Secretary of State, so it cannot be Olivo’s supervising broker.

22. On Monday, January 11th, at around 6 PM, Plaintiff received an email from Karen Herckis, Human Resources Director for Defendant Epic, requesting another “conversation” about the occurrence. (Ex. C). Since Defendant Epiq already had Plaintiff’s side of the story, it seemed fair that Plaintiff know the specifics of Defendant Juan Doe’s side of the story. After all, it was Defendant Juan Do who was making accusations against Plaintiff—not unlike this complaint’s accusations against the defendants who will receive and review it before answering in court. When accusations are made against a U.S. citizen, even by an illegal alien, it is the American way and only fair that he be fully apprised of them.

23. Plaintiff requested of Herckis a copy of the incident report sent to Defendant Epiq by Defendant Olivo and based on accusations by Defendant Juan Doe. (Ex. D). Herckis adamantly refused asserting that the occurrence report was an “internal document” of Select Office Suites. (Ex. E). If it was a Select Office Suites internal document then what was she doing with it? Herckis then fired Plaintiff. (Ex. B).

CAUSES OF ACTION AGAINST DEFENDANT EPIQ SYSTEMS

Age Discrimination

24. Defendant Epiq violated the New York State Human Rights Law and New York City Civil Rights Law by discharging Plaintiff because on his age—68 years old. N.Y. Exec. Law § 296(1)(a); N.Y.C. Admin. Code § 8-107(1)(a).

25. Karen Herckis, Defendant Epiq’s human resources director, who fired Plaintiff knew or was on notice that Plaintiff is a Senior Citizen because he had worked for Defendant Epiq twice in 2015 and Defendant Epiq uses Workday, a human capital management online software, which indicates an employee’s age.

26. On information and belief, Karen Herckis made disparaging remarks about Plaintiff's age to other administrative employees of Defendant Epiq both before and after firing him.

Discrimination based on Creed

27. Defendant Epiq violated the New York State Human Rights Law and New York City Civil Rights Law by discharging Plaintiff because of his creed. N.Y. Exec. Law § 296(1)(a); N.Y.C. Admin. Code § 8-107(1)(a).

28. Creed is a belief system adopted by a person. It includes religion but is not limited to such. Sharon P. Stiller, *Employment Law in New York* at § 3:70 p. 245, Thomson Reuters (2012).

29. Plaintiff's creed or belief system is "Evolutionary Correctness," which, unlike "Political Correctness," is based on the principles of the U.S. Constitution and the Declaration of Independence.

30. While the rights laid out in the Constitution are legally enforceable only against government action, the concept of those rights came from the Age of Enlightenment and the Founding Fathers' beliefs that inter-reactions among private citizens should comport with the Constitution's enumerated and unenumerated rights because all persons are endowed "with certain unalienable rights."

31. The founding fathers chose not to use the power of government to enforce such rights in the private sector for fear of replacing King George III with an equally intrusive and intimidating totalitarian government ruling over every aspect of its subjects' lives.

32. Since Plaintiff has adopted the principles in the Constitution and Declaration of Independence as his belief system or creed, Defendant Epiq discriminated against him because of his creed by firing him because he exercised his unalienable right to free speech in referring to an

illegal alien (a term used in Bill Clinton's Proclamation No. 8697 on Deterring Illegal Immigration) as "illegal."

33. Defendant Epiq also discriminated against Plaintiff because of his creed by firing him because he exercised his unalienable right to procedural due process (fairness) in being informed as to the specific accusations against him.

34. Of course, PC ideology demands that illegal and legal alien rights trump citizen rights to such an extent that any "offensive" comment about an alien justifies the discharging of a citizen, such as Plaintiff, or the murder of citizens, such as occurred in San Bernardino, California. (The reason the ISIS loony tune female was allowed to immigrate to California was because the Obama Administration prohibited the checking of a potential immigrant's social media remarks because it might "offend" them.)

National Origin Discrimination

35. Defendant Epiq violated the New York State Human Rights Law and New York City Civil Rights law by discharging Plaintiff because of his national origin. N.Y. Exec. Law § 296(1)(a); N.Y.C. Admin. Code § 8-107(1)(a).

36. "National origin" includes "ancestry" for purposes of the New York State Human Rights Law and New York City Civil Rights law. N.Y. Exec. Law § 292(8); N.Y.C. Admin. Code § 8-102(7).

37. Plaintiff's ancestry is Euro-American, although there is an argument that he is African-American, since the original ancestors for all of us came from Africa.

38. PC ideology holds that Euro-Americans are a substrata of homo-sapiens, if that, so when unsubstantiated accusations are made against a Euro-American by a non-Euro-American, they

are assumed true, and even when minor, the Euro-American's substrata status demands cruel and unusual punishment.

39. Defendant Epiq, through Karen Herckis enforced Epiq's PC policy by firing Plaintiff for calling an illegal alien an "illegal."

CAUSES OF ACTION AGAINST DEFENDANT OLIVO

Tortious Interference with Contractual Relations

40. Defendant Olivo knew that Plaintiff was employed by Defendant Epiq; otherwise, there would be no reason for him to send the false incident report to Defendant Epiq, which Office Manager Loly Mendez said he did.

41. Defendant Olivo acted with reckless disregard in sending his false incident report to Plaintiff's employer, Defendant Epiq, because he failed to talk to Plaintiff about the occurrence before sending his report. He failed to obtain both sides of the story.

42. Defendant Olivo knew or should have known that by sending his false incident report to Plaintiff's employer that it would result in Plaintiff's discharge or some other harm to Plaintiff's contractual relations with Defendant Epiq.

43. If Defendant Olivo did not intend the consequences of his act—to have Plaintiff fired or cause Plaintiff some other harm, then he acted with reckless disregard considering the pall that PC ideology has cast over the land to prevent people from doing what is right and fair.

Injurious Falsehoods and Defamation

44. Defendant Olivo intentionally published the false accusations in his incident report to Plaintiff's employer, Defendant Epiq.

45. Defendant Olivo made the publication with reckless disregard for falsity of his report because he never bothered to obtain Plaintiff's side of the story.

46. Defendant Olivo's false incident report resulted in Plaintiff's loss of employment in his profession as an attorney costing him \$2,728 in salary and damage to his reputation.

CAUSES OF ACTION AGAINST DEFENDANT JUAN DOE

Battery

47. When Defendant Juan Doe barreled through the door opening he made an unconsensual, offensive, physical contact with the 68 year-old Plaintiff, which is a battery. (*Supra* ¶ 15).

Harassment

48. When Defendant Juan Doe, a young, muscular and stocky person in his 20s or 30s faced Plaintiff in an aggressive stance, he was intentionally harassing the 68 year-old Plaintiff with a form of bullying.

Tortious Interference with Contractual Relations

49. Defendant Juan Doe knew that Plaintiff worked for Defendant Epiq because as a member of Select Office Suites' maintenance team, he had free access to Select Office Suites' floors, and, on one known occasion, he saw Plaintiff enter the roof-top office where the employees of Defendant Epiq were working.

50. Defendant Juan Doe acted with reckless disregard by making false accusations about Plaintiff to Defendant Olivo,

51. Defendant Juan Doe knew or should have known that by making false accusation about discrimination to Defendant Olivo that it would result in an incident report being sent to Plaintiff's employer and likely result in Plaintiff's discharge or other harm to Plaintiff's contractual relations with Defendant Epiq.

52. If Defendant Juan Doe did not intend the consequences of his false accusations of discrimination against Plaintiff, then he acted with reckless disregard considering as he well

knew the power of PC ideology in cuddling illegal and legal aliens and scaring U.S. citizens into violating the rights of other citizens.

Injurious Falsehoods and Defamation

53. Defendant Juan Doe intentionally published to Defendant Olivo false accusations about Plaintiff.

54. Defendant Juan Doe made the publication maliciously out of his hatred for white Americans or with reckless disregard for falsity of his statements to Defendant Olivo.

55. Defendant Juan Doe's false statement resulted in Plaintiff's loss of employment in his profession as an attorney costing him \$2,728 in salary and damage to his reputation.

WHEREFORE, Plaintiff requests against (1) Defendant Epiq, damages in the amount of \$2,728, which is the amount he would have earned but for being discharged; (2) Defendant Olivo damages in the amount of \$6,000; (3) Defendant Juan Doe, whose real name will have to be determined through discover, damages in the amount of \$8,000; and such other relief that the Court deems just.

Dated: New York, New York
January 19, 2015

By: /S/ Roy Den Hollander
Roy Den Hollander, Esq.
Attorney-Plaintiff
545 East 14 Street, 10D.
New York, N.Y. 10009
(917) 687 0652
rdhhh@yahoo.com

Dear Roy Den Hollander,

Please take a few minutes to read this email in its entirety as some of Epiq's processes have changed and may affect you, regardless of your last assignment with Epiq.

You have been selected to start a project with DeNovo Legal, LLC dba Epiq eDiscovery Solutions. The below email provides specific information on the project, onboarding process in Workday, background screening requirements on HireRight, ID submission for I-9, time entry in eTime and the procedure on absences/tardiness.

PROJECT INFORMATION

Please (a) confirm your start details (b) reconfirm that you are clear on conflicts (c) confirm you are legally authorized to work in the US and have a valid Social Security Number.

(A) PROJECT START DETAILS

- Start Date: Tuesday, January 05, 2016
- Report Time: 9:00 AM
- Location: 1115 Broadway, Penthouse Floor, New York, NY 10010 (Select Office Suites)
- Duration: 4 Weeks
- Days/Hours: Monday through Friday; 40 hours per week
- Schedule: Case room hours are Monday through Friday from 8:00 AM to 7:00 PM
- Team Size: 63 Reviewers + 5 Assistant Project Managers + 2 Project Managers
- Pay Rate: \$31 per hour for Reviewers. No time and a half for overtime (Hours are limited to 40 per week)
- Client Name: Weil, Gotshal & Manges LLP
- Legal Matter: [Confidential information deleted]
- Review Platform: Epiq DocuMatrix (EPIQ DMX)
- Review Type: Electronic Document Review
- Bar (Licensure): Admitted in any U.S. jurisdiction
- Work Site: Must live in or be willing to commute to New York, NY; No work from home or remote work
- Employment Authorization: Must be authorized to work in the United States
- Dress Code: Business Professional (Suite & Tie) on the first day, Business Casual thereafter
- Security Clearance: Reviewers should ask for Epiq Systems, Inc.
- Note: You can only move to this project if your current Epiq project wraps up in time
- Job Code: 2023

[Confidential information deleted]

Regards,

[Name deleted]

Epiq Systems

eDiscovery Solutions

4 New York Plaza, 6th Floor

New York, NY 10004



Roy Den Hollander <roy17den@gmail.com>

Incident Last Week

Herckis, Karen <kherckis@epiqsystems.com>

Mon, Jan 11, 2016 at 7:07 PM

To: Roy Den Hollander <roy17den@gmail.com>

Roy,

Given your refusal to discuss further with me, please consider this email release from your current project at the 1115 Broadway location, effective immediately.

Karen

Karen Herckis

Senior Director, Human Resources

Epiq Systems

777 Third Avenue

New York, NY 10017

Phone: 212.710.6948

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<Ltr Olivo 12.8.16.DOC>

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Roy Den Hollander <roy17den@gmail.com>

Incident Last Week

Herckis, Karen <kherckis@epiqsystems.com>

Mon, Jan 11, 2016 at 6:01 PM

To: "roy17den@gmail.com" <roy17den@gmail.com>

Hello Roy,

Do you have time to speak this evening regarding incidents that took place last week at 1115 Broadway?

I know you have spoken to Patrick Gallagher and I would like to have a follow-up conversation.

If you're not available this evening, please let me know of a time tomorrow that works for you.

Thank you,
Karen Herckis

Karen Herckis

Senior Director, Human Resources

Epiq Systems

777 Third Avenue

New York, NY 10017

Phone: 212.710.6948

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Roy Den Hollander <roy17den@gmail.com>

Incident Last Week

Roy Den Hollander <roy17den@gmail.com>
To: "Herckis, Karen" <kherckis@epiqsystems.com>

Mon, Jan 11, 2016 at 6:08 PM

Dear Karen,

Would you email me that incident report submitted by Dominick Olivo?

Thanks
Roy

Sincerely,
Roy Den Hollander
Attorney at Law
New York, N.Y.
roy17den@gmail.com
(917) 687-0652

[Quoted text hidden]



Roy Den Hollander <roy17den@gmail.com>

Incident Last Week

Herckis, Karen <kherckis@epiqsystems.com>

Mon, Jan 11, 2016 at 6:11 PM

To: Roy Den Hollander <roy17den@gmail.com>

Roy,

I am not forwarding the incident report as it is an internal document for the use of Select Office employees.

As mentioned, I would like to follow up on your conversation with Patrick. Are you available to speak this evening?

Thanks,
Karen

Karen Herckis
Senior Director, Human Resources
Epiq Systems
777 Third Avenue
New York, NY 10017
Phone: 212.710.6948
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