

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF DUTCHESS

-----X
RICHARD J. SASSI II,

Plaintiff,

-against-

MOBILE LIFE SUPPORT SERVICES, Inc.,

Defendant.
-----X

SUMMONS

INDEX NO.: _____

To.: MOBILE LIFE SUPPORT SERVICES, Inc.

YOU ARE HEREBY SUMMONED and required to serve upon plaintiffs' attorney an answer to the Complaint in this action within twenty (20) days after service of this Summons, exclusive of the day of service, or within thirty (30) days after service is complete if this Summons is not personally delivered to you within the State of New York. In the case of your failure to appear or to answer, judgment will be taken against you by default for the relief demanded in the Complaint. Plaintiffs designate Orange County as the place for trial.

Dated: Goshen, New York
August 3, 2016

SUSSMAN AND WATKINS
Attorneys for Plaintiffs

By: _____

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF DUTCHESS

-----X
RICHARD J. SASSI II,

Plaintiff,

VERIFIED COMPLAINT

vs.

MOBILE LIFE SUPPORT SERVICES, Inc.

Defendant.

-----X

BY AND THROUGH HIS COUNSEL, MICHAEL H. SUSSMAN, plaintiff hereby states and alleges as against defendant:

- 1. Plaintiff Richard J. Sassi, II is a resident of the County of Dutchess and a person of legal age and sound mind.
- 2. Defendant Mobile Life Support Services, Inc. is a corporation organized to do business in the State of New York and conducting business in the County of Dutchess.
- 3. As the events giving rise to this matter arose within the County of Dutchess where plaintiff resides and defendant conducts business and as the sum in controversy exceeds the authority of any inferior court, this Honorable Court has jurisdiction over this matter.

AS AND FOR PLAINTIFF'S FIRST CAUSE OF ACTION

- 4. Plaintiff applied for employment with defendant in or about June 2014.
- 5. Thereafter, two agents employed by defendant, John Miranda and Steven Longo, interviewed plaintiff.
- 6. Plaintiff advised them that he was facing a misdemeanor charge relating to allegedly calling in a false emergency to 911 when he worked as a police officer in August 2012.
- 7. After meeting with Miranda and Longo, plaintiff interviewed for a position with defendant with William Jeffries, defendant's Director of Human Resources, and disclosed his legal status to him.
- 8. Mr. Jeffries told plaintiff that he viewed the outstanding legal matter as minor and compared it to a private domestic squabble.
- 9. Defendant hired plaintiff as a *per diem* communications specialist and, upon plaintiff's completing requisite training, quite quickly promoted him to a full time dispatcher's position.

10. Plaintiff then attended at EMT refresher course, passed both the practical and written exams associated with that position.
11. Defendant then cross-trained plaintiff as an EMT and assigned him work overtime as an EMT on the road.
12. Specifically, defendant assigned plaintiff to work on the ambulance, handling emergencies and non-emergency calls and transports and assigned him as "stand by" at community events.
13. Defendant also assigned plaintiff to assist its education department, helping with EMT practical examinations.
14. As plaintiff continued working successfully for defendant, Jeffries reiterated that plaintiff's legal matter should not impact his employment and that he considered the issue "off limits" and advised plaintiff to report any employee who was giving him a hard time about it.
15. Plaintiff was scheduled for a re-trial of the single misdemeanor charge against him in County Court in early 2016.
16. During the weeks before the start of the re-trial, plaintiff apprised Jeffries, then serving as defendant's Vice President and Chief Operating Officer, and Emily Smith, his replacement as Director of Human Resources, of his legal status.
17. In February 2016, plaintiff was convicted of falsely reporting an emergency.
18. The County Court ordered a pre-sentence investigation report.
19. That report recommended that plaintiff not be incarcerated.
20. Plaintiff kept defendant's agents apprised of the status of his trial, his conviction and the PSI recommendation.
21. After learning that the PSI report recommended that he not be incarcerated, plaintiff resumed taking overtime, something he had curtailed following his conviction in February 2016.
22. Before sentencing, plaintiff spoke with Jeffries and Smith who advised him that he was a good employee and that in the unlikely event he was sentenced to jail time, they would place him on leave, allow him to use accrued benefit time and re-instate him upon his release from jail.
23. On May 18, 2016, plaintiff was sentenced to 60 days' incarceration.
24. As plaintiff did not have the chance to immediately advise defendant, his wife did so, advising Smith of the sentence.

25. Smith advised Mrs. Sassi that defendant would place plaintiff on leave and allow him to use him benefit time until he came back about a month later.

26. However, instead of complying with this representation, defendant terminated plaintiff for "job abandonment."

27. In fact, defendant's scheduling department knew the day of plaintiff's sentence that he was unable to work scheduled shifts and re-assigned them.

28. Upon his release from jail, plaintiff contacted Longo who advised that he wanted plaintiff to return to work.

29. Longo further advised that defendant had polled its supervisors on the issue of plaintiff's returning to work and the supervisors were divided with some favoring his return and some opposing.

30. After being unable to regain his job through Longo, plaintiff contacted Jeffries several times and was finally invited to meet with Jeffries and Smith.

31. Jeffries told plaintiff that, as the company had previously terminated others who had been incarcerated, they had to be consistent and terminate plaintiff.

32. Jeffries also told plaintiff that there were what he acknowledged were false rumors spreading about plaintiff, to the effect that he was arrested at defendant's place of employment and that he was a sex offender.

33. At this meeting, plaintiff advised that it was unfair for defendant to hold against him an incident which had occurred nearly four years earlier, had nothing to with his job with defendant, particularly after plaintiff had fully advised defendant of the circumstances and they had agreed to allow him to return to work following his brief incarceration.

34. Plaintiff was fully qualified to re-assume the work he did for plaintiff before his conviction and incarceration.

35. The only reason defendant has refused to re-employ plaintiff is his conviction and brief incarceration.

36. Plaintiff is fully qualified to perform his prior duties, his performance of those duties is not impacted by his conviction, the conviction was wholly unrelated to plaintiff's capacity to perform those duties and defendant has never asserted the contrary in any regard

37. By dint of defendant's unlawful action, plaintiff has suffered emotional distress, humiliation, anxiety and loss of salary and benefits.

38. By failing to re-employ plaintiff because of his conviction and sentence, defendant has knowingly, willfully and intentionally violated section 296.15 of the Executive Law of the State

of New York and Article 23-A of the Corrections Law of the State of New York, causing plaintiff actual damages as set forth above.

WHEREFORE, plaintiff hereby prays that this Honorable Court accept jurisdiction in this matter, empanel a jury to hear and decide all issues within its jurisdiction, award to plaintiff all damages, compensatory and punitive, permitted by law against defendant, order defendant to reinstate plaintiff to his position, order defendant to pay plaintiff's reasonably incurred attorneys' fees, litigation costs and disbursements and enter any other order the interests of law and/or equity mandate.

Dated: August 3, 2016

Yours, etc


MICHAEL T. SUSSMAN

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