

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

X

KHALIL SOLOMON,

Plaintiff,

- against -

UNITED PARCEL SERVICE, INC.,

Defendant.

X

COMPLAINT

**JURY TRIAL
DEMANDED**

Plaintiff Khalil Solomon, by and through his attorneys, Filippatos PLLC, hereby alleges against Defendant United Parcel Service, Inc. as follows:

NATURE OF THE CASE

1. Plaintiff brings this action alleging that Defendant has violated the Family and Medical Leave Act of 1993, 29 U.S.C. § 2611, et seq. ("FMLA"); the New Jersey Family Leave Act, N.J.S.A. 34:11B-1, et seq. ("NJFLA"); and the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1, et seq. ("NJLAD").

2. Plaintiff seeks damages, as well as injunctive and declaratory relief, to redress the injuries he has suffered – physical, emotional and pecuniary – as a result of being discriminated and retaliated against by his employer based on his parental status and for seeking to exercise his rights under the FMLA.

JURISDICTION, VENUE, AND ADMINISTRATIVE PREREQUISITES

3. Jurisdiction of this Court is proper under 29 U.S.C. § 2617(2)(A) and 28 U.S.C. § 1331 as Plaintiff alleges claims pursuant to the FMLA.

4. The Court has supplemental jurisdiction over Plaintiff's claims under state law pursuant to 28 U.S.C. § 1367(a).

5. Venue is proper in this district, pursuant to 28 U.S.C. § 1391(b), as Defendant maintains its place of business within the District of New Jersey, and a substantial part of the acts complained of herein occurred therein.

6. Jurisdiction in this Court is also proper under 28 U.S.C. § 1332 as Plaintiff and Defendants are citizens of different states and the amount in controversy exceeds \$75,000.

PARTIES

7. Plaintiff Khalil Solomon is an adult resident of the State of New York.

8. Plaintiff is a former employee of Defendant United Parcel Service, Inc. who worked at least 1,250 hours of service in the year before he sought to exercise his rights under the FMLA.

9. At all times relevant hereto, Defendant United Parcel Service, Inc. ("UPS" or "Defendant") was and is a package delivery and supply chain management company maintaining operations at 340 MacArthur Blvd, Mahwah, NJ 07430.

10. UPS was incorporated in the State of Delaware and maintains headquarters in the State of Georgia.

11. Defendant is a large employer with operations throughout the United States and employs well in excess of the statutory minimum number of employees on a full-time or full-time equivalent basis to be subject to all statutes upon which Plaintiff is proceeding herein.

MATERIAL FACTS

I. Plaintiff's Employment with UPS

12. Plaintiff is a highly accomplished worker who was discriminated against and retaliated against based on his parental status and for seeking family medical leave.

13. Plaintiff began working for UPS in Elmsford, NY as a package handler in May 2016.

14. He continued working at UPS, working his way up the corporate ladder while also earning his bachelor's degree, which he received in August 2019.

15. Plaintiff continued to show his dedication to UPS when he started in the Co-op Program after receiving his degree.

16. By May of 2021, he was a Database Analyst in Mahwah, New Jersey earning almost six figures.

17. Throughout his tenure, Plaintiff demonstrated exemplary performance, consistently meeting expectations in his yearly performance reviews and as reflected in his consistent raises, promotions, and bonuses. His dedication and skill in his role were evident, and he was a valued member of the UPS team.

II. UPS's Interference with Plaintiff's FMLA Rights

18. On June 20, 2023, Plaintiff became a father.

19. Despite being aware of this significant life event, Defendant did not inform Plaintiff of his right to take leave under applicable family medical leave laws.

20. Instead, Plaintiff used one week of paid time off before returning to work in his first few days as a father.

21. Had UPS informed him of his FMLA rights, as is required by law, Plaintiff would have supported his wife and bonded with his newborn for up to 12 weeks without fear of losing his job.

22. Instead, UPS denied him this opportunity.

23. It was not until months later that he learned he had the right to take family leave.

24. On or about December 19, 2023, Amshuman Raveesh, Plaintiff's manager, sent an email requesting employees to notify him if they would be unable to make it into the office for eight to 12 days between December 2023 and January 2024.

25. Nowhere in this email did it mention that employees were required to come into the office.

26. Plaintiff responded by letting his manager know that he would be unable to be in the office until January, as he had been unable to find suitable childcare arrangements for his newborn for the rest of December.

27. Plaintiff then inquired about the possibility of taking family leave to bond with his newborn child.

28. Instead of providing him with information about his rights, Mr. Raveesh told Plaintiff that "it wouldn't make sense as it would take long to be approved."

29. This response effectively denied Plaintiff his right to take family medical leave and is a blatant violation of the FMLA, which prohibits employers from interfering with, restraining, or denying the exercise of, or the attempt to exercise, any FMLA right.

30. During this conversation, Mr. Raveesh never informed Plaintiff that he would be penalized for working remotely from December 19-December 31, 2023.

31. However, even if Plaintiff had known that he was expected to work in the office, Mr. Raveesh's interference with Plaintiff's potential FMLA request is unlawful.

III. Plaintiff's Unlawful Termination

32. Barely one month later, UPS terminated Plaintiff due to "excessive absences" despite his perfect attendance once his childcare arrangements began in January 2024.

33. On or about February 1, 2024, Plaintiff was called into a "skip level" meeting, attended by Jennifer Brocato, the director of Plaintiff's department, and Todd Butchko, a Senior Director/VP, who delivered the news of Plaintiff's termination.

34. During this meeting, Plaintiff's company laptop, ID, parking pass, and company credit card were confiscated, and he was escorted from the building in a manner that left him feeling humiliated and treated like a criminal.

35. The timing and circumstances of Plaintiff's termination strongly suggest that the decision was in retaliation for his inquiry about family medical leave.

36. Moreover, UPS's proffered reason for his termination – "excessive absences" – is directly linked to his status as a parent to a young child, as any "absences" would have been caused by childcare coverage issues.

37. The proffered reason of "excessive absences" is also clearly pretextual as Plaintiff was reporting to the office the required three days a week beginning in January, during which two of the workdays were federal holidays.

38. This abrupt end to Plaintiff's employment has had a significant negative impact on his career and well-being and that of his young family.

39. Plaintiff has experienced depression, changes in sleeping and eating habits, weight gain, and a loss of self-esteem.

40. Plaintiff now describes himself as feeling defeated and more pessimistic, a stark contrast to his previous self-description as a joyful, enthusiastic, and results-driven professional.

41. As can be expected, Plaintiff's termination has also resulted in financial strain and damage to his professional reputation, and a strain on multiple aspects of his personal and familial relationships and overall enjoyment of life.

42. Indeed, at a time when Plaintiff should be celebrating the birth of his first child and all the wonderful milestones in a baby's development, he is left devastated and crestfallen and riddled with anxiety and stress as to how he will now financially support his young family.

FIRST CAUSE OF ACTION
INTERFERENCE WITH FMLA RIGHTS

43. Plaintiff repeats and realleges each and every allegation made in the above paragraphs of this complaint as if fully set forth herein.

44. This claim is authorized and instituted pursuant to the provisions of the Family and Medical Leave Act of 1993, 29 U.S.C. § 2611, et seq., for relief based upon the unlawful employment practices of Defendant.

45. At all times relevant hereto, Defendant was an employer within the meaning of the FMLA, 29 U.S.C. § 2611(4).

46. At all times relevant hereto, Plaintiff was an eligible employee within the meaning of the FMLA, 29 U.S.C. § 2611(2).

47. Plaintiff became a father on June 20, 2023, which constituted a qualifying reason for FMLA leave under 29 U.S.C. § 2612(a)(1)(A) (leave to care for a newborn child).

48. Despite this qualifying event, Defendant failed to inform Plaintiff of his FMLA rights, as required by 29 C.F.R. § 825.300.

49. When Plaintiff inquired about taking family leave in December 2023 to bond with his newborn child, Defendant, through its agent Amshuman Raveesh, discouraged and effectively denied Plaintiff from exercising his FMLA rights by stating that "it wouldn't make sense as it would take long to be approved."

50. Defendant engaged in unlawful employment practices prohibited by 29 U.S.C. § 2615(a)(1) by interfering with, restraining, and denying Plaintiff's exercise of his FMLA rights.

51. Accordingly, as a result of the unlawful conduct of Defendant, Plaintiff has been damaged as set forth herein and is entitled to the maximum compensation available to him under this law.

SECOND CAUSE OF ACTION
RETALIATION UNDER FMLA

52. Plaintiff repeats and realleges each and every allegation made in the above paragraphs of this complaint as if fully set forth herein.

53. This claim is authorized and instituted pursuant to the provisions of the Family and Medical Leave Act of 1993, 29 U.S.C. § 2611, et seq., for relief based upon the unlawful employment practices of Defendant.

54. Plaintiff engaged in activity protected by the FMLA when he inquired about taking family medical leave to bond with his newborn child in December 2023.

55. Defendant was aware of Plaintiff's protected activity.

56. Barely one month after Plaintiff's inquiry about FMLA leave, on February 1, 2024, Defendant terminated Plaintiff's employment, citing "excessive absences" as the reason.

57. The timing of Plaintiff's termination, occurring so soon after his inquiry about FMLA leave, establishes a causal connection between Plaintiff's protected activity and the adverse employment action.

58. Moreover, Defendant's proffered reason for termination is pretextual, as Plaintiff had perfect attendance once his childcare began in January 2024 and was reporting to the office the required three days per week.

59. Defendant engaged in unlawful employment practices prohibited by 29 U.S.C. § 2615(a)(2) by retaliating against Plaintiff for exercising, and attempting to exercise, his FMLA rights.

60. Accordingly, as a result of the unlawful conduct of Defendant, Plaintiff has been damaged as set forth herein and is entitled to the maximum compensation available to him under this law.

THIRD CAUSE OF ACTION
INTERFERENCE WITH NEW JERSEY FAMILY LEAVE ACT RIGHTS

61. Plaintiff repeats and realleges each and every allegation made in the above paragraphs of this complaint as if fully set forth herein.

62. This claim is authorized and instituted pursuant to the provisions of the New Jersey Family Leave Act, N.J.S.A. 34:11B-1, et seq., (“NJFLA”) for relief based upon the unlawful employment practices of Defendant.

63. At all times relevant hereto, Defendant was an employer and Plaintiff was an eligible employee within the meaning of N.J.S.A. 34:11B-3(e) and (f).

64. Plaintiff worked for Defendant for well over 12 months and worked far in excess of 1,000 base hours during the 12-month period preceding his request for family leave, making him eligible for protection under the NJFLA.

65. Defendant employed well in excess of 30 employees, making it a covered employer under the NJFLA.

66. Plaintiff's child was born on June 20, 2023, entitling Plaintiff to take up to 12 weeks of family leave in any 24-month period, which could commence at any time within one year after the date of birth, pursuant to N.J.S.A. 34:11B-3(i)(1) and 34:11B-4(c).

67. Defendant failed to inform Plaintiff of his NJFLA rights as required by law.

68. In December 2023, approximately six months after the birth of his child and well within the one-year period during which he was entitled to take bonding leave, Plaintiff inquired about taking family leave to bond with his newborn child.

69. When Plaintiff made this inquiry, Defendant, through its agent Amshuman Raveesh, actively discouraged Plaintiff by falsely stating that "it wouldn't make sense as it would take long to be approved."

70. This response was misleading and discouraged Plaintiff from pursuing his NJFLA rights, thereby interfering with, restraining, denying, and withholding the benefits provided under the NJFLA in violation of N.J.S.A. 34:11B-9(a).

71. Defendant never provided Plaintiff with information about how to formally request NJFLA leave, what the approval process would entail, or what his rights were under the statute.

72. As a direct result of Defendant's interference with his NJFLA rights, Plaintiff was deterred from exercising those rights and has suffered damages including lost wages, employment benefits, lost bonding opportunity with his newborn child, and severe emotional distress.

FOURTH CAUSE OF ACTION
RETALIATION IN VIOLATION OF NEW JERSEY FAMILY LEAVE ACT

73. Plaintiff repeats and realleges each and every allegation made in the above paragraphs of this complaint as if fully set forth herein.

74. This claim is authorized and instituted pursuant to the provisions of the New Jersey Family Leave Act, N.J.S.A. 34:11B-1, et seq., for relief based upon the unlawful employment practices of Defendant.

75. N.J.S.A. 34:11B-9(b) and (c) prohibit employers from discharging or discriminating against employees who seek information about family leave provisions, oppose unlawful practices under the NJFLA, or exercise rights under the NJFLA.

76. N.J.A.C. 13:14-1.15 specifically provides that "[n]o employer shall discharge or in any way retaliate against or penalize any employee because such employee sought information about family leave provisions, filed a complaint alleging a violation of the Act or this chapter or exercised any right granted under the Act or this chapter."

77. Plaintiff engaged in protected activity under the NJFLA when he sought information about and inquired about taking family leave to bond with his newborn child in December 2023.

78. Defendant was aware of Plaintiff's protected activity, as the inquiry was made directly to Plaintiff's manager, Amshuman Raveesh, who is Defendant's agent.

79. Barely one month after Plaintiff's inquiry about taking family leave, on or about February 1, 2024, Defendant terminated Plaintiff's employment, citing "excessive absences" as the reason for termination.

80. The temporal proximity between Plaintiff's protected activity (December 2023 inquiry) and his termination (February 1, 2024) establishes a strong inference of causation and supports a finding of retaliation.

81. Defendant's proffered reason for termination — "excessive absences" — is pretextual, as evidenced by the fact that Plaintiff had perfect attendance and was meeting work

requirements once his childcare began in January 2024, reporting to the office the required three days per week.

82. The timing and circumstances of Plaintiff's termination establish that it was motivated, at least in part, by retaliatory animus against Plaintiff for seeking to exercise his NJFLA rights.

83. Defendant's termination of Plaintiff constitutes unlawful retaliation in violation of N.J.S.A. 34:11B-9(b) and (c) and N.J.A.C. 13:14-1.15.

84. As a result of Defendant's unlawful retaliation, Plaintiff has suffered and will continue to suffer damages including lost wages, employment benefits, lost bonding opportunity with his newborn child, and severe emotional, psychological, and physical distress.

85. Plaintiff is entitled to relief under N.J.S.A. 34:11B-11, including compensatory damages for all economic and non-economic losses, punitive damages not exceeding \$10,000, injunctive relief including reinstatement or front pay, reasonable attorney's fees and costs pursuant to N.J.S.A. 34:11B-12, civil penalties pursuant to N.J.S.A. 34:11B-10, and such other relief as the Court deems just and proper.

FIFTH CAUSE OF ACTION
SEX AND PREGNANCY-RELATED DISCRIMINATION IN VIOLATION OF THE
NEW JERSEY LAW AGAINST DISCRIMINATION

86. Plaintiff repeats and realleges each and every allegation made in the above paragraphs of this Complaint as if fully set forth herein.

87. This claim is authorized and instituted pursuant to the New Jersey Law Against Discrimination (“NJLAD”), N.J.S.A. 10:5-1 et seq., including N.J.S.A. 10:5-12(a) and (s), which make it an unlawful employment practice to discriminate in employment on the basis of sex, pregnancy, or pregnancy-related conditions.

88. Discrimination based on an employee's role as a parent or primary caregiver of a newborn child constitutes unlawful sex-based and pregnancy-related discrimination under the NJLAD, as such discrimination is rooted in gender stereotypes about caregiving responsibilities.

89. Defendant was aware of Plaintiff's parental and caregiving responsibilities for his newborn child. Rather than accommodating those responsibilities or providing the leave and flexibility required by law, Defendant penalized and ultimately terminated Plaintiff based, at least in part, on his caregiving obligations.

90. Defendant's stated reason for termination — "excessive absences" — was directly related to Plaintiff's need to care for his newborn child and constitutes a pretext for sex-based and pregnancy-related caregiver discrimination.

91. By the actions detailed above, Defendant engaged in unlawful employment practices prohibited by N.J.S.A. 10:5-12(a) and (s).

92. As a result of Defendant's conduct, Plaintiff has suffered and will continue to suffer damages including, but not limited to, loss of income, employment benefits, and other compensation, as well as severe emotional distress, humiliation, and other non-pecuniary losses.

93. Accordingly, Plaintiff is entitled to the maximum relief available under the NJLAD, including compensatory and punitive damages, attorneys' fees, and such other relief as the Court deems just and proper.

SIXTH CAUSE OF ACTION
RETALIATION IN VIOLATION OF THE NEW JERSEY LAW AGAINST
DISCRIMINATION

94. Plaintiff repeats and realleges each and every allegation made in the above paragraphs of this complaint as if fully set forth herein.

95. N.J.S.A. 10:5-12(d) provides that it shall be an unlawful employment practice for any person to retaliate or discriminate against any person because he or she has opposed any practices forbidden under the NJLAD or because he or she has filed a complaint, testified, or assisted in any proceeding under the NJLAD.

96. Plaintiff engaged in protected activity under the NJLAD when he informed Defendant of his need to work remotely due to childcare responsibilities for his newborn child and when he inquired about taking family leave to bond with his child, thereby opposing Defendant's failure to accommodate his parental responsibilities.

97. Defendant was aware of Plaintiff's protected activity.

98. Defendant terminated Plaintiff's employment in retaliation for his engagement in protected activity.

99. The timing of Plaintiff's termination and the pretextual nature of Defendant's stated reason establish that Defendant's termination of Plaintiff was motivated, at least in part, by retaliatory animus.

100. By the actions detailed above, among others, Defendant engaged in unlawful employment practices prohibited by N.J.S.A. 10:5-12(d) by retaliating against Plaintiff based on his protected activities.

101. As a result of the acts and conduct complained of herein, Plaintiff has suffered and will continue to suffer damages including but not limited to economic and pecuniary losses (past and future) – such as income, salary, benefits, and other compensation that his employment entailed; severe emotional, psychological and physical stress, distress, anxiety, pain and suffering; the inability to enjoy life's pleasures; and other non-pecuniary losses and special damages.

102. Accordingly, as a result of the unlawful conduct of Defendant set forth herein, Plaintiff has been damaged and is entitled to the maximum compensation available to him under this law, including, but not limited to, punitive damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests a judgement against Defendant:

A. Declaring that Defendant engaged in unlawful employment practices prohibited by the Family and Medical Leave Act of 1993, 29 U.S.C. § 2611, et seq.; the New Jersey Family Leave Act, N.J.S.A. 34:11B-1, et seq.; and the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1, et seq.

B. Awarding damages to Plaintiff for all lost wages and benefits resulting from Defendant's unlawful employment practices, and to otherwise make him whole for any losses suffered as a result of such unlawful employment practices;

C. Awarding Plaintiff compensatory damages for mental, emotional and physical injury, distress, pain and suffering and injury to his reputation in an amount to be proven;

D. Awarding Plaintiff punitive damages;

E. Awarding Plaintiff liquidated damages;

F. Awarding Plaintiff attorneys' fees, costs, and expenses incurred in the prosecution of the action; and

G. Awarding Plaintiff such other and further relief as the Court may deem equitable, just and proper to remedy Defendant's unlawful employment practices.

JURY DEMAND

Plaintiff hereby demands a trial by jury on all issues of fact and damages stated herein.

Dated: February 23, 2026
White Plains, New York

Respectfully submitted,

FILIPPATOS PLLC

By: /s/ Tanvir H. Rahman

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