

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MARK Z. SAPPİR	:	No.
Plaintiff	:	
	:	JURY TRIAL DEMANDED
v.	:	
UPMC; UPMC ENTERPRISES;	:	
UPMC BENEFIT MANAGEMENT	:	
SERVICES, INC., AND	:	
DIVERSIFIED SEARCH GROUP	:	
Defendants	:	

COMPLAINT

Plaintiff Mark Sappir (“Sappir”), by and through undersigned counsel, for his Complaint against defendants UPMC, UPMC Enterprises, UPMC Benefit Management Services, Inc. d/b/a Workpartners (collectively, the “UPMC Defendants”), and Diversified Search Group (“Diversified”) (together, “Defendants”), alleges as follows:

NATURE OF THE ACTION

1. This is an action arising under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2 *et seq.* (“Title VII”); the Age Discrimination in Employment Act, 29 U.S.C. § 621 *et seq.* (“ADEA”); 42 U.S.C. § 1981 (“Section 1981”); and the Pennsylvania Human Relations

Act, 43 PA. CONS. STAT. § 951 *et seq.* (“PHRA”).

2. Plaintiff asserts claims for discrimination on the basis of race, age, and sex, as well as retaliation, arising from: (a) the denial of his application for a Senior Human Resources Director role at UPMC Enterprises; (b) his termination in April 2024 after he opposed and reported discrimination; and (c) Defendants’ subsequent failure to rehire him for multiple positions.

3. Plaintiff is a 73-year-old white male and a seasoned Human Resources executive.

4. UPMC hired Mr. Sappir on or about April 19, 2019, as a Compliance Manager for the eBenefits business unit within UPMC’s Insurance Services Division, where he was later promoted to Manager of Compliance Operations for UPMC Benefit Management Services, Inc. d/b/a Workpartners (UPMC’s Insurance Services Division).

5. Plaintiff met and exceeded the stated qualifications for the UPMC Enterprises Senior Human Resources Director position, having decades of senior Human Resources (“HR”) leadership experience, including service as Chief Human Resources Officer at two public companies, an MBA, a law license, and experience as an adjunct

professor teaching HR management and business law courses.

6. During the 2022-2023 annual performance cycle, Plaintiff identified the Human Resources Director/Senior Human Resources Director position as his target role for future advancement at UPMC Enterprises.

7. In July 2023, Plaintiff learned of an opening for the Senior HR Director position at UPMC Enterprises and applied online in a timely manner.

8. Despite his qualifications, and after only a single screening conversation with the retained search firm, Defendant Diversified Search Group, Plaintiff was informed he would not be advanced in the process or considered further.

9. Defendants selected a younger, less qualified woman for the Senior HR Director position instead of Plaintiff.

10. Throughout the period of Plaintiff's candidacy, UPMC publicly emphasized its "commitment to diversity, equity, and inclusion" on its website and related recruitment materials.

11. UPMC retained and contractually engaged Diversified to support and advance UPMC's DEI-aligned recruitment objectives for the

Senior HR Director role.

12. UPMC required Diversified to “build upon UPMC’s Workforce Inclusion Strategy” in connection with the search.

13. To implement UPMC’s DEI priorities, UPMC mandated that Diversified present, before active recruitment, a strategic plan to include a “diverse pool of candidates” and a copy of its “internal diversity strategy.”

14. In pursuit of these objectives, Defendants adopted and implemented hiring, promotion, and retention practices that unlawfully favored or disfavored candidates based on race, sex, and age, resulting in the denial of Plaintiff’s candidacy, his retaliatory termination, and Defendants’ subsequent refusal to rehire him, in violation of Title VII, the ADEA, Section 1981, and the PHRA.

PARTIES, JURISDICTION, AND VENUE

15. Plaintiff Sappir is a natural person and citizen of Pennsylvania who, at all relevant times, resided at 215 Overlook Drive, McMurray, Pennsylvania 15317.

16. Defendant UPMC is a Pennsylvania non-profit corporate parent with its principal address at U.S. Steel Tower, 600 Grant Street,

Pittsburgh, Pennsylvania 15219.

17. During the relevant period, UPMC employed 500 or more persons. UPMC has asserted that it does not directly employ staff at the parent level; however, Plaintiff alleges UPMC is liable as an integrated enterprise and/or joint employer with its affiliates.

18. Defendant UPMC Enterprises is a UPMC subsidiary and private employer located at 6425 Penn Avenue, Suite 200, Pittsburgh, Pennsylvania 15206, and during the relevant period employed 200 or more persons.

19. Defendant UPMC Benefit Management Services, Inc. d/b/a Workpartners (“Workpartners”) is a UPMC subsidiary and was Plaintiff’s employer prior to his termination.

20. Workpartners operates within UPMC’s Insurance Services ecosystem and employed Plaintiff during the relevant period.

21. Defendant Diversified Search Group (“Diversified”) is an executive recruitment firm engaged to conduct the search for the Senior HR Director role at UPMC Enterprises, with a principal address at 2005 Market Street, Floor 33, Philadelphia, Pennsylvania 19103. Diversified is an employer that employed 200 or more persons during the relevant

period.

22. This Court has federal question jurisdiction under 28 U.S.C. § 1331 because Plaintiff asserts claims arising under federal law, including Title VII, the ADEA, and 42 U.S.C. § 1981.

23. This Court has supplemental jurisdiction over Plaintiff's PHRA claims under 28 U.S.C. § 1367, because those claims arise from the same common nucleus of operative fact as the federal claims and form part of the same case or controversy.

24. Plaintiff seeks all remedies available at law and in equity, including compensatory and punitive damages where permitted, reasonable attorneys' fees and costs, and other appropriate relief under Section 1981, Title VII, the ADEA, and the PHRA.

25. Plaintiff seeks compensatory and punitive damages, as well as attorneys' fees, under 42 U.S.C. §§ 1981, 1988, 42 U.S.C. § 2000e *et seq.*, and 43 PA. CONS. STAT. § 951 *et seq.*

26. Venue is proper in this District under 42 U.S.C. § 2000e-5(f)(3) and 28 U.S.C. § 1391(b)(2).

EEOC and Related Administrative Filings

27. On June 3, 2024, Mr. Sappir filed a charge of discrimination

with the Equal Employment Opportunity Commission (“EEOC”) against Diversified, alleging that Diversified, acting as an agent of UPMC and UPMC Enterprises, discriminated against him by denying his application for the Senior HR Director position.

28. The same day, Mr. Sappir filed additional charges with the EEOC against WorkPartners and UPMC, alleging that his termination of employment was in retaliation for his internal complaints concerning discrimination in the hiring and recruitment process for the Senior HR Director position.

29. On July 3, 2024, Mr. Sappir filed EEOC Charge Nos. 533-2024-02451 and 533-2024-02452 against WorkPartners and UPMC for terminating his employment in retaliation for his internal complaints concerning discrimination in the hiring and recruitment process for the Senior HR Director position.

30. Pursuant to a work-sharing agreement, the Pittsburgh Commission on Human Relations (“PghCHR”) initially issued determinations of untimeliness or no probable cause on certain UPMC-related charges; however, upon substantial weight review, the EEOC Philadelphia District Office reversed those determinations and directed

a continued investigation.

31. On May 12, 2025, Mr. Sappir filed an additional EEOC charge against UPMC alleging post-termination retaliatory failure to hire across multiple applications. This charge explicitly invoked race alongside sex and retaliation theories, relying on materials and statements suggesting bias against “white males.”

32. Mr. Sappir has exhausted all administrative remedies.

33. Mr. Sappir received a Right to Sue Letter from the EEOC dated January 7, 2026, for EEOC Charge No. 533-2024-02260 regarding *Mark Z. Sappir v. Diversified Search Group*. A copy is attached at **Exhibit 1**.

34. Mr. Sappir received a Right to Sue Letter from the EEOC dated January 26, 2026, for EEOC Charge No. 533-2024-02452 regarding *Mark Z. Sappir v. UPMC Benefit Management Services d/b/a Workpartners*. A copy is attached at **Exhibit 2**.

35. Mr. Sappir received a Right to Sue Letter from the EEOC dated January 26, 2026, for EEOC Charge No. 533-2024-02451 regarding *Mark Z. Sappir v. Workpartners*. A copy is attached at **Exhibit 3**.

36. Mr. Sappir received a Right to Sue Letter from the EEOC

dated January 26, 2026, for EEOC Charge No. 533-2024-02262 regarding *Mark Z. Sappir v. UPMC*. A copy is attached at **Exhibit 4**.

37. Mr. Sappir received a Right to Sue Letter from the EEOC dated January 26, 2026, for EEOC Charge No. 533-2024-02265 regarding *Mark Z. Sappir v. UPMC Enterprises*. A copy is attached at **Exhibit 5**.

38. Mr. Sappir received a Right to Sue Letter from the EEOC dated February 9, 2026, for EEOC Charge No. 533-2025-02182 regarding *Mark Z. Sappir v. UPMC Group*. A copy is attached at **Exhibit 6**.

39. Mr. Sappir received a Right to Sue Letter from the PghCHR dated January 15, 2026, for PghCHR Case No. EO-2024-059/EEOC Charge No. 533-2024-02452 regarding *Mark Z. Sappir v. UPMC Benefit Management Services d/b/a Workpartners*. A copy is attached at **Exhibit 7**.

40. Mr. Sappir received a Right to Sue Letter from the PghCHR dated January 15, 2026, for PghCHR Case No. EO-2024-060/EEOC Charge No. 533-2024-02451 regarding *Mark Z. Sappir v. Workpartners*. A copy is attached at **Exhibit 8**.

41. Mr. Sappir received a Right to Sue Letter from the PghCHR dated January 15, 2026, for PghCHR Case No. EO-2024-061/EEOC

Charge No. 533-2024-02265 regarding *Mark Z. Sappir v. UPMC Enterprises*. A copy is attached at **Exhibit 9**.

42. Mr. Sappir received a Right to Sue Letter from the PghCHR dated January 15, 2026, for PghCHR Case No. EO-2024-062/EEOC Charge No. 533-2024-02262 regarding *Mark Z. Sappir v. UPMC*. A copy is attached at **Exhibit 10**.

43. This action is timely filed within 90 days of the date on which Plaintiff received his right-to-sue letters.

FACTUAL ALLEGATIONS

Mr. Sappir's Work History

44. Plaintiff, Mr. Sappir, is a seasoned Human Resources executive who has served as the Chief Human Resources Officer of two publicly held companies and operated a successful HR consulting firm, with substantial experience in healthcare-related products and technology.

45. Mr. Sappir has worked in Human Resources for over four decades, with a focus on healthcare companies.

46. Mr. Sappir holds an MBA with a concentration in labor management relations.

47. Mr. Sappir is a licensed attorney.

48. Mr. Sappir has taught college-level courses on HR management and business law.

49. Mr. Sappir began serving in senior HR roles at Bayer Corporation in the 1980s.

50. Plaintiff's work experience also includes his role as Vice President, Human Resources, at C&D Technologies, Inc., from July 1998 to April 2003.

51. Plaintiff also worked as Vice President, Human Resources Administration, at Taylor Nelson Sofres from January 2005 to January 2009.

52. Plaintiff began his UPMC employment on or about April 19, 2019, as a Compliance Manager for the eBenefits business in UPMC's Insurance Services Division.

53. As the Compliance Manager for the eBenefits business in UPMC's Insurance Services Division, Plaintiff reported to Kismet Toksu.

54. On or about December 19, 2021, Plaintiff was promoted to the position of Manager of Compliance Operations for all of Workpartners' lines of business, including eBenefits.

55. At all relevant times, Plaintiff worked within UPMC's Insurance Services Division and then Workpartners, while residing in Pennsylvania.

56. UPMC hired Mr. Sappir on April 19, 2019, as Compliance Manager for the eBenefits business of UPMC's Insurance Services Division, reporting to Kismet Toksu.

57. Effective December 19, 2021, he moved to UPMC Benefit Management Services, Inc., doing business as Workpartners, as Manager of Compliance Operations.

58. Plaintiff's responsibilities at Workpartners included compliance operations tasks supporting business functions across UPMC's Insurance Services, requiring coordination with corporate HR and compliance leadership.

59. During his tenure, up until his termination, Mr. Sappir received positive feedback for his work.

60. On April 5, 2024, the Excellence in Action Committee, representing the senior leadership team of UPMC Insurance Services, recognized his "continued successes, growth, and hard work."

61. In the 2022/2023 Annual Performance Review Cycle, he

documented his next career goal as becoming the HR Director/Senior HR Director at UPMC Enterprises.

62. Plaintiff's employment was terminated on or about April 24, 2024.

Application for the UPMC Enterprises Senior HR Director Role

63. In July 2023, Mr. Sappir became aware that UPMC Enterprises had posted an opening for a Senior HR Director and applied.

64. On July 10, 2023, he emailed Jeanne Cunicelli (President, UPMC Enterprises) and Shelia Heckla (VP, HR, Corporate Services at UPMC) to advise that he would be formally applying for the Senior HR Director role.

65. Ms. Heckla directed him to follow up with Amanda Bothwell, Senior Director, HR, UPMC Corporate Services.

66. Ms. Bothwell informed him that Diversified would conduct the search and that Judy Boreham, a Diversified Managing Director, would be "helping with recruitment."

67. Mr. Sappir interviewed with Ms. Boreham on or about July 17, 2023, submitted materials, and was later informed on or about August 8, 2023, that he would not advance.

68. As a result, Mr. Sappir was not included among the candidates who were granted interviews with UPMC Enterprises' hiring decision-makers.

69. On August 15, 2023, Mr. Sappir sent an email to Mr. Bert Smith, a member of UPMC's Human Resources Department, formally requesting to review all information related to the evaluation of his candidacy for the Senior Director of Human Resources position at UPMC Enterprises.

70. UPMC has a policy specifically directing that the specific job related reasons for selection or rejection will be documented for both internal and external candidates.

71. UPMC never granted Mr. Sappir's request.

72. Of the three finalists Diversified identified for the UPMC Enterprises hiring team, all the selected candidates were women.

73. Ms. Boreham's notes regarding candidate interviews for UPMC on July 20, 2023, stated that a finalist candidate, Eliza Swann, "liked DEI," yet the November 22, 2024 Position Statement claimed "there was no mention of any need or preference for diversity" when "Boreham discussed the role with UPMC."

74. In December 2023, UPMC Enterprises selected Julia M. Bennett (then age 49) for the Senior HR Director position.

75. Ms. Bennett is a woman.

76. Ms. Bennett's prior work experience is in the hotel and hospitality management fields.

77. Ms. Bennett does not hold an advanced degree.

78. Ms. Bennett's prior, substantive experience did not include healthcare or the development of healthcare-related products and technology before being selected for the Senior HR Director role at UPMC Enterprises.

Internal Complaints and Protected Activity

79. In Mr. Sappir's 2022/2023 performance cycle self-assessment and discussion, on or about December 22, 2023, Mr. Sappir raised concerns with Andrew Yohe, his supervisor, that the handling of his candidacy for the Senior HR Director role violated UPMC's Equal Employment Opportunity policies and anti-discrimination laws.

80. Mr. Sappir specifically conveyed the following additional information that supported his concerns regarding possible unlawful systemic discriminatory actions with regard to filling HR positions with

UPMC operating entities: (1) Mr. Sappir had concerns that by not having had the opportunity to meet with and be interviewed directly by the members of the hiring team, he was denied the Senior HR Director position with UPMC Enterprises in violation of UPMC's anti-discrimination policy; (2) UPMC failed to respond to his request for information as to why he was not selected; and (3) Mr. Sappir did not feel confident that UPMC would comply with equal employment opportunity policies and anti-discrimination procedures in the future.

81. Mr. Sappir asked Mr. Yohe to relay these concerns to the appropriate UPMC individuals who could investigate and remediate the violations Mr. Sappir had identified.

82. Due to a serious medical condition that arose during the first week of January 2024, Mr. Sappir took FMLA leave and returned in early April 2024.

83. Mr. Sappir met with Ms. Georgia Foley, UPMC's Senior Vice President and Chief Compliance and Ethics Officer, on April 9, 2024.

84. Mr. Sappir believed the meeting was to discuss his serious concerns, previously shared with Mr. Yohe, regarding the rejection of his candidacy for the Senior Human Resources Director position.

85. Instead, Ms. Foley sought clarification regarding information Mr. Sappir provided on UPMC's "Annual Conflict of Interest Questionnaire" he submitted in 2023.

86. This was a pretextual attempt to find negative information so UPMC could justify his termination because of his complaints.

87. Mr. Sappir provided Ms. Foley with information related to his complaint.

88. Ms. Foley presented as if she were unaware of his complaint.

89. On April 10, 2024, Ms. Foley acknowledged receipt and stated that she had referred the matter to the Corporate Office of Ethics, Compliance, and Audit Services.

90. On April 5, 2024, days before his complaint to Ms. Foley, UPMC's Excellence in Action Committee and the senior leadership team of UPMC Insurance Services had commended his continued successes, growth, and hard work.

Termination and Lack of Investigation Follow-Up

91. On April 24, 2024, UPMC informed Mr. Sappir that his role would be eliminated as part of a system-wide reduction-in-force.

92. On April 25, 2024, consistent with the termination notice, he

emailed Ms. Foley requesting that she complete the Compliance Office's investigation. Ms. Foley replied that she would pass along his information to the Corporate Office of Ethics, Compliance, and Audit Services and expressed confidence in their process.

93. Despite these assurances, the Compliance Office did not contact Mr. Sappir after April 10, 2024, and he was never advised of any investigation results.

Post-Termination Applications and Failure to Rehire

94. Since his protected complaints and termination, Mr. Sappir has applied for eight UPMC positions, beginning in mid-August 2024. He received seven rejections without an interview and a single one-way AI-assisted video interview, followed by rejection.

95. Mr. Sappir was qualified for each position.

96. Mr. Sappir was rejected as retaliation for his prior complaints or because of the Defendants' continued illegal practice of preferring candidates based on protected characteristics.

UPMC's and Diversified's DEI Positioning

97. At all times relevant to this Complaint, UPMC's careers website (careers.upmc.com) includes the statement that it is "committed

to diversity, equity, and inclusion.”

98. UPMC has received the Catalyst Award, which is “the premier gender equity award for advocates of diversity, equity, and inclusion, which recognizes organizations whose influential and pioneering initiatives accelerate and advance women and people of color into leadership roles.”

99. Diversified Search Group represented publicly that “DEI is our mission, mandate, and methodology,” and reported that 78% of its 2021-2022 placements were women and/or people of color, with only 22% of placements filled by men who were not people of color.

100. According to data from Diversified’s website as of December 2023, approximately 79.1 percent of Diversified’s leadership and professional employees were women and/or people of color, leaving only about 20.9 percent who were men who were not people of color.

101. Defendants’ unlawful preferences resulted in only women being selected as finalists.

102. A woman was selected for the Senior HR Director position at UPMC Enterprises.

103. Ms. Boreham’s notes reflect favoring a candidate who “liked

DEI,” consistent with Mr. Sappir’s concern that DEI preferences influenced the shortlist.

104. Upon information and belief, individuals engaged in unlawful discrimination prefer candidates who support such practices.

Supporting Evidence

105. UPMC relied on Diversified to conduct initial interviews, screen candidates, and recommend whom to advance.

106. UPMC adopted Diversified’s non-advancement decision for Mr. Sappir.

107. UPMC advanced three female candidates for final interviews with UPMC Enterprises leadership, including Julia Bennett (then age 49), and Mr. Sappir (then age 72) was not advanced.

108. Diversified flagged that Mr. Sappir may not be a “personality fit” for UPMC, despite Mr. Sappir’s almost five-year tenure with UPMC.

109. Upon information and belief, this characterization was pretextual and referred to Mr. Sappir’s failure to meet UPMC’s preferred race, sex, and age criteria based on Defendants’ commitment to DEI.

110. Mr. Sappir’s contemporaneous communications and binders to Mr. Yohe and Ms. Foley document his protected complaints, including

concerns that his candidacy would not have been terminated early if he were a woman or a person of color, and that the process likely violated UPMC's Equal Employment Opportunity policy.

111. The close temporal proximity between his April 9, 2024, compliance submission and the April 24, 2024, termination supports Mr. Sappir's claim of retaliation.

112. The Compliance Office did not contact him after April 10, 2024, and he received no information regarding the findings of the promised investigation by Ms. Foley.

FIRST CLAIM FOR RELIEF

Violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.* (Race and Sex Discrimination)

113. Plaintiff incorporates all the foregoing paragraphs of this Complaint as though they are fully restated here.

114. Title VII prohibits employers and employment agencies from discriminating based on race and sex in hiring, referral, and other terms and conditions of employment.

115. Plaintiff is a white male and was qualified for the positions at issue.

116. Defendants discriminated against Plaintiff on the basis of

race and sex by creating a qualified applicant pool based on race and sex.

117. Defendants discriminated against Plaintiff on the basis of race and sex by denying him advancement and selection for the Senior HR Director position and by otherwise treating him less favorably than similarly qualified candidates outside his protected classes during recruitment, screening, and selection, including advancing only female finalists and selecting a female candidate.

118. The UPMC Defendants were Plaintiff's prospective employers with respect to the Senior HR Director role and later postings; Diversified acted as their agent and as an "employment agency" within the meaning of Title VII in connection with recruitment, screening, and referral.

119. Plaintiff satisfied all applicable administrative prerequisites to sue under Title VII.

120. As a direct and proximate result of Defendants' unlawful race and sex discrimination, Plaintiff suffered damages including lost wages and benefits, loss of career opportunities, emotional distress, and other compensatory harms.

121. Defendants' conduct was willful and/or undertaken with reckless indifference to Plaintiff's federally protected rights, entitling

him to all remedies available under Title VII, including back pay, front pay or reinstatement, compensatory and punitive damages where permitted, attorneys' fees, costs, and pre- and post-judgment interest.

SECOND CLAIM FOR RELIEF

Violation of 42 U.S.C. § 1981 (Race Discrimination in Contracting)

122. Plaintiff incorporates all the foregoing paragraphs of this Complaint as though they are fully restated here.

123. Plaintiff is a white male who applied for and sought to enter into employment contracts and related contractual relationships with the UPMC Defendants.

124. Following termination, Plaintiff sought reemployment with UPMC entities.

125. Defendants interfered with and denied Plaintiff's rights to make and enforce contracts on the same terms as non-white applicants and candidates, in violation of 42 U.S.C. § 1981.

126. Defendants intentionally discriminated against Plaintiff on the basis of race (white) by, among other things, excluding him from the qualified applicant pool, denying him advancement in the hiring process, and denying him selection for the Senior Human Resources Director

position at UPMC Enterprises.

127. Defendants intentionally discriminated against Plaintiff on the basis of race (white) by, among other things, excluding him from the qualified applicant pool, denying him advancement in the hiring process, and denying him selection for eight additional positions after he was terminated.

128. The UPMC Defendants acted as prospective employers with respect to the Senior HR Director role and later postings, and Diversified acted as an agent of the UPMC Defendants and as an employment agency whose actions intentionally impaired Plaintiff's equal contractual opportunities.

129. As a direct and proximate result of Defendants' discriminatory conduct, Plaintiff suffered damages including lost wages and benefits, loss of career opportunities, emotional distress, and other compensatory harms.

130. Defendants' conduct was willful and in reckless disregard of Plaintiff's federally protected rights, entitling him to all remedies available at law and in equity, including compensatory and punitive damages, attorneys' fees, costs, and pre- and post-judgment interest.

THIRD CLAIM FOR RELIEF

Violation of Age Discrimination in Employment Act, 29 U.S.C. § 621 *et seq.*
(Age Discrimination)

131. Plaintiff incorporates all the foregoing paragraphs of this Complaint as though they are fully restated here.

132. The ADEA prohibits discrimination “because of” age.

133. Plaintiff was over the age of 65 at all relevant times and was qualified for the positions at issue.

134. Defendants discriminated against Plaintiff because of age by excluding him from interviews and advancement for the Senior HR Director role, selecting a substantially younger candidate, and subsequently retaliating against him by refusing to hire him for multiple positions for which he was qualified.

135. The UPMC Defendants acted as Plaintiff’s prospective employers with respect to the Senior HR Director role and later postings; Diversified acted as their agent and as an employment agency in connection with recruitment, screening, and referral.

136. As a direct and proximate result of Defendants’ unlawful age discrimination, Plaintiff suffered damages including lost wages and

benefits, loss of career opportunities, emotional distress, and other compensatory harms.

137. Defendants' violations were willful, entitling Plaintiff to all remedies available under the ADEA, including back pay, front pay or reinstatement, liquidated damages, attorneys' fees, costs, and pre- and post-judgment interest.

FOURTH CLAIM FOR RELIEF

Pennsylvania Human Relations Act, 43 PA. CONS. STAT. § 955(a) (Unlawful Discriminatory Practices)

138. Plaintiff incorporates all the foregoing paragraphs of this Complaint as though they are fully restated here.

139. Under the PHRA, each UPMC Defendant is an "employer" under 43 PA. CONS. STAT. § 954(b), and Diversified is an "employment agency" under 43 PA. CONS. STAT. § 954(e) and acted as the UPMC Defendants' agent under 43 PA. CONS. STAT. § 954(a) for recruitment and referral.

140. Defendants discriminated against Plaintiff because of race, sex, and age in violation of § 955(a), including by excluding him from interviews and advancement for the Senior HR Director role, selecting a substantially younger female candidate, and subsequently retaliating

against him by refusing to hire him for multiple positions for which he was qualified.

141. The adverse actions include failure to interview and failure to hire Plaintiff in 2023 for the Senior HR Director role, Plaintiff's termination on or about April 24, 2024, and post-termination failures to hire for multiple positions.

142. Similarly situated individuals outside Plaintiff's protected classes (race, sex, and age) were treated more favorably in the hiring process and for subsequent openings.

143. As a direct and proximate result of Defendants' violations of the PHRA, Plaintiff suffered compensatory damages, including lost wages and benefits, loss of career opportunities, emotional distress, and other harms.

144. Plaintiff seeks all relief available under the PHRA, including back pay, front pay or reinstatement, compensatory damages, attorneys' fees and costs where authorized, and pre- and post-judgment interest. Plaintiff does not seek punitive damages under the PHRA.

FIFTH CLAIM FOR RELIEF

Pennsylvania Human Relations Act, 43 PA. CONS. STAT. § 955(d) (Retaliation)

145. Plaintiff incorporates all the foregoing paragraphs of this Complaint as though they are fully restated here.

146. Plaintiff engaged in protected activity under the PHRA by opposing and reporting discrimination beginning in December 2023 and again in April 2024, and by filing administrative charges thereafter.

147. The UPMC Defendants retaliated against Plaintiff for his protected activity by terminating his employment on or about April 24, 2024, and, following his separation, refusing to hire him for multiple posted positions for which he was qualified.

148. There is a causal connection between Plaintiff's protected activity and the adverse actions, including the temporal proximity between his April 9, 2024, complaints and the April 24, 2024, termination, and the pattern of post-termination rejections.

149. As a direct and proximate result of the UPMC Defendants' retaliation in violation of § 955(d), Plaintiff suffered damages including lost wages and benefits, loss of career opportunities, emotional distress, and other compensatory harms.

150. Plaintiff seeks all relief available under the PHRA for retaliation, including back pay, front pay or reinstatement, compensatory damages, attorneys' fees and costs where authorized, and pre- and post-judgment interest. Plaintiff does not seek punitive damages under the PHRA.

SIXTH CLAIM FOR RELIEF

Title VII, 42 U.S.C. § 2000e *et seq.* (Retaliation)

151. Plaintiff incorporates all the foregoing paragraphs of this Complaint as though they are fully restated here.

152. Plaintiff engaged in activity protected by Title VII, including opposing and reporting race and sex discrimination and filing EEOC charges.

153. The UPMC Defendants retaliated against Plaintiff for his protected activity by terminating his employment and subsequently refusing to hire him for multiple positions for which he was qualified.

154. As a direct and proximate result of the UPMC Defendants' unlawful retaliation, Plaintiff suffered damages including lost wages and benefits, loss of career opportunities, emotional distress, and other compensatory harms.

155. Plaintiff seeks all remedies available under Title VII for retaliation, including back pay, front pay or reinstatement, compensatory and punitive damages where permitted, attorneys' fees and costs, and pre- and post-judgment interest.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment in his favor and against Defendants as to all claims alleged and grant the following relief:

A. A declaratory judgment that Defendants' policies, practices, and conduct described in the Complaint violate 42 U.S.C. § 1981; Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2 *et seq.*; the Age Discrimination in Employment Act, 29 U.S.C. § 621 *et seq.*; and the Pennsylvania Human Relations Act, 43 PA. CONS. STAT. § 951 *et seq.*

B. A permanent injunction enjoining Defendants, including any agents and employment agencies acting on their behalf, from engaging in unlawful discrimination and retaliation, and requiring them to implement and maintain effective equal employment opportunity, non-discrimination, and non-retaliation policies, training, monitoring, and compliance measures in recruitment, screening, referral, hiring, and

other terms and conditions of employment.

C. An award of actual and compensatory damages to the extent permitted by law, including unpaid wages and employment-related benefits with prejudgment interest, and compensation for nonpecuniary losses as available under 42 U.S.C. § 1981, Title VII, the ADEA, and the PHRA.

D. An award of punitive damages to the extent permitted by Title VII, 42 U.S.C. § 1981a(b)(1), and 42 U.S.C. § 1981, against Defendants for conduct carried out with malice or reckless indifference to federally protected rights; and, for ADEA claims, liquidated damages for willful violations pursuant to 29 U.S.C. § 626(b).

E. Appropriate equitable relief to make Plaintiff whole, including but not limited to reinstatement into the position sought or a substantially equivalent position, reinstatement where feasible, or front pay in lieu thereof; back pay; restoration of lost benefits; expungement and correction of records; and other measures necessary to place Plaintiff as nearly as possible in the position he would have occupied absent Defendants' unlawful conduct.

F. Reasonable attorneys' fees, expert fees, and costs as

authorized by 42 U.S.C. § 2000e-5(k), 42 U.S.C. § 1988, 29 U.S.C. § 626(b), 28 U.S.C. § 1920, 43 PA. CONS. STAT. § 962, and any other applicable fee-shifting provisions.

G. Pre- and post-judgment interest.

H. Such other and further legal and equitable relief as the Court deems just and proper.

Respectfully submitted,

Dated: April 5, 2026

/s/ Walter S. Zimolong
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JURY TRIAL DEMAND

Plaintiff demands a trial by jury on all claims for which a jury trial is available.

DATED: Month XX, 2026

By: /s/

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