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18 **UNITED STATES DISTRICT COURT**
19 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

20 DEREK L. MOBLEY for and on behalf of
himself and other persons similarly situated,
21 *Plaintiff,*

22 V

23 WORKDAY, INC.,
24 *Defendant.*

Case No. 4:23-cv-00770-RFL

**PLAINTIFF DEREK MOBLEY'S
NOTICE OF MOTION AND MOTION
FOR CONDITIONAL
CERTIFICATION OF COLLECTIVE
ACTION PURSUANT TO 29 U.S.C. §
216(b)**

Date: April 8, 2025
Time: 10:00 a.m.
Dept: Courtroom 15 (18th Floor)

**PLAINTIFF DEREK L. MOBLEY'S NOTICE OF MOTION AND
MOTION FOR CONDITIONAL CERTIFICATION OF
COLLECTIVE ACTION PURSUANT TO 29 U.S.C. § 216(b)**

PLEASE TAKE NOTICE that, on April 8, 2025, at 10:00 a.m., in Courtroom 15, of this Court, located at 450 Golden Gate Avenue, 18th floor, San Francisco, California, before the Honorable Rita F. Lin, Plaintiff Derek L. Mobley will move the Court for an order conditionally certifying the proposed collective pursuant to Section 216(b) of the Fair Labor Standards Act and Section 626(b) of the Age Discrimination in Employment Act ("ADEA"). This motion is based on the Plaintiff's allegations and the declarations of the Opt-In Plaintiffs which unequivocally show that the Plaintiff and Opt-Ins are similarly situated to the members of the potential collective and there exists no material distinctions between them that would prohibit conditional certification. Therefore, the Plaintiff respectfully requests that the Court authorize the issuance of notice pursuant to 29 U.S.C. § 626(b), which incorporates the standards of § 16(b) of the Fair Labor Standards Act (29 U.S.C. § 216(b) so that potential collective members may learn of their rights and decide whether to join the lawsuit.

In support of this motion, the Plaintiff incorporates the attached memorandum of points and authorities and the accompanying declarations of Opt-In Plaintiffs Jill E. Hughes, Vanessa Knight-Bell, Sheilah Johnson-Rocha, and Richard Lieb, Jr. and the exhibits attached thereto. For the reasons set forth below, Plaintiff respectfully requests that the Court grant this motion and conditionally certify the proposed collective.

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**MEMORANDUM IN SUPPORT OF MOTION
FOR CONDITIONAL CERTIFICATION**

I. PRELIMINARY STATEMENT

Plaintiff, Derek L. Mobley (“Mobley” or “Plaintiff”), brings this suit challenging Defendant Workday, Inc.’s (“Workday” or “Defendant”) alleged policy or practice of discriminatory job screening—which disproportionately disqualifies individuals over the age of forty (40) from securing gainful employment. This motion seeks certification of a nationwide ADEA collective, as set forth below.

The Plaintiff, and Opt-In Plaintiffs, Jill E. Hughes, Vanessa Knight-Bell, Sheilah Johnson-Rocha, and Richard Lieb, Jr. all have submitted hundreds of employment applications to prospective employers at a Uniform Resource Locator (“URL”) that ends with @myworkday.com. Each time their employment applications have been rejected, sometimes within minutes of submission. Any employment applications submitted to employers via @myworkday.com are subject to Workday’s proprietary screening processes during the Class Period, including the Plaintiffs and the proposed collective. It is thus reasonable to attribute any systematic disparate impact in the scoring of applicants to Workday’s policy of using algorithmic decision-making tools. This causal connection is unsurprising: algorithmic decision-making tools have been known to cause disparate impact in scoring applications.

As the Court has already determined, “[t]o plead a prima facie case of disparate impact, a plaintiff must (1) show a significant disparate impact on a protected class or group; (2) identify the specific employment practices or selection criteria at issue; and (3) show a causal relationship between the challenged practices or criteria and the disparate impact.” *Order* at 13 (Doc. 80) (quoting *Bolden-Hardge v. Off. of Cal. State Controller*, 63 F.4th 1215, 1227 (9th Cir. 2023)). The Court has also found that the Plaintiffs satisfied those elements of a disparate impact claim by having identified and pled “a specific employment practice” in the form of Workday’s “algorithmic decision-

1 making tools to screen applicants . . . [that] rely on biased training data and information obtained
2 from pymetrics and personality tests,” *Order* at 13 (Doc. 80) (quoting FAC ¶¶ 28 38–39, 57), as well
3 as “sufficiently allege[ed] that the disparity is caused by Workday’s algorithmic screening tools.” *Id.*
4 at 15.

5 Because their applications are more likely to be flagged for rejection, applicants over 40 are
6 disproportionately more likely to be denied jobs. As a result, those over 40 experience significantly
7 greater rates of rejection for employment which negatively impacts their career prospects, earnings,
8 and quality of life. The detailed allegations of the First Amended Complaint, basic information
9 obtained during this litigation, and the declarations of the opt-in Plaintiffs show that the proposed
10 collective members are “similarly situated” and far exceed the “lenient standard” required for
11 conditional certification under 29 U.S.C. § 626(b) and 29 U.S.C. § 216(b).

12 The Plaintiff and the Opt-Ins similarly situated in that they were all denied employment
13 because of the Defendant’s algorithmic decision-making tools. Thus, they have made a showing that
14 a group of individuals were victims of a common policy or practice, meeting the lenient standard for
15 maintaining a collective action. This warrants conditional certification. Moreover, the elements that
16 must be proven to support a ADEA disparate impact claim are common to all members of the
17 collective, i.e. proof of impact, causation, and RFOA affirmative defenses are common elements of
18 liability, as are the resulting collective-wide injunctive and declaratory relief and objectively -based
19 backpay calculations.

22 **II. STATEMENT OF RELEVANT FACTS**

23 **A. Workday, Inc.**

24 Mr. Mobley alleges that Workday, Inc. has engaged in a policy or practice that causes
25 disparate impact by discriminating against applicants (including [Mr. Mobley]) who are age 40 and
26 older in hiring with the resultant effect of disqualifying persons aged 40 or older from positions for
27

1 which they are well qualified. (FAC at pgs. 2-3). Because Workday is the gatekeeper to employment
 2 opportunities for millions of applicants, its alleged discriminatory screening practices have a
 3 significant disparate impact on older workers seeking employment.¹ In May of 2023, the Bureau of
 4 Labor Statistics reported more than 9.8 million job openings in the U.S., and Workday recruiting
 5 processed 2.2 million of those U.S. job requisition transactions in May, representing nearly 22% of
 6 all U.S. job openings that month. (FAC at pg. 2). At that rate, in 2023 alone, Workday was projected
 7 to process more than 36 million requisitions, screen 266 million applications, and make 24 million
 8 job offers in 2023 alone. *Id.* Workday processes this massive number of applications by using
 9 automated screening tools that rely on artificial intelligence. *Id.* Workday’s job screening practices
 10 have systematically favored younger applicants at the expense of older candidates. (FAC at pgs. 2-
 11 3). Workday’s market dominance ensures that a significant portion of applicants must bypass its
 12 artificial intelligence (“AI”) and Machine Learning (“ML”) systems and screening tools to get jobs
 13 thereby depriving older workers of employment. (FAC at pg. 2).

16 **B. Plaintiffs’ Efforts to Secure Employment**

17 Plaintiff Mobley and Opt-In Plaintiffs Hughes, Knight-Bell, Johnson-Rocha, and Lieb, have
 18 each submitted hundreds of applications to various employers who use Workday to screen
 19 applications. Plaintiffs were over the age of 40 when they applied and allege that they were qualified
 20 for the positions but were unlawfully refused employment despite their qualifications.
 21
 22
 23

24
 25 ¹Workday was founded in 2005 and today is used by more than 10,000 organizations around the
 26 world and across industries—from medium-sized businesses to more than 50 percent of the Fortune
 27 500. The Workday customer community has 65 million users, and in April of this year, nearly one
 28 in four of all U.S. job openings was processed on the Workday platform. *See* Landman, Inna. “First
 Half 2023 Hiring Trends: Slowdown and Stagnation,” Workday Blog, September 20, 2023,
<https://blog.workday.com/en-us/2023/first-half-2023-hiring-trends-slowdown-stagnation.html>.

1 **1. Derek L. Mobley**

2 Mr. Mobley is over the age of 40 [d.o.b. 1974]. (FAC¶19). Mobley graduated from
3 Morehouse College in 1995 with a bachelor's degree in finance and is also an honors graduate of ITT
4 Technical Institute. (FAC¶¶20-24). Over his career Mobley has worked in various financial, IT help-
5 desk, and customer service-oriented jobs. (FAC¶¶25-26). He possesses extensive knowledge in
6 multiple critical roles within the Enterprise server, banking, finance, and insurance industries.
7 (FAC¶27).

9 Beginning in 2017, Mobley applied for over 100 positions with employers that exclusively
10 use Workday as a screening platform for talent acquisition and/or hiring. (FAC¶49-55). The emails
11 by which Mobley communicated with these employers all say myworkday.com. (FAC¶53).
12 Mobley's applications were rejected by Workday every time. Id at 49. Many of the positions for
13 which Mobley submitted applications required him to take a Workday branded assessment and/or
14 personality test. (FAC¶56).

16 Mobley never received an interview for most of the jobs for which he submitted applications,
17 and in numerous instances he was informed of his rejection within hours of submitting his
18 application. (FAC¶¶61-87). For example, on January 29, 2022, he applied for a job at 12:55 a.m. and
19 received a rejection email less than an hour later, at 1:50 a.m. (FAC¶¶84-85). Despite his
20 qualifications and experience, Mobley never received an offer of employment.

22 **2. Jill E. Hughes**

23 Ms. Hughes is over the age of 40 [year of birth 1974]. (Ex. 1-Hughes Dec. ¶7). She has a
24 B.A. from the University of Cincinnati and an M.A. from the University of Chicago. (Ex. 1-Hughes
25 Dec. ¶8). She possesses more than 28 years of executive-level experience as a Senior Medical Writer,
26 Project Manager, and Scientific Director with experience writing/strategizing for major media as
27 well as the corporate and medical arenas. Id.

1 Since December of 2023, Ms. Hughes has applied for hundreds of positions that use
2 Workday, Inc. as a screening tool for sourcing, recruiting, talent acquisition and/or hiring. (Ex. 1-
3 Hughes Dec. ¶4). Examples of employers that she has submitted applications to include 3M; Cigna;
4 Veralto; Stryker; Becton Dickinson; FIS Global; General Electric; Huntington; and Parsons
5 Corporation. She has been denied employment each time. Id.

6
7 The companies listed above have sent at least one automated rejection email for role(s)
8 for which Mr. Hughes met or exceeded the posted hiring requirements. (Ex. 1-Hughes Dec. ¶5) In
9 some cases, the automated rejection emails stated “You do not meet the minimum requirements for
10 this role” even though she met or exceeded all posted requirements based on her professional resume
11 and portfolio of prior work. Id. The automated rejections Ms. Hughes received were often received
12 within a few hours of applying or at odd times outside of business hours (i.e., 2:40 a.m. on a Sunday
13 morning; 11:00 pm on a weekday), indicating a human did not review the applications. (Ex. 1-
14 Hughes Dec. ¶6).

15
16 Despite her qualifications, experience, and numerous applications, Ms. Hughes has only been
17 offered an opportunity to interview once, via Cardinal Health, which resulted in a rapid rejection,
18 only to see that same role re-posted over and over again for multiple years since. (Ex. 1-Hughes Dec.
19 ¶10).

20 **3. Vanessa Knight-Bell**

21
22 Ms. Knight-Bell is over the age of 40 [year of birth 1970]. (Ex. 2-Knight-Bell Decl. ¶6). She
23 is a 2011 graduate of University of Alabama, Tuscaloosa where she obtained a bachelor’s degree in
24 commerce and business administration. (Ex. 2-Knight-Bell Decl. ¶7). Since 1996, Ms. Knight-Bell
25 has worked in various financial, business analyst, and customer service-oriented jobs. (Ex. 2-Knight-
26 Bell Decl. at Att. A (Resume)). Since 2018 Ms. Knight-Bell has applied for 100’s of positions that
27 use Workday, Inc. as a screening tool for recruiting, talent acquisition and/or hiring. (Ex. 2-Knight-
28

1 Bell Decl. ¶4). Specifically, Ms. Knight-Bell has submitted job applications to approximately 40
2 different employers. Id. During this period, she specifically recalls submitting 180 applications to
3 Boeing, 131 applications to Northrop Grumman, 121 applications to Parsons Corporation, and 110
4 applications to General Dynamics Information Technology. Id. She never received an interview or
5 job offer from these employers even though she met the qualifications for the positions for which she
6 applied. Id. She received automated rejection emails, most often within 24 hours of her interview.
7 (Ex. 2-Knight-Bell Decl. ¶5).

9 The denials of employment recommendations were received via automated rejection emails
10 for role(s) for which Ms. Knight-Bell met or exceeded the posted hiring requirements. (Ex. 2-Knight-
11 Bell Decl. ¶5). In some cases, the automated rejection emails stated “You do not meet the minimum
12 requirements for this role” even though she met or exceeded all posted requirements based on his
13 professional resume. Id. Automated rejections were often received within a few hours of applying or
14 were sent at odd times outside of business hours, indicating a human did not review the applications.
15 Id.

17 4. Sheilah Johnson-Rocha

18 Ms. Johnson-Rocha is over the age of 40 [year of birth 1983]. (Ex. 3-Johnson-Rocha Decl.
19 ¶7). She has three college degrees: (1) an associate’s in arts (Business Administration); Bachelor of
20 Business Administration; and, a Master of Science-Major in Management. (Ex. 3-Johnson-Rocha
21 Decl. ¶8). She has worked in the pharmaceutical and biotechnology industry for approximately 21
22 years and is recognized as a thought leader in clinical development operations and project
23 management. (Ex. 3-Johnson-Rocha Decl. ¶8; Att. A (Resume’)).

25 Since March 2023, Ms. Rocha has submitted approximately 2,000 job applications to
26 various pharmaceutical and biotech companies. (Ex. 3-Johnson-Rocha Decl. ¶4). A large majority of
27 the companies to which she applied use the Workday, Inc. job application platform. Id. Ms. Johnson-
28

1 Rocha's qualifications and experience exceeded all criteria in the job requisitions for each of the
2 roles for which she applied, however almost all her applications were met with an automated rejection
3 notification. Id. Furthermore, many of the jobs for which she applied were not filled but were
4 continuously re-posted. (Ex. 3-Johnson-Rocha Decl. ¶5). When the jobs were re-posted, she re-
5 applied only to receive an automated rejection email. Id. In some cases, the automated rejection
6 emails stated "You do not meet the minimum requirements for this role" even though she met or
7 exceeded all posted requirements based on her professional resume. (Ex. 3-Johnson-Rocha Decl.
8 ¶5). Automated rejections were often received within a few hours of applying or were sent at odd
9 times outside of business hours, indicating a human did not review the applications. (Ex. 3-Johnson-
10 Rocha Decl. ¶5). For some companies, she submitted 20 or more individual applications, and all were
11 rejected. (Ex. 3-Johnson-Rocha Decl. ¶6).

12
13
14 **5. Richard W. Lieb, Jr.**

15 Mr. Lieb is over the age 40 [year of birth 1971]. (Ex. 4-Lieb Decl. ¶7). He has a degree from
16 the Art Institute of Pittsburgh, PA, (2015 - 2017) in Graphic Design with a concentration in Graphic
17 Design/Adobe Cloud and a minor in Social Marketing. (Ex. 4-Lieb Decl. ¶8; Atts. A-D (Resume')).
18 Mr. Lieb has held management positions in prior jobs and has an extensive background in Marketing
19 and its integration with social media. Id. He is pursuing CompTIA Server+ certifications. Id.

20 Since 2022, Mr. Lieb has applied for hundreds of positions that use Workday, Inc. as a
21 screening tool for sourcing, recruiting, talent acquisition and/or hiring. (Ex. 4-Lieb Decl. ¶4). For
22 some companies, such as Allstate, he has submitted multiple applications. Id. He has been denied
23 employment each time. Id.

24 The denials of employment were received via automated rejection emails for role(s) for which
25 Mr. Lieb met or exceeded the posted hiring requirements. (Ex. 4-Lieb Decl. ¶5). In some cases, the
26 automated rejection emails stated "You do not meet the minimum requirements for this role" even
27
28

1 though he met or exceeded all posted requirements based on his professional resume. *Id.* Automated
 2 rejections were often received within a few hours of applying or were sent at odd times outside of
 3 business hours, indicating a human did not review the applications. (Ex. 4-Lieb Decl. ¶6).

4 **C. How Workday, Inc. Operates**

5 Workday acts as an agent for firms who have delegated their employment decision-making
 6 authority to its algorithmic decision-making tools. FAC¶91, 107. Workday’s “artificial
 7 intelligence”, “machine learning”, assessments, tests, and pymetrics decide who to recommend for
 8 jobs and who to reject. FAC¶107. Submission of application via @myworkday.com is the only way
 9 to gain employment opportunities with these employers. FAC¶61, 64, 66, 68, 70, 72, 76, 78, 80, 82,
 10 84, and 92. Workday’s subscription-based service reflects an on-going relationship with their client-
 11 employers and includes significant engagement in the process of hiring employees. FAC¶93.
 12 Workday boasts that it can “reduce time to hire by automatically dispositioning or moving candidates
 13 forward in the recruiting process.” FAC¶94. Via what it terms as “Talent Management”, Workday
 14 sources candidates and then uses algorithmic decision-making tools to recommend job opportunities.
 15 FAC¶95.

16 Workday’s relationships with its client-employers are not one-off transactions but
 17 ongoing business arrangements where employers delegate their selection decisions to Workday who
 18 in turn uses its algorithmic decision-making tools to screen out applicants who are over the age of
 19 40. FAC¶108. Vis-a-vis pymetrics Workday’s Assessment Connector uses neuroscience data and
 20 AI to help client-employers make their hiring and internal mobility decisions more predictive, and
 21 allegedly free of bias; however, these algorithms are only trained on incumbent employees at a
 22 company, allowing the pymetrics Workday Assessment Connector to build a homogenous workforce
 23 not representative of the applicant pool. FAC¶¶101-102. Workday also encourages and uses the
 24 recommendations of incumbent employees for hiring decisions. FAC¶103. This facially neutral
 25

employment practice has a differential effect upon applicants over 40, because any lack of work force diversity allows for incumbent employees to consciously or unconsciously refer or recommend few workers over the age of 40. FAC ¶¶ 103-104.

III. PROPOSED CLASS

Mr. Mobley requests that the Court conditionally certify the following class:

All individuals aged 40 and over who, from September 24, 2020, through the present who applied for job opportunities using Workday, Inc.’s job application platform and were denied employment recommendations.

The class is objectively defined in a way that allows class members to easily determine whether they are part of the proposed class as it only includes candidates over the age of 40 who used Workday, Inc.’s platform to access and apply for employment opportunities.

IV. ARGUMENT

A. **Legal Framework for Conditional Certification**

Under the ADEA “the term “employer” means a person engaged in an industry affecting commerce who has twenty or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year. The term also means (1) any agent of such a person . . .” 29 U.S.C. § 630(b). The ADEA prohibits employers and their agents from “discriminating against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's age.” 29 U.S.C. § 623(a)(1); *Mobley v. Workday, Inc.*, 2024 WL 3409146, *4 (N.D. Cal. 2024). The ADEA is “enforced in accordance with the powers, remedies, and procedures” of the Fair Labor Standards Act (“FLSA”). 29 U.S.C. § 626(b).” *Zeman v. Twitter, Inc.*, 2024 WL 4032051, *2 (N.D. Cal. 2024). Section 216(b) of the FLSA provides that one or more employees may bring a collective action against any employer on behalf of “themselves and other employees similarly situated.” 29 U.S.C. § 216(b). Under § 216(b), a collective action is appropriate if the proposed opt-in class of employees is “similarly situated”:

“An action to recover the liability . . . may be maintained against any employer . . . in any Federal or State court of competent jurisdiction by any one or more employees for and in behalf of himself or themselves and other *employees similarly situated*. No employee shall be a party plaintiff to any such action unless he gives his consent in writing to become such a party, and such consent is filed in the court in which such action is brought.”

29 U.S.C. § 216(b) (emphasis added).

District courts in the ninth circuit employ the familiar two-step approach to determine whether plaintiffs are similarly situated. *Zeman v. Twitter, Inc.*, 2024 WL 4032051, *2 (N.D. Cal. 2024). First, the court makes an initial, conditional determination “whether the proposed class should be given notice of the action based on the pleadings and affidavits submitted by the parties.” *Id.* at *2 (internal quotations omitted). “The standard for certification at step one is lenient and “typically results in certification.” *Zeman v. Twitter, Inc.*, 2024 WL 4032051, *2 (N.D. Cal. 2024); *Kincheloe v. American Airlines, Inc.*, No. 5:21-cv-00515-BLF, 2021 WL 2322322, at *3 (N.D. Cal. June 7, 2021).

At step one, “district courts have required little more than substantial allegations, supported by declarations or discovery, that the putative class members were together the victims of a single decision, policy, or plan and a showing that plaintiffs are generally comparable to those they seek to represent. Stated differently, plaintiffs must show that there is some identifiable factual or legal nexus [that] binds together the various claims of the class members in a way that hearing the claims together promotes judicial efficiency and comports with the broad remedial policies underlying the FLSA.” *Zeman*, at 2 (internal quotations and citations omitted). Because of this lenient standard, courts need not consider evidence provided by defendants at this stage. *Kress v. Pricewaterhouse Coopers, LLP*, 263 F.R.D. 623, 628 (E.D. Cal. 2009). “Given that a motion for conditional certification usually comes before much, if any, discovery, and is made in anticipation of a later more searching review, a movant bears a very light burden in substantiating its allegations at this stage.” *Prentice v. Fund*

1 for *Pub. Interest Research, Inc.*, 2007 WL 2729187, *2 (N.D. Cal. 2007). Therefore, the “sole
 2 consequence of a successful motion for preliminary certification is the sending of court-approved
 3 written notice to workers who may wish to join the litigation as individuals.” *Campbell v. City of Los*
 4 *Angeles*, 903 F.3d 1090, 1101 (9th Cir. 2018) (internal quotation marks and citations omitted).
 5 Accordingly, courts in the ninth circuit overwhelmingly “refuse to depart from the notice stage
 6 analysis prior to the close of discovery.” *Ramirez v. Ghilotti Bros. Inc.*, 941 F.Supp.2d 1197, 1203
 7 (N.D. Cal. 2013) (quoting *Kress*, 263 F.R.D. at 629). This is because at the second step of the
 8 analysis, which is made after the close of discovery and usually on a motion for decertification by
 9 the defendant, a stricter standard for “similarly situated” is employed. *Ramirez*, at 1203.

11 Consequently, numerous ninth circuit district courts have granted conditional certifications
 12 for collective actions alleging violations of the ADEA and authorized notice to ADEA classes. See
 13 *Zeman v. Twitter, Inc.*, 2024 WL 4032051 (N.D. Cal. 2024); *Kincheloe v. American Airlines, Inc.*,
 14 2021 WL 2322322 (N.D. Cal. 2021); *Rabin v. PricewaterhouseCoopers LLP*, 2019 WL 9078785
 15 (N.D. Cal. 2019); *Heath v. Google Inc.*, 215 F.Supp.3d 844 (N.D. Cal. 2016); *Pines v. State Farm*
 16 *Gen. Ins. Co.*, 1992 WL 92398, at *4, 13 (C.D. Cal. 1992). Also, any finding of differences between
 17 class members or opt-ins does not bar conditional certification because they are “simply not relevant
 18 at the notice stage when plaintiff . . . has set forth substantial allegations that all plaintiffs were
 19 subjected to a pattern or age discrimination.” *Williams v. Sprint/United Mgmt. Co.*, 222 F.R.D. 483,
 20 487 (D. Kan. 2004). “Courts in this District have “rejected similar arguments during the first stage
 21 of the [ADEA] conditional certification process, finding that these arguments go to the merits and
 22 are better addressed at the second stage, after discovery has closed.” *Heath*, 215 F. Supp. 3d at 854-
 23 55 (citing *Sanchez v. Sephora USA, Inc.*, 2012 WL 2945753, at *4 (N.D. Cal. July 18, 2012)
 24 (collecting cases)). Additionally, “[t]he fact that a defendant submits competing declarations will
 25 not as a general rule preclude conditional certification.” *Heath v. Google Inc.*, 215 F.Supp.3d 844,
 26
 27
 28

852 (N.D. Cal. 2016); (quoting *Harris v. Vector Mktg. Corp.*, 716 F. Supp. 2d 835, 838 (N.D. Cal. 2010)). Judge Labson-Freeman of this District, citing Judge Alsup also of this District, endorses this view, “competing declarations simply create a “he—said—she—said situation” and while “[i]t may be true that the [defendant’s] evidence will later negate [Plaintiffs’] claims, that should not bar conditional certification at the first stage.” *Heath*, at 852 (internal citation omitted).

Because the plaintiff’s burden for certification at step one is exceedingly light, most courts consider only the plaintiff’s evidence. See *Sanchez v. Sephora USA, Inc.*, No. 11 Civ. 03396, 2012 WL 2945753, at *4 (N.D. Cal. July 18, 2012) (Armstrong, J.) (“federal courts are in agreement that evidence from the employer is not germane at the first stage of the certification process, which is focused simply on whether notice should be disseminated to potential claimants”); *Ramirez v. Ghilotti Bros. Inc.*, 941 F. Supp. 2d 1197, 1203 (N.D. Cal. 2013) (Breyer, J.) (“courts need not even consider evidence provided by defendants at this stage”); *Luque v. AT & T Corp.*, No. 09 Civ. 5885, 2010 WL 4807088, at *5 (N.D. Cal. Nov. 19, 2010) (Breyer, J.) (same); cf. *Villa v. United Site Servs. Of California, Inc.*, No. 12 Civ. 318, 2012 WL 5503550, at *13-15 (N.D. Cal. Nov. 13, 2012) (Koh, J.) (certifying collective based on plaintiff’s allegations and three declarations, and declining to consider over 200 declarations submitted by defendants, which had little “probative value” and were gathered under circumstances giving rise to a risk of coercion).

B. Plaintiffs Easily Satisfy the Lenient First-Step Standard for Conditional Certification.

Plaintiffs have presented evidence well exceeding what is required to satisfy the lenient standard of step one conditional certification. Plaintiffs’ declarations, documents, and allegations that the Defendant treated all applicants over the age of 40 alike regarding the critical questions in this litigation is the glue that binds the opt-in class members’ claims, making adjudication on a collective-wide basis appropriate. *K.H. v. Sec’y of the Dep’t of Homeland Sec.*, 2016 WL 3879246,

*3 (N.D. Cal. 2016). These allegations and evidence support Plaintiffs’ contention that Workday’s artificial intelligence and machine learning screening products treat applicants over age 40 discriminatorily and have a disparate impact against them. Specifically, each plaintiff alleges that they each have submitted 100’s of applications for employment to jobs for which they either met or exceeded the minimum qualifications with no success. Plaintiffs are rejected due to their age and Workday’s algorithmic decision-making tools which discriminatorily score their application in the hiring process and prevent them from obtaining employment. Therefore, Plaintiffs have offered enough evidence of Workday’s alleged practice of age discrimination to meet the lenient standard for conditional certification.

C. Notice

Plaintiff requests that the Court approve the notice attached hereto. As the Supreme Court recognized in *Hoffman-La Roche*, the goal of judicial economy weighs heavily in favor of conditional certification and the issuance of notice to potential class members. *Hoffman-La Roche Inc. v. Sperling*, 493 U.S. 165, 170 (1989). Collective actions benefit the judicial system by enabling the “efficient resolution in one proceeding of common issues of law and fact.” *Id.* “The benefits, however, depend upon employees receiving accurate and timely notice concerning the pendency of the collective action.” *Id.* Under FLSA’s collective action provisions, trial courts have the authority to facilitate notice to potential plaintiffs to inform them of an action and allow them an opportunity to opt in. *Id.* at 170-71. Notice should be provided in the early stages. *Id.* at 171.

Prompt notice to potential opt-in plaintiffs is essential because in a representative action under the FLSA, the statute of limitations on an individual’s claim is not tolled until that individual files a consent form with the Court. 29 U.S.C. §§ 256(b) & 257. Because of this, courts have moved quickly to certify representative actions and facilitate notice by granting requests for expedited discovery of employee information. *Soler v. G&U, Inc.*, 86 F.R.D. 524, 528-31 (S.D.N.Y. 1980).

1 The earliest possible notice will promote the broad remedial purpose of the FLSA and promote
 2 efficient case management by ensuring that similar claims are combined in one proceeding. *Dybach*
 3 *v. Fla. Dept. Corr.*, 942 F.2d 1562, 1567 (11th Cir. 1991); *of Kautsch v. Premier Commun's.*, 504 F.
 4 Supp. 2d 685, 690 (W.D. Mo. 2007) (“At this stage of litigation, justice is most readily served by
 5 notice reaching the largest number of potential plaintiffs.”). Moreover, the only consequence of
 6 conditional certification is the sending of court- approved written notice to potential class members,
 7 who join the collective action only if they file written consent with the court. *Tyson Foods Inc. v.*
 8 *Bouaphakeo*, 136 S. Ct. 1036, 1043 (2016). Court approval and facilitation of written notice serves
 9 the goals of “avoiding a multiplicity of duplicative suits and setting cutoff dates to expedite
 10 disposition of the action.” *Hoffmann-La Roche*, 493 U.S. at 172.

12 Plaintiff is concurrently filing a proposed notice and consent form. Plaintiff proposes a 90-
 13 day opt-in period, consistent with what other courts have approved for large potential classes. *Woods*
 14 *v. Vector Mktg. Corp.*, No. C-14-0264, 2015 WL 1198593, at *4 (N.D. Cal. Mar. 16, 2015) (citing
 15 *Adams v. Inter-Con Sec. Sys., Inc.*, 242 F.R.D. 530, 542 (N.D. Cal. 2007)); *Adams v. Inter-Con Sec.*
 16 *Sys., Inc.*, 242 F.R.D. 530, 542 (N.D. Cal. 2007) (90-day opt-in period is warranted in light of the
 17 large number of potential plaintiffs). Plaintiff proposes that notice be given as follows: e-mail
 18 through a third-party administrator and an official case web page will be created where potential
 19 collective action members can review the official notice and submit an opt-in form. *Fernandez v.*
 20 *Tox Corp.*, 677 F. Supp. 3d 1089, 1100 (C.D. Cal. 2023) (Approving notice via email through a third-
 21 party administrator with a 90-day opt-in period). Notice via text message may also be appropriate to
 22 consider. See *Thrower v. Universal Pegasus, Int'l Inc.*, 484 F. Supp. 3d 473, 490 (S.D. Tex. 2020)
 23 (approving text messages as a form of FLSA Notice following conditional certification to give
 24 potential plaintiffs an opportunity to join the case.... “Unlike e-mail, text messages, at the very least,
 25 have eyes laid on them before being opened or ignored. And while one's e-mail account is quickly
 26

1 becoming inseparable from their cell phone—that is to say, most people own a smartphone on which
2 they receive text messages *and* e-mails—a short vacation or busy workweek can result in literally
3 hundreds of unread e-mails.”). Collective action members will be permitted to submit opt-in claim
4 forms on the official case web page using online signatures and may be permitted to submit claim
5 forms via e-mail.

6
7 **D. Workday Should Be Ordered to Produce Names and Contact Information of Potential
8 Class Members.**

9 Workday should be ordered to provide, within 45 days, the names and contact information
10 for potential class members, *i.e.*, whose employment application(s) was scored by Workday’s AI for
11 any of their customers and who were 40 years of age as of the application date based on date of birth
12 (if known), employment history dates, or college graduation date (if known). *See Hoffmann-La*
13 *Roche*, 493 U.S. at 170 (“The District Court was correct to permit discovery of the names and
14 addresses of the discharged employees.”). This contact information should be provided in electronic
15 format and should include name, positions by company applied for, along with their e-mail address,
16 telephone number, and mailing address. *See Hubbard v. Cnty. of Los Angeles*, No. CV 23-3541 PA
17 (RAOX), 2023 WL 11884620, at *3 (C.D. Cal. Oct. 23, 2023) (“...courts regularly require disclosure
18 of potential plaintiffs' contact information to plaintiffs' attorneys in FLSA collective action cases.”).

19
20 ///

21 ///

22 ///

1 **V. CONCLUSION**

2 Based on the foregoing allegations, declarations, and documents, Plaintiff respectfully
3 requests that the Court Conditionally certify the proposed class, authorize notice, and require
4 production of the names and contact information of potential class members.

5 Respectfully submitted,

6 /s/Roderick T. Cooks

7 Roderick T. Cooks (*admitted pro hac vice*)

8 Lee Winston (*admitted pro hac vice*)

9 Robert L. Wiggins, Jr. (*admitted pro hac vice*)

10 Attorney for the Plaintiff and the Proposed

Classes and the Collective

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Roderick T. Cooks

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16 State of Alabama Bar No.:5819O78R

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18 Telephone: (205) 482-5174

Facsimile: (205) 278-5876

19 Robert L. Wiggins, Jr.

rwiggins@wigginschilds.com

Wiggins Childs Pantazis Fisher Goldfarb, LLC

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Telephone: (205) 314-0500

22 Facsimile: (205) 254-1500

23 **LOCAL COUNSEL:**

Jay Greene

24 Greene Estate, Probate, and Elder Law Firm

447 Sutter Street, Suite 435

25 San Francisco, CA 94108

Phone 415-905-0215

26 greenelawattorney@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that on **February 6th, 2025**, I electronically filed the foregoing document with the United States District Court for the Northern District of California by using the Court's CM/ECF system. I certify that the following parties or their counsel of record are registered as ECF Filers and that they will be served by the CM/ECF system:

Erin M. Connell econnell@orrick.com

Julie Ann Totten jtotten@orrick.com

Kayla Delgado Grundy kgrundy@orrick.com, kdelgado@orrick.com

/s/Roderick T. Cooks

Roderick T. Cooks

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Attorneys for the Plaintiff and Class and Collective Members

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

**DEREK L. MOBLEY for and on behalf
of himself and other persons
similarly situated,**

Plaintiff

v.

**WORKDAY, INC.
Defendant.**

Defendant.

Case No. 4:23-cv-00770-RFL

**DECLARATION OF RODERICK
T. COOKS IN SUPPORT OF
PLAINTIFF'S MOTION FOR
CONDITIONAL CERTIFICATION**

**Date: April 8, 2025
Time: 10:00 a.m.
Location: Courtroom 15 (18th Floor)**

**DECLARATION OF RODERICK T. COOKS IN SUPPORT OF PLAINTIFF DEREK L.
MOBLEY'S MOTION FOR CONDITIONAL CERTIFICATION**

I, Roderick T. Cooks, declare as follows:

1. I am an attorney licensed to practice in the State of Alabama. I am a partner with the law firm Winston Cooks, LLC and I represent Mr. Derek L. Mobley in the above-captioned

1 matter. I am fully knowledgeable of the facts stated herein and am competent to testify regarding
2 these matters. I submit this declaration in support of Plaintiff Derek L. Mobley's Motion for
3 Conditional Certification.

4 2. Attached to the accompanying Motion for Conditional Certification are true and
5 correct copies of the following declarations received by Plaintiff Derek L. Mobley's counsel: Ex. 1-
6 Declaration of Jill E. Hughes; Ex. 2-Declaration of Vanessa Knight-Bell; Ex. 3-Declaration of
7 Sheilah Johnson-Rocha; and Ex. 4-Declaration of Richard Lieb, Jr.

8 3. Attached to the accompanying Motion for Conditional Certification as Ex. 5 is the
9 Proposed Notice and Consent to Join Form.

10 I certify under the penalty of perjury that the foregoing statements are true and correct to
11 the best of my knowledge.

12 DATED: February 6, 2025.

13 /s/Roderick T. Cooks
14 Attorney for the Plaintiff

15
16
17 Respectfully submitted,

18 /s/Roderick T. Cooks
19 Roderick T. Cooks (*admitted pro hac vice*)
20 Lee Winston (*admitted pro hac vice*)
21 Attorney for the Plaintiff

22 **OF COUNSEL:**

23 Lee D. Winston (*admitted pro hac vice*)
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25 State of Alabama Bar No.:6407072L
26 Roderick T. Cooks (*admitted pro hac vice*)
27 rcooks@winstoncooks.com
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LOCAL COUNSEL:

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Erin M. Connell econnell@orrick.com

Julie Ann Totten jtotten@orrick.com

Kayla Delgado Grundy kgrundy@orrick.com, kdelgado@orrick.com

/s/Roderick T. Cooks
Roderick T. Cooks

Exhibit 1

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Phone 415-905-0215
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Attorneys for the Plaintiff and Proposed Class and Collective Members

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

DEREK L. MOBLEY for and on behalf
of himself and other persons
similarly situated,

Plaintiff,

v.

WORKDAY, INC.

Defendant.

Case No. 4:23-cv-00770-RFL

**DECLARATION OF
JILL E. HUGHES**

DECLARATION OF JILL E. HUGHES

1. My name is Jill E. Hughes. I am an opt-in Plaintiff in this proposed collective action against Workday, Inc. I am over the age of nineteen ("19") and competent to testify about the matters set forth in this declaration. The statements made in this declaration are made based on my personal knowledge, experiences, and observations.

1 2. I am an adult resident of the state of Illinois.

2 3. I understand that a class and collective action lawsuit alleging, inter alia, age
3 discrimination have been filed against Workday, Inc., *Derek L. Mobley v. Workday, Inc.*, Case
4 No. 4:23-cv-00770-RFL (N.D. Cal.), and that this declaration may be used by the plaintiffs in
5 relation to this case.
6

7 **My Applications Via Workday, Inc.'s Jobs Platform**

8 4. Since December of 2023, I have applied for hundreds of positions that use
9 Workday, Inc. as a screening tool for sourcing, recruiting, talent acquisition and/or hiring.
10 Examples of employers that I have submitted applications to include 3M; Cigna; Veralto; Stryker;
11 Becton Dickinson; FIS Global; General Electric; Huntington; and Parsons Corporation. I have
12 been denied employment each time.
13

14 5. The companies listed above have sent at least one automated rejection for role(s)
15 for which I met or exceeded the posted hiring requirements. In some cases, the automated
16 rejection emails stated "You do not meet the minimum requirements for this role" even though I
17 met or exceeded all posted requirements based on my professional resume and portfolio of prior
18 work.
19

20 6. Automated rejections were often received within minutes or a few hours of
21 applying and were often sent at odd times outside of business hours (ie, 2:40 a.m. on a Sunday
22 morning; 11:00 pm on a weekday), indicating a human did not review the applications.

23 7. I was born in 1974, and at the time of my applications, I was 49 or 50 years old.
24
25
26
27
28

1 **My Qualifications**

2 8. I have B.A. from the University of Cincinnati and an M.A. from the University of
3 Chicago and have more than 28 years of executive-level experience in my professional career as
4 a Senior Medical Writer, Project Manager, and Scientific Director with experience
5 writing/strategizing for major media as well as the corporate and medical arenas.
6

7 9. Attached to this declaration is my resume`. [See, Att. A].

8 **Workday, Inc. Handling of My Applications**

9 10. Despite my qualifications, experience, and numerous applications, I have only
10 been offered an opportunity to interview once, via Cardinal Health, which resulted in a rapid
11 rejection, only to see that same role re-posted over and over again for multiple years since. It
12 appears that nobody who applies for/interviews for that role as posted via Workday is ever hired,
13 and I have submitted exhibits in the Request for Production accordingly.
14

15 **My Concerns About Discrimination**

16 11. It is my understanding that Workday, Inc., is a third-party vendor that screens
17 applicants for the companies that I have applied to for jobs. For the companies that use Workday
18 as the gatekeeper to employment opportunities, I am required to create a Workday account and
19 submit my application to the employer @myworkday.com. It is also my understanding that most
20 if not all my applications were screened by artificial intelligence processes and/or applications.
21

22 12. I am challenging Workday, Inc.'s use and marketing of Artificial Intelligence and
23 Machine Learning which I believe discriminated against me on the basis of my age in scoring my
24 application in the hiring process and preventing me from obtaining employment.

25 13. I believe this because I was more than qualified for the positions I applied to, and
26 I was never given an interview or a legitimate, nondiscriminatory reason for why I was rejected.
27
28

The Importance of a Job at Workday, Inc.

* * *

DocuSigned by:

2A4F34CF5AC7476...
Jill E. Hughes

Exhibit A

Jill E. Hughes, MA
 410 East Hackberry Drive
 Arlington Heights, IL 60004
 773-689-0062 (cell)
 jill.elaine.hughes@gmail.com

Career Summary: Senior Medical Writer, Project Manager, and Scientific Director with 26 years' experience writing/strategizing for major media as well as the corporate and medical arenas. Creative-Minded Writer with Proven Skills Across Multiple Media: Video Scripts, Interactive Dialogue Scripting Concepts on New Content-Delivery Platforms. Virtual Reality Scripting/Concepting. Creative Copywriting, Journal Articles, Narration, Audio, Monographs, Corporate Training Materials, Continuing Education/CME. Regulatory Drug Submissions, Global Value Documents, HEOR/Market Access Strategy. Localization Strategy for Non-US Audiences (India, Europe, Canada, China). Cybersecurity/Threat Intelligence Writing and Analysis. OSINT Writing and Analysis. Medical Devices/510Ks. HIPAA Compliance.

Other Special Content Development/Strategy Skills (Highlights):

- **FDA Regulatory Submissions (Phases 2-5; REMS; EUAs), LEAN Six Sigma Authoring Principles; Managing Submission Content Teams**
- Clinical Media Storyboarding/FDA Summary Documents
- Joint Commission Accreditation Documents/Clinical Protocols
- Clinical Trial Protocol Development/Trial Patient Waivers
- Clinical Research Organization (CRO) Documentation
- AMCP/HEOR Dossier Story Planning
- Multimedia interactive CME (Audio/Visual/Text)
- Project Management/Program Management (Cross-Functional Teams)
- Pharma Agency Client Support/Content Response Strategy
- Executive Drug Whitepapers/Global Value Document Summaries
- Documentary Film/Television Scripts and Commercials/Promo Med Ed
- Clinical Needs Assessments for Commercial Grant Support
- Sales Training/Internal Corporate Training Content Development
- REMS Training/Protocol Development
- NDA Annual Reports (Summary Sections)
- Competitive Intelligence/Strategic Communications
- Survey Instrument Development, Strategy, Data Analytics/Trend Analysis
- UX User Testing/Content Editorial Alignment Validation
- Cybersecurity Protocol Dissemination
- HIPAA Compliance
- PAAB Code (Canada) for Clinical/Medical Digital Engagement
- Omnichannel Engagement

Award-winning clinical content marketing professional, with more than 15 national accolades/awards for authored content, including multiple 2013 and 2014 **Apex Awards**, 2013 and 2014 **MARCOM Awards**, multiple 2014 **Telly Awards for Excellence in Film Production (Digital Animation: Medical/Related Scripting)**; multiple 2013 and 2014 **Hermes Creative Awards for Excellence**.

Freelance Medical Writer/Scientific Content Strategist

- August 2023-present
- Investigational new drug applications (INDs/NDAs modules 2-5) and other advanced regulatory submissions, including novel protocols to incorporate Real World Evidence (RWE) and Wearable Device-Generated Data
- Writing from template through approval clinical trial protocols, clinical study reports
- AMCP Dossiers, Investigator's Brochures
- Regulatory responses, especially Pharmacovigilance, Labeling Updates, and REMS reporting
- Clinical protocol development
- Clinical trial site training content
- MSL training decks
- Speakers' Bureau books, training materials, talking points development (Medical Affairs)
- Patient Support Programs/Educational Content
- Clinical congress decks, posters, slide decks, CSR Updates, CME

Senior Medical Communications Writer

IQVIA

April 2021-August 2023

Senior medical writer/communications strategist at an international, strategic pharmaceuticals agency, housed within the world's largest clinical research organization.

- Full-service content development strategy across multiple channels (virtual, mailings, videos, MOA animations, pharma marketing assets/leave-behinds, audio/podcasts, interactive, e-learning, Global Value Documents, Value/Market Access Communications Brochures AMCP dossiers, HEOR, gamification). Most content development is in the **Hematology/Oncology** space along with Cardiology/Lipidology/Amyloidosis. ATTR-CM and Real World Evidence/RWE Strategy. Developed comprehensive training modules on RWE-related Regulatory Submission Protocol Updates and Emerging regulatory drug submission template types

Current client sampling:

- **Janssen Oncology/Janssen Regulatory Submissions** (65% of IQVIA tasks)
- Bristol-Myers Squibb
- Ferring Pharmaceuticals
- Merck
- Pfizer Cardiology
- Roche
- Incyte
- NRx
- Endo Aesthetics
- BMS Cardiology
- BMS Oncology

Achievements:

- Proposal writing and client-services support that generated \$1.6 million in new business wins in first 7 months on the job
- Expanded in-house agency presence in HEOR/Access content as well as video/animation products
- Optimized internal content-development protocols across 5 countries
- Multiple reimbursement-support communication assets in Hematology/Oncology within British NHS
- Co-led internal, international Diversity/Inclusion panel surrounding religion/spirituality
- Served as sole agency expert on topics such as Clinical E-Learning Strategy; RWE Study/Data Storytelling, and Clinical Animation
- **Managed an entire section of RWE Bootcamp Training Modules for Janssen Global Regulatory Submissions (Data-Driven Storytelling), including content strategy/management of multiple regulatory submission writers/experts**

Senior Medical Editor/Writer

Paradigm Medical Communications, LLC

October 2020-April 2021

Managing Medical Editor/Writer for large Continuing Medical Education (CME) and Medical Communications provider, developing training for licensed medical professionals. Development of accredited medical education media, including:

- **Content strategy, contributor/KOL management, LEAN Authoring Principles**
- Maintaining/improving publication SOPs
- Managing freelancers/junior writers
- Managing editorial process and calendar
- Substantive editing of freelancers' submitted medical content
- Writing/editing medical content across therapeutic areas and clinical topics
- Business development writing (clinical needs assessments, strategy dossiers)
- Audio/video editing
- Infographic content development, interactive content writing/storyboarding, gamification
- RWE Content Strategy

Therapeutic areas of interest:

- COVID19 vaccines
- Short bowel syndrome
- Idiopathic pulmonary fibrosis (IPF)

- Influenza vaccines/co-infections with COVID19
- Alzheimer's disease

Freelance Medical Education Writer and Digital Content Strategist**Self-Employed****May 2019-October 2020**

Freelance medical writing/scientific director/strategy consulting for multiple clients, including:

- ICON plc (CRO) Pharmacy & Therapeutics Executive Whitepapers on contracted compounds, (Xellia Pharmaceuticals REMS-related content)
- 4-CITE Medical Communications/CRO Contract Support (Pulmonary Arterial Hypertension/PAH: Orphan Therapy/Breakthrough Therapy Designation, Promotional Asset Development for United Therapeutics)
- SmartScrubs.com
- Western Governor's University (WGU)/as independent contractor on graduate healthcare course development
- Asentech, LLC (Bayer cardiorenal augmented reality pitches: Immuno-Oncology Mechanisms of Action Animations/Tumor Boards)
- Simumetrix/Dream Store Media

Senior Medical Writer (Scientific Director/Scientific Lead),*Academy for Continued Healthcare Learning (ACHL), Chicago, IL***Dec 2016 – April 2019****Content development for accredited CME provider. Interactive CME Information Architecture, Scriptwriting (Video, Audio, Online Module, Film/Documentary).****Promotional education development and related copywriting (for ACCESS Medical, sister pharma advertising company to ACHL). Grant writing/needs assessments targeted at pharmaceutical companies. Strategic planning.**

- **Therapeutic areas:** Multiple Sclerosis; Neurology; Cannabidiol/Epilepsy; Metastatic Breast Cancer; Multiple Myeloma; Diabetes/Hypoglycemia; Cardiology; Pulmonary Arterial Hypertension/PAH; Inflammatory Conditions/Immunology; Immuno-Oncology; Pharmacy Education; Managed Care Policy; Controlled-Substances/Opioids; Clinical Quality Improvement (QI/PI); Rheumatology; Hematology/Oncology; Gynecology, Managed-Care Pharmacy Internal Corporate Training Strategy (BCBS Association/BCBS-IL); REMS-related CME/CPE training; Orphan Drugs/Fast-Track Designation-Related Training, Clinical Trial/CME Patient Participant Waivers.
- **Increased editorial project efficiency by >70%. Creative Copywriting across media** (CME, Promotional Education, Patient Education, Commercials, Television)
- **Achieved highest win rate in the company** (45-90%) on grant/funding proposals
- **Conducted TV pitch consultations/content optimization** for nationally televised (eg, PBS, Amazon Prime), consumer-facing medical education projects/Medical Affairs
- **Content funded by (highlights):** Janssen; Merck; Actelion; Bayer; American Regent; Lilly; Pfizer; Astellas; Novo Nordisk; TEVA; Lundbeck; Amgen; Abbott; AbbVie; Celgene; Novartis; Neurocrine Biosciences; Gilead; BMS

Senior Director, Medical Information*ProCE, Inc.**Bartlett, IL***August 2015-October 2016****Medical grant writer and instructional designer/writer in support of accredited continuing medical education (CME/CE) module development for pharmacists, physicians, nurses, and other allied health personnel. Content work and strategy done solo/nearly solo at a small boutique agency during period of intense growth.**

- **Wrote clinical needs assessments targeted at the grants departments of pharmaceutical companies.** Successfully obtained grants from: Actelion (multiple grants); Novartis (multiple grants); Sandoz/Novartis (multiple grants); Sanofi-Genzyme (multiple grants); Bayer; UCB; Pfizer (multiple grants); Sanofi Pasteur
- **Developed accredited CE/CME/CNE content for national professional meetings** as well as accredited webinars, enhanced guidebooks, and ebook materials.
- **Content funded and/or co-produced by:** Actelion; Sandoz; Cardinal Health/Cardinal Health Foundation; Sanofi; Hospira/Pfizer; Walgreens; Institute for Safe Medication Practices; Roosevelt University College of Pharmacy; National Association of Specialty Pharmacy (NASP); PharMEDium (sterile compounding pharmacy, subsidiary of Amerisource Bergen); Society for Infectious Diseases Pharmacists (SIDP)
- **Therapeutic areas:** Biologics/biosimilars; Oncology; Nephrology; RA; psoriasis; IBS/IBD; Lupus; Diabetes; Pulmonary Arterial Hypertension (PAH); PCSK9 inhibitors; Multiple Sclerosis/MS; Schizophrenia; Depression; Anxiety; Toxicology; Hemophilia.

Freelance Medical Writer/Healthcare Communications Consultant, Patent Administrator (Self-Employed)**December 2007-August 2015**

- Expert writer and communications consultant. Services include **executive whitepapers, consumer-focused copywriting, patient education materials, continuing/professional education design, and B2B/physician-centric content.**
- **Select Clients:** *Chicago Tribune, Washington Post, University of Phoenix/Apollo Educational Group, AT&T, Brinks Gilson & Lione LLP, International Engineering Consortium, RR Donnelley & Sons, United Airlines, Discover Financial Services, ClinicalAdvisor.com,*

Medical Writer/Clinical Quality Improvement:*American Academy of Orthopedic Surgeons Des Plaines, IL***January 2005-December 2007**

Writer/researcher/policy analyst in clinical quality improvement topics. Staffed multiple physician volunteer committees and oversaw their publications and meeting agendas. Managed committee budgets/projects. Represented AAOS to federal government.

PRE-2005 EMPLOYMENT HISTORY AVAILABLE ON REQUEST.**Education:****M.A., Media Studies,** University of Chicago, 1997**B.A., English,** University of Cincinnati, 1996

Exhibit 2

Attorneys for the Plaintiff and Proposed Class and Collective Members

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

DEREK L. MOBLEY for and on behalf
of himself and other persons
similarly situated,

Plaintiff,

V.

WORKDAY, INC.

Defendant.

Case No. 4:23-cv-00770-RFL

DECLARATION OF VANESSA KNIGHT-BELL

DECLARATION OF VANESSA KNIGHT-BELL

1. My name is Vanessa Knight-Bell. I am an opt-in Plaintiff in this proposed collective action against Workday, Inc. I am over the age of nineteen ("19") and competent to testify about the matters set forth in this declaration. The statements made in this declaration are made based on my personal knowledge, experiences, and observations.

1 2. I am an adult resident of the state of Alabama.

2 3. I understand that a class and collective action lawsuit alleging, inter alia, age
3 discrimination have been filed against Workday, Inc., *Derek L. Mobley v. Workday, Inc.*, Case
4 No. 4:23-cv-00770-RFL (N.D. Cal.), and that this declaration may be used by the plaintiffs in
5 relation to this case.
6

7 **My Applications Via Workday, Inc.'s Jobs Platform**

8 4. Since 2018, I have applied for hundreds of positions that use Workday, Inc. as a
9 screening tool for sourcing, recruiting, talent acquisition and/or hiring. I have submitted
10 numerous job applications to approximately 40 different employers. For example, I have
11 submitted 180 applications to Boeing, 131 applications to Northrop Grumman, 121 applications
12 to Parsons Corporation, and 110 applications to General Dynamics Information Technology. I
13 have been denied employment all but one time when I was offered and accepted a position with
14 Target Distribution Center (Madison, Alabama) as a seasonal Warehouse Associate. Due to its
15 physical requirements, I was only able to work this job for a couple of days.
16

17 5. Except for Target, I have received automated rejection emails within 24 hours of
18 applying for a job. The automated rejections I received were often emailed within a few hours of
19 applying or at odd times outside of business hours indicating a human did not review the
20 applications. These automated rejection emails were for role(s) that I met or exceeded the posted
21 hiring requirements. In some cases, the automated rejection emails stated "You do not meet the
22 minimum requirements for this role" even though I met or exceeded all posted requirements based
23 on my professional resume.
24

25 6. I was born in 1970. At the time of my applications, I was 48 or older.
26
27
28

1
2 **My Qualifications**

3 7. I have a B.A. from the University of Alabama, Tuscaloosa in Commerce and
4 Business Administration, with a Minor in Computing Technology and Applications. Since 1996,
5 I have worked in various financial, business analyst, and customer service-oriented jobs.
6

7 8. Attached to this declaration is my resume`. [See, Att. A].

8 **Workday, Inc. Handling of My Applications**

9 9. Despite my qualifications, experience, and hundreds of applications, almost every
10 employer, except for Target, that used the Workday, Inc. platform has never offered me an
11 opportunity to interview for any of the positions to which I applied that best suited my knowledge,
12 skills, and abilities. Instead, the only offer of employment I received and which I accepted was
13 from Target Distribution Center as a seasonal Warehouse Associate. This position was stocking
14 shelves and unloading trucks. I was 52 or 53 years old when I accepted this position and resigned
15 shortly thereafter due to the job's physical demands.
16

17 **My Concerns About Discrimination**

18 10. It is my understanding that Workday, Inc., is a third-party vendor that screens
19 applicants for the companies that I have applied to for jobs. For the companies that use Workday
20 as the gatekeeper to employment opportunities, I am required to create a Workday account and
21 submit my application to the employer @myworkday.com. It is also my understanding that most
22 if not all my applications were screened by artificial intelligence processes and/or applications.
23

24 11. I am challenging Workday, Inc.'s use and marketing of Artificial Intelligence and
25 Machine Learning which I believe discriminated against me on the basis of my age in scoring my
26 application in the hiring process and preventing me from obtaining employment.
27
28

1 12. I believe this because I was more than qualified for the positions I applied to, and
2 I was never given an interview or a legitimate, nondiscriminatory reason for why I was rejected.

3 13. I suspect that Workday, Inc.'s Artificial Intelligence and Machine Learning scored
4 my application in manner which screened out applicants over the age of 40, such as myself, and
5 favored younger, less qualified applicants, instead.
6

7 **The Importance of a Job at Workday, Inc.**

8 14. I have been unable to obtain gainful employment to support myself and my family.
9 I firmly believe that Workday, Inc.'s Artificial Intelligence and Machine Learning, disqualifies
10 applicants aged 40 and over, such as myself, no matter how qualified.

11 * * *

12 I declare under penalty of perjury under the laws of the United States that the foregoing is
13 true and correct to the best of my knowledge.
14

15
16 Executed this 2/5/2025 in Huntsville, Alabama.

17 DocuSigned by:

18 *Vanessa Knight-Bell*

069E14E1A46B466...

19 Vanessa Knight-Bell
20
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28

Exhibit A

Vanessa Knight Bell
Huntsville, AL 35813
(334) 312-3368
nesb2000@hotmail.com
vk19n2019@gmail.com

Education:

University of Alabama
Bachelor of Science in Commerce and Business Administration
Minor in Computing Technology and Applications
Dec 2011

Work Experience:

Populus Group Sep 2024 – Dec 2024
Care Manager / Reimbursement Specialist (Remote)

- Contract role with IQVIA completing benefit investigations with insurance companies and pharmacy benefit managers.
- Assisted patients with enrollment in copay assistance programs via Abbvie.
- Answered inbound calls from customers with pharmacy related issues.

Spherion Apr 2024 – Jul 2024
Warehouse Associate (GXO)

- Processed incoming shipments of Boeing parts.
- Picked and packed parts according to different orders.
- Prepared and labeled items for shipping by utilizing inventory computer applications.
- Assisted with inventory management and inspected parts for defects.

Oracle Cerner Aug 2022 – Oct 2023
Change Implementation Analyst (Remote)

- Followed work plans to configure components in agile environments; completed based on Service Level Agreements.
- Troubleshooted, tested, and validated configurations to ensure successful implementation in client domains; demonstrating analytical skills.
- Applied change management processes throughout service request life cycle.

Social Security Administration Oct 2021 – Aug 2022
Contact Service Representative

- Assisted claimants with citizenship updates and social security card requests.
- Provided information regarding Medicare.
- Provided disability eligibility status.

Optum (Part of UnitedHealth Group) Jan 2019 – Oct 2021
Provider Installation Representative / Clinical Administrative Coordinator (Remote)

- Provider Network Database maintenance, reporting, and extracting data for various reports.
- Coordinated corrective activities to clean database and retain users; validated prior authorization requests.
- Processed submissions for appeals and therapy requests (speech, physical, occupational, and chiropractor).
- Maintained and validated current provider data to ensure quality of the network, etc.

Humana Government Business Oct 2017 – Apr 2018

Beneficiary Service Representative (Remote)

- Provided eligibility and benefit information to Tricare plan members; assisted with finding a PCM and urgent care in their area.
- Verified prior authorization and referral requirements for CPT codes per member's Tricare plan.
- Provided status of referral requests to members and providers; assisted with referral changes.
- Used Aspect to manage leave requests, schedule, and adherence information.
- Processed Tricare plan premium payments and electronic funds transfer requests.

UnitedHealth Group Oct 2015 – Nov 2016

Senior Customer Service Advocate (Remote)

- Responded to and resolved customer service inquiries and issues identifying needs such as benefits, eligibility, claims, financial spending accounts, reimbursements, password resets, PCP selection, and correspondence.
- Assisted members, employers, and brokers in navigating www.myuhc.com and other UnitedHealth Group websites (i.e., assisting employers and brokers with the implementation of COBRA administration); submitted issues via a ticket system for further research by the operations team.
- Assisted members with making payments for insurance acquired through the Affordable Care Act, COBRA, etc.
- Used WFM NICE IEX to manage leave requests and scheduling; worked on special projects as needed.

Rheem Manufacturing Dec 2013 – Oct 2015

Customer Claims Analyst

- Used Oracle Financials to research and resolve non-deducted claims for pricing discrepancies, shortages, and overages; wrote procedures for training and worked on special projects.
- Made outbound calls to collect additional information or documentation to validate a claim for resolution; identified and communicated any system or account issues for resolution.
- Processed credits and chargebacks for The Home Depot stores.
- Reached out to carriers to confirm proof of delivery of water heaters.

Navy Federal Credit Union Nov 2010 – Dec 2011

Member Service Representative

- Provided members and prospective members the full range of products and services such as share certificates, IRAs, revocable trust, estate accounts, consumer loans, and credit / debit cards.
- Performed various teller duties such as cash handling, cashing checks, cash advance; used Kronos to submit schedules and leave requests.

State of Alabama Sep 1996 – Apr 2003 and Mar 2007 – Aug 2009

Alabama Department of Corrections / Central Records, Administrative Support Assistant I, Sep 1996 – Nov 1998
Retirement Systems of Alabama / PEEHIP, Administrative Support Assistant I / Account Clerk, Nov 1998 – Sep 2001

Alabama Department of Revenue / Financial Operations, Account Clerk, Sep 2001 – Apr 2003

Retirement Systems of Alabama / PEEHIP, Health Insurance Assistant, Mar 2007 – Aug 2009

- Assisted PEEHIP members with benefits, health insurance enrollment, eligibility, student updates, COBRA, and technical troubleshooting; utilized public health information systems.
- Contacted insurance company representatives regarding members' health insurance coverage.
- Processed cancellation letters and billing statements.
- Processed reconciliation of monthly COBRA report and accounts payable / receivable.
- Processed state income tax payments and bank deposits and prepared reports for the tax payments.
- Provided customer service to law enforcement agencies and attorneys regarding state inmates.
- Used NCIC terminal to report escapees / parole violators and to process criminal history checks; scheduled pick-up; issued detainers at holding jails.

Montgomery Community Action Agency Sep 2006 – Nov 2006

Accountant (Temporary)

- Adequately performed accounts payable/receivable; processed requisitions and travel vouchers.
- Prepared bank deposits and filed requisitions; arranged office equipment for maintenance, etc.

Regions Bank Lending Service Center Apr 2005 – Oct 2005

Processing Specialist I (Temporary)

- Provided customer service; processed real estate collateral releases on paid-off loans pending a loan officer's approval.
- Researched files for mortgage and loan information; corresponded with court clerks.

American Technologies, Inc. May 1993 – May 1996

Assembler

- Assembled and soldered wire (and other parts) to make harnesses for helicopters, medical equipment, and vending machines.
- Assigned production kits to team members.
- Tested harnesses for defects.

Office Skills/Software:

- Microsoft Word, Microsoft Outlook, Microsoft Excel, Oracle Financials, Kronos, Microsoft SharePoint, OneNote, Microsoft Access, Microsoft PowerPoint, Microsoft Teams
- Accounts Payable / Receivable, Managerial and Cost Accounting (College), SAP
- COBRA Billing and Processing, Lotus Notes, Cougar Mountain Accounting software
- Data Entry, Customer Service, Filing, 10-key Calculator, Type at least 55 wpm, Interviewing, SQL, Database Management, Root Cause Analysis, Researching, Salesforce
- Branch Capture, Currency Counter, Electronic Payment System (Verifone)
- Macec Image Scanner, Microfilm equipment, Copier/Printer, Faxing, NCIC, Soldering, Testing
- VCC, BEO Hix, Citrix, CDB, Routing & TAT tool, MyCoach, Behavior Analyst Portal
- Issueview Ticket System, EV1 (FSA, HSA, HRA), My Metrics, NICE IEX WFM, Flexman
- CMS, MSR, Aspect, RET3, Onbase, ECIS (phone system), Accent, Cisco Jabber, Kanban, Remedy, Zoom, Slack, Client Domains, Automation, Health Insurance, ACA, HIPAA, Five9

Exhibit 3

Lee D. Winston (*admitted pro hac vice*)
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 Law Firm
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 Phone 415-905-0215
greenelaw@gmail.com

Attorneys for the Plaintiff and Proposed Class and Collective Members

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA**

DEREK L. MOBLEY for and on behalf
 of himself and other persons
 similarly situated,

 Plaintiff,

 v.

 WORKDAY, INC.

 Defendant.

Case No. 4:23-cv-00770-RFL

**DECLARATION OF
 SHEILAH JOHNSON-ROCHA**

DECLARATION OF SHEILAH JOHNSON-ROCHA

1. My name is Sheilah Johnson-Rocha. I am an opt-in Plaintiff in this proposed collective action against Workday, Inc. I am over the age of nineteen ("19") and competent to testify about the matters set forth in this declaration. The statements made in this declaration are made based on my personal knowledge, experiences, and observations.

1 2. I am an adult resident of the state of Florida.

2 3. I understand that a class and collective action lawsuit alleging, inter alia, age
3 discrimination have been filed against Workday, Inc., *Derek L. Mobley v. Workday, Inc.*, Case
4 No. 4:23-cv-00770-RFL (N.D. Cal.), and that this declaration may be used by the plaintiffs in
5 relation to this case.
6

7 **My Applications Via Workday, Inc.'s Jobs Platform**

8 4. Since March 2023, I have submitted approximately 2,000 job applications to
9 various pharmaceutical and biotech companies. A large majority of the companies to which I
10 have applied use the Workday, Inc. job application platform. My qualifications and experience
11 exceeded all criteria in the job requisitions for each of the roles for which I applied, however
12 almost all of my applications were met with an automated rejection notification.
13

14 5. Furthermore, many of the jobs for which I have applied are not filled and are
15 continuously re-posted. When the jobs are re-posted, I re-apply only to receive an automated
16 rejection email. The companies to which I have applied I met or exceeded the posted hiring
17 requirements. In some cases, the automated rejection emails stated "You do not meet the
18 minimum requirements for this role" even though I met or exceeded all posted requirements based
19 on my professional resume. Automated rejections were often received within a few hours of
20 applying or were sent at odd times outside of business hours, indicating a human did not review
21 the applications.
22

23 6. For some companies, I have submitted 20 or more applications, and all have been
24 rejected.

25 7. I was born in 1983. At the time of my applications, I was over the age of 40.
26
27
28

1 **My Qualifications**

2 8. I have three college degrees: (1) an Associates in Arts (Business Administration);
3 Bachelor of Business of Administration; and, a Master of Science-Major in Management. I also
4 possess various certifications within the pharmaceutical and biotechnology industry. I have
5 worked in the pharmaceutical and biotechnology industries for the past 21 years.
6

7 7, Attached to this declaration is my resume`. [See, Att. A].

8 **Workday, Inc. Handling of My Applications**

9 8. Despite my qualifications, experience, and numerous applications, I have never
10 been offered an opportunity to interview for the positions to which I applied by any company that
11 uses the Workday, Inc. application platform.
12

13 **My Concerns About Discrimination**

14 9. It is my understanding that Workday, Inc., is a third-party vendor that screens
15 applicants for the companies that I have applied to for jobs. For the companies that use Workday
16 as the gatekeeper to employment opportunities, I am required to create a Workday account and
17 submit my application to the employer @myworkday.com It is also my understanding that most
18 if not all my applications were screened by artificial intelligence processes and/or applications.
19

20 10. I am challenging Workday, Inc.'s use and marketing of Artificial Intelligence and
21 Machine Learning which I believe discriminated against me on the basis of my age in scoring my
22 application in the hiring process and preventing me from obtaining employment.

23 11. I believe this because I was more than qualified for the positions I applied to, and
24 I was never given an interview or a legitimate, nondiscriminatory reason for why I was rejected.
25
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12. I suspect that Workday, Inc.'s Artificial Intelligence and Machine Learning scored my application in manner which screened out applicants over the age of 40, such as myself, and favored younger, less qualified applicants, instead.

The Importance of a Job at Workday, Inc.

13. I have been unable to obtain gainful employment to support myself and my family. I firmly believe that Workday, Inc.'s Artificial Intelligence and Machine Learning scoring techniques disqualifies applicants aged 40 and over, such as myself, no matter how qualified.

* * *

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Executed this 2/6/2025 in Boca Raton, Florida.


DocuSigned by:

 DD085207318945B...
 Sheilah Johnson-Rocha

Exhibit A

Sheilah Johnson-Rocha MSc., ChFM, MPM
Director Project Management and Clinical Operations Leadership Team
 ✉ sheilah.l.johnson@gmail.com ☎ +1 754 333 1170 📍 Boca Raton, FL US

GLOBAL CLINICAL OPERATIONS | PROGRAM MANAGEMENT | DEPARTMENT LEADERSHIP | ONCOLOGY | CELL AND GENE | RARE-RARE PEDIATRIC

PROFESSIONAL BIO

As a recognized thought leader in clinical development operations and project management with over 20 years of experience, I excel in navigating the intricate clinical trial ecosystem. Expertise in cell and gene therapy has driven my success in leading the development of independent business units. In my role as a Business Unit Leader, I have spearheaded organizational strategy, developed processes and SOPs, integrated cross-functional processes, and managed Operational and Program Managers.

As a patient-centric leader and strategist, I ambitiously build high-performing, cohesive teams to ensure early, high-quality program execution. My deep immersion in clinical development includes leading from concept, contributing to formulation, early strategic development during the concept phase, protocol development (IND submissions and responses), CDA, feasibility assessments, informed consents, contract and budget negotiations, NDAs, CSRs, and developing lay summaries.

As a subject matter expert in Oncology, Hematology, CGT, Autologous, Allogeneic, Rare Disease, and Pediatric Rare Disease, I bring a wealth of knowledge and experience that allows me to pivot, adapt, and innovate. This expertise ensures the successful delivery of early-phase, novel programs, evidenced by the successful enrollment of four pediatric patients identified globally for a rare gene program. Additionally, I hold certifications in Artificial Intelligence and Digital Technologies and have successfully deployed AI-enabled, integrated forecasting applications and portfolio analytics platforms at the enterprise level.

PROFESSIONAL EXPERIENCE

Critical Path Clinical (National Library of Medicine member organization)

Founder

www.criticalpathclinical.com

- Designed and developed a community, healthcare and life sciences intra-network to provide a centralized hub for training, collaboration and community transparency.
- National Library of Medicine member, ensuring all resources are carefully curated and recommended by NIH, NNLM, NLM, FDA and NIH.

Takeda

Director Project Management and Clinical Operations, Oncology and Cell Therapy Leadership

10/2022 – 03/2023 | Remote, United States

- Led the development of the new Oncology and Cell Therapy business unit by creating SOPs, clinical operations job descriptions, talent management strategies, streamlined onboarding, training programs, and cross-functional portfolio oversight dashboards.
- Managed 13 project managers, enhancing staff development, retention, and motivation through mentorship, guidance, and targeted training, ensuring 100% project accountability.
- Oversaw departmental budget, including forecasting, resource utilization, and scoping.
- Contributed to the development of an investigator collaboration platform to enhance site engagement and patient recruitment through streamlined communication.
- Developed and implemented SaaS and PaaS applications.
- Created an AI-enabled Onboarding Virtual Experience and company intranet, integrating all functional areas into one robust site, improving operational efficiency.
- Developed, programmed, and launched an enterprise-level resourcing and forecasting software application for 44,000 staff, aligning with the time reporting system for accurate cross-functional forecasting and measurable data analytics.
- Implemented a SaaS/AI-enabled application with actionable clinical data analytics, optimizing clinical workflow management and ensuring compliance with ICH/GCP guidelines, regulatory requirements, SOPs, and performance expectations.
- Directed talent management and ability planning, overseeing department resource utilization, allocation, and scope, and adding headcount for optimal business unit performance.
- Managed program and portfolio performance, vendor management, quality standards, and CRO oversight. Established program critical path activities, KPIs, strategy, and risk management by reviewing timeline metrics, departmental finance, data quality, inspection readiness, and resource allocation to ensure timely, quality, and patient-centric execution of business unit portfolios.
- Reason for leaving: Prior to pandemic, January 2020, a new office was built however, remained un-operational due to the shift in working from home. The pandemic was downgraded to an endemic and Boston local staff returned to the office. Brought on as fully remote however, the return to office was modified for remote leadership, requiring a full week per month in Boston, onsite. Unable to accommodate requirement.

Ergomed**Director Portfolio Strategy and Delivery (Rare/Cell/Gene)**

03/2022 – 06/2022 | Remote, United States

- Spearheaded SOP Refinement: Led the refinement of Standard Operating Procedures (SOPs) and cross-functional best practices post-M&A, ensuring compliance with ICH/GCP guidelines, Code of Federal Regulations, and ROW regulatory bodies.
- Budget Management: Managed program and project teams in early budget development, providing final approval for the execution of Master Service Agreements (MSAs).
- Data-Driven Performance Monitoring: Leveraged data analytics to monitor program performance, drive cost efficiency, and swiftly detect out-of-scope activities.
- Global Clinical Trials Leadership: Directed programs and sub-teams in crafting critical path activities for global early-phase clinical trials. Nurtured team members' professional growth and efficiently managed their roles.
- Stakeholder Collaboration: Collaborated with key stakeholders to formulate proposals, strategies, and budgets for prospective clients, covering Cohort Planning, KPIs, Governance, Resource Planning, Decentralized Strategies, and Vendor Selection.

Premier Research LLC**Director, Pediatric and Rare Disease (Gene/Cell Therapy)**

03/2021 – 03/2022 | Remote, United States

- Led Global Recruitment: Successfully led patient recruitment for a pediatric rare disease trial, identifying four children worldwide.
- Implemented Patient-Centric Initiatives: Developed initiatives to reduce burden on pediatric patients and families, including temporary out-of-state relocation for treatment and local follow-up visits.
- Collaborated with Stakeholders: Partnered with key stakeholders to develop proposals, strategies, and budgets for potential clients.
- Developed Strategic Plans: Created Cohort Plans, KPIs, Governance Documents, Resource Plans, Decentralized Strategies, and Vendor Selection and Assessment Plans.
- Oversaw Program Portfolios: Directed and supervised program portfolios, ensuring alignment with organizational objectives and efficient resource allocation.
- Managed Cross-Functional Teams: Coordinated and led cross-functional core teams, fostering collaboration to drive innovation and achieve project milestones.

Parexel**Senior Project Lead Gene/Cell Therapy Portfolio Therapeutic Strategy**

05/2019 – 03/2021 | Remote, United States

- Strategically Planned and Led Partnerships: Developed and executed strategic plans for the cell and gene therapy business unit. Spearheaded alliance and partnership meetings, successfully negotiating and finalizing three high-value agreements worth over \$40 million.
- Operational Thought Leader: Directed operational delivery, collaborating effectively with business development and cross-functional teams to ensure the successful execution of programs. Innovatively implemented onsite lab kit development to mitigate manufacturing delays during the COVID-19 pandemic.
- Innovative Strategic Planning: Crafted comprehensive strategic plans and delivery frameworks for RFPs in the rare/cell/gene therapy space. Developed and executed adaptable planning scenarios for complex decentralized programs, ensuring flexibility and responsiveness to evolving needs.

Syneos Health**Oncology Senior Project Manager/ Line Manager**

10/2018 – 04/2019 | Remote, United States

- Developed and managed operational plans and SOPs and led workstreams to develop program framework for a new FSP business unit.
- Overseer of talent acquisition and line management for Project Management and Project Specialists
- Liaison between client and functional groups, leading to functional workstream activities through business unit implementation.
- Developed job descriptions for the clinical operations team through cross-functional workstreams to cut redundancies in WBS.

IQVIA**Oncology Senior Project Manager**

08/2016 – 09/2018 | Remote, United States

- Pioneered Cell and Gene Therapy Trial: Spearheaded IQVIA's inaugural cell and gene therapy trial by developing a comprehensive operational plan and the first cohort management strategy.
- Directed enrollment oversight, managed a clinical team, and ensured real-time data collection, sample management, and proactive scheduling of data safety review meetings.
- Facilitated DSMB Meetings: Expertly managed and facilitated Data Safety Monitoring Board (DSMB) meetings, ensuring timely finalization and submission of outcome documentation.
- Enhanced Program and Portfolio Management: Proactively monitored and controlled program and portfolio quality, risk, and change management. Coordinating with functional area leads to guarantee adherence to deliverables and goals.

- Directed Clinical Projects: Served as Clinical Lead for assigned projects, overseeing and managing Clinical Research Associates and Clinical Trial Assistants (CTAs) to drive project success.

Covance

Senior Project Manager

07/2015 – 07/2016 | Remote, United States

- Served as Bid Defense Lead for therapeutic area initiatives for growth in small biotech.
- Led the core project team during the startup phase, ensuring effective cross-functional teamwork among project team members, while ensuring quality, scope, and prompt delivery as well as budget management and change management.
- Led Six Sigma initiatives and controlled project schedule and scope to proactively engage in quality and risk management activities to ensure deliverables were met by the clinical study team.

GlaxoSmithKline

Oncology Clinical Disclosure Lead -Process Manager

07/2012 – 07/2015

- Pioneered data transparency framework for regulatory, legal, and policy-driven public disclosure for Clinical Study Reports and Clinical Trial Results Lay Summaries, developing the first data anonymization procedure for CSRs.
- The GSK process framework has since been recognized by the EU Parliament and added to the US and EU regulations.
 - <https://publications.parliament.uk/pa/cm201314/cmselect/cmsctech/104/104we20.htm>
 - <https://www.nejm.org/doi/full/10.1056/NEJMe1307268?query=TOC>
- Developed templates and managed the writing of Protocol synopses and lay Clinical Trial Results Summary documents, including publication for regulatory and public consumption.
- Oncology business unit Master Data Manager overseeing study timelines and progress of documents in scope for clinical disclosure.

GlaxoSmithKline

Global Oncology Asset Lead, Supervisor: Central Regulatory Records

11/2009 – 07/2012

- Led the implementation of the first eTMF through system build, UAT and implementation for the first pilot trial, successfully achieving dabrafenib clinical trial delivery a month ahead of schedule.
- Compound/Asset Lead for Hycamtin, Tykerb, Dabrafenib, Trametinib, Rituximab: oversight of program team activities and driving asset successful, quality delivery.
- Contributed to the end-to-end delivery of clinical development strategies to obtain regulatory approvals and successful lifecycle management, while supervising staff to ensure consistency, quality, and on-time delivery of clinical trial data.
- Line Manager for TMF leads and Project Associate oversight lead.
- Under an FDA 483, appointed the Oncology Business Unit Inspection Readiness manager, overseeing departmental quality metrics through central, electronic oversight of metrics, SOP and process development.

GlaxoSmithKline

Global Oncology Project Lead

12/2007 – 11/2009

EDUCATION

Colorado State University

Master of Science Management/Healthcare

GPA: 3.83

THERAPEUTIC AREAS

Oncology/Hematology, Rare Disease, Pediatric Rare, Immunology, Respiratory, Cell/ Gene.

TECHNOLOGY

Software Development | Tableau | PowerApps | SharePoint Administrator/Designer | Jira | Trello | EDC | Veeva | IBM Cognos | Medidata | PowerBi | Microsoft Office Suite | SaaS/PaaS | eTMF | Power Automate | MS Project | Smartsheet | Ariba | SAP | Oracle | ClickUp | Salesforce.

ASSOCIATIONS | CERTIFICATIONS

Association for Project Management License No. P030298	<ul style="list-style-type: none"> PMI: Generative AI for Project Management PMI: Predictive Project Management PMI Data Landscape for Gen AI in PM 	<ul style="list-style-type: none"> CASSS Mentor/Member PHUSE Data Transparency American Association for the Advancement of Science Member ID: 60777953
National Library of Medicine member	<ul style="list-style-type: none"> CDISC Project CORE Team Member: eTMF Reference Model Advisor and ISF. 	Advanced Research Projects Agency for Health (ARPA-H) Member ID: 60777953

Exhibit 4

Lee D. Winston (*admitted pro hac vice*)
lwinston@winstoncooks.com
 Roderick T. Cooks (*admitted pro hac vice*)
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greenelaw@gmail.com

Attorneys for the Plaintiff and Proposed Class and Collective Members

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA**

DEREK L. MOBLEY for and on behalf
 of himself and other persons
 similarly situated,

 Plaintiff,

 v.

 WORKDAY, INC.

 Defendant.

Case No. 4:23-cv-00770-RFL

**DECLARATION OF
 RICHARD W. LIEB, JR.**

DECLARATION OF RICHARD W. LIEB, JR.

1. My name is Richard W. Lieb, Jr. I am an opt-in Plaintiff in this proposed collective action against Workday, Inc. I am over the age of nineteen ("19") and competent to testify about the matters set forth in this declaration. The statements made in this declaration are made based on my personal knowledge, experiences, and observations.

1 2. I am an adult resident of the state of Ohio.

2 3. I understand that a class and collective action lawsuit alleging, inter alia, age
3 discrimination have been filed against Workday, Inc., *Derek L. Mobley v. Workday, Inc.*, Case
4 No. 4:23-cv-00770-RFL (N.D. Cal.), and that this declaration may be used by the plaintiffs in
5 relation to this case.
6

7 **My Applications Via Workday, Inc.'s Jobs Platform**

8 4. Since 2022, I have applied for hundreds of positions that use Workday, Inc. as a
9 screening tool for sourcing, recruiting, talent acquisition and/or hiring. For some companies, such
10 as Allstate, I have submitted multiple applications. I have been denied employment each time.

11 5. The denials of employment were received via automated rejection emails for
12 role(s) for which I met or exceeded the posted hiring requirements. In some cases, the automated
13 rejection emails stated "You do not meet the minimum requirements for this role" even though I
14 met or exceeded all posted requirements based on my professional resume.
15

16 6. Automated rejections were often received within a few hours of applying or were
17 sent at odd times outside of business hours, indicating a human did not review the applications.

18 7. I was born in 1971, and at the time of my applications, I was over the age of 50.

19 **My Qualifications**

20 8. I was qualified for each position that I applied for because I have a degree from
21 Art Institute of Pittsburgh, PA, (2015 - 2017) in Graphic Design with a concentration in Graphic
22 Design/Adobe Cloud and a minor in Social Marketing. I have held management positions in prior
23 jobs and have an extensive background in Marketing and its integration with social media. I am
24 also enrolled in courses pursuing CompTIA Server+ certifications.
25
26
27
28

1 9. Attached to this declaration are the resumes' I have used in my attempts to obtain
2 employment. [See, Att. A-D].

3 **Workday, Inc. Handling of My Applications**

4 10. Despite my qualifications, experience, and numerous applications, I have never
5 been offered an opportunity to interview for the positions to which I applied by any company that
6 uses the Workday, Inc. application platform.

7 **My Concerns About Discrimination**

8 11. It is my understanding that Workday, Inc., is a third-party vendor that screens
9 applicants for the companies that I have applied to for jobs. For the companies that use Workday
10 as the gatekeeper to employment opportunities, I am required to create a Workday account and
11 submit my application to the employer @myworkday.com It is also my understanding that most
12 if not all my applications were screened by artificial intelligence processes and/or applications.
13

14 12. I am challenging Workday, Inc.'s use and marketing of Artificial Intelligence and
15 Machine Learning which I believe discriminated against me on the basis of my age in scoring my
16 application in the hiring process and preventing me from obtaining employment.

17 13. I believe this because I was more than qualified for the positions I applied to, and
18 I was never given an interview or a legitimate, nondiscriminatory reason for why I was rejected.
19

20 14. I suspect that Workday, Inc.'s Artificial Intelligence and Machine Learning scored
21 my application in manner which screened out applicants over the age of 40, such as myself, and
22 favored younger, less qualified applicants, instead.
23
24
25
26
27
28

The Importance of a Job at Workday, Inc.

15. I have been unable to obtain gainful employment to support myself and my family. I firmly believe that Workday, Inc.'s Artificial Intelligence and Machine Learning disqualifies applicants aged 40 and over, such as myself, no matter how qualified.

* * *

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Executed this 2/5/2025 in Akron, Ohio.


Signed by:

307AD946B0FA42E...
 Richard W. Lieb, Jr.

Exhibit A



Richard W. Lieb Jr.

331 Baldwin Rd, Akron, OH, 44312
(330)406-6057 - erolemodel@gmail.com

PROFILE

Creative and detail-oriented professional with proven background in project management, space planning and computer aided design. Strong ability to collaborate effectively with co-workers and clients. Demonstrated success in achieving a high-degree of client satisfaction.

EXPERTISE

*Management *Advertising *Marketing *Finance *Budget *Scheduling
*Graphic Design *New Employee On-Boarding/Training/Development
*Adobe Cloud *Microsoft Office *Project Management

EXPERIENCE

Ramp Agent (Akron Canton Airport - CAK)

Delta, United, Allegiant & currently American Airlines - North Canton, OH
08/20/2016 to present

*Responsible for all aspect of incoming and outgoing planes. *While at Allegiant, was responsible for training all new employees. *Exercise team building activities. *Used management experience to motivate other team members. *Utilize problem solving skills when customer oriented issues arrive *Take Initiative of job duties to make sure all are done in a timely manor *Meet Deadlines *Adhere and follow F.A.A. Rules & Regulations, Federal Laws and Compliances *Help team and others when needed
*Keep a Positive Demeanor throughout entire workday

Assistant General Manager & Social Media Marketing Manager Stealth, LLC - Akron, OH

03/31/2016 - 04/01/2020 (SMMM), 07/01/2018 - 10/01/2019 (AGM)

*Hire *Train *Oversee Staff *Ensure Cleanliness and Safety *Budget
*Manage Inventory & Finances *Banking & Finances *Meet Deadlines
*Maintain Media and Social Media sites *In charge of all events, advertisements and artwork (ie. Posters, brochures and photography)

EDUCATION

Art Institute of Pittsburgh, PA, 2015 - 2017

Graphic Design College Diploma (3.87 GPA)

Major - Graphic Design, Minor - Social Media Marketing

Exhibit B



Richard W. Lieb Jr.

331 Baldwin Rd, Akron, OH, 44312
(330)406-6057 - erolemodel@gmail.com

PROFILE

Positive, creative and detail-oriented professional with proven background in project management, space planning and computer aided design. Strong ability to collaborate effectively with co-workers and clients. Demonstrated success in achieving a high-degree of client satisfaction.

EXPERTISE

*Management *Advertising *Marketing *Finance *Budget *Scheduling
*Graphic Design *New Employee On-Boarding/Training/Development *Adobe Cloud
*Microsoft Office *Project Management

EXPERIENCE

Licensed Promoter & CEO of Rubber City Wrestling

Wrestle For The Cure, LLC - Akron, OH

02/25/2018 - Present

*Hire *Train *Oversee Staff *Book Events *Budget *Manage Inventory & Finances
*Concessions *Manage Payroll *Producer & On Screen Talent on The RCW Network
*Maintain Media and Social Media sites *In charge of all events, advertisements and artwork (ie. Posters, brochures and photography) *Work with Sponsors & more

Ramp Agent (Akron Canton Airport - CAK)

Delta, United, Allegiant & currently American Airlines - North Canton, OH

08/20/2016 to 09/21/2023

*Responsible for all aspect of incoming and outgoing planes. *While at Allegiant, was responsible for training all new employees. *Exercise team building activities. *Used management experience to motivate other team members. *Utilize problem solving skills when customer oriented issues arrive *Take Initiative of job duties to make sure all are done in a timely manor *Meet Deadlines *Adhere and follow F.A.A. Rules & Regulations, Federal Laws and Compliances *Help team and others when needed
*Keep a Positive Demeanor throughout entire workday

Assistant General Manager & Social Media Marketing Manager

Stealth, LLC - Akron, OH

03/31/2016 - 04/01/2020 (SMMM), 07/01/2018 - 10/01/2019 (AGM)

*Hire *Train *Oversee Staff *Ensure Cleanliness and Safety *Budget *Manage Inventory & Finances *Banking & Finances *Meet Deadlines
*Maintain Media and Social Media sites *In charge of all events, advertisements and artwork (ie. Posters, brochures and photography)

EDUCATION

Art Institute of Pittsburgh, PA, 2015 - 2017

Graphic Design College Diploma (3.87 GPA)

Major - Graphic Design, Minor - Social Media Marketing

Exhibit C



Richard W. Lieb Jr.

331 Baldwin Rd, Akron, OH, 44312
(330)406-6057 - erolemodel@gmail.com

PROFILE

Creative and detail-oriented professional with proven background in project management, space planning and computer aided design. Strong ability to collaborate effectively with co-workers and clients. Demonstrated success in achieving a high-degree of client satisfaction.

EXPERTISE

*Management *Advertising *Marketing *Finance *Budget *Scheduling
*Graphic Design *New Employee On-Boarding/Training/Development *Adobe Cloud
*Microsoft Office *Project Management

EXPERIENCE

Ramp Agent (Akron Canton Airport - CAK)

Delta, United, Allegiant & currently American Airlines - North Canton, OH
08/20/2016 to present

*Responsible for all aspect of incoming and outgoing planes. *While at Allegiant, was responsible for training all new employees. *Exercise team building activities. *Used management experience to motivate other team members. *Utilize problem solving skills when customer oriented issues arrive *Take Initiative of job duties to make sure all are done in a timely manor *Meet Deadlines *Adhere and follow F.A.A. Rules & Regulations, Federal Laws and Compliances *Help team and others when needed *Keep a Positive Demeanor throughout entire workday

Licensed Promoter & CEO of Rubber City Wrestling

Wrestle For The Cure, LLC - Akron, OH
02/25/2018 - Present

*Hire *Train *Oversee Staff *Book Events *Budget *Manage Inventory & Finances
*Concessions *Manage Payroll *Producer & On Screen Talent on The RCW Network
*Maintain Media and Social Media sites *In charge of all events, advertisements and artwork (ie. Posters, brochures and photography) *Work with Sponsors & more

Assistant General Manager & Social Media Marketing Manager

Stealth, LLC - Akron, OH

03/31/2016 - 04/01/2020 (SMMM), 07/01/2018 - 10/01/2019 (AGM)

*Hire *Train *Oversee Staff *Ensure Cleanliness and Safety *Budget *Manage Inventory & Finances *Banking & Finances *Meet Deadlines
*Maintain Media and Social Media sites *In charge of all events, advertisements and artwork (ie. Posters, brochures and photography)

EDUCATION

Art Institute of Pittsburgh, PA, 2015 - 2017

Graphic Design College Diploma (3.87 GPA)

Major - Graphic Design, Minor - Social Media Marketing

Exhibit D



Richard W. Lieb Jr.

331 Baldwin Rd, Akron, OH, 44312
(330)406-6057 - erolemodel@gmail.com

PROFILE

Creative and detail-oriented professional with proven background in project management, space planning and computer aided design. Strong ability to collaborate effectively with co-workers and clients. Demonstrated success in achieving a high-degree of client satisfaction.

EXPERTISE

*Management *Advertising *Marketing *Finance *Budget *Scheduling
*Graphic Design *New Employee On-Boarding/Training/Development *Adobe Cloud
*Microsoft Office *Project Management

EXPERIENCE

Delivery Driver

Door Dash - Akron, OH

08/25/2023 - Present

*Deliver take-out or groceries to customers.

Ramp Agent (Akron Canton Airport - CAK)

Delta, United, Allegiant & most recently American Airlines - North Canton, OH

08/20/2016 to 09/21/2023

*Responsible for all aspect of incoming and outgoing planes. *While at Allegiant, was responsible for training all new employees. *Exercise team building activities. *Used management experience to motivate other team members. *Utilize problem solving skills when customer oriented issues arrive *Take Initiative of job duties to make sure all are done in a timely manor *Meet Deadlines *Adhere and follow F.A.A. Rules & Regulations, Federal Laws and Compliances *Help team and others when needed *Keep a Positive Demeanor throughout entire workday *At Delta, I was the POI guy

Assistant General Manager & Social Media Marketing Manager

Stealth, LLC - Akron, OH

03/31/2016 - 04/01/2020 (SMMM), 07/01/2018 - 10/01/2019 (AGM)

*Hire *Train *Oversee Staff *Ensure Cleanliness and Safety *Budget *Manage Inventory & Finances *Banking & Finances *Meet Deadlines

*Maintain Media and Social Media sites *In charge of all events, advertisements and artwork (ie. Posters, brochures and photography)

EDUCATION

Art Institute of Pittsburgh, PA, 2015 - 2017

Graphic Design College Diploma (3.87 GPA)

Major - Graphic Design, Minor - Social Media Marketing

Exhibit 5

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

**NOTICE OF AGE DISCRIMINATION LAWSUIT
AGAINST WORKDAY, INC**

THIS IS COURT AUTHORIZED NOTICE.

To: All individuals aged 40 and over who, from September 24, 2020, through the present who applied for job opportunities using Workday, Inc.'s job application platform and were denied employment recommendations

Re: Collective action lawsuit against Workday for violations of the Age Discrimination in Employment Act ("ADEA").

I. INTRODUCTION

The purpose of this Notice is to inform you of a collective action lawsuit against Workday, Inc. in which you are potentially "similarly situated" to the named Plaintiff, to advise you of how your rights may be affected by this lawsuit, and to instruct you on the procedure for participating in this lawsuit as a class member if you so desire.

As described below, if you are eligible and wish to participate in the collective action, you must timely complete and submit the "Consent to Join" form located on the official case webpage.

II. DESCRIPTION OF THE LAWSUIT

Plaintiff Derek Mobley ("Plaintiff") filed this action against Workday, Inc. in the Northern District of California, Case No. 3:23-0770-RFL on behalf of himself and all others similarly situated, and his allegations include that Workday, Inc., through its Artificial Intelligence employment screening practices violated

the Age Discrimination in Employment Act (“ADEA”).

“Similarly situated” individuals include all candidates for employment over the age of 40 who applied for job opportunities using Workday, Inc.’s job application platform and were denied employment recommendations.

Workday denies any and all liability in this matter and further denies that collective treatment is appropriate.

III. PERSONS ELIGIBLE TO MAKE A CLAIM IN THIS LAWSUIT

You are eligible to join this lawsuit if from September 24, 2020 through the present, and applied for job opportunities using Workday, Inc.’s job application platform and were denied employment recommendations

IV. HOW TO MAKE A CLAIM IN THIS LAWSUIT

If you wish to make a claim and join this case, you must “opt-in” to the lawsuit by completing the “Consent to Join” form located on the official case web page: [WEBSITE]. You must complete, electronically sign, and submit this form by [90 DAYS AFTER NOTICE]. If you fail to complete and submit the online “Consent to Join” form by the aforementioned date, you will not be permitted to participate as a class member in this lawsuit, or in any settlement or judgment reached by the parties or ordered by the court.

V. LEGAL EFFECT OF FILING OR NOT FILING THE CONSENT FORM

If you choose to participate in the suit as a class member and file the “Consent to Join” form, you might be required to provide information or testimony relevant to the lawsuit.

You will also be bound by the judgment or settlement of the claims under the Age Discrimination in Employment Act, whether it is favorable or unfavorable. Further, by choosing to join the lawsuit, you designate the collective

action representatives, Winston Cooks, LLC, and Wiggins Childs Pantazis and Goldfarb, LLC as your agents to make binding decisions on your behalf concerning the litigation. The attorneys are being paid on a contingency fee basis, which means that if there is no recovery, there will be no payment to the attorneys. However, the attorneys may be paid either by Workday, Inc., or they may, either in addition to or instead of payment from Workday, Inc., receive a percentage of any money judgment or settlement in favor of you, or others similarly situated, as ordered by the Court.

If you do not wish to participate in this lawsuit as a class member, simply do nothing. You will not be bound by any judgment regarding any claim you may have under the Age Discrimination in Employment Act, whether favorable or unfavorable. If you choose not to file a “Consent to Join” form, you are free to file your own lawsuit within the applicable statute of limitations.

VI. NO RETALIATION PERMITTED

Federal law prohibits Workday or retaliating against you for “opting-in” to this lawsuit or otherwise exercising your rights.

VII. YOUR LEGAL REPRESENTATION IF YOU JOIN

If you elect to participate in this lawsuit by electronically completing and submitting a “Consent to Join” form, your counsel will be:

Roderick T. Cooks
Lee D. Winston
Winston Cooks, LLC
420 20th Street North Suite 2200
Birmingham, AL. 35203

Robert L. Wiggins
Wiggins, Childs, Pantazis,
Fisher & Goldfarb
301 19th Street South
Birmingham, AL. 35203

If you have questions about this Notice, the “Consent to Join” form, or the lawsuit generally, you may contact Plaintiffs’ counsel at [FIRM EMAIL ADDRESSES].

THIS NOTICE AND ITS CONTENTS HAVE BEEN AUTHORIZED BY THE

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA. THE COURT HAS TAKEN NO POSITION IN THIS CASE REGARDING THE MERITS OF PLAINTIFF'S CLAIMS OR OF WORKDAY, INC.'S DEFENSES. PLEASE DO NOT CONTACT THE COURT WITH QUESTIONS ABOUT THIS LAWSUIT.

ELECTRONIC CONSENT TO JOIN FORM

(The Age Discrimination in Employment Act of 1967, 29 U.S.C. § 216(b))

By my signature below, I consent to opt in and join the collective action *Mobley v. Workday, Inc.* case number 3:23-0770-RFL in the California Northern District Federal Court, which includes claims under The Age Discrimination in Employment Act of 1967 (“ADEA”). I understand and agree that by joining in this action, I will be bound by any adjudication of the Court in this action.

I represent that from September 24, 2020 being over 40 years old, I applied for job opportunities using Workday, Inc.’s job application platform and was denied employment recommendations

I designate the law firms Winston Cooks, LLC and Wiggins Child, Pantazis, Fisher & Goldfarb, LLC to represent me for all purposes in this action.

My name is: _____ (print name)

My address is: _____ (street address)

_____ (city, state, zip code)

My telephone number is: _____ (area code and telephone number)

My e-mail address is: _____ (insert e-mail address)

My signature: _____

Date on which I signed this Notice: _____ (today’s date)