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Aspiring Interns Seek Class Cert. In P&G DACA Bias Suit

By **Tiffany Hu**

Law360 (April 15, 2019, 6:32 PM EDT) -- Rejected prospective interns accusing Procter & Gamble Co. of discriminating against those with temporary work authorization under the Deferred Action for Childhood Arrivals program have asked a Florida federal court for class certification.

Lead plaintiff and Venezuela native David M. Rodriguez said in Friday's motion that P&G's alleged policy of automatically rejecting candidates without "unrestricted work authorization" uniformly applied to hundreds of non-U.S. citizens who can otherwise legally work in the country, such as DACA recipients, temporary protected status beneficiaries and other nonpermanent residents.

Rodriguez asked U.S. District Judge Kathleen M. Williams to certify the proposed class of individuals who have been or will be rejected by P&G because of their citizenship status, saying that certification would resolve the central claims in the present case "in one stroke."

"Plaintiff presents numerous common legal and factual issues regarding P&G's uniform, national hiring policy and practice," the motion said. "The ultimate question is one uniquely suited for class treatment."

Rodriguez **filed the suit** in July 2017 against the consumer goods giant. He says that after he submitted an application for a paid internship at P&G, he received a questionnaire with four questions about his immigration status. He answered "no" to three questions asking if he had various specific types of immigration and visa statuses and "no" to a question asking if he would need sponsorship for U.S. employment visa status, according to the complaint.

Rodriguez says he was then rejected for the job in October 2013, and a recruiter had told him that "per P&G policy, applicants in the U.S. should be legally authorized to work with no restraints on the type, duration or location of employment."

The suit accuses P&G of not giving him and other nonpermanent residents equal opportunity in P&G job applications as well as terminating noncitizens "ostensibly" for their immigration status, a violation of the Civil Rights Act of 1866.

Last April, Judge Williams **denied P&G's attempt** to toss the case, finding that Rodriguez had properly alleged that the company's hiring practices were biased. The judge rejected P&G's argument that it was allowed to take into consideration the applicants' work authorization status in evaluating candidates, which it said was not protected by antidiscrimination statute.

"Plaintiff is seeking to bring an end to P&G's facially discriminatory policy of only hiring non-U.S.

citizens if they can present a green card, which has resulted in hundreds of individuals with legal work authorization being blocked from consideration for internships and jobs," Ossai Miazad of Outten & Golden LLP, an attorney for Rodriguez, told Law360 on Monday.

Counsel for P&G did not immediately respond to a request for comment Monday.

Rodriguez is represented by Jason S. Mazer of Cimo Mazer Mark PLLC, Patrick D. Lopez, Sally J. Abrahamson, Ossai Miazad, Michael Litrownik, Nina Martinez and Paul Mollica of Outten & Golden LLP and Thomas A. Saenz, Nina Perales and Burth López of the Mexican American Legal Defense and Educational Fund.

P&G is represented by Juan C. Enjamio of Hunton Andrews Kurth LLP.

The case is Rodriguez et al. v. The Procter & Gamble Co., case number 1:17-cv-22652, in the U.S. District Court for the Southern District of Florida.

--Editing by Jack Karp.

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