CODOSSIER
November 5, 2026

Separation Offer Decision, Claim Forum, and Government Billing Track

Prepared by counsel for the client's review

- Client age 52
- Client years of service Five years
- Company headcount About 1,400 employees
- Days from September 4, 2026 deadline to AS OF date 62
- Unvested RSUs (stated value) About $180K
- June 30 vest tranche (stated value; vest date June 30, 2027) About $60K
- Days from termination date to June 30, 2027 vest 18
- 2025 bonus subject to clawback About $41K
- Demand range (gross) $1.6M to $2.0M
- COBRA period requested Twelve months
- Accommodation request (May 2025) pending without decision Eleven weeks
- Requested core hours (flare days) 10-to-4
- Three-week flare, January 2026 Three weeks
- PIP absence citations Six dates of unplanned absence; five of six approved intermittent FMLA days
- Days from April 2 VP remark to April 20 list draft 18
- RIF size Eleven-person
- Other RIF employees besides client Ten
- Replacement's age (took client's duties, same VP) 34
- Age of employee added to list between versions (on medical leave) 56
- Consulting pay $14,500 a month
- Consulting pay total $203,000
- Consulting actual hours 50 to 55 per week
- Consulting work split About 60/40 Manhattan / New Jersey
- Contractual limitations period (arbitration clause) Six months from accrual
- Days from AS OF date to December 9, 2026 34
- Billing documents held by client: total / with PHI / without PHI Forty / twelve / twenty-eight

THE SHORT ANSWER

Counter; do not sign as drafted and do not walk and file as the only path. Signing is closed by the false return-of-property representation, the missing agency carve-outs and the 21-day group paper with no disclosures, which cannot support a valid ADEA waiver. Walking gives up funding the gap and an employable exit, which is the client's first priority. The decision falls due Friday, November 6, 2026. Send nothing to the company before then. The first statutory date after it is November 25, 2026 for an ADA charge on the January 29 PIP, which comes before December 9, 2026 for SOX. File both, and treat December 9 as possibly earlier if the RIF notice predates June 12. The contractual bar then ends December 12, 2026. Treat it as live unless a tolling agreement is signed. Do not treat the September 4 deadline as dead. Settle that against your own file. The qui tam stays outside every release, with FCA counsel engaged by November 18, 2026 and the PHI left untouched. The counter's value, the dollar figure for eight weeks' pay and the equity at current price, cannot be computed. The open blockers are: whether the September 4 deadline was extended in writing or lapsed; the date and form of the RIF notice; whether FCA counsel is retained; whether any charge or motion to compel is pending; whether the other ten RIF employees received the same paper; the Third Circuit standard on pre-filing releases of a qui tam; and the tax treatment of attorney's fees.

WHERE EACH BUCKET STANDS

BUCKET 1 **Forum, limitations clocks, and claim vehicle** FORUM FIGHT — weak checkbox, early clocks

The 2022 checkbox, the six-month bar and the claim clocks decide whether the client or the employer picks the forum, and the first charge deadline is November 25, 2026.

BUCKET 2 **Separation offer defects and settlement leverage** UNSIGNABLE OFFER — counter, don't sign

The eight-week offer ignores about $180,000 in unvested RSUs and the about $41,000 clawback, and its 21-day group release and missing agency carve-outs make it unsignable as drafted.

BUCKET 3 **Government track and PHI document exposure** GOVERNMENT TRACK — protect it, quarantine PHI

The Medicare billing report belongs on a sealed government track that no release may touch, and the twelve PHI extracts in personal Gmail are the exposure to manage.

WHAT TO DO, IN ORDER

01 **Freeze the billing documents and engage FCA counsel now.** Lead with this because it stops losses that cannot be undone: a public-disclosure or first-to-file problem, or mishandled PHI, grows with time and cannot be reversed. Tell the client in writing to leave the twelve PHI extracts exactly where they are, with no forwarding, deleting, re-syncing or new copying. Counsel keeps holding only the twenty-eight non-PHI copies. Have the client record, dated and unchanged, when and how the forty documents reached Gmail and the laptop. Engage FCA counsel now so they are in place by the November 18, 2026 target. Ask whether FCA counsel has been retained and whether any qui tam or public disclosure already exists, because first-to-file status cannot be assumed. The qui tam position (fca_qui_tam) has no computed deadline, but sealed-docket exposure grows weekly. FCA counsel also reviews the plan for the OSHA complaint text and any agency filing that mentions billing.

02 **Decide Friday, November 6, 2026: counter, sign nothing, and send nothing before the decision.** Do not sign as drafted, because the return-of-property representation would be false, there is no carve-out, and the 21-day group paper is defective. Do not choose walk-and-file as the sole path either, because it gives up funding the gap and an employable exit. Counter, with protective filings running in parallel. Send nothing in writing to the company before the decision is made. Whether the September 4 deadline was extended or lapsed is unsettled on this record. Check your own file for any written extension, and do not build the counter on the deadline being dead. The counter should be built on the demand range of $1,600,000 to $2,000,000. It needs an agency carve-out, an express exclusion of the qui tam and any award, no gag cooperation clause, a struck clawback, a neutral reference with an agreed departure narrative that protects unemployment, and no billing facts or PHI.

03 **File the ADA charge on the January 29 PIP by November 25, 2026.** The position ends November 25, 2026, earlier than the December 9, 2026 date counsel has been working. Filing is a duty with a fixed last day; choosing when to file the termination-based ADA and ADEA charges (last day April 8, 2027) is the elective part. Consider filing all charges together. A signed tolling pause protects that date only if signed by both sides before November 25 with one restart method. Do not let settlement talks stand in for the filing. File earlier than the last day because the practice target is not set.

04 **File the SOX complaint with OSHA no later than December 9, 2026, drafted with FCA counsel.** The position ends December 9, 2026. The 180 days may run from the unequivocal notice of the termination decision, which could be earlier than June 12, 2026. Ask the client for the date and form of the RIF notice and the date the 21-day agreement was received, and file on the earlier clock if the notice predates June 12. The filing itself is a duty; its content is the elective part. Have FCA counsel review it so it carries no PHI and no billing extracts and does not create a public-disclosure problem. Keep the company-quotable dates checked against the client's records, including March 17. A SOX settlement after filing needs OSHA approval, so keep that in the counter's structure.

05 **Fix the claim vehicle and the court posture before December 12, 2026.** The contractual six-month bar (contractual_six_month_accrual_bar) ends December 12, 2026 on the June 12 termination, and the January 29 PIP clock under it is already past. New Jersey authority supports its unenforceability for LAD claims, but whether Texas law would enforce it if JAMS law governs is not established. Treat December 12 as live. Either obtain a signed tolling agreement before it, or file in D.N.J. or Superior Court before it. Any court filing now is limited to claims needing no charge, such as LAD and FMLA. Settle the CEPA election first, because a CEPA filing may waive substantially related LAD and common-law claims. The CEPA last day is June 12, 2027, so when to file it is elective. If the company moves to compel, challenge formation specifically and ask for a claim-by-claim order that keeps the SOX claim in court. The Q1 2027 posture should then already exist.

06 **Build the counter's value schedule and the tax structure.** This step depends on the decision and the filings above. Collect the stock plan, award papers and pay records to test the June 12 end date against the June 30 vest of about $60,000, the $180,000 unvested units and the $41,000 clawback. Ask in writing, after the Friday decision, for the company's for-cause basis. Pull the neurologist's dated post-PIP records for the physical-sickness allocation, since stress-caused symptoms must not be blended in. Decide the fee-payment structure with tax advice. Ask the client for post-termination income, unemployment status, health coverage and whether a COBRA notice ever arrived, since the 60-day date from June 12 has passed.

07 **Demand the RIF disclosures and preserve the scoring matrix.** Press for the decisional-unit disclosure, the ages and titles of selected and retained employees, and the scoring matrix the CHRO referenced. Also ask whether the other ten received the same 21-day paper. Confirm the date your preservation letter was sent and get the complete tracker and personnel file, since the company's production was partial. Request who added the client's name between the nine-name and eleven-name lists and whether the Chief Compliance Officer or General Counsel touched it. This gathering comes after the clock-driven steps, and it feeds both the age-waiver challenge and the discharge theory.

DATES THAT MATTER

DATE	TIME LEFT	WHAT
Nov 6, 2026	1 day	Decision: sign, counter, or walk and file
Nov 18, 2026	13 days	Bring in FCA counsel
Nov 25, 2026	20 days	ADA charge PIP discrete act
Dec 9, 2026	34 days	Shortest federal clock runs out (as stated by counsel)
Dec 9, 2026	34 days	SOX whistleblower retaliation
Dec 12, 2026	37 days	Contractual six month accrual bar
Apr 8, 2027	154 days	ADA charge termination
Apr 8, 2027	154 days	ADEA charge termination
Jun 12, 2027	219 days	CEPA retaliation
Sep 4, 2027	303 days	Company counsel's final deadline on the separation offer
Jan 29, 2028	450 days	FMLA interference PIP
Jun 12, 2028	585 days	FMLA retaliation termination
Jun 12, 2028	585 days	LAD retaliation
Jun 12, 2028	585 days	LAD ADA ADEA discriminatory discharge
Jun 12, 2029	950 days	Fca retaliation

WHAT WE STILL NEED

- RIF decisional-unit disclosure: job titles and ages of selected and non-selected employees, and whether the other ten received the same 21-day agreement with no disclosures — Company production or company counsel; the other RIF employees
- Company's stated for-cause basis for the about $41,000 2025 bonus clawback (none has been articulated to client) and the bonus plan's recovery terms — Company written clawback notice or the bonus plan and agreement text
- Status of the September 4, 2026 company deadline: extended in writing or lapsed (the conversation treats it as live though it is 62 days past as of AS OF) — Company counsel correspondence and the attorney's file
- Who added client's name between the April 20 nine-name draft and the eleven-name version, when, and whether the CCO or GC touched the list — List version metadata, the RIF scoring matrix, and CHRO and VP testimony
- HRIS acceptance record for the 2022 checkbox: timestamp, the agreement text displayed, and whether delegation and class-waiver language was shown — Company HRIS audit log
- Neurologist's post-PIP documentation: date, content, and diagnosis classification of the MS exacerbation — Neurologist records, obtained with client authorization
- The company has any record of the document transfer (DLP or access logs) or knowledge of it (currently assumed not) — Company IT records and discovery
- Client's post-termination status: current employment, income since June 12, 2026, unemployment claim status, and current health coverage — Client
- Date and method of the transfer of the forty documents to client's Gmail and laptop sync — Client, with email and sync metadata
- Any charge, complaint, or motion to compel arbitration is pending in any forum — Client, docket searches, and company counsel
- Calendar date of the 'Friday' sign / counter / walk decision — Attorney and client calendars, anchored to AS OF 2026-11-05
- Exact start and end days of the 1099 consulting period (July 2021 to September 2022) — SOW, invoices, and LLC records
- Date client first disclosed MS to the employer and date intermittent FMLA approval issued — HR leave file and client
- RIF scoring matrix referenced in the CHRO email — Company production (preservation demand and discovery)

QUESTIONS FOR THE CLIENT

? What are the agreement's dollar terms, release scope, and any other disclosures or provisions beyond the 21-day period?

? Where does the dollar figure come from, and how is it calculated from the RSUs, bonus and other components?

? Did other ten RIF employees get same paperwork?

POINTS RAISED THAT THIS BRIEF DOES NOT YET ANSWER

- Consulting-period facts: misclassification and separate MSA
- Complaints about FMLA and no agency filing
- Billing complaint and retaliation chain
- Filing deadlines
- Employer profile
- September 4 deadline as lever
- Demand package terms
- Client priorities and ordering

Citations and dates in this brief are confirmed by counsel before you rely on them.