

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

ECF

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LAURA GURIEVSKY,

Index No.:

Plaintiff,

SUMMONS

-against-

Plaintiff designates:
New York County

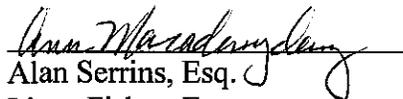
**SAATCHI & SAATCHI WELLNESS and
WILLIAM MARTINO,**

Defendants.
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To the above named Defendant(s)

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney(s) within twenty (20) days after the service of this summons, exclusive of the day of service (or within thirty (30) days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York
February 20, 2013

By: 
Alan Serrins, Esq.
Liane Fisher, Esq.
Ann Macadangdang, Esq.
SERRINS FISHER, LLP
Attorneys for Plaintiff
233 Broadway, Ste. 2340
New York, NY 10279

TO:
Saatchi & Saatchi Wellness
c/o Daniel Hackett, Director of Human Resources
375 Hudson Street
New York, New York 10014

William Martino
10 Cannon Court
Huntington, New York 11743

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

ECF

-----X
LAURA GURIEVSKY,

Index No.:

Plaintiff,

COMPLAINT

-against-

**SAATCHI & SAATCHI WELLNESS and
WILLIAM MARTINO,**

Defendants.
-----X

Plaintiff LAURA GURIEVSKY (“Plaintiff” or “Ms. Gurievsky”), by and through her attorneys, SERRINS FISHER LLP, complains of Defendants SAATCHI & SAATCHI WELLNESS (“Defendant Saatchi” or the “Agency”) and WILLIAM MARTINO (“Defendant Martino”) (collectively “Defendants”) as follows:

NATURE OF THE ACTION

1. This action is brought to challenge Defendants’ practice of sexual harassment and retaliation in the terms, conditions, and privileges of Plaintiff’s employment in violation of the New York State Human Rights Law, Executive Law § 296 *et seq.* (“NYSHRL”), and the Administrative Code of the City of New York § 8-101 *et seq.* (“NYCHRL”).
2. Pursuant to § 8-502(c) of the City Law, contemporaneously with filing this complaint with the Court, Plaintiff served a copy of this complaint on the New York City Commission on Human Rights and on Corporation Counsel for the City of New York.

PARTIES

3. Ms. Gurievsky is employed by Defendant Saatchi as a Vice President (“VP”), Account Director.

4. Defendant Saatchi is a corporation registered to do business in the State of New York and maintains a place of business located at 375 Hudson Street, New York, New York 10014.
5. Defendant Saatchi operates a marketing and advertising agency, which provides a full range of services to the wellness and healthcare industry.
6. During all relevant times, Defendant Martino was employed by Defendant Saatchi as a Senior Vice President, Director of Digital Marketing, and sat on Defendant Saatchi's Leadership Committee (the "M Group") and was head of the Digital Marketing Group.
7. During all relevant times, Defendant Martino was Ms. Gurievsky's supervisor.
8. Defendant Martino was and is a married man and father to a 2 year old daughter and recently born son.
9. Defendant Saatchi employed more than four (4) people for each working day in each of twenty or more calendar weeks in the current and preceding calendar year, and is an employer within the definitions of the NYSHRL and NYCHRL.
10. Defendant Martino is individually liable under the NYSHRL and NYCHRL as an employer given that he had power to do more than carry out personnel decisions made by others. As a member of the M Group and as a department head, he had authority to fire and discipline staff including Ms. Gurievsky.
11. Defendant Saatchi recommended or otherwise participated in the adverse actions against Plaintiff, thereby aiding and abetting the discriminatory acts against her.
12. At all relevant times herein, Defendant Martino was an agent, servant and/or employee of Defendant Saatchi and acted within the course and/or scope of his authority as agent, servant, and/or employee of Defendant Saatchi.

13. Defendants are jointly and severally liable to Plaintiff for losses sustained as a proximate result of their conduct.

FACTUAL ALLEGATIONS

14. Defendants hired Ms. Gurievsky as a Vice President, Account Supervisor in or around September 2009.

15. At all relevant times, Ms. Gurievsky satisfactorily performed her job duties, which included but were not limited to managing day-to-day account operations and acting as the primary liaison between clients and the Agency.

16. From in or about August 2011 to July 2012, Defendant Martino subjected Ms. Gurievsky to sexual harassment by engaging in conduct that included but was not limited to:

- a) Pressuring Ms. Gurievsky to have sex and perform sexual acts with him, often times during Saatchi business trips when Defendant Martino insisted on staying in Plaintiff's hotel room.
- b) Scheduling "finance meetings" in his office with Ms. Gurievsky during which he solicited Ms. Gurievsky to have sexual encounters with him. Ms. Gurievsky rejected Defendant Martino's advances, but he persisted until she succumbed to him.
- c) Taking Ms. Gurievsky to expensive lunches and dinners and directing Ms. Gurievsky to submit bills to the Company for client reimbursement despite Ms. Gurievsky's concerns and protestation regarding the same.
- d) Taking Plaintiff to various entertainment venues and events (i.e. Rock & Roll Hall of Fame, multiple sporting events, etc.) at client expense while on company time.
- e) Predicating Plaintiff's terms and conditions of employment upon her acquiescence to his sexual demands by, among other things, promising Ms. Gurievsky a promotion to Vice

President, Account Director and a ten thousand dollar (\$10,000) raise in her annual salary.

- f) Leering at Plaintiff, at times in the presence of other Saatchi employees.
- g) In Plaintiff's presence, speaking with another Creative Director about the sexual orientation of an openly gay female Creative Director, and stating, among other things in sum and substance, that he "figured" the female Creative Director was a lesbian because she did not react to his charming advances.

17. During the relevant time period, Ms. Gurievsky was also subjected to inappropriate sex-based comments by another high-level employee at Defendant Saatchi, further polluting the work atmosphere for her. A creative director referred to women as "pretty prostitutes" and commented that he liked the style of Ms. Gurievsky's hair because it made her look like she had "just been fucked."

18. Plaintiff opposed Defendant Martino's sexual harassment and expressed to Defendant Martino that she experienced severe anxiety over the untenable situation.

19. Despite Plaintiff's opposition, Defendant Martino's sexual advances continued unabated.

20. Defendant Martino admitted that he felt "guilty" about what he was putting Ms. Gurievsky through. He promised to make it up to her in "some way."

21. By July 2012, Ms. Gurievsky completely repudiated Defendant Martino's sexual demands.

22. As a result of her repudiation, Defendant Martino retaliated against Ms. Gurievsky by, among other things:

- a) threatening to terminate her in or about August 2012 by stating that he "would be relieved if [she] were gone" from the organization;

- b) alienating her professionally;
- c) ignoring her work-related requests for information;
- d) marginalizing her responsibilities;
- e) renegeing on the raise in pay he previously promised her; and
- f) speaking to her in a harsh and derogatory manner;

23. Defendant Martino's actions caused Ms. Gurievsky to lose work opportunities and impeded her ability to work. She was left with a total lack of support, guidance and management at the Agency.

24. Plaintiff was so distraught over Defendant Martino's retaliatory behavior that she took measures to avoid being around him, such as working remotely from the lobby of a nearby hotel.

25. In or about September 2012, Plaintiff complained through her counsel to Defendant Saatchi about Defendant Martino's sexual harassment and retaliatory behavior.

26. Rather than take appropriate remedial measures, Defendant Saatchi subjected Ms. Gurievsky to a series of retaliatory action, including but not limited to:

- a) Purposely excluding Ms. Gurievsky from monthly Account Director meetings;
- b) Purposely excluding Ms. Gurievsky from Cookie Group Meetings, semi-regular meetings held by the Company wherein department heads and agency account directors are in attendance;
- c) Alienating and marginalizing Ms. Gurievsky and denying her work opportunities and/or assigning less desirable work duties to her;
- d) Refusing to acknowledge Ms. Gurievsky's promotion to Account Director in any practical sense (i.e., continuing to represent Ms. Gurievsky to clients as an Account Supervisor);

- e) Failing to honor its promise to give Ms. Gurievsky a raise; and
- f) Ignoring Ms. Gurievsky's requests for staffing support, relegating Ms. Gurievsky to perform subordinate job duties.

27. Upon information and belief, Defendants have failed to conduct an adequate investigation into Ms. Gurievsky's discrimination, harassment and retaliation complaints and timely inform Plaintiff of details relating to such investigation.

FIRST CLAIM FOR RELIEF

(Hostile Work Environment under the NYSHRL)

28. Plaintiff repeats and realleges all paragraphs above as though fully set forth herein.

29. By the acts and practices described above, Defendants created a hostile environment constituting sexual harassment in violation of the NYSHRL.

30. Defendants knew that their actions constituted sexual harassment of such a severe and pervasive nature as to create a hostile work environment and/or willfully disregarded Plaintiff's statutorily protected rights.

31. Defendants intentionally refused to investigate and/or take appropriate remedial action to correct the harassing behavior and failed to respond to Plaintiff's complaints.

32. Plaintiff is now suffering mental anguish, pain, suffering and monetary damages as a result of Defendants' unlawful harassment.

SECOND CLAIM FOR RELIEF

(Quid Pro Quo Sexual Harassment under the NYSHRL)

33. Plaintiff repeats and realleges all paragraphs above as though fully set forth herein.

34. By the acts and practices described above, Defendants discriminated against Plaintiff by predicating the terms, conditions, and privileges of Ms. Gurievsky's employment on her

acquiescence to and/or denial of Defendant Martino's sexual demands, in violation of the NYSHRL.

35. Defendants knew that their actions constituted quid pro quo sexual harassment in that Plaintiff's acceptance or rejection of unwelcome sexual advances served as the basis for employment decisions including, but not limited to whether or not to promote Plaintiff and/or raise her pay, thereby willfully disregarding Plaintiff's statutorily protected rights.

36. Defendants intentionally refused to investigate and/or take appropriate remedial action to correct the harassing behavior and failed to respond to Plaintiff's complaints.

37. Plaintiff is now suffering mental anguish, pain, suffering, and monetary damages as a result of Defendants' discriminatory conduct.

THIRD CLAIM FOR RELIEF

(Hostile Work Environment under the NYCHRL)

38. Plaintiff repeats and realleges all paragraphs above as though fully set forth herein.

39. Defendants discriminated against Plaintiff by treating her less well with regard to the terms, conditions and privileges of her employment based on Plaintiff's membership to a protected class, in violation of the NYCHRL.

40. Defendants were aware of the harassment based on their own participation in and/or observation of the prohibited conduct.

41. Defendants intentionally refused to investigate and/or take appropriate remedial action to correct the harassing behavior and failed to respond to Plaintiff's complaints.

42. Pursuant to the NYCHRL, Defendant Saatchi is strictly liable for Defendant Martino's sexual harassment of Plaintiff.

43. Defendants knew their actions constituted unlawful harassment and willfully disregarded Plaintiff's statutorily protected rights.

44. Plaintiff is now suffering mental anguish, pain, suffering and monetary damages as a result of Defendants' unlawful harassment.

FOURTH CLAIM FOR RELIEF

(Quid Pro Quo Sexual Harassment under the NYCHRL)

45. Plaintiff repeats and realleges all paragraphs above as though fully set forth herein.

46. By the acts and practices described above, Defendants discriminated against Plaintiff by predicating the terms, conditions, and privileges of her employment on her acquiescence to and/or denial of Defendant Martino's sexual demands, in violation of the NYCHRL.

47. Defendants knew that their actions constituted quid pro quo sexual harassment in that Plaintiff's acceptance or rejection of unwelcome sexual advances served as the basis for employment decisions, including but not limited to the decision to promote Plaintiff and/or raise her pay, thereby willfully disregarding Plaintiff's statutorily protected rights.

48. Defendants intentionally refused to investigate and/or take appropriate remedial action to correct the harassing behavior and failed to respond to Plaintiff's complaints.

49. Pursuant to the NYCHRL, Defendant Saatchi is strictly liable for Defendant Martino's sexual harassment of Plaintiff.

50. Plaintiff is now suffering mental anguish, pain, suffering, and monetary damages as a result of Defendants' discriminatory conduct.

FIFTH CLAIM FOR RELIEF

(Retaliation under the NYSHRL)

51. Plaintiff repeats and realleges all paragraphs above as though fully set forth herein.

52. By the acts and practices described above, Defendants retaliated against Plaintiff in violation of the NYSHRL, by taking adverse action against Ms. Gurievsky for opposing discriminatory, harassing, and/or retaliatory behavior.

53. Defendants knew their actions constituted retaliation and/or willfully disregarded Plaintiff's statutorily protected rights.

54. Plaintiff is now suffering mental anguish, pain, suffering, and monetary damages as a result of Defendants' retaliatory conduct.

SIXTH CLAIM FOR RELIEF

(Retaliation under the NYCHRL)

55. Plaintiff repeats and realleges all paragraphs above as though fully set forth herein.

56. By the acts and practices described above, Defendants retaliated against Plaintiff in violation of the NYCHRL, by taking adverse action against Ms. Gurievsky for opposing discriminatory, harassing, and/or retaliatory behavior.

57. Defendants knew that their actions constituted retaliation and/or willfully disregarded Plaintiff's statutorily protected rights.

58. Pursuant to the NYCHRL, Defendant Saatchi is strictly liable for the retaliatory conduct of the individual Defendant Martino.

59. Plaintiff is now suffering mental anguish, pain, suffering, and monetary damages as a result of Defendants' retaliatory conduct.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment:

(a) awarding on the First through Sixth Causes of Action, compensatory, punitive, mental anguish and pain and suffering damages, as allowed by law, as a result of Defendants'

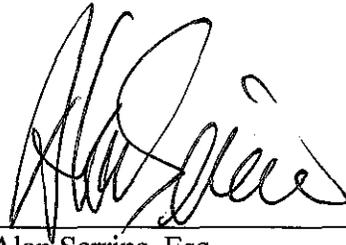
discriminatory, harassing and retaliatory conduct, in an amount exceeding the jurisdictional requisites;

- (b) awarding Plaintiff such interest as allowed by law;
- (c) awarding Plaintiff her reasonable attorneys' fees and costs; and
- (d) granting such other and further relief as this Court deems necessary and proper.

DEMAND FOR TRIAL BY JURY

Plaintiff demands a trial by jury.

Dated: February 20, 2013
New York, New York



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