

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

-----X  
**JENNIFER CARTIGLIA,**

**Plaintiff,**

**-against-**

**CAPITAL ONE, N.A., CAPITAL ONE, N.A. aka  
CAPITAL ONE BANK and WILLIAM MEHNERT,**

**Defendants.**  
-----X

**Index No.:**

Date Purchased:

**SUMMONS**

Plaintiff designates  
Richmond County as  
the place of trial.

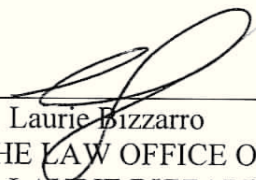
The basis of venue is:  
**WHERE PLAINTIFF  
RESIDES**

Plaintiff resides at:  
31 Sylvia Street  
Staten Island, New  
York 10312

**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 attorneys within twenty (20) days after the service of this summons, exclusive of the day of service, where service is made by delivery upon you personally within the state or, within thirty (30) days after completion of service where service is made in any other manner. 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: Brooklyn, New York  
June 6, 2013

By:   
C. Laurie Bizzarro  
THE LAW OFFICE OF  
C. LAURIE BIZZARRO, P.C.  
Attorneys for Plaintiff(s)  
**JENNIFER CARTIGLIA**  
100 Marine Avenue, Suite 6G  
Brooklyn, NY 11209  
(718) 833-8246  
Our file No. 10500-2010

TO:  
**CAPITAL ONE, N.A.**  
1680 Capital One Drive  
McLean, VA 22102

**CAPITAL ONE, N.A. aka CAPITAL ONE BANK**  
1680 Capital One Drive  
McLean, VA 22102

**CAPITAL ONE, N.A. aka CAPITAL ONE BANK**  
240 Page Ave  
Staten Island, NY 10307

**WILLIAM MEHNERT**  
c/o **CAPITAL ONE, N.A. aka CAPITAL ONE BANK**  
240 Page Ave  
Staten Island, NY 10307

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

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**JENNIFER CARTIGLIA,**

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**CAPITAL ONE, N.A., CAPITAL ONE, N.A. aka  
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**Defendants.**

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**Index No.:**

**VERIFIED**

**COMPLAINT**

Plaintiff, **JENNIFER CARTIGLIA** by and through her attorneys, **THE LAW OFFICE OF C. LAURIE BIZZARRO, P.C.**, complaining of the Defendants **CAPITAL ONE, N.A., CAPITAL ONE, N.A. aka CAPITAL ONE BANK** and **WILLIAM MEHNERT**, respectfully alleges as follows:

**INTRODUCTION**

1. This is an action for damages against the Defendant(s) to redress the deprivation of rights secured to Plaintiff under New York State Executive Law § 290 *et seq.* and § 296 and § 297(hereinafter referred to as “NYEL”) and Administrative Code of the City of New York, Title VIII § 8-101, 8-102 and 8-107 (hereinafter referred to as “NYC Code”) as and for the hostile work environment and unlawful discrimination of the Plaintiff by the Defendant(s) on the basis of sex, and retaliation against the Plaintiff by the Defendant(s) for her complaints of the same.

2. This is an action for damages for:

- (a) Back pay;
- (b) Forward pay;
- (c) liquidated damages;
- (d) Compensatory damages;
- (e) Punitive damages;

(f) Counsel fees;

(g) Pain and Suffering; and

(h) All as may be provided pursuant to law together with such other and further relief as may be necessary and proper to secure the plaintiff's damages and to be free of employment discrimination on plaintiff's account.

### PARTIES

3. That at all times hereinafter mentioned **JENNIFER CARTIGLIA**, (hereinafter the "Plaintiff") is a female who is a resident of the State of New York, County of Richmond.

4. That the cause of action alleged herein arose in Defendants' **CAPITAL ONE, N.A.** and/or **CAPITAL ONE, N.A. aka CAPITAL ONE BANK**, Branch #840 located at 240 Page Ave, Staten Island, NY 10307, in the City and State of New York, County of Richmond.

5. That this action falls within one or more of the exceptions set forth in CPLR §1602.

6. That at all times hereinafter mentioned, Defendant **CAPITAL ONE, N.A.** , was and still is a resident of the State of New York, County of Richmond, maintaining its principle place of business at 240 Page Ave, Staten Island, NY 10307, in the City and State of New York, County of Richmond.

7. That at all times hereinafter mentioned, Defendant **CAPITAL ONE, N.A.** , was and still is a domestic corporation duly organized and existing under and by virtue of the laws of the State of New York.

8. That at all times hereinafter mentioned, Defendant **CAPITAL ONE, N.A.** was and still is a foreign corporation duly authorized to do business in the State of New York.

9. That at all times hereinafter mentioned, Defendant **CAPITAL ONE, N.A. aka CAPITAL ONE BANK**, was and still is a resident of the State of New York, County of Richmond, maintaining its principle place of business at 240 Page Ave, Staten Island, NY

10307, in the City and State of New York, County of Richmond.

10. That at all times hereinafter mentioned, Defendant **CAPITAL ONE, N.A. aka CAPITAL ONE BANK**, was and still is a domestic corporation duly organized and existing under and by virtue of the laws of the State of New York.

11. That at all times hereinafter mentioned, Defendant **CAPITAL ONE, N.A. aka CAPITAL ONE BANK** was and still is a foreign corporation duly authorized to do business in the State of New York.

12. At all times relevant to this action **CAPITAL ONE, N.A.** and/or **CAPITAL ONE, N.A. aka CAPITAL ONE BANK**, were employers as defined by NYEL and NYC Code.

13. At all times relevant to this action, **CAPITAL ONE, N.A.** and/or **CAPITAL ONE, N.A. aka CAPITAL ONE BANK**, were the employers of Plaintiff as defined by NYEL and NYC Code.

14. At all times relevant to this action, Plaintiff was an employee within the meaning of NYEL and NYC Code, working for **CAPITAL ONE, N.A.** and/or **CAPITAL ONE, N.A. aka CAPITAL ONE BANK**, Branch #840 located at 240 Page Ave, Staten Island, NY 10307, in the City and State of New York, County of Richmond.

15. That at all times hereinafter mentioned, upon information and belief, Defendant **WILLIAM MEHNERT** (hereinafter "**MEHNERT**") was a resident of the State of New York, was employed by **CAPITAL ONE, N.A.** and/or **CAPITAL ONE, N.A. aka CAPITAL ONE BANK** as their Branch Manager and physically worked at , Branch #840 located at 240 Page Ave, Staten Island, NY 10307, in the City and State of New York, County of Richmond.

16. The Defendant, **MEHNERT**, is and was during all of the relevant time periods set forth in this Complaint, the employee of **CAPITAL ONE, N.A.** and/or **CAPITAL ONE, N.A. aka CAPITAL ONE BANK** and as the Branch Manager of **CAPITAL ONE, N.A.** and/or **CAPITAL ONE, N.A. aka CAPITAL ONE BANK** Branch #840,

was the immediate supervisor of Plaintiff and exercised power and control over Plaintiff's employment at **CAPITAL ONE, N.A.** and/or **CAPITAL ONE, N.A. aka CAPITAL ONE BANK**. Defendant **MEHNERT** has and had at all times mentioned herein ownership interest in **CAPITAL ONE, N.A.** and/or **CAPITAL ONE, N.A. aka CAPITAL ONE BANK** and has/had the power to do more than carry out personnel decisions made by others and therefore is individually liable pursuant to NYEL § 296 et. seq. and NYC Code. Defendant **MEHNERT** has/had the power and authority to hire, fire and discipline Plaintiff at will.

17. Defendant **MEHNERT** is being sued herein, in his individual capacity, as an Aider and Abettor under New York State Executive Law § 296 and § 297 and NYC Code as he aided, abetted, incited, compelled and/or coerced the acts against Plaintiff that are forbidden under NYEL § 296(6) et. Seq. and NYC Code and/or actually participated in the conduct giving rise to Plaintiff's claims and is thereby personally liable for his discriminatory and retaliatory treatment against Plaintiff under NYEL § 296(6) et. seq. and NYC Code and this Court therefore has jurisdiction over this individual.

18. Plaintiff has retained the law firm of **THE LAW OFFICE OF C. LAURIE BIZZARRO, P.C.** to represent her interest in this litigation and has agreed to pay the firm a reasonable fee for its services.

#### **MATERIAL FACTS**

19. Plaintiff is female.

20. That plaintiff was employed by Defendants **CAPITAL ONE, N.A.** and/or **CAPITAL ONE, N.A. aka CAPITAL ONE BANK** (hereinafter collectively referred to as "**CAPITAL ONE**") from on or about April 24, 2006 to June 17, 2010 as a teller for their Branch #840 located at 240 Page Ave, Staten Island, NY 10307, in the City and State of New York, County of Richmond.

21. Upon information and belief, on or about November 2009, Defendant **MEHNERT**, began working for Defendant **CAPITAL ONE** as the Branch Manager of

their Branch #840 located at 240 Page Ave, Staten Island, NY 10307, in the City and State of New York, County of Richmond.

22. On or about June 17, 2010, Plaintiff was fired from her teller position at **CAPITAL ONE**, solely because she had filed formal complaints with the Human Resource Department and or the Ethics Hotline of Defendant **CAPITAL ONE** against Defendant **MEHNERT** complaining of sexual harassment, hostile work environment and retaliation for complaints of same and for rejecting Defendant **MEHNERT**'s advances.

23. At all times mentioned herein, from or about November 2009, Defendant **MEHNERT**'s hire date until Plaintiff's termination on or about June 17, 2010, Plaintiff and her female co-workers were subjected to sexual harassment and a hostile work environment based on sex by Defendant **MEHNERT**.

24. At all times mentioned herein, the sexual harassment in which Plaintiff and her co-workers were subjected to by Defendant **MEHNERT** was of such quality or quantity as to be severe and/or pervasive.

25. At all times mentioned herein, looking at the totality of the circumstances, including the frequency of Defendant **MEHNERT**'s conduct and its severity, said conduct was humiliating and it interfered with Plaintiff's work environment.

26. At all times mentioned herein, Plaintiff was the subject of unwelcome sexual harassment by Defendant **MEHNERT**.

27. At all times mentioned herein, the sexual harassment affected Plaintiff's terms, conditions, and/or privileges, of her employment.

28. Upon information and belief, Defendant **CAPITAL ONE** knew of the sexual harassment and hostile work environment based on sex, suffered by Plaintiff and her co-workers by Defendant **MEHNERT** and failed to take remedial action. Defendant **CAPITAL ONE** knew of the sexual harassment by express reporting of it to them by Plaintiff (and other employees) through their ethics hotline and or Human Resource Department and by their Management's direct observations given their physical

proximity to the below described behavior of Defendant **MEHNERT**.

29. At all times mentioned herein, Plaintiff suffered sexual harassment so severe or pervasive as to alter the conditions of her employment and which created a hostile working environment.

30. At all times mentioned herein, Plaintiff suffered sexual harassment so severe or pervasive and retaliation in opposition of sexual harassment and for complaints of same as to alter the conditions of her employment and which created a hostile working environment.

31. The hostile work environment Plaintiff was subject to by Defendants while working for Defendant **CAPITAL ONE** continued throughout her employment until her unlawful discharge.

32. At all times mentioned herein, said hostile environment was due to Defendants **MEHNERT**'s continued sexual harassment of Plaintiff and her co-workers, retaliation for complaints of same by all named Defendants and the failure of all Defendants to enact prophylactic measures to stop said harassment.

33. Plaintiff's hostile work environment claim is comprised of a series of separate acts over the course of her employment at **CAPITAL ONE** that collectively constitute one unlawful employment practice.

34. At all times mentioned herein, commencing on or about November 2009 and occurring on a regular and consistent basis until June 17, 2010, the date of Plaintiff's unlawful termination, Plaintiff was subjected to offensive and sexually suggestive comments from Defendant **MEHNERT** while working for Defendant **CAPITAL ONE**.

35. Upon information and belief, the comments made by **MEHNERT** included but were not limited to:

A) That Plaintiff had a "black girl's ass".

B) Comments related to her body shape and physical appearance.

C) While grabbing Plaintiff's buttocks, asking Plaintiff "Whoa, why are you



trying to put your booty in the boss's hands?" (said while laughing).

D) Asking Plaintiff if she had any tattoos or piercings.

E) Telling Plaintiff he was going to follow her after work and "bother her."

F) Telling Plaintiff (and other female co-workers while in Plaintiff's presence), while displaying his unborn son's sonogram photo, that his son "takes after him" in that he "has a big penis."

G) Telling Plaintiff and her female co-workers that he liked to do "coke" and go to work "high."

H) Asking Plaintiff and her female co-workers if Caroline, another female employee of **CAPITAL ONE**, "liked him."

I) Telling Plaintiff and her female co-workers that they could smoke outside "only if they went with him."

J) Telling Plaintiff that her hair was "so sexy curly" and like a "lion."

36. At all times mentioned herein, commencing on or about November 2009 and occurring on a regular and consistent basis until June 17, 2010, the date of Plaintiff's unlawful termination, Plaintiff was subjected to offensive and sexually suggestive comments from Defendant **MEHNERT**, that he would state to Plaintiff's co-workers while in her presence, while she was working for Defendant **CAPITAL ONE**.

37. Upon information and belief, the comments made by **MEHNERT** included but were not limited to:

A) That his "penis was big" so that the (co-worker) "would be happy(and/or satisfied) because she likes black guys" and that he was "packing."

B) Taking Plaintiff's co-worker's cell phones without permission and asking them why they were "taking naughty photos of themselves."

C) Telling Plaintiff's co-worker that he "likes when she wears knee high boots."

D) Asking Plaintiff's co-worker out and warning her "he gets flirty when he's drunk."

E) Telling Plaintiff's co-worker to "put her tits away."

F) Asking Plaintiff's co-worker "why she liked Black guys" and referring to her boyfriend as "The Fresh Prince" and a "Wannabe Thug."

G) Telling Plaintiff's female co-workers that "They should make him coffee every morning and leave it on his desk" because he was their "boss."

H) Telling Plaintiff's co-workers that "naked women" were "waiting in his apartment for him."

I) Telling Plaintiff's co-worker that he was "Spanish, so she might like it."

J) Taking Plaintiff's female co-worker's phones and critiquing their boyfriends telling them they could "do better."

K) Stating in front of Plaintiff and her female co-workers that another female co-worker "needed to get 'fucked.'"

L) Telling Plaintiff and her female colleagues that he "liked" women with an "exotic look" and "nice Latina curves."

M) Telling Plaintiff and her colleagues that his apartment door said "ass or grass" and that women would get "naked and offer him head."

N) Asking Plaintiff's co-workers if they cheat on their boyfriends and stating that they probably "had sex the first time" with their boyfriends "on the first date."

O) Telling Plaintiff's co-worker that he could "picture" her on Bushwick Avenue with her "tetas" hanging out.

38. At all times mentioned herein, commencing on or about November 2009 and occurring on a regular and consistent basis until June 17, 2010, the date of Plaintiff's unlawful termination, Plaintiff was subjected to offensive and sexually suggestive comments from Defendant **MEHNERT**, that he would state to Plaintiff's co-workers about her, but not in her presence, while she was working for Defendant **CAPITAL ONE**.

39. At all times mentioned herein, from on or about November 2009 and occurring on

a regular and consistent basis until June 17, 2010, the date of Plaintiff's unlawful termination, Plaintiff was consistently and constantly subjected to unwanted and offensive sexual touching by Defendant **MEHNERT** while working with him for Defendant **CAPITAL ONE**.

40. Upon information and belief, the acts of unwanted and offensive sexual touching by **MEHNERT** included but were not limited to:

- A) Licking his finger and sticking it in Plaintiff's ear.
- B) Grabbing Plaintiff by her buttocks with his hands.
- C) Brushing up close against Plaintiff's buttocks with his body.

Plaintiff was extremely humiliated by the above unwanted and offensive sexual touching and became physically and mentally upset by it.

41. From on or about November 2009 and occurring on a regular and consistent basis until June 17, 2010, the date of Plaintiff's unlawful termination, Plaintiff was consistently and constantly subjected to Defendant **MEHNERT** subjecting her female co-workers in her presence to unwanted and offensive sexual touching while working with him for Defendant **CAPITAL ONE**.

42. Upon information and belief, the acts of unwanted and offensive sexual touching by **MEHNERT** included but were not limited to:

- A) Grabbing her co-workers buttocks, laughing and telling them it was "their turn."
- B) Grabbing Plaintiff's co-worker's buttocks and stating that he was "impressed, could they back up again."

43. From on or about November 2009 until June 17, 2010, the date of Plaintiff's unlawful termination, immediately after each unwanted and offensive sexual comment and contact occurred, Plaintiff would confront Defendant **MEHNERT** about this behavior and tell him it was inappropriate. Upon information and belief, his response was to ignore Plaintiff or make light of her response.

44. On or about May 2010 the advances and unwelcome sexual comments and touching of Plaintiff by Defendant **MEHNERT** became more intense and severe to the point that certain male colleagues of Plaintiff would overhear and or witness the aforementioned conduct and comments of Defendant **MEHNERT** and remark to Plaintiff, “he shouldn’t be talking to you like that.”

45. On or about June 10, 2010 Defendant **MEHNERT** approached Plaintiff and told her she “looked miserable” and that she shouldn’t be working “there” and attempted to persuade Plaintiff to leave her job. He then proceeded to brush up against Plaintiff and grab at her buttocks with his hands. Plaintiff sternly told Defendant **MEHNART** to never touch her again. Defendant **MEHNART** responded by getting angry and stating that he was “going to tell everyone” that Plaintiff “put her booty in his hands.”

46. On or about June 11, 2010, both Plaintiff and Jessica Tavares Ferreira, the Assistant Manager of Defendant **CAPITAL ONE**’s Branch #840 called **CAPITAL ONE**’s Human Resource/Ethics Hotline number and reported the aforementioned sexual harassment and hostile work environment perpetrated by Defendant **MEHNERT** against Plaintiff and her co-workers. Upon information and belief, they were told that Human Resources would call them back within 48 hours. Upon information and belief, when neither Plaintiff nor Ms. Ferreira received a return call from Human Resources they both called the Human Resources line again separately and left voice mails for the department. Upon information and belief, Defendant **CAPITAL ONE** performed little or no “investigation” of Plaintiff’s complaints and took no disciplinary action against Defendant **MEHNERT**.

47. On or about June 17, 2010, Defendant **MEHNERT** made claims that Plaintiff “left her drawer open” upon the bank’s closing time on June 16, 2010. Defendant **MEHNERT** fired Plaintiff on June 17, 2010. Upon information and belief, there was no money in Plaintiff’s drawer at closing time on June 16, 2010. Upon information and belief, it was impossible for Plaintiff to have left her drawer open on June 16, 2010 as the

night supervisor would have checked Plaintiff's drawer prior to closing the bank on June 16, 2010.

48. On or about June 21, 2010 and on two occasions subsequently, Plaintiff telephoned Defendant **CAPITAL ONE**'s Human Resource Department and inquired as to why she was terminated. She also asked them to check the surveillance camera located above her drawer to see if there was evidence she left her drawer open on June 16, 2010. Plaintiff also recounted the sexual harassment and hostile work environment she suffered by Defendant **MEHNERT** again. Upon information and belief, no one from Human Resources responded to her calls.

49. Upon information and belief, on or about November 2009 through June 17, 2010, Defendant **MEHNERT** constantly indicated that he would retaliate against Plaintiff and her female colleagues if they complained against Defendant **MEHNERT** about his behavior. For Example, upon information and belief, Defendant **MEHNERT** would state to Plaintiff and her female co-employees that he could "have them all fired" and "no one would believe him because he was such a good talker."

50. Upon information and belief, after Plaintiff's termination on or about June 17, 2010, Defendant **MEHNERT** was overheard laughing about Plaintiff's termination and commenting that Plaintiff had called Human Resources on him.

51. Upon information and belief, and at all times mentioned herein, Defendants **CAPITAL ONE** did not have adequate policies or procedures in place to properly address or remedy employee's complaints of sexual harassment or hostile work environment.

52. Upon information and belief, Plaintiff was never given a copy of Defendant **CAPITAL ONE**'s employee handbook.

53. Upon information and belief, and at all times mentioned herein, Plaintiff attempted to follow and utilize the policies or procedures **CAPITAL ONE** did have in place to properly address or remedy employees complaints of sexual harassment or

hostile work environment.

54. Upon information and belief, and at all times mentioned herein, when Plaintiff attempted to follow and utilize the policies or procedures **CAPITAL ONE** did have in place to properly address or remedy employees complaints of sexual harassment or hostile work environment, the employees of **CAPITAL ONE** and individual Defendants ignored her requests and/or did not follow their own policies and procedures for dealing with Plaintiff's complaints of sexual harassment and hostile work environment.

55. Upon information and belief, all Defendants retaliated against Plaintiff for her complaints of sexual harassment and hostile work environment against Defendant **MEHNERT**.

56. For example, upon information and belief, years after Plaintiff's termination from Defendant **CAPITAL ONE**, she has been unable to secure a job in the banking industry because she is receiving bad references from Defendant **CAPITAL ONE** when prospective employers call them.

57. That at all times mentioned herein, any disciplinary actions taken against Plaintiff were purely retaliatory and pretextual and were not based on Plaintiff's actual performance or behavior.

58. For example, on or about May 2010, one month prior to being fired Plaintiff was being trained for and had been selected by Defendant **MEHNERT** to be promoted to the head teller position when the present head teller vacated said position.

59. Furthermore, the procedure and pattern and practice of Defendant **CAPITAL ONE** when an employee left their drawer open overnight was to "write up" the employee, not terminate the employee, as Defendant **MEHNERT** had done to Plaintiff on June 17, 2010.

**AS AND FOR A FIRST CAUSE OF ACTION**

**EMPLOYMENT DISCRIMINATION UNDER NEW YORK EXECUTIVE LAW**

**(Hostile Work Environment and Discrimination Based on Sex)**

60. Plaintiff repeats and restates paragraph 1 through 59 of the Complaint, inclusive, with the same force and effect as if set forth herein.

61. The Plaintiff avers that the Defendants discriminated against the Plaintiff with respect to employment on account of her sex with regard to the terms, conditions and privileges of her employment, and that the unlawful and discriminatory treatment of Plaintiff on account of her sex violates the provisions of the Article 15 of the New York State Executive Law, specifically Executive Law §§ 290 et seq. 296 and 297, justifying an award, *inter alia*, of back pay, front pay, benefits, and compensatory and punitive damages for emotional distress against the Defendants in an amount to be determined by a jury at trial.

62. Executive Law §291 provides, in pertinent part, that "the opportunity to obtain employment without discrimination because of race, sex or national origin is hereby recognized as and declared to be a civil right."

63. Plaintiff is a member of a protected class as defined by Executive Law §291.

64. Defendants' practice of subjecting Plaintiff to discriminatory conduct in the terms and conditions of her employment, all of which were not conducted or imposed on comparable male employees in the same manner, frequency and/or degree, constitutes unlawful discrimination in violation of Human Rights Law, Executive Law §291.

65. Defendants' practice of harassing Plaintiff, imposing adverse working conditions, imposing disparate treatment and harassing Plaintiff on the basis of her sex and for retaliatory purposes has created a hostile working environment.

66. By the actions described above, among others, Defendants have discriminated against Plaintiffs on the basis of her Gender in violation of the New York State Human Rights Law through a pattern and practice of harassment.

67. Defendants' discriminatory actions against Plaintiff constitute unlawful discrimination in employment on the basis of sex in violation of the Human Rights Law,

Executive Law §291.

68. Plaintiff has suffered, is now suffering and will continue to suffer irreparable injury and monetary damages, loss of income, loss of employment benefits, mental anguish, humiliation, distress, embarrassment and damage to her reputation as a result of Defendants' discriminatory practices.

69. Defendants persistent and pervasive practice of harassment, including unwanted, offensive sexual touching and repudiation and humiliation related to Plaintiff's sex, as set forth above, created a hostile workplace environment for Plaintiff.

70. Plaintiff was repeatedly harassed and such harassment was continuous, severe and pervasive and did alter the conditions of her employment and created an abusive working environment.

71. The named Defendants and their employees, who occupy managerial and supervisory positions with Defendant **CAPITAL ONE**, carried out those acts of harassment.

72. Defendants failed to exercise reasonable care to prevent and/or promptly correct the continuous illegal conduct directed at Plaintiff and Plaintiff attempted to report the harassment and take advantage of all of the employer's internal procedures to prevent or correct the harm imposed upon her, including but not limited to, the filing of internal complaints with management and Human Resources, complaints to supervisors of and formal complaints with city, state and federal fair employment agencies.

73. Defendants creation of a hostile work environment constitutes unlawful discrimination in employment on the basis of sex in violation of Article 15 of the New York State Executive Law, specifically Executive Law §§ 290 et seq. 296 and 297. Plaintiff has suffered irreparable injury caused by Defendants' illegal conduct, including interference with her civil rights, her right to file complaints about discrimination and her right to be free of employment discrimination based upon sex.

74. As a direct and proximate result of Defendants' unlawful acts, Plaintiff has



suffered and continues to suffer loss of income, has suffered and continues to suffer distress, humiliation, great expense, embarrassment and damage to her reputation.

75. The actions of Defendants in depriving Plaintiff of her constitutional and civil rights were willful and malicious. As a result of Defendants' reckless and intentional acts, Plaintiff is entitled to economic, compensatory and punitive damages in an amount to be determined at trial.

76. Defendants acted intentionally and with malice and/or reckless indifference to Plaintiff's statutory rights. Defendants were motivated by Plaintiff's sex. As a result of Defendants' acts, Plaintiff is entitled to compensatory, punitive and economic damages in an amount to be determined at trial.

**AS AND FOR A SECOND CAUSE OF ACTION**

**EMPLOYMENT DISCRIMINATION UNDER NEW YORK EXECUTIVE LAW**

**(Retaliation under New York State Human Rights Law)**

77. Plaintiff repeats and restates paragraph 1 through 76 of the Complaint, inclusive, with the same force and effect as if set forth herein.

78. Defendants retaliated against Plaintiff because of her opposition to its discrimination against her in the terms and conditions of her employment on the basis of her sex in violation of the Human Rights Law, Executive Law §296 *et. seq.*

79. Executive Law §296 provides, in pertinent part, that it is an unlawful discriminatory practice for an employer "to discharge, expel or otherwise discriminate against any person because (s)he has opposed any practice forbidden under this article or because (s)he has filed a complaint, testified or assisted in any proceeding under this article."

80. Plaintiff is a member of a protected class as defined by the Human Rights Law, Executive Law §296.

81. Plaintiff complained of such conduct and informed Defendants' supervisory employees and/or Human Resources of the unlawful conditions to which she was

subjected.

82. Defendants retaliated against Plaintiff because of her opposition to their discrimination against her in the terms and conditions of her employment on the basis of her sex in violation of the NYEL. Defendants retaliatory treatment in the terms and conditions of Plaintiff's employment, including, *inter alia*, unfair disciplinary treatment, harassment over non-issues, pretextual complaints about Plaintiff's performance and her eventual termination as a result of Plaintiff's lawful complaints and escalated harassment after complaints, violates NYEL which makes it unlawful for an employer to discriminate against any of its employees for opposing unlawful employment practices or filing complaints of discrimination.

83. Plaintiff, at all times alleged herein, was engaged in protected activity. The Defendants were aware of such activity. The Plaintiff suffered several adverse employment actions, including but not limited to, harassment in daily work assignments by supervisors, escalated harassment by Defendants and their employees, embarrassing reprimands of Plaintiff by Defendant and/or termination. There is a causal connection between Plaintiff's protected activity and Defendants' adverse actions against her.

84. Plaintiff is now suffering and will continue to suffer irreparable injury and monetary damages, loss of income, damages for mental anguish, humiliation, distress, embarrassment and damage to her reputation as a result of Defendants' discriminatory practices.

85. Defendants acted intentionally and with malice and/or reckless indifference to Plaintiff's protected rights. Defendants' conduct was motivated, at least in part, by Plaintiff's sex. As a direct and proximate result of Defendants' unlawful acts, Plaintiff has suffered loss of income, loss of opportunities, loss of other employment benefits and opportunities and discharge from her employment. She has also suffered distress, humiliation, great expense, embarrassment and damage to her reputation. As a result of Defendants' acts, Plaintiff is entitled to economic, compensatory and punitive damages in

an amount to be determined at trial.

**AS AND FOR A THIRD CAUSE OF ACTION**  
**AS AIDER AND ABETTOR UNDER SECTION 296(6)**  
**OF THE NEW YORK STATE EXECUTIVE LAW**

86. Plaintiff repeats and restates paragraph 1 through 85 of the Complaint, inclusive, with the same force and effect as if set forth herein.

87. The Individual Defendants knowingly or recklessly aided and abetted the unlawful employment practices, discrimination and/or retaliation against Plaintiffs in violation of the New York State Human Rights Law.

88. That the foregoing acts pleaded above were aided and abetted by, and with the full knowledge and consent of, Defendant **MEHNERT** in violation of Section 296(6) of the New York State Executive Law.

89. As a result of the Defendants' actions, the Plaintiff suffered and continues to suffer economic losses, mental anguish, pain and suffering, and other nonpecuniary losses in a sum to be determined at trial, with interest, costs and disbursements.

**AS AND FOR A FOURTH CAUSE OF ACTION**  
**FOR NEGLIGENCE, CARELESSNESS AND RECKLESSNESS**

90. Plaintiff repeats and restates paragraph 1 through 89 of the Complaint, inclusive, with the same force and effect as if set forth herein.

91. The conduct of the Defendants was negligent, careless and reckless and designed by the Defendants to inflict distress upon the Plaintiff.

92. The actions and conduct of the Defendants was purposefully done to intimidate the Plaintiff to cause her to be in fear of the offensive work environment and was done to unreasonably interfere with the Plaintiff job performance and to inflict emotional distress.

93. As a result of the actions of the Defendants, the Plaintiff was caused to suffer severe emotional and psychological distress.

94. The nature of the Defendants' conduct was so outrageous in character, and so

extreme in degree, as to go beyond all possible bounds of decency, and invade the Plaintiff's privacy, and to be considered intolerable in a civilized society and in disregard of the Plaintiff's rights.

95. As a result of the Defendants' unlawful and despicable acts, the Plaintiff has been damaged in a sum to be determined by a jury, with interest, costs and disbursements.

**AS AND FOR A FIFTH CAUSE OF ACTION**

**ON THE THEORY OF RESPONDEAT SUPERIOR**

96. Plaintiff repeats and restates paragraph 1 through 95 of the Complaint, inclusive, with the same force and effect as if set forth herein.

97. The Defendants **CAPITAL ONE** are vicariously liable for the acts of its employees, including the Defendants **MEHNERT**.

98. The acts undertaken by the Defendant employees were committed during the scope of their employment.

99. That by reason of the acts of the Defendants and their employees, the Plaintiff has been damaged in a sum to be determined by a jury, with interest, costs and disbursements.

**AS AND FOR A SIXTH CAUSE OF ACTION UNDER NEW YORK CITY**

**ADMINISTRATIVE CODE, TITLE VIII**

**(Hostile Work Environment and Discrimination Based on Sex)**

100. Plaintiff repeats and restates paragraph 1 through 99 of the Complaint, inclusive, with the same force and effect as if set forth herein.

101. The Defendants, by its unlawful actions as set forth above, violated the New York City Administrative Code, Title VIII, §§ 8-101, 8-102 and 8-107 in that as an employer or an employee or agent thereof, because of the actual or perceived age race, creed, color, national origin, gender, disability, marital status, partnership status, sexual orientation or alienage or citizen status of Plaintiff, refused to hire or employ or to bar or to discharge from employment Plaintiff and discriminated against Plaintiff in compensation or in the

terms, conditions or privileges of her employment.

102. By the actions described above, among others, Defendants have discriminated against Plaintiff on the basis of her Gender in violation of the New York City Human Rights Law through a pattern and practice of failing to promote female employees, by denying Plaintiffs and other female employees the same terms and conditions of employment available to male employees, including but not limited to, a hostile working environment, subjecting them to disparate working conditions, denying them opportunities, promotions, and access to employment related activities and events, and denying them compensation and other benefits equal to that of male employees.

103. In addition, Defendants have implemented and maintain policies and practices that have a disparate discriminatory impact on women.

104. As a direct and proximate result of Defendants' unlawful and discriminatory conduct in violation of the New York City Human Rights Law, Plaintiff has suffered, and continue to suffer, harm for which she is entitled to an award of monetary damages and other relief.

105. That by reason of the acts of the Defendants and their employees, the Plaintiff has been damaged in a sum to be determined by a jury, with interest, costs and disbursements.

106. Defendants' unlawful and discriminatory actions constitute malicious, willful and wanton violations of the New York City Human Rights Law for which Plaintiff is entitled to an award of punitive damages.

**AS AND FOR A SEVENTH CAUSE OF ACTION**

**(Retaliation in Violation of New York City Human Rights Law)**

107. Plaintiff repeats and restates paragraph 1 through 106 of the Complaint, inclusive with the same force and effect as if set forth herein.

108. Defendants have retaliated against Plaintiffs in violation of the New York City Human Rights Law for her opposition to and/or her participation in lodging complaints

against Defendants' discriminatory practices.

109. As a direct and proximate result of Defendants' unlawful and retaliatory conduct in violation of the New York City Human Rights Law, Plaintiff has suffered, and continues to suffer, harm for which she entitled to an award of monetary damages and other relief.

110. The Defendants' unlawful and discriminatory actions constitute malicious, willful and wanton violations of the New York City Human Rights Law for which Plaintiff is entitled to an award of punitive damages.

**AS AND FOR AN EIGHTH CAUSE OF ACTION**  
**(Aiding and Abetting Violations of New York City Human Rights Law)**

111. Plaintiff hereby repeats and realleges each and every allegation in paragraphs 1 through 110, inclusive, as if fully set forth herein.

112. The Individual Defendants knowingly or recklessly aided and abetted the unlawful employment practices, discrimination and retaliation against Plaintiff in violation of the New York City Human Rights Law.

113. As a direct and proximate result, Plaintiff has suffered, and continues to suffer, monetary and/or economic damages, including, but not limited to, loss of past and future income, compensation and benefits for which she is entitled to an award of monetary damages and other relief.

114. As a direct and proximate result, Plaintiff has suffered and continues to suffer severe mental anguish and emotional distress, including but not limited to depression, humiliation, embarrassment, stress and anxiety, loss of self-esteem and self- confidence, and emotional pain and suffering for which she are entitled to an award of monetary damages and other relief.

115. The Individual Defendants unlawful actions constitute malicious, willful and wanton violations of the New York City Human Rights Law for which Plaintiff is entitled to an award of punitive damages.

**AS AND FOR AN NINTH CAUSE OF ACTION FOR NEGLIGENT INFLICTION  
OF EMOTIONAL DISTRESS**

116. Plaintiff repeats and restates paragraph 1 through 115 of the Complaint, inclusive, with the same force and effect as if set forth herein.

117. That at all times hereinafter mentioned, and on or about November 2009 until July 17, 2010, the individual Defendant **MEHNERT** while working for defendants **CAPITAL ONE** engaged in extreme and outrageous conduct with respect to their treatment of Plaintiff.

118. That the individual defendants disregarded a substantial likelihood of causing severe emotional distress

119. That the individual defendant conduct caused the harm and outrage suffered by Plaintiff.

120. That by reason of the foregoing, Plaintiff suffered physical injuries, mental injuries, deprivation of privacy, terror, humiliation, damage to reputation and other severe psychological injuries.

121. The aforementioned occurrence took place due to the willful, wanton and intentional or reckless acts and/or omissions of the Defendants and their agents, servants, employees and/or licensees, all of whom were acting within the scope of their authority, within the scope of and in furtherance of their employment and in furtherance of their agency.

122. The acts complained of herein constitute negligent infliction of emotional harm and distress.

123. That by reason of the foregoing, Plaintiff was caused to sustain serious injuries and to suffer pain, shock and mental anguish; these injuries and their effects will be permanent; as a result of said injuries. Plaintiff has been caused to incur and will continue to incur expenses for medical care and attention; and, as a further result, Plaintiff will and will continue to be rendered unable to perform her normal activities and duties and in

consequence has sustained a loss there from.

**JURY DEMAND**

124. That Plaintiff demands a trial by jury of all issues in this action.

**INJURY AND DAMAGES**

125. As a result of the acts and conduct complained of herein, Plaintiff has suffered and will continue to suffer the loss of a career and the loss of a salary, health insurance costs, medical bills for herself, bonuses, benefits and other compensation which such employment entails, out-of-pocket medical expenses and Plaintiff has also suffered future pecuniary losses, emotional pain, suffering, inconvenience, injury to reputation, loss of enjoyment of life, and other non-pecuniary losses. Plaintiff has further experienced severe emotional and physical distress.


**PRAYER FOR RELIEF**

126. That by reason of the foregoing, Plaintiff, has been damaged in a sum which exceeds the jurisdictional limits of all lower Courts which would otherwise have jurisdiction.

WHEREFORE, Plaintiff demands judgment against the Defendants herein on all causes of action in a sum exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with the costs of this action and such other relief as this Court deems just and proper.

Dated: Brooklyn, New York  
June 6, 2013

Respectfully Submitted By:

  
\_\_\_\_\_  
C. LAURIE BIZZARRO  
THE LAW OFFICE OF



C. LAURIE BIZZARRO, P.C.  
Attorneys for Plaintiff  
**JENNIFER CARTIGLIA**  
100 Marine Avenue, Suite 6G  
Brooklyn, New York 11209  
(718) 833-8246  
File No. 10500-2010

**ATTORNEY'S VERIFICATION**

**C. LAURIE BIZZARRO**, an attorney duly admitted to practice before the Courts of the State of New York, affirms the following to be true under the penalties of perjury:  
I am an attorney at **LAW OFFICES OF C. LAURIE BIZZARRO, P.C.**, attorneys of record for Plaintiff(s), **JENNIFER CARTIGLIA**, I have read the annexed

**COMPLAINT**

and know the contents thereof, and the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon facts, records, and other pertinent information contained in my files.

The reason this verification is made by me and not Plaintiff(s) is that Plaintiff(s) is/are not presently in the county wherein the attorneys for the plaintiff(s) maintain their offices.

DATED: Brooklyn, New York  
June 6, 2013

  
\_\_\_\_\_  
**C. LAURIE BIZZARRO**

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

=====X

-----X

**JENNIFER CARTIGLIA,**

**Plaintiff,**

**-against-**

**CAPITAL ONE, N.A., CAPITAL ONE, N.A.  
aka CAPITAL ONE BANK and WILLIAM  
MEHNERT,**

**Defendants.**

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=====X

Index No.

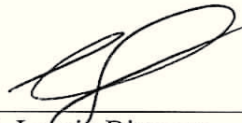
**CERTIFICATION**

I hereby certify pursuant to 22 NYCRR§130-1.1a(b) that, to the best of my knowledge, information and belief, formed after an inquiry reasonable under the circumstances, the presentation of the papers listed below or the contentions therein are not frivolous as defined in 22 NYCRR§130-1.1(c)

**SUMMONS AND COMPLAINT**

**Dated: June 6, 2013  
Brooklyn, NY**

By:



By: C. Laurie Bizarro  
**THE LAW OFFICE OF  
C. LAURIE BIZZARRO P.C.**  
Attorneys for Plaintiff(s)  
**JENNIFER CARTIGLIA**  
100 Marine Avenue, Suite 6G  
Brooklyn, New York 11209  
(718) 833-8246  
Our File No. 10500-2010

TO:

**CAPITAL ONE, N.A.**  
1680 Capital One Drive  
McLean, VA 22102

**CAPITAL ONE, N.A. aka CAPITAL ONE BANK**  
1680 Capital One Drive  
McLean, VA 22102

**CAPITAL ONE, N.A. aka CAPITAL ONE BANK**  
240 Page Ave  
Staten Island, NY 10307

**WILLIAM MEHNERT**  
c/o **CAPITAL ONE, N.A. aka CAPITAL ONE BANK**  
240 Page Ave  
Staten Island, NY 10307

**Index No.:**

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

-----X  
**JENNIFER CARTIGLIA,**

**Plaintiff,**

**-against-**

**CAPITAL ONE, N.A., CAPITAL ONE, N.A. aka CAPITAL ONE  
BANK and WILLIAM MEHNERT,**

**Defendants.**

-----X

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**SUMMONS AND VERIFIED COMPLAINT**

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THE LAW OFFICE OF C. LAURIE BIZZARRO, P.C.

Attorneys for Plaintiff(s)

**JENNIFER CARTIGLIA**

100 Marine Avenue, Suite 6G

Brooklyn, New York 11209

(718) 833-8246

Our File No. 10500-2010

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TO:

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