

NO SUMMONS ISSUED

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CV 13 - 5022

HERLINDA AROCA PINO,

COMPLAINT

Plaintiff,

Docket No.:

-against-

PLAINTIFF DEMANDS A
TRIAL BY JURY

BROOKS BROTHERS GROUP, INC. f/k/a
RETAIL BRAND ALLIANCE, INC., and
BROOKS BROTHERS, INC.,

MAUSKOPE, J.

Defendants.

LEVY, M.J.

Plaintiff **HERLINDA AROCA PINO**, by her attorneys **MORELLI ALTERS**

RATNER, P.C., complaining of the Defendants herein, upon information and belief respectfully alleges as follows:

1. Plaintiff **HERLINDA AROCA PINO** is a resident of Long Island City, County of Queens, City and State of New York. She is a Hispanic woman who was born in Guatemala.
2. Commencing approximately January 2011 through the present, Plaintiff **HERLINDA AROCA PINO** was and remains employed by Defendant **BROOKS BROTHERS GROUP, INC.** (f/k/a **RETAIL BRAND ALLIANCE, INC.**) and its wholly-owned subsidiary Defendant **BROOKS BROTHERS, INC.** as a sewer in its tie factory in Long Island City, Queens, New York. **BROOKS BROTHERS'** factory employs approximately 200 people.
3. At all times hereinafter mentioned, Defendant **BROOKS BROTHERS GROUP, INC.** (f/k/a **RETAIL BRAND ALLIANCE INC.**, hereinafter "**RBA**") was and remains a privately-held holding corporation organized and existing under and by virtue of the laws of the State of Delaware, with its principal place of business in Enfield, Connecticut. In approximately

2001, **RBA** purchased its chief asset, Defendant **BROOKS BROTHERS, INC.** for approximately \$225 million. In approximately 2011, Defendant **RBA** changed its name to **BROOKS BROTHERS GROUP, INC.** Presently, Defendant **BROOKS BROTHERS GROUP, INC.** employs approximately 5,500 people.

4. Since approximately 2001, Defendant **BROOKS BROTHERS, INC.** ("**BROOKS BROTHERS**") has been the wholly-owned subsidiary of its parent company, Defendant **BROOKS BROTHERS GROUP, INC.** (f/k/a **RBA.**) At all times hereinafter mentioned, Defendant **BROOKS BROTHERS** was and remains a corporation organized and existing under and by virtue of the laws of the State of New York, with its principal place of business in New York, New York.

5. Founded in 1818, Defendant **BROOKS BROTHERS** is the oldest clothing retailer in the United States. Presently there are approximately 325 **BROOKS BROTHERS** stores worldwide, including China, as well as approximately 180 locations in the United States. Defendant **BROOKS BROTHERS**' revenue in 2011 totaled approximately \$750 million. Defendant **BROOKS BROTHERS** employs approximately over one thousand people, including approximately 200 people at the tie factory where Plaintiff **HERLINDA AROCA PINO** is employed. (Hereinafter, Defendant **BROOKS BROTHERS GROUP, INC.** (f/k/a **RETAIL BRAND ALLIANCE, INC.**) and Defendant **BROOKS BROTHERS, INC.** shall collectively be referred to as Defendants "**BROOKS BROTHERS.**")

6. Commencing approximately 2001 through the present, Claudio Del Vecchio, a Caucasian Italian, was and remains Owner, President and Chief Executive Officer of Defendant **BROOKS BROTHERS GROUP, INC.** (f/k/a "**RBA**"), an executive, officer, manager and employee of Defendant **BROOKS BROTHERS GROUP, INC.** In addition, commencing approximately

2001 through the present, Claudio del Vecchio was and remains Chief Executive Officer, an executive, manager, supervisor and employee of Defendant **BROOKS BROTHERS, INC.**

7. Throughout Plaintiff's employment with Defendants **BROOKS BROTHERS**, commencing on or before December 2010 through the present, Susan Eyvazzadeh, a native-born Caucasian, was and remains Executive Vice President of People Services, an executive, manager, supervisor and employee of Defendants **BROOK BROTHERS**. Susan Eyvazzadeh is the highest-ranking Human Resources executive at **BROOKS BROTHERS**.

8. Throughout Plaintiff's employment with Defendants **BROOKS BROTHERS**, commencing on or before December 2010 through the present, Melvin Walls, a native-born African-American, was and remains Director of Associate Relations, a manager, supervisor and employee of Defendants **BROOKS BROTHERS**. Melvin Walls reports directly to Executive Vice President of People Services Susan Eyvazzadeh.

9. Throughout Plaintiff's employment with Defendants **BROOKS BROTHERS**, commencing in approximately September 2009 through the present, John Martyneec, a native-born Caucasian, was and remains Vice President of Domestic Manufacturing, an executive, manager, supervisor and employee at Defendant **BROOKS BROTHERS**. Throughout this time, John Martyneec was and remains the highest-ranking supervisor at Defendants **BROOKS BROTHERS**' tie factory, directly responsible for the supervision of all employees at the Long Island City, Queens factory where Plaintiff works. However, John Martyneec's office is at the top of the factory building: he is rarely present on the factory floor.

10. Throughout Plaintiff's employment with Defendants **BROOKS BROTHERS**, commencing on or before December 2010 through the present, Mario Batista, a Caucasian Italian, was and remains Assistant Plant Manager at Defendants **BROOKS BROTHERS**' factory in

Long Island City, Queens, a manager, supervisor and employee of Defendants **BROOKS**

BROTHERS. Throughout this time, Mario Batista was and remains the second-highest-ranking supervisor at the factory, directly responsible for the management and supervision of the Cutting Room area at the Long Island City factory where Plaintiff **HERLINDA AROCA PINO** works.

Mario Batista reports directly to Vice President John Martyneec.

11. Throughout Plaintiff's employment with Defendants **BROOKS BROTHERS**, commencing on or before December 2010 through the present, Nives Mattiasich, a Caucasian Italian, was and remains Assistant Plant Manager at the **BROOKS BROTHERS'** factory in Long Island City Queens, a manager, supervisor and employee of Defendants **BROOKS BROTHERS**. Throughout this time, Nives Mattiasich also was and remains the second-highest-ranking supervisor at the factory, directly responsible for the supervision of all female workers at the Long Island City factory where Plaintiff **HERLINDA AROCA PINO** worked, and was and remains one of Plaintiff's supervisors. Nives Mattiasich presently reports to Plant Manager Luis Nava.

12. At all times material to this Complaint, the individual officers, directors, executives, managers, supervisors, employees and/or agents mentioned herein, acted within the scope of their duties as officers, directors, executives, managers, supervisors, employees and/or agents of Defendants **BROOKS BROTHERS**.

13. Jurisdiction of the subject matter of this action is established in this Court under Title VII of the United States Civil Rights Act of 1964, as amended, Title 42 of the United States Code, Section 2000-e(f)(3). Plaintiff first filed a Charge before the EEOC, and received her Notice of Right-to-Sue on or about July 22, 2013. This is the proper venue for this action under Title VII of the United States Civil Rights Act of 1964, as amended, Title 42 of the United States Code, Section 2000 et seq., in that unlawful acts alleged herein were committed within this Court's jurisdiction,

and the amount in controversy exceeds the jurisdictional requisite.

GENERAL ALLEGATIONS
OF GENDER, RACE AND NATIONAL ORIGIN DISCRIMINATION,
QUID PRO QUO SEXUAL HARASSMENT,
A SEXUALLY HOSTILE WORK ENVIRONMENT, AND RETALIATION

14. This lawsuit arises out of an ongoing wrongful scheme by Defendants **BROOKS BROTHERS** to discriminate against Plaintiff **HERLINDA AROCA PINO** during her employment with Defendants because of her gender, race and national origin. Throughout Plaintiff's employment, Plaintiff has been subjected to sexism, racism and national origin discrimination and has borne the brunt of discriminatory and retaliatory decisions by Defendants effecting the terms and conditions of her employment, including her subjection to disparate treatment, harassment and a hostile work environment.

15. This discrimination includes Defendants' systematic subjection of Plaintiff to disgusting and degrading sexual harassment, and to a sexually hostile work environment that was so inappropriate and outrageous that any member of society would take offense, in violation of Title VII, New York State Human Rights Law, and New York City Human Rights Law.

16. During her employment with Defendants **BROOKS BROTHERS**, Plaintiff **HERLINDA AROCA PINO** was subjected to the flagrantly lewd, vulgar and repulsive sexual advances of her supervisor and manager, Mario Batista. Unfortunately, Plaintiff was repeatedly and consistently subjected to unsolicited sexual propositions and sexual commands.

17. Unfortunately, within **BROOKS BROTHERS**, a permissive and encouraging environment for gender, race and national origin discrimination and sexual harassment reigns among executives, officers, managers, supervisors, employees and agents of the company.

Moreover, complaints concerning discrimination, sexual harassment and a sexually hostile work environment are ignored.

18. This discrimination further includes Defendants **BROOKS BROTHERS'** systematic subjection of Plaintiff **HERLINDA AROCA PINO** to retaliation for her refusal to submit to the sexual advances of a manager and supervisor at **BROOKS BROTHERS**, and for her complaints concerning sexual harassment, a sexually hostile work environment, and gender, race and national origin discrimination, in violation of Title VII, New York State Human Rights Law and New York City Human Rights Law.

PLAINTIFF'S SPECIFIC ALLEGATIONS

19. In approximately January 2006, Plaintiff **HERLINDA AROCA PINO** immigrated to the United States and moved to Long Island City, Queens, New York. She subsequently obtained a green card to work in the United States.

20. Throughout her employment at Defendants **BROOKS BROTHERS**, Plaintiff **HERLINDA AROCA PINO** has performed her job satisfactorily.

21. Commencing approximately January 2011 through approximately April 2012, Plaintiff **HERLINDA AROCA PINO** was subjected to inappropriate sexual behavior by Assistant Plant Manager Mario Batista. For instance, Plaintiff **HERLINDA AROCA PINO** repeatedly caught Mr. Batista ogling and leering at her while she worked in the plant. The Assistant Plant Manager's behavior made Plaintiff **HERLINDA AROCA PINO** very uncomfortable.

22. Commencing in approximately early 2011 through approximately April 2012, approximately three-four times per week, Assistant Plant Manager Mario Batista routinely stood at the open door of the women's locker room and watched Plaintiff **HERLINDA AROCA PINO** change her clothes, ogling toward Plaintiff's direction. Unfortunately, there was no where

Plaintiff **HERLINDA AROCA PINO** could change to avoid Mario Batista's leering.

23. Throughout Plaintiff's employment commencing approximately December 2010 through the present, Plaintiff **HERLINDA AROCA PINO** has worked standing up at a sewing machine in the factory. Commencing approximately January 2011 through approximately April 2012, approximately daily, Assistant Plant Manager Mario Batista came to Plaintiff's work section, sat down directly across from Plaintiff, and stared at Plaintiff **HERLINDA AROCA PINO** in a lecherous manner while she was working.

24. In addition, commencing approximately January 2011 through approximately April 2012, approximately daily, Assistant Plant Manager Mario Batista came to Plaintiff's work section, stood directly in front of Plaintiff's station where she was working, and stared at Plaintiff **HERLINDA AROCA PINO** in a lascivious and threatening manner. This made Plaintiff feel extremely uncomfortable.

25. During Plaintiff's employment commencing approximately January 2011 through approximately April 2012, approximately daily whenever he walked past Plaintiff **HERLINDA AROCA PINO**, Assistant Plant Manager Mario Batista made lewd moaning sounds and remarks, such as: "Ahhhh, yes." Plaintiff was repulsed.

26. During Plaintiff's employment commencing approximately January 2011 through approximately April 2012, approximately daily, whenever Plaintiff **HERLINDA AROCA PINO** took a break, Assistant Plant Manager Mario Batista would also take a break and follow Plaintiff **HERLINDA AROCA PINO** around the plant.

27. During Plaintiff's employment commencing approximately January 2011 through approximately April 2012, approximately daily, Assistant Plant Manager Mario Batista sidled up behind Plaintiff **HERLINDA AROCA PINO** at the factory, leaned against her backside, and

whispered lewd sexual propositions into Plaintiff's ear, such as: "I want to have sex with you;" "I really like you;" "I love you;" "One day you'll be mine;" and "You're going to be mine." While he did so, the Assistant Plant Manager routinely pressed his body against Plaintiff **HERLINDA AROCA PINO** where she could feel his penis against her rear end. Plaintiff **HERLINDA AROCA PINO** was disgusted.

28. During Plaintiff's employment commencing approximately January 2011 through approximately April 2012, approximately twice a week, Assistant Plant Manager Mario Batista made lewd remarks to Plaintiff **HERLINDA AROCA PINO** about her breasts, such as: "Woah, yes, your tits look like melons."

29. During Plaintiff's employment commencing approximately January 2011 through approximately April 2012, approximately weekly on Fridays, Assistant Plant Manager Mario Batista asked Plaintiff **HERLINDA AROCA PINO** to go out with him that night, making propositions such as: "I'll take you out for dinner and drinks, then we'll have sex." Plaintiff **HERLINDA AROCA PINO** always declined.

30. During Plaintiff's employment commencing approximately January 2011 through approximately April 2012, approximately daily, Assistant Plant Manager Mario Batista came up behind Plaintiff **HERLINDA AROCA PINO** at the factory and rubbed his body up against her.

31. During Plaintiff's employment commencing approximately January 2011 through approximately April 2012, approximately two-three times per week, Assistant Plant Manager Mario Batista grabbed Plaintiff **HERLINDA AROCA PINO**'s arm in a way so that his hand touched her breast.

32. During Plaintiff's employment commencing approximately January 2011 through approximately April 2012, on multiple occasions, Assistant Plant Manager Mario Batista touched

Plaintiff **HERLINDA AROCA PINO**'s shoulders and upper arms before suddenly thrusting his hand downwards, attempting to touch Plaintiff's breast. The Assistant Plant Manager succeeded in doing so several times.

33. Throughout Plaintiff's employment, commencing approximately January 2011 through approximately April 2012, Assistant Plant Manager Mario Batista sexually harassed Plaintiff **HERLINDA AROCA PINO** in plain sight of Assistant Plant Manager Nives Mattiasich. However, Nives Mattiasich did nothing to discourage let alone stop Mario Batista's sexual harassment of Plaintiff.

34. Throughout Plaintiff's employment, commencing approximately January 2011 through the present, Assistant Plant Manager Mario Batista has repeatedly touched and massaged Plaintiff's co-worker, Edernira Martinez, at the workplace. Rather than desist his advances, Ms. Martinez flirts with the boss and rubs and strokes his back. This conduct exacerbates the sexually hostile work environment at Defendants **BROOKS BROTHERS**.

35. On approximately four occasions in December 2011, Assistant Plant Manager Mario Batista pointed to his penis and told Plaintiff **HERLINDA AROCA PINO**: "I have a small mouse that likes to play in a house." Plaintiff was disgusted.

36. During the holiday party at the **BROOKS BROTHERS** factory in approximately December 2011, Assistant Plant Manager Mario Batista abruptly grabbed Plaintiff **HERLINDA AROCA PINO** by both arms and pulled her toward him. When Plaintiff asked the Assistant Plant Manager what he was doing, Mario Batista responded: "I'm trying to give you a kiss!" Plaintiff **HERLINDA AROCA PINO** pulled away before he could do so.

37. In approximately February 2012, Assistant Plant Manager Mario Batista promised **BROOKS BROTHERS**' Mechanic Richard Aroca: "I'll give you \$1000 if you can get her

[Plaintiff **HERLINDA AROCA PINO**] to go out with me.”

38. In approximately early April 2012, Plaintiff’s co-worker, Team Member Domitila Martinez, reported to their immediate supervisor Assistant Plant Manager Nives Mattiasich that Assistant Plant Manager Mario Batista was persistently sexually harassing Plaintiff **HERLINDA AROCA PINO**. However, nothing changed.

39. On approximately four occasions during Spring 2012, Assistant Plant Manager Mario Batista said to Plaintiff **HERLINDA AROCA PINO**, after she once again rejected his sexual advances and told him to stop: “Ecuadorian crap, you are worthless.”

40. On several occasions during Spring 2012, Assistant Plant Manager Mario Batista menaced Plaintiff **HERLINDA AROCA PINO** by informing her: “I know where you live.” On information and belief, the only **BROOKS BROTHERS**’ employees authorized to access that information were Human Resources Department personnel. These thinly-veiled threats made Plaintiff increasingly frightened of Mario Batista.

41. On or about April 17, 2012, while Plaintiff was working at her station, Assistant Plant Manager Mario Batista boldly grabbed Plaintiff **HERLINDA AROCA PINO**’s breast and squeezed and caressed it. Plaintiff **HERLINDA AROCA PINO** was shocked and angry, and felt violated. In tears, Assistant Plant Manager Nives Mattiasich immediately went to report this sexual assault to her direct supervisor, Assistant Plant Manager Nives Mattiasich.

42. On or about April 17, 2012, Plaintiff **HERLINDA AROCA PINO** complained to Assistant Plant Manager Nives Mattiasich about Assistant Plant Manager Mario Batista’s sexual harassment. Rather than expressing any sympathy or concern, Assistant Plant Manager Nives Mattiasich told Plaintiff, “this is not my area,” and said she would contact Human Resources on Plaintiff’s behalf. Nives Mattiasich was otherwise non-responsive.

43. Approximately two days after Plaintiff's sexual harassment complaint, on or about April 19, 2012, Assistant Plant Manager Mario Batista approached Plaintiff **HERLINDA AROCA PINO** on the factory floor, looked her up and down lecherously, and waved a wad of dollar bills as if Plaintiff was a prostitute. At the same time, the Assistant Plant Manager called Plaintiff **HERLINDA AROCA PINO** "putana" (Italian for "slut") and "bitch." Plaintiff was deeply humiliated.

44. On or about Monday April 23, 2012, Plaintiff **HERLINDA AROCA PINO** delivered a written complaint to Assistant Plant Manager Nives Mattiasich and Plaintiff's Union concerning Assistant Plant Manager Mario Batista's ongoing sexual harassment.

45. Sometime thereafter, in approximately late April 2012, Plaintiff **HERLINDA AROCA PINO** was told that Director of Associate Relations Melvin Walls from Defendants **BROOKS BROTHERS'** Human Resources Department was going to investigate her complaints. However, Plaintiff **HERLINDA AROCA PINO** did not hear anything back from the company.

46. On or about May 8, 2012, Plaintiff **HERLINDA AROCA PINO's** Union filed a grievance regarding sexual harassment at **BROOKS BROTHERS'** Tie Shop factory in Long Island City, Queens. In response, Defendants **BROOKS BROTHERS** urged Plaintiff's Union Representative Rafael Miranda to refrain from investigating Plaintiff's complaints.

47. In approximately May 2012, Defendants **BROOKS BROTHERS'** investigation corroborated Plaintiff's allegations that Assistant Plant Manager Mario Batista "did participate in behavior that was unprofessional in nature," including "on occasion" stopping in Plaintiff **HERLINDA AROCA PINO's** work area and making "gestures" and "comments" that "certainly were inappropriate." Nevertheless, Assistant Plant Manager Mario Batista's harassment of and retaliation against Plaintiff **HERLINDA AROCA PINO** continued.

48. On or about May 17, 2012, because she refused to succumb to his sexual advances and in direct retaliation for her complaints concerning his sexual harassment, Assistant Plant Manager Mario Batista approached Plaintiff **HERLINDA AROCA PINO** in the factory and told her: “You can’t do anything, I’m going to win this!” Assistant Plant Manager Mario Batista further remarked: “Even if you sue, **BROOKS BROTHERS** has a lot of money, you’ll never win.”

49. On the same occasion, on or about May 17, 2012, Assistant Plant Manager Mario Batista threatened to fire Plaintiff **HERLINDA AROCA PINO**, and told her: “You can’t do your job.”

50. On or about May 22, 2012, Plaintiff’s Union Representative Rafael Miranda wrote **BROOKS BROTHERS’** Director of Associate Relations Melvin Walls and formally requested that **BROOKS BROTHERS** immediately transfer Assistant Plant Manager Mario Batista elsewhere in order to ensure Plaintiff **HERLINDA AROCA PINO**’s safety. However, the Union’s request was ignored.

51. On or about May 29, 2012, at approximately 4:45 p.m., Plaintiff’s co-worker Edernira Martinez approached Plaintiff **HERLINDA AROCA PINO** as work was ending and threatened: “If you don’t keep your mouth shut, and if anything happens to the boss [Assistant Plant Manager Mario Batista], you’ll be in big trouble!” Ms. Martinez then further threatened to “cut” Plaintiff. In light of Edernira Martinez’s ongoing flirtatious relationship with Assistant Plant Manager Mario Batista, on information and belief Ms. Martinez made this threat at Mr. Batista’s request in retaliation for Plaintiff’s sexual harassment complaints to Human Resources.

52. On or about May 30, 2012, Plaintiff **HERLINDA AROCA PINO** reported Edernira Martinez’s threat to her Union and to Defendants **BROOKS BROTHERS’** Human Resources Department. Plaintiff did not hear back from Human Resources.

53. On or about June 6, 2012, Defendants **BROOKS BROTHERS** issued Assistant Plant

Manager Mario Batista a “Step 2 Counseling” disciplinary warning stating that he would be terminated if his inappropriate behavior around Plaintiff **HERLINDA AROCA PINO** persisted. Unfortunately, the company’s warning was not enforced.

54. Commencing approximately June 2012 through the present, approximately daily, Edernira Martinez has repeatedly approached, menaced and harassed Plaintiff **HERLINDA AROCA PINO** at the factory because of Plaintiff’s complaints concerning Assistant Plant Manager Mario Batista. Throughout this time, Ms. Martinez has repeatedly made nasty comments to Plaintiff suggesting that she drop her lawsuit against Assistant Plant Manager Mario Batista since purportedly nobody will believe Plaintiff over him.

55. Commencing approximately June 2012 through the present, approximately daily, Plaintiff’s co-worker Edernira Martinez has glared, sneered and made faces at Plaintiff **HERLINDA AROCA PINO**, derisively called Plaintiff “martyr” and “saint,” and otherwise menaced Plaintiff.

56. Commencing approximately June 2012 through the present, Plaintiff’s co-worker Edernira Martinez has repeatedly suggested falsely that Plaintiff **HERLINDA AROCA PINO** is sleeping with their Union Representative Rafael Miranda. On information and belief, Ms. Martinez has menaced and harassed Plaintiff **HERLINDA AROCA PINO**, and continues to do so, because the Assistant Plant Manager Batista has directed Ms. Martinez to do so.

57. On approximately two occasions in approximately July 2012, Plaintiff’s co-worker Edernira Martinez approached Plaintiff **HERLINDA AROCA PINO** and raised her fist as if she was going to hit Plaintiff. Plaintiff **HERLINDA AROCA PINO** was frightened.

58. On or about August 21, 2012 at approximately 3:27 p.m., because Plaintiff refused to succumb to his sexual advances and in direct retaliation for her complaints concerning his sexual

harassment, Assistant Plant Manager Mario Batista came up to Plaintiff **HERLINDA AROCA PINO** in the factory and once again told her: “Your lawsuit isn’t going anywhere. They’re not going to fire me!”

59. In approximately early September 2012, in direct retaliation for Plaintiff’s April and May 2012 complaints to Human Resources concerning discrimination, sexual harassment, the sexually hostile work environment and retaliation, Defendants **BROOKS BROTHERS** gave Plaintiff **HERLINDA AROCA PINO** an increasingly hard time about her taking time off to accompany her then 16-year-old daughter to medical appointments. Plaintiff’s daughter had a brain tumor.

60. In approximately early September 2012, Plaintiff **HERLINDA AROCA PINO**’s direct supervisor Assistant Plant Manager Nives Mattiasich threatened that Plaintiff would be fired unless she obtained a doctor’s note for every time she accompanied her daughter to the oncologist’s office.

61. Commencing approximately July 2013 through the present, the retaliatory harassment and menacing conduct by Plaintiff’s co-worker Edernira Martinez, at Assistant Plant Manager Mario Batista’s direction, has worsened. Throughout the Summer, approximately daily, Ms. Martinez became increasingly more aggressive, repeatedly standing directly behind Plaintiff **HERLINDA AROCA PINO** at Plaintiff’s work station while Plaintiff is working and making remarks such as: “I woke up today in the mood to kill someone here at the job!” Ms. Martinez also continues to mock and ridicule Plaintiff. Plaintiff **HERLINDA AROCA PINO** fears for her life.

62. In approximately late August 2013, Plaintiff **HERLINDA AROCA PINO** once again complained to Defendants **BROOKS BROTHERS**’ Human Resources Department, as well as to her Union representative. Assistant Plant Manager Mario Batista and his consort Edernira Martinez remain gainfully employed.

63. As a consequence of this *quid pro quo* sexual harassment, sexually hostile work environment, discriminatory environment and retaliation Plaintiff has suffered at Defendants **BROOKS BROTHERS**, Plaintiff **HERLINDA AROCA PINO** has suffered and continues to suffer severe emotional distress, including depression, anxiety, nightmares, sleep disturbance, crying jags, weight loss and upset.

64. The allegations set forth above and below are incorporated by reference as if fully set forth herein.

AS AND FOR A FIRST CAUSE OF ACTION
TITLE VII - SEXUAL HARASSMENT

65. Plaintiff **HERLINDA AROCA PINO** repeats and realleges each and every allegation contained in paragraphs 1 through 64 inclusive, with the same force and effect as though more fully set forth at length herein.

66. The aforesaid acts of intentional sexual harassment perpetrated by Assistant Plant Manager Mario Batista, a supervisor, manager, and/or employee of Defendants **BROOKS BROTHERS**, and the aforesaid acts of retaliation by Mario Batista and Defendants **BROOKS BROTHERS** for Plaintiff's failure to comply with Mr. Batista's sexual advances and his sexually inappropriate conduct, violated Plaintiff's rights as provided under Title VII of the United States Civil Rights Act of 1964, as amended, Title 42 of the United States Code, Section 2000e-2(a).

67. As a consequence of Defendants' sexual harassment, including the retaliation against Plaintiff for refusing to further succumb to her supervisor's sexual advances, during Plaintiff's employment with Defendants **BROOKS BROTHERS**, Plaintiff **HERLINDA AROCA PINO**

has sustained and continues to sustain conscious pain and suffering, physical injury, great mental distress, shock, fright and humiliation.

68. As a consequence of the foregoing misconduct of Defendants **BROOKS BROTHERS**, Plaintiff **HERLINDA AROCA PINO** is entitled to damages under Title VII in the sum of THREE HUNDRED THOUSAND (\$300,000.00) DOLLARS compensatory damages, THREE HUNDRED THOUSAND (\$300,000.00) DOLLARS punitive damages, plus economic damages and attorneys fees.

AS AND FOR A SECOND CAUSE OF ACTION
NYSHRL - SEXUAL HARASSMENT

69. Plaintiff **HERLINDA AROCA PINO** repeats and realleges each and every allegation contained in paragraphs 1 through 64 inclusive, with the same force and effect as though more fully set forth at length herein.

70. The aforesaid acts of intentional sexual harassment perpetrated by Assistant Plant Manager Mario Batista, a supervisor, manager, and/or employee of Defendants **BROOKS BROTHERS**, and the aforesaid acts of retaliation by Assistant Plant Manager Mario Batista and Defendants **BROOKS BROTHERS** for Plaintiff's failure to comply with Mario Batista's sexual advances and his sexually inappropriate conduct, violated Plaintiff's rights as provided under New York State Human Rights Law - Executive Law Section 290 et. seq.

71. As a consequence of Defendants' sexual harassment, including the retaliation against Plaintiff for refusing to further succumb to her supervisor's sexual advances, during Plaintiff's employment with Defendants **BROOKS BROTHERS**, Plaintiff **HERLINDA AROCA PINO** has sustained and continues to sustain conscious pain and suffering, physical injury, great mental distress, shock, fright and humiliation.

72. As a consequence of the foregoing misconduct of Defendants **BROOKS BROTHERS**, Plaintiff **HERLINDA AROCA PINO** is entitled to damages under 15 N.Y. Exec. Law Section 297(4)(c) in the amount of TEN MILLION (\$10,000,000.00) DOLLARS.

AS AND FOR A THIRD CAUSE OF ACTION
NYCHRL - SEXUAL HARASSMENT

73. Plaintiff **HERLINDA AROCA PINO** repeats and realleges each and every allegation contained in paragraphs 1 through 64 inclusive, with the same force and effect as though more fully set forth at length herein.

74. The aforesaid acts of intentional sexual harassment perpetrated by Plaintiff's supervisor, Assistant Plant Manager Mario Batista, a supervisor, manager, and/or employee of Defendants **BROOKS BROTHERS**, and the aforesaid acts of retaliation by Mario Batista and Defendants **BROOKS BROTHERS** for Plaintiff's failure to comply with Mario Batista's sexual advances and his sexually inappropriate conduct, violated Plaintiff's rights as provided under Title VII of the United States Civil Rights Act of 1964, as amended, Title 42 of the United States Code, Section 2000e-2(a).

75. As a consequence of Defendants' sexual harassment, including the retaliation against Plaintiff for refusing to succumb to her supervisor's sexual advances, during Plaintiff's employment with Defendants **BROOKS BROTHERS**, Plaintiff **HERLINDA AROCA PINO** has sustained and continues to sustain conscious pain and suffering, physical injury, great mental distress, shock, fright and humiliation.

76. As a consequence of the foregoing misconduct of Defendants **BROOKS BROTHERS**, Plaintiff **HERLINDA AROCA PINO** is entitled to compensatory damages and punitive damages in the sum prescribed by NYC Human Rights Law Title 8, et. seq., i.e., compensatory damages of

TEN MILLION (\$10,000,000.00) DOLLARS and punitive damages of TWENTY MILLION (\$20,000,000.00) DOLLARS, as well as attorneys' fees.

AS AND FOR A FOURTH CAUSE OF ACTION
TITLE VII - SEXUALLY HOSTILE WORK ENVIRONMENT

77. Plaintiff **HERLINDA AROCA PINO** repeats and realleges each and every allegation contained in paragraphs 1 through 64 inclusive, with the same force and effect as though more fully set forth at length herein.

78. The sexually hostile work environment for women created, perpetuated, encouraged, and maintained by Assistant Plant Manager Mario Batista and Defendants **BROOKS BROTHERS**, its officers, directors, supervisors, managers and/or employees, violated Plaintiff's rights as provided under New York State Human Rights Law - Executive Law Section 290 et. seq.

79. As a consequence of the sexually hostile work environment created, perpetuated and condoned by Defendants throughout Plaintiff's employment with Defendants **BROOKS BROTHERS**, Plaintiff **HERLINDA AROCA PINO** has sustained and continues to sustain conscious pain and suffering, physical injury, great mental distress, shock, fright and humiliation.

80. As a consequence of the foregoing misconduct of Defendants **BROOKS BROTHERS**, Plaintiff **HERLINDA AROCA PINO** is entitled to damages under Title VII in the sum of THREE HUNDRED THOUSAND (\$300,000.00) DOLLARS compensatory damages, THREE HUNDRED THOUSAND (\$300,000.00) DOLLARS punitive damages, plus economic damages and attorneys fees.

AS AND FOR A FIFTH CAUSE OF ACTION
NYSHRL - SEXUALLY HOSTILE WORK ENVIRONMENT

81. Plaintiff **HERLINDA AROCA PINO** repeats and realleges each and every allegation

contained in paragraphs 1 through 64 inclusive, with the same force and effect as though more fully set forth at length herein.

82. The sexually hostile work environment for women created, perpetuated, encouraged, and maintained by Assistant Plant Manager Mario Batista and Defendants **BROOKS BROTHERS**, its officers, directors, supervisors, managers and/or employees, violated Plaintiff's rights as provided under New York State Human Rights Law - Executive Law Section 290 et. seq.

83. As a consequence of the sexually hostile work environment created, perpetuated and condoned by Defendants during Plaintiff's employment with Defendants **BROOKS BROTHERS**, Plaintiff **HERLINDA AROCA PINO** has sustained and continues to sustain conscious pain and suffering, physical injury, great mental distress, shock, fright and humiliation.

84. As a consequence of the foregoing misconduct of Defendants **BROOKS BROTHERS**, Plaintiff **HERLINDA AROCA PINO** is entitled to damages under 15 N.Y. Exec. Law Section 297(4)(c) in the amount of TEN MILLION (\$10,000,000.00) DOLLARS.

AS AND FOR A SIXTH CAUSE OF ACTION
NYCHRL - SEXUALLY HOSTILE WORK ENVIRONMENT

85. Plaintiff **HERLINDA AROCA PINO** repeats and realleges each and every allegation contained in paragraphs 1 through 64 inclusive, with the same force and effect as though more fully set forth at length herein.

86. The sexually hostile work environment for women created, perpetuated, encouraged, and maintained by Assistant Plant Manager Mario Batista and Defendants **BROOKS BROTHERS**, its officers, directors, supervisors, managers and/or employees, violated Plaintiff's rights as provided under New York City Human Rights Law Title 8 ("NYCHRL"), et. seq.

87. As a consequence of the sexually hostile work environment created, perpetuated

and condoned by Defendants during Plaintiff's employment with Defendants **BROOKS BROTHERS**, Plaintiff **HERLINDA AROCA PINO** has sustained and continues to sustain conscious pain and suffering, physical injury, great mental distress, shock, fright and humiliation.

88. As a consequence of the foregoing misconduct of Defendants **BROOKS BROTHERS**, Plaintiff **HERLINDA AROCA PINO** is entitled to damages in the sum prescribed by NYC Human Rights Law Title 8, et. seq., i.e., compensatory damages of TEN MILLION (\$10,000,000.00) DOLLARS and punitive damages of TWENTY MILLION (\$20,000,000.00) DOLLARS, as well as attorneys' fees.

AS AND FOR A SEVENTH CAUSE OF ACTION
TITLE VII - GENDER DISCRIMINATION

89. Plaintiff **HERLINDA AROCA PINO** repeats and realleges each and every allegation contained in paragraphs 1 through 64 inclusive, with the same force and effect as though more fully set forth at length herein.

90. As a consequence of Defendants **BROOKS BROTHERS'** gender discrimination, Plaintiff **HERLINDA AROCA PINO** has been and continues to be deprived of equal treatment, including equal opportunities for advancement and continued employment, and equal standards of conduct, because of her gender.

91. The aforesaid discriminatory acts by Defendants **BROOKS BROTHERS**, its officers, directors, supervisors, managers and/or employees, perpetrated against Plaintiff because of her gender, violated Plaintiff **HERLINDA AROCA PINO's** rights as provided under Title VII of the United States Civil Rights Act of 1964, as amended, Title 42 of the United States Code, Section 2000e-2(a).

92. As a consequence of Defendants' gender discrimination during Plaintiff's employment with Defendants **BROOKS BROTHERS**, Plaintiff **HERLINDA AROCA PINO** has sustained

and continues to sustain conscious pain and suffering, physical injury, great mental distress, shock, fright and humiliation.

93. As a consequence of the foregoing misconduct of Defendants **BROOKS BROTHERS**, Plaintiff **HERLINDA AROCA PINO** is entitled to damages under Title VII in the sum of THREE HUNDRED THOUSAND (\$300,000.00) DOLLARS compensatory damages, THREE HUNDRED THOUSAND (\$300,000.00) DOLLARS punitive damages, plus economic damages and attorneys fees.

AS AND FOR AN EIGHTH CAUSE OF ACTION
NYSHRL - GENDER DISCRIMINATION

94. Plaintiff **HERLINDA AROCA PINO** repeats and realleges each and every allegation contained in paragraphs 1 through 64 inclusive, with the same force and effect as though more fully set forth at length herein.

95. As a consequence of Defendants **BROOKS BROTHERS**' gender discrimination, Plaintiff **HERLINDA AROCA PINO** has been and continues to be deprived of equal treatment, including equal opportunities for advancement and continued employment, and equal standards of conduct, because of her gender.

96. The aforesaid discriminatory acts by Defendants **BROOKS BROTHERS**, its officers, directors, supervisors, managers and/or employees, perpetrated against Plaintiff because of her gender, violated Plaintiff **HERLINDA AROCA PINO**'s rights as provided under The New York State Human Rights Law, Article 15 of the New York Executive Law ("NYSHRL"), 15 N.Y. Exec. Law Section 290, *et. seq.*

97. As a consequence of Defendants' gender discrimination during Plaintiff's employment with Defendants **BROOKS BROTHERS**, Plaintiff **HERLINDA AROCA PINO** has sustained

and continues to sustain conscious pain and suffering, physical injury, great mental distress, shock, fright and humiliation.

98. As a consequence of the foregoing misconduct of Defendants **BROOKS BROTHERS**, Plaintiff **HERLINDA AROCA PINO** is entitled to damages under 15 N.Y. Exec. Law Section 297(4)(c) in the amount of TEN MILLION (\$10,000,000.00) DOLLARS.

AS AND FOR A NINTH CAUSE OF ACTION
NYCHRL - GENDER DISCRIMINATION

99. Plaintiff **HERLINDA AROCA PINO** repeats and realleges each and every allegation contained in paragraphs 1 through 64 inclusive, with the same force and effect as though more fully set forth at length herein.

100. As a consequence of Defendants **BROOKS BROTHERS**' gender discrimination, Plaintiff **HERLINDA AROCA PINO** has been and continues to be deprived of equal treatment, including equal opportunities for advancement and continued employment, and equal standards of conduct, because of her gender.

101. The aforesaid discriminatory acts by Defendants **BROOKS BROTHERS**, its officers, directors, supervisors, managers and/or employees, perpetrated against Plaintiff because of her gender, violated Plaintiff **HERLINDA AROCA PINO**'s rights as provided under New York City Human Rights Law Title 8 ("NYCHRL"), *et. seq.*

102. As a consequence of Defendants' gender discrimination during Plaintiff's employment with Defendants **BROOKS BROTHERS**, Plaintiff **HERLINDA AROCA PINO** has sustained and continues to sustain conscious pain and suffering, physical injury, great mental distress, shock, fright and humiliation.

103. As a consequence of the foregoing misconduct of Defendants **BROOKS BROTHERS**, Plaintiff **HERLINDA AROCA PINO** is entitled to compensatory damages and punitive damages

in the sum prescribed by NYC Human Rights Law Title 8, et. seq., i.e., compensatory damages of TEN MILLION (\$10,000,000.00) DOLLARS and punitive damages of TWENTY MILLION (\$20,000,000.00) DOLLARS, as well as attorneys' fees.

AS AND FOR A TENTH CAUSE OF ACTION
TITLE VII - RACE DISCRIMINATION

104. Plaintiff **HERLINDA AROCA PINO** repeats and realleges each and every allegation contained in paragraphs 1 through 64 inclusive, with the same force and effect as though more fully set forth at length herein.

105. As a consequence of Defendants **BROOKS BROTHERS'** race discrimination, Plaintiff **HERLINDA AROCA PINO** has been and continues to be deprived of equal treatment, including equal opportunities for advancement and continued employment, and equal standards of conduct, because of her Hispanic race.

106. The aforesaid discriminatory acts by Defendants **BROOKS BROTHERS**, its officers, directors, supervisors, managers and/or employees, perpetrated against Plaintiff because she is Hispanic, violated Plaintiff **HERLINDA AROCA PINO's** rights as provided under Title VII of the United States Civil Rights Act of 1964, as amended, Title 42 of the United States Code, Section 2000e-2(a).

107. As a consequence of Defendants' racial discrimination during Plaintiff's employment with Defendants **BROOKS BROTHERS**, Plaintiff **HERLINDA AROCA PINO** has sustained and continues to sustain conscious pain and suffering, physical injury, great mental distress, shock, fright and humiliation.

108. As a consequence of the foregoing misconduct of Defendants **BROOKS BROTHERS**, Plaintiff **HERLINDA AROCA PINO** is entitled to damages under Title VII in the sum of THREE HUNDRED THOUSAND (\$300,000.00) DOLLARS compensatory damages, THREE

HUNDRED THOUSAND (\$300,000.00) DOLLARS punitive damages, plus economic damages and attorneys fees.

AS AND FOR AN ELEVENTH CAUSE OF ACTION
NYSHRL - RACE DISCRIMINATION

109. Plaintiff **HERLINDA AROCA PINO** repeats and realleges each and every allegation contained in paragraphs 1 through 64 inclusive, with the same force and effect as though more fully set forth at length herein.

110. As a consequence of Defendants **BROOKS BROTHERS'** racial discrimination, Plaintiff **HERLINDA AROCA PINO** has been and continues to be deprived of equal treatment, including equal opportunities for advancement and continued employment, and equal standards of conduct, because of her Hispanic race.

111. The aforesaid discriminatory acts by Defendants **BROOKS BROTHERS**, its officers, directors, supervisors, managers and/or employees, perpetrated against Plaintiff because she is Hispanic, violated Plaintiff **HERLINDA AROCA PINO'**s rights as provided under The New York State Human Rights Law, Article 15 of the New York Executive Law ("NYSHRL"), 15 N.Y. Exec. Law Section 290, et. seq.

112. As a consequence of Defendants' racial discrimination during Plaintiff's employment with Defendants **BROOKS BROTHERS**, Plaintiff **HERLINDA AROCA PINO** has sustained and continues to sustain conscious pain and suffering, physical injury, great mental distress, shock, fright and humiliation.

113. As a consequence of the foregoing misconduct of Defendants **BROOKS BROTHERS**, Plaintiff **HERLINDA AROCA PINO** is entitled to damages under 15 N.Y. Exec. Law Section 297(4)(c) in the amount of TEN MILLION (\$10,000,000.00) DOLLARS.

AS AND FOR A TWELFTH CAUSE OF ACTION
NYCHRL - RACE DISCRIMINATION

114. Plaintiff **HERLINDA AROCA PINO** repeats and realleges each and every allegation contained in paragraphs 1 through 64 inclusive, with the same force and effect as though more fully set forth at length herein.

115. As a consequence of Defendants **BROOKS BROTHERS'** race discrimination, Plaintiff **HERLINDA AROCA PINO** has been and continues to be deprived of equal treatment, including equal opportunities for advancement and continued employment, and equal standards of conduct, because of her Hispanic race.

116. The aforesaid discriminatory acts by Defendants **BROOKS BROTHERS**, its officers, directors, supervisors, managers and/or employees, perpetrated against Plaintiff because she is Hispanic, violated Plaintiff **HERLINDA AROCA PINO'**s rights as provided under New York City Human Rights Law Title 8 ("NYCHRL"), *et. seq.*

117. As a consequence of Defendants' race discrimination during Plaintiff's employment with Defendants **BROOKS BROTHERS**, Plaintiff **HERLINDA AROCA PINO** has sustained and continues to sustain conscious pain and suffering, physical injury, great mental distress, shock, fright and humiliation.

118. As a consequence of the foregoing misconduct of Defendants **BROOKS BROTHERS**, Plaintiff **HERLINDA AROCA PINO** is entitled to compensatory damages and punitive damages in the sum prescribed by NYC Human Rights Law Title 8, *et. seq.*, i.e., compensatory damages of TEN MILLION (\$10,000,000.00) DOLLARS and punitive damages of TWENTY MILLION (\$20,000,000.00) DOLLARS, as well as attorneys' fees.

AS AND FOR A THIRTEENTH CAUSE OF ACTION
TITLE VII – NATIONAL ORIGIN DISCRIMINATION

119. Plaintiff **HERLINDA AROCA PINO** repeats and realleges each and every allegation contained in paragraphs 1 through 64 inclusive, with the same force and effect as though more fully set forth at length herein.

120. As a consequence of Defendants **BROOKS BROTHERS**' national origin discrimination, Plaintiff **HERLINDA AROCA PINO** has been and continues to be deprived of equal treatment, including equal opportunities for advancement and continued employment, and equal standards of conduct, because she was born outside the United States in Guatemala.

121. The aforesaid discriminatory acts by Defendants **BROOKS BROTHERS**, its officers, directors, supervisors, managers and/or employees, perpetrated against Plaintiff because of her national origin, violated Plaintiff **HERLINDA AROCA PINO**'s rights as provided under Title VII of the United States Civil Rights Act of 1964, as amended, Title 42 of the United States Code, Section 2000e-2(a).

122. As a consequence of Defendants' national origin discrimination during Plaintiff's employment with Defendants **BROOKS BROTHERS**, Plaintiff **HERLINDA AROCA PINO** has sustained and continues to sustain conscious pain and suffering, physical injury, great mental distress, shock, fright and humiliation.

123. As a consequence of the foregoing misconduct of Defendants **BROOKS BROTHERS**, Plaintiff **HERLINDA AROCA PINO** is entitled to damages under Title VII in the sum of THREE HUNDRED THOUSAND (\$300,000.00) DOLLARS compensatory damages, THREE HUNDRED THOUSAND (\$300,000.00) DOLLARS punitive damages, plus economic damages and attorneys fees.

AS AND FOR A FOURTEENTH CAUSE OF ACTION
NYSHRL – NATIONAL ORIGIN DISCRIMINATION

124. Plaintiff **HERLINDA AROCA PINO** repeats and realleges each and every allegation contained in paragraphs 1 through 64 inclusive, with the same force and effect as though more fully set forth at length herein.

125. As a consequence of Defendants **BROOKS BROTHERS'** racial discrimination, Plaintiff **HERLINDA AROCA PINO** has been and continues to be deprived of equal treatment, including equal opportunities for advancement and continued employment, and equal standards of conduct, because she was born outside of the United States in Guatemala.

126. The aforesaid discriminatory acts by Defendants **BROOKS BROTHERS**, its officers, directors, supervisors, managers and/or employees, perpetrated against Plaintiff because she is Hispanic, violated Plaintiff **HERLINDA AROCA PINO's** rights as provided under The New York State Human Rights Law, Article 15 of the New York Executive Law ("NYSHRL"), 15 N.Y. Exec. Law Section 290, *et. seq.*

127. As a consequence of Defendants' national origin discrimination during Plaintiff's employment with Defendants **BROOKS BROTHERS**, Plaintiff **HERLINDA AROCA PINO** has sustained and continues to sustain conscious pain and suffering, physical injury, great mental distress, shock, fright and humiliation.

128. As a consequence of the foregoing misconduct of Defendants **BROOKS BROTHERS**, Plaintiff **HERLINDA AROCA PINO** is entitled to damages under 15 N.Y. Exec. Law Section 297(4)(c) in the amount of TEN MILLION (\$10,000,000.00) DOLLARS.

AS AND FOR A FIFTEENTH CAUSE OF ACTION
NYCHRL - RACE DISCRIMINATION

129. Plaintiff **HERLINDA AROCA PINO** repeats and realleges each and every allegation contained in paragraphs 1 through 64 inclusive, with the same force and effect as though more

fully set forth at length herein.

130. As a consequence of Defendants **BROOKS BROTHERS'** race discrimination, Plaintiff **HERLINDA AROCA PINO** has been and continues to be deprived of equal treatment, including equal opportunities for advancement and continued employment, and equal standards of conduct, because she was born outside of the United States in Guatemala.

131. The aforesaid discriminatory acts by Defendants **BROOKS BROTHERS**, its officers, directors, supervisors, managers and/or employees, perpetrated against Plaintiff because of her national origin, violated Plaintiff **HERLINDA AROCA PINO's** rights as provided under New York City Human Rights Law Title 8 ("NYCHRL"), *et. seq.*

132. As a consequence of Defendants' race discrimination during Plaintiff's employment with Defendants **BROOKS BROTHERS**, Plaintiff **HERLINDA AROCA PINO** has sustained and continues to sustain conscious pain and suffering, physical injury, great mental distress, shock, fright and humiliation.

133. As a consequence of the foregoing misconduct of Defendants **BROOKS BROTHERS**, Plaintiff **HERLINDA AROCA PINO** is entitled to compensatory damages and punitive damages in the sum prescribed by NYC Human Rights Law Title 8, *et. seq.*, i.e., compensatory damages of TEN MILLION (\$10,000,000.00) DOLLARS and punitive damages of TWENTY MILLION (\$20,000,000.00) DOLLARS, as well as attorneys' fees.

AS AND FOR A SIXTEENTH CAUSE OF ACTION
NYSHRL -RETALIATION

134. Plaintiff **HERLINDA AROCA PINO** repeats and realleges each and every allegation contained in paragraphs 1 through 64 inclusive, with the same force and effect as though more fully set forth at length herein.

135. The aforesaid acts of intentional retaliation against Plaintiff by Defendants **BROOKS BROTHERS**, its officers, directors, supervisors, managers and/or employees, violated Plaintiff **HERLINDA AROCA PINO**'s rights as provided under The New York State Human Rights Law, Article 15 of the New York Executive Law ("NYSHRL"), 15 N.Y. Exec. Law Section 290, et. seq.

136. As a consequence of Defendants' retaliation against Plaintiff **HERLINDA AROCA PINO** while she was an employee of Defendants **BROOKS BROTHERS**, Plaintiff has sustained and continues to sustain conscious pain and suffering, great mental distress and humiliation, and has incurred and continues to incur monetary loss.

137. As a consequence of the foregoing misconduct of Defendants **BROOKS BROTHERS**, Plaintiff **HERLINDA AROCA PINO** has been damaged and is entitled to damages under 15 N.Y. Exec. Law Section 297(4)(c) in the amount of TEN MILLION (\$10,000,000.00) DOLLARS.

AS AND FOR A SEVENTEENTH CAUSE OF ACTION
NYCHRL -RETALIATION

138. Plaintiff **HERLINDA AROCA PINO** repeats and realleges each and every allegation contained in paragraphs 1 through 64 inclusive, with the same force and effect as though more fully set forth at length herein.

139. The aforesaid acts of intentional retaliation against Plaintiff by Defendants **BROOKS BROTHERS**, its officers, directors, supervisors, managers and/or employees, violated Plaintiff **HERLINDA AROCA PINO**'s rights as provided under New York City Human Rights Law Title 8 ("NYCHRL"), et. seq.

140. As a consequence of Defendants' retaliation against Plaintiff **HERLINDA AROCA PINO** while she was an employee of Defendants **BROOKS BROTHERS**, Plaintiff has sustained and continues to sustain conscious pain and suffering, great mental distress and humiliation, and

has incurred and continues to incur monetary loss, and has been subjected to other adverse employment actions, including her bypass for promotion and effective demotion.

141. As a consequence of the foregoing misconduct of Defendants **BROOKS BROTHERS**, Plaintiff **HERLINDA AROCA PINO** has been damaged and is entitled to compensatory damages and punitive damages in the sum prescribed by NYC Human Rights Law Title 8, et. seq., i.e., compensatory damages of TEN MILLION (\$10,000,000.00) DOLLARS and punitive damages of TWENTY MILLION (\$20,000,000.00) DOLLARS, as well as attorneys' fees.

WHEREFORE, Plaintiff **HERLINDA AROCA PINO** demands judgment against Defendants **BROOKS BROTHERS GROUP, INC.** and **BROOKS BROTHERS, INC.** in the First Cause of Action in the amount of SIX HUNDRED THOUSAND (\$600,000.00) DOLLARS; Plaintiff **HERLINDA AROCA PINO** demands judgment against Defendants **BROOKS BROTHERS GROUP, INC.** and **BROOKS BROTHERS, INC.** in the Second Cause of Action in the amount of TEN MILLION (\$10,000,000.00) DOLLARS; Plaintiff **HERLINDA AROCA PINO** demands judgment against Defendants **BROOKS BROTHERS GROUP, INC.** and **BROOKS BROTHERS, INC.** in the Third Cause of Action in the amount of THIRTY MILLION (\$30,000,000.00) DOLLARS; Plaintiff **HERLINDA AROCA PINO** demands judgment against Defendants **BROOKS BROTHERS GROUP, INC.** and **BROOKS BROTHERS, INC.** in the Fourth Cause of Action in the amount of SIX HUNDRED THOUSAND (\$600,000.00) DOLLARS; Plaintiff **HERLINDA AROCA PINO** demands judgment against Defendants **BROOKS BROTHERS GROUP, INC.** and **BROOKS BROTHERS, INC.** in the Fifth Cause of Action in the amount of TEN MILLION (\$10,000,000.00) DOLLARS; Plaintiff **HERLINDA AROCA PINO** demands judgment against Defendants **BROOKS BROTHERS GROUP, INC.**


and **BROOKS BROTHERS, INC.** in the Sixth Cause of Action in the amount of THIRTY MILLION (\$30,000,000.00) DOLLARS; Plaintiff **HERLINDA AROCA PINO** demands judgment against Defendants **BROOKS BROTHERS GROUP, INC.** and **BROOKS BROTHERS, INC.** in the Seventh Cause of Action in the amount of SIX HUNDRED THOUSAND (\$600,000.00) DOLLARS; Plaintiff **HERLINDA AROCA PINO** demands judgment against Defendants **BROOKS BROTHERS GROUP, INC.** and **BROOKS BROTHERS, INC.** in the Eighth Cause of Action in the amount of TEN MILLION (\$10,000,000.00) DOLLARS; Plaintiff **HERLINDA AROCA PINO** demands judgment against Defendants **BROOKS BROTHERS GROUP, INC.** and **BROOKS BROTHERS, INC.** in the Ninth Cause of Action in the amount of THIRTY MILLION (\$30,000,000.00) DOLLARS; Plaintiff **HERLINDA AROCA PINO** demands judgment against Defendants **BROOKS BROTHERS GROUP, INC.** and **BROOKS BROTHERS, INC.** in the Tenth Cause of Action in the amount of SIX HUNDRED THOUSAND (\$600,000.00) DOLLARS; Plaintiff **HERLINDA AROCA PINO** demands judgment against Defendants **BROOKS BROTHERS GROUP, INC.** and **BROOKS BROTHERS, INC.** in the Eleventh Cause of Action in the amount of TEN MILLION (\$10,000,000.00) DOLLARS; Plaintiff **HERLINDA AROCA PINO** demands judgment against Defendants **BROOKS BROTHERS GROUP, INC.** and **BROOKS BROTHERS, INC.** in the Twelfth Cause of Action in the amount of THIRTY MILLION (\$30,000,000.00) DOLLARS; Plaintiff **HERLINDA AROCA PINO** demands judgment against Defendants **BROOKS BROTHERS GROUP, INC.** and **BROOKS BROTHERS, INC.** in the Thirteenth Cause of Action in the amount of SIX HUNDRED THOUSAND (\$600,000.00) DOLLARS; Plaintiff **HERLINDA AROCA PINO** demands judgment against Defendants **BROOKS BROTHERS GROUP, INC.** and **BROOKS BROTHERS, INC.** in the Fourteenth

Cause of Action in the amount of TEN MILLION (\$10,000,000.00) DOLLARS; Plaintiff **HERLINDA AROCA PINO** demands judgment against Defendants **BROOKS BROTHERS GROUP, INC.** and **BROOKS BROTHERS, INC.** in the Fifteenth Cause of Action in the amount of THIRTY MILLION (\$30,000,000.00) DOLLARS; Plaintiff **HERLINDA AROCA PINO** demands judgment against Defendants **BROOKS BROTHERS GROUP, INC.** and **BROOKS BROTHERS, INC.** in the Sixteenth Cause of Action in the amount of TEN MILLION (\$10,000,000.00) DOLLARS; and Plaintiff **HERLINDA AROCA PINO** demands judgment against Defendants **BROOKS BROTHERS GROUP, INC.** and **BROOKS BROTHERS, INC.** in the Seventeenth Cause of Action in the amount of THIRTY MILLION (\$30,000,000.00) DOLLARS, all together with the costs and disbursements of this action, including attorneys fees, plus interest, and for any other relief which this Court deems just and proper.

Dated: New York, New York
September 6, 2013

MORELLI ALTERS RATNER, P.C.

By: _____


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