

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF New York

Dilek Edwards

Index No.

Plaintiff(s),

Summons

-against-

Charles V. Nicolai and Stephanie Adams,

Date Index No. Purchased: November 20, 2013

Defendant(s).

To the above named Defendant(s)

Charles V. Nicolai
Stephanie Adams
Wall Street Chiropractic and Wellness
75 Wall Street, New York, NY 10005

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

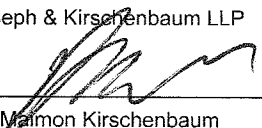
The basis of venue is Defendants' place of business
which is located in this County.

Dated: New York, NY

November 20, 2013

Joseph & Kirschenbaum LLP

by


D. Maimon Kirschenbaum

Attorneys for Plaintiff

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Attorney for Plaintiff

**SUPREME COURT OF NEW YORK
COUNTY OF NEW YORK**

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DILEK EDWARDS,

Plaintiff,

COMPLAINT

v.

DEMAND FOR JURY TRIAL

**CHARLES V. NICOLAI and STEPHANIE
ADAMS,**

Defendants.

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Plaintiff, Dilek Edwards, by and through her attorneys, Joseph & Kirschenbaum LLP, alleges upon knowledge as to herself and upon information and belief as to all other matters as follows:

NATURE OF CLAIM

This case is brought pursuant to New York State Human Rights Law § 296 and New York City Human Rights Law N.Y. Admin. L. §§ 8-101 *et seq.* Defendants subjected Plaintiff to sexual harassment, gender discrimination and unlawfully terminated her employment.

JURISDICTION, VENUE, AND PARTIES

1. Venue herein is proper as Defendants are residents and conduct business in New York County and as the unlawful employment practices occurred in this county.

2. Wall Street Chiropractic and Wellness is a provider of chiropractic and therapeutic services. WSCW's main office is located at 75 Wall Street, New York, NY 10005.

3. Defendant Charles V. Nicolai is a co-owner and head chiropractor of Wall Street Chiropractic and Wellness.

4. Defendant Nicolai oversees all of the chiropractic and therapeutic care performed at Wall Street Chiropractic and Wellness. Defendant Nicolai hired Plaintiff, oversaw her work, and trained her in medical massage techniques.

5. Defendant Stephanie Adams is a co-owner and chief operating officer of Wall Street Chiropractic and Wellness.

6. At all relevant times Plaintiff was employed by WSCW at the main office.

7. Between April and October 2013, Plaintiff was an "employee" under all applicable statutes.

8. At all times relevant, Defendants employed four (4) or more employees. Accordingly, Defendants meet the definition of "employer" under all applicable statutes.

9. This Court has jurisdiction over the parties pursuant to CPLR 301; the Defendants' principle place of business is in New York County.

FACTS

10. Plaintiff began working as a yoga and massage therapist at Wall Street Chiropractic and Wellness in April 2012.

11. Throughout Plaintiff's employment with Defendants, a posting in the office displayed Plaintiff's fixed work schedule.

12. Defendants paid Plaintiff a fixed rate per hour for each hour she worked at Defendants' office.

13. Defendants always scheduled the treatments and processed the payments of Plaintiff's patients.

14. Defendants supplied Plaintiff with a treatment room, massage oils, and other supplies for all her treatments.

15. Defendant Adams is the former November 1992 Playboy Playmate and was later named the "first openly lesbian Playmate." Defendant Adams is currently an investor and author of a New Age self-help book series and brand entitled *Goddessy*.

16. Defendants Nicolai and Adams are currently married.

17. In or about June 2013, Defendant Nicolai informed Plaintiff that his wife might become jealous of Plaintiff, because Plaintiff was "too cute."

18. Defendant Nicolai regularly praised Plaintiff's work performance throughout her period of employment.

19. Nevertheless, throughout the period of Plaintiff's employment, she maintained a strictly professional relationship with Defendant Nicolai.

20. Plaintiff met Defendant Adams only once at Defendant's office and the meeting was cordial.

21. At approximately 1:15 in the morning on October 29, 2013, Plaintiff received a missed call from Plaintiff Adams on her personal phone.

22. At 1:31 in the morning on the same day, Plaintiff received a frantic text message "out of the blue" on her personal phone from Defendant Adams.

23. The text message confirmed Dr. Nicolai's earlier concerns that Defendant Adams was jealous of Plaintiff's working relationship with Dr. Nicolai. The text message stated, "Dilek, you did not answer the phone when I just called and I will call again but I will make myself perfectly clear via text and later via phone call... You are NOT welcome any longer at Wall Street Chiropractic, DO NOT ever step foot in there again, and stay the FUCK away from my husband and family!!!!!! And remember I warned you."

24. At 8:53 AM on October 30, 2013, Plaintiff received an email from Defendant Nicolai that stated, "You are fired and no longer welcome in our office. If you call or try to come back, we will call the police."

25. Plaintiff was extremely distressed by her termination and the threatening/harassing text messages and email. She called the office to seek clarification only to learn that her number was blocked by the office phone system.

26. As stated above, Plaintiff's relationship with Dr. Nicolai was purely professional. Accordingly, Plaintiff had and still has no idea what sparked Defendant Adam's absurd suspicions and/or Plaintiff's termination.

27. After receiving this text message, Plaintiff was hurt, distraught and feared for her personal safety and personal/professional reputation.

28. Plaintiff was too afraid to collect her belongings from Defendants' office. She learned from a former co-worker that Defendant Adams threw her leather jacket in the garbage.

29. On November 7, 2013, Plaintiff received an email from the website WordPress.com, which she uses to host her personal business website <http://dilekedwardsyoga.com>. The email stated that Wordpress.com has suspended her site until

she take corrective action to address a complaint filed against her website by Defendants Nikolai and Adams that falsely alleged trademark infringement and other false claims.

30. It is clear that Defendants complaint to Wordpress.com was frivolous and was made for the sole purpose of inflicting further financial and emotional injury to Plaintiff.

31. As a result of Defendants' unlawful and malicious termination of Plaintiff, Plaintiff has suffered, and continues to suffer, extreme emotional distress.

FIRST CLAIM FOR RELIEF
**(New York State Human Rights Law ("NYSHRL"),
N.Y. Exec. L. §§ 290 *et seq.* – Gender Discrimination—
Sexual Harassment and Wrongful Termination)**

32. Plaintiff realleges and incorporates by reference all preceding paragraphs as if they were set forth again herein.

33. In violation of the NYSHRL, Defendants intentionally discriminated against Plaintiff on the basis of her sex by terminating Plaintiff's employment.

34. As a direct and proximate consequence of Defendants' sexual harassment/discrimination against Plaintiff, she has suffered, and continues to suffer, substantial monetary damages, including, but not limited to, a loss of income, including past and future salary.

35. As a direct and proximate consequence of Defendants' sexual harassment/discrimination against Plaintiff, she has suffered, and continues to suffer, substantial non-monetary damages, including, but not limited to, emotional distress, physical pain and suffering, damage to Plaintiff's good name and reputation, lasting embarrassment, humiliation and anguish.

36. As a result of Defendants' unlawful conduct, Plaintiff is entitled to compensatory damages, including but not limited to lost wages and damages for emotional distress, post-judgment interest, attorneys' fees and costs, and such other legal and equitable relief as this Court deems just and proper.

SECOND CLAIM FOR RELIEF
(New York City Human Rights Law ("NYCHRL"))
N.Y. Admin. L. §§ 8-101 *et seq.* – Gender Discrimination—
Sexual Harassment and Wrongful Termination)

37. Plaintiff realleges and incorporates by reference all preceding paragraphs as if they were set forth again herein.

38. In violation of the NYCHRL, Defendants discriminated against Plaintiff on the basis of her gender by terminating Plaintiff's employment.

39. As a direct and proximate consequence of Defendants' sexual harassment/discrimination against Plaintiff, she has suffered, and continues to suffer, substantial monetary damages, including, but not limited to, a loss of income, including past and future salary.

40. As a direct and proximate consequence of Defendants' sexual harassment/discrimination against Plaintiff, she has suffered, and continues to suffer, substantial non-monetary damages, including, but not limited to, emotional distress and physical pain and suffering.

41. Defendants' conduct was outrageous and malicious, was intended to injure, and was done with reckless indifference to Plaintiff's statutorily-protected civil rights.

42. As a result of Defendants' unlawful conduct, Plaintiff is entitled to compensatory damages, including but not limited to lost wages and damages for emotional distress, punitive

damages, post-judgment interest, attorneys' fees and costs, and such other legal and equitable relief as this Court deems just and proper.

WHEREFORE, Plaintiff respectfully requests that this Court grant the following relief:

A. **WHEREFORE**, plaintiff respectfully requests that this Court grant the following relief:

(a) On all counts, enter a declaratory judgment that the acts and practices of Defendant complained of herein are in violation of the laws of the State of New York.

(b) On all counts, enjoin and permanently restrain Defendant's violations of the laws of the State of New York.

(c) On all counts, direct Defendant to place Plaintiff in the position she would have occupied but for defendant's discriminatory and retaliatory treatment of her as well as to take such affirmative action as is necessary to ensure that the effects of these unlawful employment practices are eliminated and do not continue to affect Plaintiff's employment opportunities;

(d) On all counts, award Plaintiff monetary damages including, but not limited to, lost income, including past salary, future salary, and company-sponsored benefits, in an amount to be determined at trial, together with interest thereon from the time of the initial loss until satisfaction of judgment and post-judgment interest thereon;

(e) On all counts, award Plaintiff non-monetary damages including, but not limited to, compensation for her humiliation and emotional distress and suffering, in an amount to be determined at trial, together with interest thereon from the time of the initial loss until satisfaction of judgment as well as with post-judgment interest thereon;

(g) On all counts, award plaintiff the costs of this action, together with reasonable attorney's fees;

(h) On all counts, grant plaintiff such other and further relief this Court deems necessary and proper.

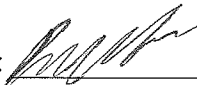
JURY DEMAND

Plaintiff demands trial by jury on all counts so triable.

Dated: New York, New York
November 20, 2013

Respectfully submitted,

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