

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

JEANETTE GRULLON, JENNY MEJIA,
and SANDRA POZO,

Plaintiffs,

v.

CATHOLIC CHARITIES
NEIGHBORHOOD SERVICES, INC.,

Defendant.

SUMMONS

Index No. _____

To the above-named Defendants:

You are hereby summoned and required to serve upon Plaintiff's attorney an answer to the Complaint in this action within twenty days after the service of this Summons, exclusive of the day of service, or within thirty days after service is complete if this Summons is not personally delivered to you within the State of New York. In case of your failure to answer, judgment will be taken against you by default for the relief demanded in the Complaint.

The basis of the venue designated is the principal place of business of Defendant, which is 191 Joralemon Street, Brooklyn, NY.

Dated: New York, NY
November 5, 2013

By: _____
Jeffrey E. Goldman, Esq.
The Law Offices of Jeffrey E. Goldman
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Attorney for Plaintiff

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

JEANETTE GRULLON, JENNY MEJIA,
and SANDRA POZO,

Plaintiffs,

v.

CATHOLIC CHARITIES
NEIGHBORHOOD SERVICES, INC.

Defendant.

COMPLAINT

Index No. _____

Plaintiffs, by and through their undersigned attorney, respectfully allege as follows:

PRELIMINARY STATEMENT

1. Plaintiffs Jeanette Grullon (“Grullon”), Jenny Mejia (“Mejia”), and Sandra Pozo (“Pozo”) are three Latina women who were sexually harassed by their African-American male supervisor at Catholic Charities, where they were employed. When they complained about the sexual harassment, they were intimidated and accused of racial discrimination, while their complaints were ignored by Human Resources. Management said that they should stop complaining and focus on their work.

2. Plaintiffs bring this action against Defendant Catholic Charities Neighborhood Services, Inc., Catholic Charities Connect IPA, Inc., Catholic Charities Connect MSO, Inc., and Catholic Charities Progress of Peoples Development Corp. for hostile work environment, quid pro quo sexual harassment, discrimination based on race, and retaliation under the New York City Human Rights Law (NYCHRL), N.Y.C. Admin. Code § 8-101, *et seq.*, and the New York State Human Rights Law, N.Y. Exec. Law § 290, *et seq.*

3. The discrimination and retaliation complained of herein against the three Latin female Plaintiffs was primarily done by their supervisor, an African male, and condoned by Defendant.

4. Plaintiffs have made internal complaints and served a demand letter on Defendant through their undersigned attorney in an effort to resolve the issues complained of herein. However, Defendant has made no effort to address Plaintiffs' concerns or otherwise settle this dispute.

JURISDICTION

5. This Court has jurisdiction over this matter because the conduct complained of herein occurred in Kings County.

THE PARTIES

6. Plaintiff Grullon is a resident of New York City and was employed by Defendant at Carmen Aquilone Day Services, a facility that provides day care services to developmentally disabled adults, in Kings County.

7. Plaintiff Mejia is a resident of New York City and was employed by Defendant at Carmen Aquilone Day Services, a facility that provides day care services to developmentally disabled adults, in Kings County.

8. Plaintiff Pozo is a resident of New York City and was employed by Defendant at Carmen Aquilone Day Services, a facility that provides day care services to developmentally disabled adults, in Kings County.

9. Defendant Catholic Charities Neighborhood Services, Inc. is a domestic not-for-profit corporation with its principal place of business in Kings County.

STATEMENT OF FACTS

Plaintiff Gullon

10. Plaintiff Gullon has been employed by Defendant as a Secretary at Carmen Aquilone Day Services since August 2005.

11. In or around late June or early July 2012, Oyewale “Wally” Owolodun (“Owolodun”), an African male, a Community Skills Coordinator and supervisor, began to sexually harass Plaintiff Gullon. Owolodun’s sexual harassment of Plaintiff Gullon includes, without limitation, the following:

- a. Owolodun repeatedly asked Plaintiff Gullon whether she had a boyfriend.
- b. Owolodun repeatedly commented about Plaintiff Gullon’s physical appearance.
- c. Owolodun repeatedly asked Plaintiff Gullon to go on dates and socialize with him outside of work.
- d. Owolodun frequently approached Plaintiff Gullon when she was alone in the office and made inappropriate sexual comments.
- e. In or around September 2012, while Plaintiff Gullon was using a microwave at the nurse’s station, Owolodun told another employee that he wanted to take Plaintiff Gullon to Africa with him and “make babies.”

12. In or around September 2012, Plaintiff Gullon complained to her supervisor, Vivian Gambrell (“Gambrell”) about Owolodun’s sexual harassment of her.

13. Gambrell contacted Human Resources and Janice Aris (“Aris”), Vice-President, about Plaintiff Gullon’s complaint on September 28, 2012.

14. No one from Human Resources contacted Plaintiff Gullon about her complaint.

15. The sexual harassment Plaintiff Grullon experienced and Defendant's failure to timely investigate her complaint and remedy the issue have caused her severe emotional distress, which has caused her to have anxiety attacks, visit the emergency room, take medication prescribed by her doctor, and miss multiple days of work.

Plaintiff Mejia

16. Plaintiff Mejia has been employed by Defendant as a Community Habilitation Specialist at Carmen Aquiline Day Services since February 2006.

17. In or around January 2013, and continuing thereafter, Owolodun has sexually harassed Plaintiff Mejia. Owolodun's sexual harassment of Plaintiff Grullon includes, without limitation, the following:

- a. Owolodun frequently visited Plaintiff Mejia's classroom while she was alone and made sexual comments to her.
- b. Owolodun invited Plaintiff Mejia to dinner and asked her to cook for him.
- c. Owolodun frequently interrupted Plaintiff Mejia while she was with consumers and came physically close to her.
- d. Owolodun intentionally created opportunities to be alone with Plaintiff Mejia by unnecessarily directing other employees to do work in other locations.
- e. Owolodun repeatedly commented about Plaintiff Mejia's physical appearance, including her body and attire.
- f. Owolodun repeatedly approached Plaintiff Mejia when she was alone in the elevator and touched her without her consent.
- g. Owolodun would regularly "shimmy" in a sexual way towards Plaintiff Mejia and try to touch her.

- h. Owolodun frequently commented about Latin women and their sexuality in Plaintiff Mejia's presence, including how well they dress and his desire to have a Latin woman.
- i. Owolodun made faces imitating kissing to Plaintiff Mejia, implying that he wanted to kiss her.
- j. Owolodun told Plaintiff Mejia that since he was a supervisor, he could do good things for her, making it clear that he would reward her for accepting his sexual advances.
- k. Owolodun reminded Plaintiff Mejia and other employees that, as a supervisor, he has the authority to discharge people, implying that he would retaliate against her for rejecting his sexual advances.

18. On April 1, 2013, Plaintiff Mejia complained to Gambrell about Owolodun's sexual harassment of her.

19. Gambrell contacted Human Resources and Aris about Plaintiff Mejia's complaint.

20. No one from Human Resources contacted Plaintiff Mejia about her complaint until July 3, 2013, when Aris asked Plaintiff Mejia to give a statement, which she did.

21. On July 16, 2013, the undersigned attorney sent a letter to Robert Siebel ("Siebel"), Chief Executive Officer, informing him of Plaintiff Mejia's claims.

22. On July 23, 2013, Plaintiff Mejia was interviewed by Ignatia Carasco ("Carasco") and Natricia Sinclair ("Sinclair") from Human Resources.

23. During the interview, Carasco and Sinclair confused and intimidated Plaintiff Mejia by asking her questions about whether anyone had discriminated against Owolodun,

mentioning random dates, and belittling Plaintiff Mejia for mentioning the medication she was taking to remedy the emotional distress that Owolodun's sexual harassment of her had caused.

24. Despite the fact that Plaintiff Mejia had complained to Gambrell on April 1, 2013, and given a statement to Aris on July 3, 2013, during the interview, Carasco and Sinclair accused Plaintiff Mejia of failing to make a complaint and denied knowledge of her meeting with Aris or the statement she had given.

25. On or around April 1, 2013, Gambrell met with Aris to discuss Plaintiff Mejia's complaints of sexual harassment, to which Aris replied that the employees needed to stop complaining about Owolodun and focus on their work.

26. The sexual harassment Plaintiff Mejia experienced and Defendant's failure to timely investigate her complaint and remedy the issue have caused her severe emotional distress, which has caused her to have difficulty sleeping, lose weight, and take medication prescribed by her doctor.

Plaintiff Pozo

27. Plaintiff Pozo has been employed by Defendant as a Community Skills Assistant at Carmen Aquiline Day Services since August 2000.

28. Owolodun was Plaintiff Pozo's supervisor.

29. In or around September 2012, and continuing thereafter, Owolodun sexually harassed Plaintiff Pozo. Owolodun's sexual harassment of Plaintiff Pozo includes, without limitation, the following:

- a. Owolodun repeatedly told Plaintiff Pozo that he "wanted" her in a sexual way.
- b. Owolodun repeatedly referred to himself as a nurse and told Plaintiff Pozo that he wanted to give her "injections."

- c. Owolodun told Plaintiff Pozo, “All you females need is money,” while gesturing towards his penis and making sexual movements, imitating Pozo performing oral sex on him.
- d. Owolodun regularly leered at Plaintiff Pozo.
- e. Owolodun would regularly “shimmy” towards Plaintiff Pozo and try to touch her.
- f. When Plaintiff Pozo and Owolodun were entering or leaving the building at the same time, Owolodun would approach her, shout her name, and try to touch her.
- g. Owolodun regularly scheduled unnecessary private meetings with Plaintiff Pozo, during which he would move his chair away from his desk to sit close to her.

30. In or around September 2012, Plaintiff Pozo told Owolodun that his behavior was unwelcome and that it frequently caused her to cry.

31. After Plaintiff Pozo told Owolodun that his behavior was unwelcome, he began to retaliate against her. Owolodun’s retaliation against Plaintiff Pozo included, without limitation, the following:

- a. Owolodun gave Plaintiff Pozo a special assignment, which included operating a nutrition bar and training other employees. While another team of employees was allowed an entire day to operate the nutrition bar, Owolodun allowed Plaintiff Pozo only one hour to prepare, open, operate, and close the nutrition bar.

- b. Owolodun refused to get Plaintiff Pozo assistance when one of her consumers had a toileting accident.
- c. Owolodun refused to cover Plaintiff Pozo's classroom when she needed to use the restroom.
- d. Owolodun required Plaintiff Pozo to visit his office alone for special coaching meetings.
- e. Owolodun told Plaintiff Pozo that she should not expect him to be nice to her if she did not cooperate with him and reminded her that, as a supervisor, he had authority to discharge people.

32. In or around early 2013, Plaintiff Pozo complained to Gambrell about Owolodun's sexual harassment of her and retaliation.

33. On May 23, 2013, Plaintiff Pozo was interviewed by Carasco and Sinclair.

34. During the interview, Carasco and Sinclair confused and intimidated Plaintiff Pozo by asking her bizarre and irrelevant questions about Gambrell, including whether she discriminated against African employees, whether she showed favoritism towards Latin employees, and whether she was political, while disregarding Plaintiff Pozo's complaint about Owolodun. Plaintiff Pozo was so upset by this interview that she became ill and had to leave for the day.

35. In or around June 2013, Plaintiff Pozo again complained, via e-mail, Human Resources to complain about Owolodun's sexual harassment of her.

36. Plaintiff Pozo gave a statement to Human Resources about Owolodun's sexual harassment of her.

37. After the interview, Owolodun continued to supervise Plaintiff Pozo, sexually harass her, and retaliate against her.

38. In 2013, Gambrell met with Aris to discuss Plaintiff Pozo's complaints of sexual harassment, to which Aris replied that the employees needed to stop complaining about Owolodun and focus on their work.

39. The sexual harassment and retaliation Plaintiff Pozo experienced and Defendant's failure to timely investigate her complaint and remedy the issue have caused her severe emotional distress, which has caused her to have anxiety attacks, unpredictable moods, difficulty sleeping, and seek medical care.

FIRST CAUSE OF ACTION
(Quid Pro Quo Sexual Harassment in Violation of the NYCHRL, N.Y.C. Admin. Code § 8-101, et seq.)

40. All preceding paragraphs are incorporated herein.

41. At all relevant times, Defendant was an "employer" as defined in the NYCHRL, N.Y.C. Admin. Code § 8-102(5).

42. Owolodun's frequent references to the fact that he was a supervisor and his authority to reward and/or discharge employees combined with his sexual harassment of Plaintiffs constitutes quid pro quo sexual harassment because Owolodun caused Plaintiffs to believe that they would be rewarded for accepting his sexual advances and retaliated against for rejecting his sexual advances.

43. Quid pro quo sexual harassment is a form of discrimination based on gender, which is prohibited by the NYCHRL.

It shall be an unlawful discriminatory practice...[f]or an employer or an employee or agent thereof, because of the actual or perceived...gender...of any person, to refuse to hire or employ or to bar or to discharge from employment such person or

to discriminate against such person in compensation or in terms, conditions or privileges of employment.

N.Y.C. Admin. Code § 8-107(1)(a).

44. Defendant's liability is compounded by the fact that Plaintiff Grullon complained to Gambrell, who then contacted Aris, in or around September 2012. Defendant's failure to act after Plaintiff Grullon made this complaint allowed Owolodun to also sexually harass Plaintiffs Mejia and Pozo.

45. At all relevant times, Owolodun was an employee or agent of Defendant and exercised supervisory responsibility, as required for vicarious liability of employers for unlawful discriminatory practices by employees or agents under the NYCHRL, N.Y.C. Admin. Code §8-107(13)(b)(1).

46. At all relevant times, Aris was an employee or agent of Defendant and exercised supervisory responsibility and knew about Owolodun's sexual harassment of Plaintiffs, as required for vicarious liability of employers for unlawful discriminatory practices by employees or agents under the NYCHRL, N.Y.C. Admin. Code §8-107(13)(b)(2).

47. At all relevant times, Aris was an employee or agent of Defendant and exercised supervisory responsibility and should have known about Owolodun's sexual harassment of Plaintiffs, as required for vicarious liability of employers for unlawful discriminatory practices by employees or agents under the NYCHRL, N.Y.C. Admin. Code §8-107(13)(b)(3).

SECOND CAUSE OF ACTION
(Hostile Work Environment Sexual Harassment in Violation of the NYCHRL, N.Y.C. Admin. Code § 8-101, et seq.)

48. All preceding paragraphs are incorporated herein.

49. At all relevant times, Defendant was an "employer," as defined in the NYCHRL, N.Y.C. Admin. Code § 8-102(5).

50. Owolodun's sexual harassment of Plaintiffs created a hostile work environment because Plaintiffs were subjected to unwelcome sexual comments, gestures, and touching, which negatively affected their terms and conditions of employment.

51. Hostile work environment sexual harassment is a form of discrimination based on gender, which is prohibited by the NYCHRL.

It shall be an unlawful discriminatory practice...[f]or an employer or an employee or agent thereof, because of the actual or perceived...gender...of any person, to refuse to hire or employ or to bar or to discharge from employment such person or to discriminate against such person in compensation or in terms, conditions or privileges of employment.

N.Y.C. Admin. Code § 8-107(1)(a).

52. Defendant's liability is compounded by the fact that Plaintiff Grullon complained to Gambrell, who then contacted Aris, in or around September 2012. Defendant's failure to act after Plaintiff Grullon made this complaint allowed Owolodun to also sexually harass Plaintiffs Mejia and Pozo.

53. Owolodun's repeated and frequent sexual harassment of Plaintiffs plainly exceeds the minimal conduct required to maintain a cause of action for hostile work environment under the NYCHRL. *See Williams* at 75-76 (holding that the "severe and pervasive" requirement under federal and state law does not apply to hostile work environment claims under the NYCHRL.); *Mihalik* at 113 (same).

54. At all relevant times, Owolodun was an employee or agent of Defendant and exercised supervisory responsibility, as required for vicarious liability of employers for unlawful discriminatory practices by employees or agents under the NYCHRL, N.Y.C. Admin. Code §8-107(13)(b)(1).

55. At all relevant times, Aris was an employee or agent of Defendant and exercised supervisory responsibility and knew about Owolodun's sexual harassment of Plaintiffs, as required for vicarious liability of employers for unlawful discriminatory practices by employees or agents under the NYCHRL, N.Y.C. Admin. Code §8-107(13)(b)(2).

56. At all relevant times, Aris was an employee or agent of Defendant and exercised supervisory responsibility and should have known about Owolodun's sexual harassment of Plaintiffs, as required for vicarious liability of employers for unlawful discriminatory practices by employees or agents under the NYCHRL, N.Y.C. Admin. Code §8-107(13)(b)(3).

THIRD CAUSE OF ACTION
(Discrimination Based on Race in Violation of the NYCHRL, N.Y.C. Admin. Code § 8-101, et seq.)

57. All preceding paragraphs are incorporated herein.

58. At all relevant times, Defendant was an "employer" as defined in the NYCHRL, N.Y.C. Admin. Code § 8-102(5).

59. Plaintiffs were subjected to disparate treatment based on their race, which negatively affected their terms and conditions of employment, in violation of the NYCHRL, N.Y.C. Admin. Code § 8-107(1)(a).

It shall be an unlawful discriminatory practice...[f]or an employer or an employee or agent thereof, because of the actual or perceived...race...of any person, to refuse to hire or employ or to bar or to discharge from employment such person or to discriminate against such person in compensation or in terms, conditions or privileges of employment.

N.Y.C. Admin. Code § 8-107(1)(a).

60. While sexually harassing Plaintiffs, Owolodun frequently referred to their race and his interest in "Latin women," a specific reference to women of Latin descent.

61. The foregoing facts support an inference that Plaintiffs were treated differently from other employees because of their race.

62. At all relevant times, Owolodun was an employee or agent of Defendant and exercised supervisory responsibility, as required for vicarious liability of employers for unlawful discriminatory practices by employees or agents under the NYCHRL, N.Y.C. Admin. Code §8-107(13)(b)(1).

63. At all relevant times, Aris was an employee or agent of Defendant and exercised supervisory responsibility and knew about Owolodun's sexual harassment of Plaintiffs, as required for vicarious liability of employers for unlawful discriminatory practices by employees or agents under the NYCHRL, N.Y.C. Admin. Code §8-107(13)(b)(2).

64. At all relevant times, Aris was an employee or agent of Defendant and exercised supervisory responsibility and should have known about Owolodun's sexual harassment of Plaintiffs, as required for vicarious liability of employers for unlawful discriminatory practices by employees or agents under the NYCHRL, N.Y.C. Admin. Code §8-107(13)(b)(3).

FOURTH CAUSE OF ACTION
(Retaliation in Violation of the NYCHRL, N.Y.C. Admin. Code § 8-101, et seq.)

65. All preceding paragraphs are incorporated herein.

66. At all relevant times, Defendant was an "employer," as defined in the NYCHRL, N.Y.C. Admin. Code § 8-102(5).

67. The NYCHRL prohibits retaliation for complaining about an unlawful discriminatory practice.

It shall be an unlawful discriminatory practice for any person engaged in any activity to which this chapter applies to retaliate or discriminate in any manner against any person because such person has (i) opposed any practice forbidden under this chapter, (ii) filed a complaint, testified or assisted in any proceeding under this chapter, (iii)

commenced a civil action alleging the commission of an act which would be an unlawful discriminatory practice under this chapter, (iv) assisted the commission or the corporation counsel in an investigation commenced pursuant to this title, or (v) provided any information to the commission pursuant to the terms of a conciliation agreement made pursuant to section 8-115 of this chapter. The retaliation or discrimination complained of under this subdivision need not result in an ultimate action with respect to employment, housing or a public accommodation or in a materially adverse change in the terms and conditions of employment, housing, or a public accommodation, provided, however, that the retaliatory or discriminatory act or acts complained of must be reasonably likely to deter a person from engaging in protected activity.

N.Y.C. Admin. Code § 8-107(7).

68. When Plaintiffs complained to Gambrell about Owolodun's sexual harassment of them, they were engaged in protected activity because they were complaining about unlawful discriminatory practices under the NYCHRL, N.Y.C. Admin. Code § 8-107(1)(a).

69. Plaintiffs were also engaged in protected activity merely by rejecting Owolodun's sexual advances.

70. Owolodun retaliated against Plaintiffs for complaining about his sexual harassment of them by continuing to sexually harass them, threatening to discharge them, and negatively affecting their terms and conditions of employment (e.g., giving them special assignments with limited time to complete them, refusing to get assistance for toileting incidents, refusing to cover classrooms when Plaintiffs needed to use the restroom, requiring Plaintiffs to visit his office for special coaching meetings).

71. Carasco and Sinclair retaliated against Plaintiffs by intentionally intimidating and confusing them during their interviews with Human Resources.

72. This retaliatory conduct is reasonably likely to deter a person from complaining about unlawful discriminatory practices under the NYCHRL.

73. The fact that Plaintiffs were not discharged, disciplined, demoted, or subject to other tangible adverse employment action does not preclude a cause of action for retaliation under the NYCHRL. *See Williams* at 70-71 (holding that retaliation under the NYCHRL includes *any* conduct that a jury could reasonably find to be “reasonably likely to deter a person from engaging in protected activity”); *Mihalik* at 116 (same).

74. At all relevant times, Aris was an employee or agent of Defendant and exercised supervisory responsibility and knew about Owolodun’s sexual harassment of Plaintiffs, as required for vicarious liability of employers for unlawful discriminatory practices by employees or agents under the NYCHRL, N.Y.C. Admin. Code §8-107(13)(b)(2).

75. At all relevant times, Aris was an employee or agent of Defendant and exercised supervisory responsibility and should have known about Owolodun’s sexual harassment of Plaintiffs, as required for vicarious liability of employers for unlawful discriminatory practices by employees or agents under the NYCHRL, N.Y.C. Admin. Code §8-107(13)(b)(3).

FIFTH CAUSE OF ACTION
(Quid Pro Quo Sexual Harassment in Violation of the NYSHRL, N.Y. Exec. Law § 290, et seq.)

76. All preceding paragraphs are incorporated herein.

77. At all relevant times, Defendant was an “employer,” as defined in the NYSHRL, N.Y. Exec. Law § 292(5).

78. Owolodun’s frequent references to the fact that he was a supervisor and his authority to reward and/or discharge employees combined with his sexual harassment of Plaintiffs constitutes quid pro quo sexual harassment because Owolodun caused Plaintiffs to believe that they would be rewarded for accepting his sexual advances and retaliated against for rejecting his sexual advances.

79. Quid pro quo sexual harassment is a form of discrimination based on gender, which is prohibited by the NYSHRL.

It shall be an unlawful employment practice...[f]or an employer...because of an individual's...sex...to refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment.

N.Y. Exec. Law § 296(1)(a).

SIXTH CAUSE OF ACTION
(Hostile Work Environment Sexual Harassment in Violation of the NYSHRL, N.Y. Exec. Law § 290, et seq.)

80. All preceding paragraphs are incorporated herein.

81. At all relevant times, Defendant was an “employer,” as defined in the NYSHRL, N.Y. Exec. Law § 292(5).

82. Owolodun’s sexual harassment of Plaintiffs created a hostile work environment because Plaintiffs were subjected to unwelcome sexual comments, gestures, and touching, which negatively affected their terms and conditions of employment.

83. Hostile work environment sexual harassment is a form of discrimination based on gender, which is prohibited by the NYSHRL.

It shall be an unlawful employment practice...[f]or an employer...because of an individual's...sex...to refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment.

N.Y. Exec. Law § 296(1)(a).

SEVENTH CAUSE OF ACTION
(Discrimination Based on Race in Violation of the NYSHRL, N.Y. Exec. Law § 290, et seq.)

84. All preceding paragraphs are incorporated herein.

85. At all relevant times, Defendant was an “employer,” as defined in the NYSHRL, N.Y. Exec. Law § 292(5).

86. Plaintiffs were subjected to disparate treatment based on their race, which negatively affected their terms and conditions of employment, in violation of the NYSHRL.

It shall be an unlawful employment practice...[f]or an employer...because of an individual’s...race...to refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment.

N.Y. Exec. Law § 296(1)(a).

87. While sexually harassing Plaintiffs, Owolodun frequently referred to their race and his interest in “Latin women,” a specific reference to women of Latin descent.

88. The foregoing facts support an inference that Plaintiffs were treated differently from other employees because of their race.

EIGHTH CAUSE OF ACTION
(Retaliation in Violation of the NYSHRL, N.Y. Exec. Law § 290, *et seq.*)

89. All preceding paragraphs are incorporated herein.

90. At all relevant times, Defendant was an “employer,” as defined in the NYSHRL, N.Y. Exec. Law § 292(5).

91. The NYSHRL prohibits retaliation for complaining about an unlawful discriminatory practice.

It shall be an unlawful discriminatory practice...[f]or any employer...to discharge, expel or otherwise discriminate against any person because he or she has opposed any practices forbidden under this article or because he or she has filed a complaint, testified or assisted in any proceeding under this article.

N.Y. Exec. Law § 296(1)(e).

92. When Plaintiffs complained to Gambrell about Owolodun's sexual harassment of them, they were engaged in protected activity because they were complaining about unlawful discriminatory practices under the NYSHRL, N.Y. Exec. Law § 296(1)(a).

DEMAND FOR RELIEF

WHEREFORE, Plaintiffs respectfully request the following relief:

- A. Compensatory damages of \$1,000,000 for each Plaintiff;
- B. Punitive damages of \$1,000,000 for each Plaintiff, as authorized in the NYCHRL, N.Y. Admin. Code § 8-502(a);
- C. Pre- and post-judgment interest;
- D. Attorneys' fees and costs; and
- E. Whatever other relief this Commission deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial of all claims alleged herein.

Dated: New York, NY
November 5, 2013

By: _____
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