

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

LISA SPRADA

PLAINTIFF,

vs.

COMPLAINT

TOWN OF CHEEKTOWAGA

DEFENDANT.

Plaintiff Lisa Sprada (“Plaintiff” or “Ms. Sprada”) alleges as follows:

PARTIES

1. The Plaintiff, Lisa Sprada, is a natural person with a place of residence 85 Crisfield Avenue, Cheektowaga, New York, 14206.
2. On information and belief, Defendant Town of Cheektowaga (“Defendant” or “Town”), is located at 3301 Broadway, Cheektowaga, New York 14227.

JURISDICTION AND VENUE

3. The Court has jurisdiction over this action pursuant to 42 U.S.C. §§ 2000e-5 and 28 U.S.C. §§ 1331 and 1343.
4. Defendant is subject to the jurisdiction of this Court and venue is proper in this District pursuant to 28 U.S.C. § 1391 (b) as the acts and omissions giving rise to the claims in this complaint occurred within the Western District of New York.

FACTUAL BACKGROUND

5. Ms. Sprada was hired by Defendant in May 2010 and transferred to the position of Sewer Maintenance Worker in August 2011. In 2013, she was promoted to the position of Senior Sewer Maintenance Worker.
6. Ms. Sprada initially worked for Defendant as a clerk typist.
7. While she was employed as a clerk typist, Defendant’s Supervisor, Bob Latshaw, told Ms. Sprada that some of the men who worked in the Sewer Maintenance Department behaved

inappropriately at work. Supervisor Latshaw told Ms. Sprada that one male employee masturbated in one of the work trucks.

8. Supervisor Latshaw told Ms. Sprada that he would speak to the male employees about curbing their sexually explicit language and behavior before she transferred into the department.
9. Ms. Sprada was the second woman to ever work in the department.
10. Supervisor Latshaw told Ms. Sprada that he had talked to the men about their sexually explicit language and behavior before the first female, Ms. Dawn Burgio, had transferred into that department,.
11. In August 2011, Ms. Sprada transferred to the Sewer Maintenance Worker position because the pay was significantly higher.
12. As soon as Ms. Sprada transferred to be a Sewer Maintenance Worker, the male employees there said to her, "Oh great, another broad."
13. In the Sewer Maintenance Department, the women's restroom is upstairs, adjacent to the foreman's office. Whenever Ms. Sprada went upstairs, the men asked her if she was going to "spit or swallow," implying that she was going to perform oral sex on the foreman while she was upstairs.
14. On her way up to the women's restroom, the men would hand her a glass to "spit into" or a napkin to "wipe her mouth," furthering the implication that Ms. Sprada had performed oral sex on the foreman. Sometimes the men would give her a choice between taking the glass or the napkin, asking, "Do you want this or this?"
15. Within a month or two of transferring to the position of Sewer Maintenance Worker, Ms. Sprada spoke to Supervisor Latshaw about the men's comments when she went to the restroom. In response, Supervisor Latshaw laughed and said that the comments insinuating that anyone who went upstairs was going to perform oral sex on the managers was a "long standing joke."
16. Ms. Sprada observed that any co-workers who complained about the men's behavior was either ostracized or harassed. As such, she was fearful to complain.
17. She and the other female employee did not work on Wednesdays. As a result, the men routinely called Wednesday "No-camel-toe Wednesday" or "Pussy-Free Wednesdays" in front of the women.
18. She initially worked weekends together with a co-worker named Dave Ford.

19. Mr. Ford (“Ford”) told her that she was pretty and should not have the job in the Sewer Maintenance Department.
20. Ford soon began to engage in sexually explicit talk toward Ms. Sprada every time they worked together on the weekends, which was 40% of her work week.
21. During this time period, Defendant did not schedule supervisors to work on the weekends in Ms. Sprada’s department.
22. Ford told her, for example, that he had an eight inch-long penis that was very thick. He explained that he could have sex for two hours, but that his fiancée could not “take it.”
23. When Ford asked Ms. Sprada about her sex life, she responded that it was none of his business.
24. In late September or early October 2011, because Mr. Ford’s comments were persisting, Ms. Sprada told Foreman Mark Bessing about Mr. Ford’s comments and that his comments were making her uncomfortable.
25. In late September or early October 2011, the first time Mr. Ford masturbated in front of Ms. Sprada, he was in a work truck. Ms. Sprada began to get into the truck, to do her work, and she found Mr. Ford there, masturbating. She immediately exited the truck.
26. After Mr. Ford finished what he was doing, he asked Ms. Sprada what she thought of his penis.
27. The other men in the department also continually made sexual comments at work, in front of or to Ms. Sprada. For example, the men would refer to the work tools they used in sexual terms.
28. When Ms. Sprada entered or exited a room, the men would sometimes say, “I’ll hold the door for you in *those* jeans.”
29. Ms. Sprada continued to have to work with Mr. Ford after speaking to Supervisor Bessing about Mr. Ford’s sexual comments.
30. In September and October, 2011, when Ms. Sprada rode in the work truck with Mr. Ford, Mr. Ford would tell her that he had a “chub” as he grabbed his crotch and moaned toward her.
31. During those months, Mr. Ford repeatedly told Ms. Sprada that he had sexual fantasies about her. He would tell her the details of his fantasies in explicit terms.
32. In one such fantasy, Mr. Ford described how she would sit on his lap, facing him, with her breasts in his mouth, while moving up and down on him.

33. Mr. Ford continually told Ms. Sprada that he wished he had met her earlier, implying that if they had met before she had gotten married, they could have been together.
34. A couple of times, Mr. Ford kissed Ms. Sprada. Because she had experienced sexual trauma as a child, it was extremely difficult for her to confront sexually intimidating men. Ms. Sprada did not want him to kiss her. When she told him no, Mr. Ford became very upset.
35. Mr. Ford often pestered Ms. Sprada to have sex with him, which she refused.
36. Mr. Ford continually told Ms. Sprada that he wanted to “get busy” with her and to meet her children. She said no.
37. The next time Ms. Sprada found Mr. Ford masturbating in a work truck, she attempted to shame him and make a joke of it, to get him to stop. She said, “is that going to take long, or can we get some work done?” and then left.
38. Mr. Ford completed his masturbation. A short time later that day, he told Ms. Sprada there was something for her in the truck. When she then entered the truck to do her work, she found that he had ejaculated onto the floor of the truck, leaving his seminal fluid for her to find there.
39. Another male employee, Scott Zaranek, would make sexual innuendos about work equipment to Ms. Sprada. For example, when she asked him if he needed an eight-inch blade, he would respond, “Yeah, what would you do with that?” or “Yeah, you would like that” using a verbal tone with sexual overtones.
40. In November 2011, Ms. Sprada and Mr. Ford were driving together in a work truck. Mr. Ford pulled the truck into Respondent’s garage and asked Ms. Sprada to kiss him. He begged her for oral sex. He unzipped his pants and pulled out his penis. Then he grabbed her head to guide it down to his penis.
41. Ms. Sprada got out of the work truck, went to the bathroom, and cried.
42. Shortly thereafter, Mr. Ford went out of work on Worker’s Compensation.
43. Even while out on Worker’s Compensation, Mr. Ford stopped in to work every couple weeks to see her. On one visit, he tried to kiss her. When she refused, he became upset with her.
44. The male employees made offensive sexual comments at work, to and in front of Ms. Sprada, on an almost daily basis.

45. In January 2012, Ms. Sprada was assigned to work with Lou Arricale. While working, Lou Arricale asked Ms. Sprada to sit on his lap. He told her that no one would know. When she said no, he begged her to reconsider. He told her that he had had a vasectomy.
46. In February 2012, an employee named Ritchie Wdowik got wood glue on his shirt. The other men teased him that it looked like semen and joked about how semen had gotten on his shirt. Ritchie Wdowik responded by talking about how he masturbated, telling his co-workers and Ms. Sprada that he could “rub it as much as he wanted.” Ms. Sprada was disgusted and left the area where the men were talking.
47. Later that day, Ritchie Wdowik referred to a fire hose in sexual terms and then told Ms. Sprada, “I bet you play with your mud flaps or pink flaps in the shower.”
48. Ritchie Wdowik repeated the joke about Ms. Sprada’s “pink flaps” and the other men at work laughed.
49. On February 8, 2012, Ms. Sprada called Supervisor Bob Latshaw, to ask him to meet with her.
50. Ms. Sprada met with Supervisor Latshaw on February 10, 2012. She reported the sexually offensive comments. She also expressed her concern about the men retaliating against her for complaining, because she knew she would likely be working with the same men for the next twenty years.
51. Supervisor Latshaw told her to let the comments go, and see if things got worse.
52. Ms. Sprada spoke to her colleague Tommy Marten about Ritchie Wdowik’s sexually offensive comments. Tommy Marten stated that he was surprised she put up with the comments and that he would never allow his wife or children work in that workplace. She replied that if the comments persisted, she would take her complaints to the Personnel Department.
53. In February 2012, Mr. Ford returned to work.
54. He immediately returned to his routine in which he grabbed his crotch, moaned at Ms. Sprada, and requested that she have sex with him. She declined.
55. On multiple occasions, another male employee, Gene Dudek urinated into a sink in front of Ms. Sprada. The sink was inside a work truck. On one occasion, Gene Dudek taunted Ms. Sprada to “not look,” insinuating that he did want her to look. On each occasion, there was a men’s lavatory nearby that he could have used rather than urinate in front of her.

56. When Ms. Sprada complained to HR Director Romano about how Mr. Dudek had urinated into the sink, Supervisor Latshaw, who was present for her complaints to HR Director Romano, confirmed that it was common practice for the men to do so.
57. While on break, Ms. Sprada was reading a book called "50 Shades of Gray."
58. Ritchie Wdowik told Ms. Sprada that his wife had read that book also. He explained in graphic detail how his wife had spanked him with a belt, based on the book.
59. Ritchie Wdowik then asked her, "Did you get to the part with the butt plug?" He then told her about the conversation he had had with his wife about that "butt plug."
60. Another co-worker, named Scott Zaranek told Ms. Sprada that she should have a "safe word" with him, alluding to a code word participants in sado-masochistic sex use to indicate to each other that the sex acts have gone too far or that they are uncomfortable and want to stop. He suggested that they use the word "ice."
61. In May 2012, Ms. Sprada reported to Foreman Mark Bessing that Mr. Ford had been masturbating in the work truck in front of her and that he had been acting in other sexually inappropriate ways toward her as well.
62. However, Supervisor Bessing did not intervene or stop Mr. Ford from harassing Ms. Sprada.
63. In early summer 2012, while working on Anderson Drive, Ms. Sprada reported to Supervisor Ray Bobeck that she did not want to be assigned to work with Dave Ford because he was making her uncomfortable and was "having trouble keeping his hands to himself."
64. Defendant continued to assign Ms. Sprada to work with Dave Ford.
65. In July 2012, Mr. Ford offered her \$8,000 to have sex with him. When she said no, he said that he would pay her for a "blowjob" or any kind of sexual touching. He told Ms. Sprada that he would pay her for any kind of sexual activity, a "blow job," sex, or anything else. She replied that she was not in that kind of business.
66. Mr. Ford randomly brought up her breasts in conversation, talking about how much he liked her "boobies."
67. He asked her about her nipples. He asked her if her nipples were big and/or "really pink?" She told him it was none of his business.
68. He asked her why she did not get "titty hard-ons."

69. The other female employee in the department commented to Ms. Sprada that Mr. Ford constantly talked about “boobs.”
70. In August 2012, Mr. Ford showed Ms. Sprada pornography on his cell phone that depicted a school girl engaged in sex acts and talking on the phone. He asked her to guess what grade the girl was in.
71. Mr. Ford told Ms. Sprada in August 2012 that he had started to watch pornography with red-headed women because it reminded him of her.
72. Mr. Ford continued to ask Ms. Sprada for sex. She continued to decline.
73. Mr. Ford asked Ms. Sprada when they were going to “make love.” Ms. Sprada told him to leave her alone.
74. Several times while riding together in work trucks, Mr. Ford would tell Ms. Sprada that driving over bumps in the road gave him erections. He would stretch the crotch of his pants tight, to expose his erection through the material.
75. Mr. Ford asked Ms. Sprada how often she had sex with her husband and where they had sex. Ms. Sprada told him it was none of his business.
76. When watching television at work, when there was a female on the television, Mr. Ford would ask Ms. Sprada if she would “do her.” Mr. Ford would also ask Ms. Sprada and Ms. Burgio if either of them “would do” various female singers who performed on the radio.
77. Later in August 2012, Ms. Sprada asked Supervisor Bob Latshaw to please change her assignments so that she would no longer have to work with Mr. Ford.
78. Ms. Sprada was then assigned to work with Scott Zaranek. Mr. Zaranek asked her to please reach and hand him his gloves. He then asked her to do it again, so that he could look at her buttocks.
79. Within a few weeks of Ms. Sprada asking to no longer work with him, Mr. Ford bid for another position and transferred to another department.
80. Ms. Sprada was assigned to work with Pete Dudek, who also made sexually offensive comments to Ms. Sprada.
81. On October 24, 2012, Ms. Sprada injured her finger. Ms. Sprada told him she needed ice. Pete Dudek responded that he wanted her to “tell them my cock is so big that when it fell out of your mouth, you grabbed it and broke your finger.” She declined to do so.
82. Pete Dudek repeated the joke multiple times to Ms. Sprada.

83. He then told her she should bring in lollipops to work and put them in her mouth so that all the male employees could walk around with “boners.”
84. Ms. Sprada feared being retaliated against if she complained further.
85. She did not work with Pete Dudek again until November 12, 2012. She worked alone with him from 7 a.m. until 3 p.m. He repeated his joke about how she supposedly had injured her finger.
86. Pete Dudek began asking Ms. Sprada about another female employee named Dawn Burgio, whom the men called “The Burge.” Pete Dudek asked where Ms. Sprada “ate [Ms. Burgio’s] pussy” on the weekends? He pointed to the tables in the work space and asked, “On this table or that?” He then asked Ms. Sprada if Ms. Burgio was a “squirter,” referring to vaginal ejaculation, and whether Ms. Sprada got Ms. Burgio’s “pubes stuck” in her teeth. Ms. Sprada told him he was disgusting, but he kept repeating his questions.
87. The next shift, during the dinner break, Pete Dudek told Ms. Sprada to imagine that the food she was eating was Ms. Burgio’s vaginal “juices” in Ms. Sprada’s mouth.
88. When Ms. Sprada told him that his comments were “gross,” he laughed and repeated them.
89. Later that day, Pete Dudek talked to her about another male employee “cumming in his pants” and told her that if a woman ever laughed while having sex, he would “lose his boner.”
90. On November 14, 2012, Ms. Sprada spoke with co-worker Tommy Marten. He told her that the men in the department did not like her because she had been speaking to the bosses. Tommy Marten told Ms. Sprada that if she wanted to be liked, she needed to stop talking to Defendant’s managers.
91. He threatened her that if she “went to the boss, we’ll go to the boss about you.” When she responded that she did not say things that were disgusting, the way the men had, he replied, “That doesn’t mean [HR Director] Romano wouldn’t be told differently.”
92. On November 16, 2012, Ms. Sprada spoke to Supervisor Latshaw. She told him everything that had been going on, including but not limited to Mr. Ford’s exposing his genitalia, being asked to sit on the male employees’ laps, having a male employee talk about her “pink mud flaps,” and about the men talking about their genitalia.
93. Supervisor Latshaw took her to Personnel Director Tony Romano, stating that he had had enough of her telling him about the sexual harassment, and that it needed to be reported.

94. That day she spoke to HR Director Romano and reported the on-going sexual harassment in detail.
95. Ms. Sprada reported to HR Director Romano that the men made comments insinuating that she performed oral sex on the managers every time she used the restroom, and that the men would hand her a cup or napkin to wipe her mouth with afterwards. Supervisor Latshaw, who was present, confirmed that the men's "joke" had been going on for years.
96. Supervisor Romano promised to do an investigation and that she would hear from him.
97. The next day Ms. Sprada found that someone had placed a round, bristled vacuum cleaner attachment on her locker. The male employees routinely held that particular vacuum cleaner attachment to their crotches and pretended it was employee Dawn Burgio's vagina.
98. Ms. Sprada removed the vacuum attachment and spoke to Dawn Burgio about the vacuum and the men's comments.
99. Ms. Sprada began seeing a therapist because her workplace was so stressful that she was feeling suicidal.
100. Defendant employed a Private Investigation firm in response to Ms. Sprada's complaints of sexual harassment.
101. Defendant and its Private Investigator directed Ms. Sprada to attend a deposition on December 5, 2012, to be questioned about the sexual harassment about which she had complained.
102. Upon information and belief, the way the deposition was conducted was retaliatory for Ms. Sprada's complaints of sexual harassment.
103. Defendant did not notify Ms. Sprada's attorney that Ms. Sprada was going to be deposed.
104. Immediately after being sworn in at the deposition, Ms. Sprada stated, "I have retained my own personal lawyer, which she's advised me not to speak without her present."
105. HR Director Romano responded that Ms. Sprada's attorney was not allowed to participate in the deposition, but that Ms. Sprada had to participate. HR Director Romano told Ms. Sprada that she must participate in the deposition or she would be disciplined for insubordination.
106. Though Ms. Sprada again stated that her attorney had advised her to not speak without her present, Defendant refused to adjourn the deposition.

107. Defendant's Private Investigator told Ms. Sprada, "You do not at this particular point have a right to have your attorney participate in this investigatory step..."

108. During the deposition, Defendant and its Private Investigator:

- a. Blamed Ms. Sprada for allowing the harassment to continue;
- b. Asked Ms. Sprada if she was attracted to the man who had been harassing her;
- c. Told Ms. Sprada, "you could have told him no";
- d. Told Ms. Sprada that if she had "wanted to resist" she would have behaved differently;
- e. Repeatedly threatened Ms. Sprada with perjury charges;
- f. Required Ms. Sprada to divulge privileged communications between her and her spouse;
- g. Attempted to obtain documents from Ms. Sprada, which were covered by attorney-client privilege;
- h. Insulted and badgered Ms. Sprada, asked leading, confusing, ambiguous, and compound questions, and interrupted Ms. Sprada's testimony;
- i. Testified and made accusatory statements, rather than asking Ms. Sprada questions;
- j. And accused Ms. Sprada of consenting to Mr. Ford's harassment.

109. Defendant questioned the men in the department about Ms. Sprada's behavior.

110. Several of the men falsely claimed that Ms. Sprada had been the perpetrator and had been the one who was sexually harassed them.

111. For example, Mr. Ford claimed that Ms. Sprada had forced him to submit to her sexual advances.

112. Another male employee claimed that Ms. Sprada had forcibly subjected him to lap dances.

113. Ms. Sprada is approximately five feet, one inch tall.

114. Another male employee claimed that Ms. Sprada had forced the men to watch her perform a one-woman wet t-shirt contest.

115. Defendant claimed that Ms. Sprada had sexually harassed the men at work because she had sent one of the male employees a cartoon of a deer via text message. However, the male employee had requested that Ms. Sprada forward him the cartoon and he in turn forwarded it to other people.

116. After Defendant's investigation, the men ostracized her at work.

117. Ms. Sprada filed a formal complaint with the New York State Division of Human Rights (NYSDHR) on January 22, 2013, in which she claimed that she had been discriminated against based on her gender and retaliated against based on her complaints of discrimination.
118. On March 6, 2013, Defendant and its Private Investigator again deposed Ms. Sprada without notifying her attorney, and without her attorney present.
119. Defendant and its Private Investigator questioned Ms. Sprada about the complaint she had filed at the NYSDHR.
120. During the deposition, Ms. Sprada explained that the men at work were ostracizing, belittling, and attempting to intimidate her because she had complained about being sexually harassed.
121. Ms. Sprada reported that someone at work had poured gasoline onto a piece of equipment she had just painted, to ruin the paint job she had done.
122. Defendant again asked Ms. Sprada about privileged communications she had had with her attorney.
123. Defendant blamed Ms. Sprada for her co-workers treating her badly.
124. Defendant concluded that Ms. Sprada had been the perpetrator of the sexual harassment and had consented to being sexually harassed.
125. Upon information and belief, none of the men whom Ms. Sprada identified as having harassed her were disciplined in any way.

FIRST CAUSE OF ACTION

Discrimination in Violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e-2

126. To establish a prima facie case of discrimination, a plaintiff must show four things: (1) she is a member of the protected class; (2) she is qualified for his position; (3) she has suffered an adverse employment action; and (4) the circumstances surrounding that action

give rise to an inference of discrimination. 42 U.S.C. 2000e-2; *Abdu-Brisson v. Delta Air Lines, Inc.*, 239 F.3d 456, 466-7 (2d Cir 2001).

127. As to the first element, Ms. Sprada is female.

128. As to the second element, it is undisputed that Ms. Sprada is qualified for her position.

Ms. Sprada has been doing her job for several years and was promoted during 2013.

129. As to the third and fourth elements, that she suffered an adverse employment action that gives rise to an inference of discrimination, Ms. Sprada pleads that she was subjected to a hostile work environment based on her gender.

130. To plead a claim of hostile work environment, Plaintiff must show: (a) that the workplace was permeated with discriminatory intimidation that was sufficiently severe or pervasive to alter the conditions of her work environment, and (b) that a specific basis exists for imputing the conduct that created the hostile environment to the employer.” *Petrosino v. Bell*, 385 F.3d 210 (2d Cir. 2004), citing *Mack v. Otis Elevator Co.*, 326 F.3d at 122 (quoting *Richardson v. N.Y. State Dep’t of Corr. Serv.*, 180 F.3d 426, 436 (2d Cir.1999)).

131. As to the requirement that Plaintiff’s work environment was permeated with discriminatory intimidation that was sufficiently severe or pervasive to alter the conditions of her work environment, over the course of the last one to two years, Ms. Sprada experienced severe and pervasive sexual harassment, which included, but were not limited to:

- a) Ms. Sprada’s male co-worker masturbated in front of her at work;
- b) Ms. Sprada’s male co-worker masturbated at work and left his semen for her to find;
- c) Ms. Sprada’s male co-worker told her frequently about the size and shape of his penis;

- d) Ms. Sprada's male co-worker told her frequently about how long it took him to climax during sexual intercourse and that his sexual partner "could not take it";
- e) Ms. Sprada's male co-worker asked her multiple times if she wanted to "get busy" with him;
- f) Ms. Sprada's male co-worker discussed her "boobies," the other female employee's "boobies," and "boobies" in general;
- g) Ms. Sprada's male co-worker showed her pornography and explained how he had begun looking at pornography that resembled her;
- h) Ms. Sprada's male co-worker frequently described how he got erections, the kinds of sexual fantasies he had about her, and what sexual acts he wanted her to perform on him;
- i) Ms. Sprada's male co-worker frequently grabbed his crotch and moaned at Ms. Sprada and told her he had a "chub,";
- j) Ms. Sprada's male co-worker begged her to have sex with him and told her that he had gotten a vasectomy;
- k) Ms. Sprada's male co-worker told Ms. Sprada to tell her colleagues that she had broken her finger when his "dick fell out of her mouth." Or as the male employee himself described it, "I says, 'Oh, it must have fell out, my big one must have fell out and hit you in the finger?' I meant my big cock must have fell out and hit you in the finger, okay?" which is severe;
- l) Ms. Sprada's male co-worker asked her if she "ate" another female employee's "pussy," whether that female co-worker was "a squirter," and whether she got pubic hair stuck in her teeth when she performed oral sex on the female co-worker, which is severe;

- m) The male employees constantly referred to Wednesdays as “pussy-free Wednesdays” or “No-camel-toe Wednesdays” because no females worked on Wednesdays, which is severe and pervasive;
- n) A male employee referred to a fire hose in sexual terms to Ms. Sprada;
- o) A male employee asked Ms. Sprada in front of her male co-workers if she played with her “mud flaps” or “pink flaps” in the shower, which is severe;
- p) Male employees joked that Ms. Sprada performed oral sex on Respondent’s supervisors every time she emerged from the second floor, where the women’s restroom was, which is severe and pervasive.
- q) Male employees urinated in front of Ms. Sprada, even though there was a men’s lavatory nearby;
- r) A male co-worker told Ms. Sprada about sex toys and a conversation he had had with his wife about sex toys;
- s) A male co-worker told Ms. Sprada that his wife had spanked him with a belt;
- t) A male co-worker asked Ms. Sprada to have a safe-word with him, alluding to sadomasochistic sex;
- u) A male co-worker offered to pay Ms. Sprada money to perform sex acts on him at work;
- v) A male co-worker asked her why she did not get “titty hard-ons;”
- w) A male co-worker asked Ms. Sprada to bend over so he could look at her buttocks;
- x) A male co-worker told her about another male employee “cumming in his pants;”
- y) A male co-worker told Ms. Sprada about losing his “boner” during sex;
- z) Thomas Marten confirmed that the men had been making sexual comments, joking, and banter for “22 years,” which covers the entire time Ms. Sprada worked in

Respondent's Sewer Maintenance Department, which demonstrated that the sexual harassment was severe and pervasive.

132. As to the requirement that the men's conduct can be imputed to the Defendant because the Defendant was aware of and was put on notice of the men's sexual harassment:

- a) Defendant's supervisor stated that he was aware of the men's behavior even before Ms. Sprada began working as a Sewer Maintenance Worker;
- b) Within a month or two of starting work as a Sewer Maintenance Worker, Ms. Sprada reported and complained about the men's sexual harassment repeatedly;
- c) The men's sexual harassment continued after Ms. Sprada's complaints.

SECOND CAUSE OF ACTION

Retaliation in Violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e-2

133. The Plaintiff repeats each and every allegation set forth herein in the preceding paragraphs as though fully set forth herein.

134. To establish a prima facie case for retaliation/opposed discrimination, the plaintiff must show (1) that she engaged in protected activity, (2) that the employer was aware of the activity, (3) that the employer took adverse actions, and (4) that a causal connection exists between the protected activity and the adverse action. *Cifra v. General Electric Co.*, 252 F.3d 205, 216 (2d Cir. 2001).

135. Ms. Sprada engaged in multiple instances of protected activity, in which she reported discrimination directly to Defendant's supervisors. Each of Ms. Sprada's reports of discrimination were followed closely in time by actions against her which would dissuade a reasonable employee from reporting discrimination:

- a) Within a month or two of transferring to the position of Sewer Maintenance Worker, Ms. Sprada reported to Supervisor Latshaw that the men made comments insinuating that she was performing oral sex on Defendant's managers every time she used the ladies' restroom;

- b) Ms. Sprada observed that any co-workers who complained about the men's behavior was either ostracized or harassed;
- c) In late September or early October 2011, Ms. Sprada reported a co-worker's unwelcome sexual comments to Defendant's supervisor and told the supervisor that the comments made her uncomfortable;
- d) In response to her report in late September or early October 2011, Defendant's supervisor told her to let the comments go, to see if things got worse, and continued to assign her to work with the co-worker who was making inappropriate comments;
- e) Ms. Sprada complained to HR Director Romano that a male co-worker repeatedly urinated in front of her;
- f) Ms. Sprada reported to Defendant's supervisor that a male co-worker had masturbated in front of her;
- g) Defendant did not intervene and continued to assign Ms. Sprada to work with the men;
- h) In early Summer 2012, Ms. Sprada reported to Defendant's supervisor that a male co-worker was making her uncomfortable and was "having trouble keeping his hands to himself";
- i) Defendant did not intervene and continued to assign Ms. Sprada to work with the male co-worker;
- j) Ms. Sprada's male co-worker told her that her male co-workers did not like her because she had been speaking to the bosses, that if she wanted to be liked, she needed to stop talking to Defendant's managers, and that the men would make-up stories about her if she reported their harassment;
- k) On November 16, 2012, Ms. Sprada reported to Defendant's supervisor the various types of sexual harassment and discrimination which the men had subjected her to, including but not limited to Mr. Ford's exposing his genitalia, being asked to sit on the male employees' laps, having a male employee talk about her "pink mud flaps," and about the men talking about their genitalia.
- l) The day after she reported the discrimination, the men placed an item on her work locker which they commonly used to simulate a vagina and with which they frequently pretended to have sexual intercourse;
- m) Defendant made Ms. Sprada participate in a deposition about the discrimination, but barred her from having an attorney;

- n) The men at work ostracized, belittled, and attempted to intimidate Ms. Sprada;
- o) Ms. Sprada filed a complaint of discrimination with the New York State Division of Human Rights (“NYSDHR”) on January 22, 2013;
- p) Defendant made Ms. Sprada participate in a second deposition about Ms. Sprada’s complaint to the NYSDHR and again barred Ms. Sprada from having her attorney present;
- q) Defendant accused Ms. Sprada of lying and of sexually harassing the men at work;
- r) The men at work ostracized, belittled, and attempted to intimidate Ms. Sprada;
- s) The men sabotaged her work.

WHEREFORE, Plaintiff respectfully requests this Court to enter an Order

- A. Awarding Plaintiff economic damages in an amount to be determined at trial;
- B. Awarding Plaintiff damages for her pain, suffering, loss of enjoyment of life, humiliation and other injuries in an amount to be determined at trial;
- C. Directing Defendants pay all unreimbursed medical costs incurred by Plaintiff as a result of the stress and anxiety resulting from the discrimination she suffered and the hostile working conditions she endured, including diagnostic analysis, treatment and therapy, and follow up therapy;
- D. Defendants pay Plaintiff the costs of this action, together with reasonable attorneys’ fees and disbursements;
- E. Defendants to pay punitive damages for their intentional violation of Plaintiff’s rights.
- F. Plaintiff to have such other and further relief as this Court deems just and equitable.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) Fed. R. Civ. P., Plaintiff hereby demands a trial by jury for all issues triable of right by a jury in this case.

Dated: September 30, 2013

Respectfully submitted,
Plaintiff
By her Attorneys



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