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

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JODI RITTER,

Plaintiff,

-against-

WILSON ELSER MOSKOWITZ EDELMAN & DICKER, LLP,

Defendant.

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Index No.

Plaintiff designates:
NEW YORK COUNTY
As the Place of trial

SUMMONS

The basis of the venue is Defendant's Principal Place of Business Located in New York County

To the above named Defendant:

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 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 inconvenience relief demanded in the complaint.

Dated: New York, New York
September 23, 2014

PHILLIPS & ASSOCIATES,
ATTORNEYS AT LAW, PLLC

By: _____

Marjorie Mesidor, Esq.
Nicole Welch, Esq.
Attorneys for Plaintiff
45 Broadway, Suite 620
New York, New York 10006
(212) 248-7431

Defendant's Address:
WILSON ELSER MOSKOWITZ
EDELMAN & DICKER, LLP
150 East 42nd Street
New York, New York 10017

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

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JODI RITTER,

Plaintiff,

-against-

WILSON ELSER MOSKOWITZ EDELMAN & DICKER, LLP,

Defendant.

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Case No.

COMPLAINT

PLAINTIFF DEMANDS A TRIAL BY JURY

Plaintiff JODI RITTER, by and through her attorneys, PHILLIPS & ASSOCIATES, Attorneys at Law, PLLC, hereby complains of the Defendant, upon information and belief, as follows:

1. Plaintiff RITTER complains pursuant to the New York State Human Rights Law, New York Executive Law § 296, *et. seq.*, and seeks damages to redress the injuries she has suffered as a result of being **discriminated on the basis of her gender**.

2. **Plaintiff RITTER was regularly exposed to differential treatment and a persistent hostile and abusive work environment because of her sex and the gender stereotypes perpetrated by Defendants upon women with children.**

3. **Specifically, Plaintiff was told that having women is "why women can't move up in [Defendant's] firm" and the decision not to have children was the "right one," and was repeatedly made to feel inferior for having children.**

4. **By contrast, women who did not have children and who availed themselves of affairs with partners, were systematically rewarded and treated better than women who chose to have children and families.**

5. At all times relevant hereto, Plaintiff JODI RITTER ("Plaintiff") is a female who resides in the State of New York, Westchester County.

6. At all times relevant hereto, Defendant WILSON ELSER MOSKOWITZ EDELMAN & DICKER, LLP (hereinafter "WILSON ELSER" or "the firm") was and is a domestic registered limited liability partnership engaged in the practice of law and which is duly organized and exists under and by virtue of the laws of the State of New York.

7. At all times relevant hereto, Defendant WILSON ELSER maintained multiple offices in the Greater New York City area, including one located at 150 East 42nd Street, New York, New York 10017 and another at 3 Westchester Park Drive, White Plains, NY 10604 (the "White Plains office").

8. In or around September 1997, Ricki Roer, a partner with Defendant WILSON ELSER, hired Plaintiff RITTER, a graduate of New York Law School, to work as an attorney at Defendant's New York office. During her employment with Defendant, Plaintiff worked out of the New York City office three (3) to four (4) times per week.

9. Plaintiff RITTER was a good employee who received repeated praise for her good work. Prior to working for Defendant WILSON ELSER, Plaintiff worked for five (5) years as a special narcotics prosecutor at the Kings County District Attorney's Office, where she achieved a one hundred (100) percent conviction rate.

10. Plaintiff RITTER rarely had a problem meeting her billable hours quota and almost all the clients whom she serviced were satisfied with her job performance.

11. Almost immediately upon being hired, Plaintiff RITTER began to understand the type of attorney that Defendant WILSON ELSER wanted to work for its firm. Defendant wanted an employee that was so dedicated to the firm that he or she would put any and all personal

obligations or interests secondary to the obligations of the firm.

12. Upon information and belief, there are two types of women that work at Defendant WILSON ELSER. The first type of woman is "young and pretty." The second type is older with no children. Plaintiff RITTER, a mother in her 40s, does not fall into either category.

13. By way of background, in 1998, Plaintiff announced to her co-workers, as well as her supervising partner, Ricki Roer, that she was getting married.

14. In or about 2001, Plaintiff RITTER became a partner. In a partners' meeting, there were discussions about the Defendant's profit-related interest in replacing older attorneys with senior paralegals and junior associates.

15. In 2002, Plaintiff RITTER became pregnant and announced this to Ms. Roer and her co-workers. In response, Ms. Roer took Plaintiff aside and stated, in a perturbed manner, **"That's why women can't move up in this firm" and explained that getting pregnant will negatively impact any attempt Plaintiff may have to move up as a female in the firm. Ms. Roer said that women who get pregnant in the workforce make it harder for those who want to make a career and that makes women look weak.**

16. Plaintiff RITTER had received raises and bonuses until she became pregnant. Subsequently, everything changed.

17. Sometime in the months prior to giving birth, Plaintiff RITTER informed Ms. Roer that she would be out for three months on maternity leave. In January 2003, Plaintiff gave birth to twins; unfortunately, her twins were required to be in the intensive care unit. Accordingly, Plaintiff asked Ms. Roer whether she could take additional time off work, in light of her twins' complications. Ms. Roer told Plaintiff that she could not hold her job

any longer, even though Plaintiff was a contract partner at that time and had not exhausted all the leave available to her at the firm. Ms. Roer told Plaintiff that if she did not return within three (3) months, she would not hold Plaintiff's job, even though Plaintiff was a contract partner and maternity leave for partners was not limited to three (3) months.

18. Subsequently, Plaintiff RITTER had to obtain permission from the regional managing partner, Richard Klein, to stay with her children for an additional month.

19. **When she returned to work after four (4) months, Plaintiff RITTER was seen as weak and treated differently by Ms. Roer.**

20. In or around May 2003, Plaintiff RITTER was required to attend a Women's Bar Association event with other attorney members of Defendant WILSON ELSER. Plaintiff's twins were approximately four months old and still suffering from the health issues for which they had been admitted to the intensive care unit. Plaintiff had been at the event for four hours when, she asked Gerald Ruderman, a partner at Defendant WILSON ELSER, if she could leave to go home to tend to her sick children.

21. **Mr. Ruderman told Plaintiff "No" and that she could not leave an empty seat at the table where Mr. Ruderman's wife, a sitting judge, was seated**. Thus, Plaintiff RITTER was required to stay in order to fill a chair, rather than go home to tend to her children.

22. Additionally, when Plaintiff's husband became seriously ill, Defendant's only concern was Plaintiff's billing. Plaintiff had to maintain her billable hours up to par. Ms. Roer transferred a non-profitable case to Plaintiff during her critical time of financial need. Further, Ms. Roer refrained from giving Plaintiff additional work, forcing Plaintiff to secure outside work.

23. Shortly thereafter, another attorney at the firm, Laura Evangelista, adopted a baby girl.

While Plaintiff and her work team were at Ms. Roer's home, Ms. Roer looked at photographs of Ms. Evangelista's child and proclaimed in a rude and contemptuous manner, **"Well, this confirms my decision not to have children."**

24. Later that day, the team was dining at a restaurant and was seated next to a table with children. **Ms. Roer made further remarks confirming how she had certainly made the right decision not to have children. She also commented to Nancy Wright and Celina Mayo, who did not have children at the time, that they also had made wise choices.**

25. About one (1) year after her children were born, Plaintiff RITTER was transferred to Defendant WILSON ELSER's White Plains office. The firm transferred employees to the White Plains office because the rent there was cheaper.

26. There were various females who were members of Plaintiff's "team" and became pregnant sometime during Plaintiff's employment with Defendant WILSON ELSER. On each instance, whereby these women disclosed that they were pregnant, Ms. Roer would address the respective attorney's pregnancy and say something as, **"Well, I guess you won't be coming back."**

27. It became clear that Ms. Roer was increasingly frustrated and treated women who opted to have children with disdain, often commenting that their choices delayed the progress of women at the firm and rebuffed requests for any accommodation relating to childcare and related illness.

28. During Plaintiff RITTER's tenure, she began to notice that the overall firm culture favored women who did not have children and disfavored those who did. Specifically, Plaintiff noticed favoritism (or "grooming" perhaps) towards young women who did not yet have children.

29. Once a female associate decided to have children, she was treated differently, as though the opportunity to rise at the firm no longer existed. On one such instance, Plaintiff's colleague, Erika Stein, lost her child during childbirth. Ms. Stein never received condolences from Ms. Roer, yet on multiple instances, the supervising attorney called the employee for the sole reason of inquiring when she would be returning to work. **This attorney was so distraught and offended by the lack of sympathy and emphasis on returning to work, that she left the firm.**

30. On another occasion, another supervising equity partner, required that the employees arrive at the office earlier to attend a meeting the attorney was holding. When Plaintiff RITTER reminded him that she had to drop her children off at school before work, he stated, **"Oh right you have those kids."** He then added, **"Tell Rich (Plaintiff's husband) to step it up with "those kids."**

31. By way of further example of the discriminatory treatment of attorneys who became pregnant, **when a female African-American partner in the New York City office became pregnant in 2005, Stuart Miller, a partner, asked her whether she was carrying another "litter." He also asked her whether she would use Defendant's "piggy bank" to pay for her maternity leave.**

32. Once she returned from her maternity leave, there were references to her children as "situations." She was also told that there was no work for her in the New York City office and was transferred to the White Plains office, three-hours away from her home.

33. While in White Plains, this African- American female partner was exposed to racial comments and was told that there was room for only *one* woman of color as a partner. She was routinely called "Caribbean" instead of her proper name. Defendants would often

remark she was on "Caribbean time" and that "Caribbean" would not work well in a particular venue.

34. These examples illustrate some, but not all the comments and actions taken by Defendants to discourage, punish and frustrate the efforts of female attorneys from becoming mothers.

35. Other examples include but are not limited to, denying opportunities for training, CLEs and advancement.

36. As the main breadwinner, Plaintiff RITTER felt the financial burden and the accompanying fear of termination for being a mother and woman in her 40s, in a firm that did not favor either categorization. In addition, Plaintiff RITTER was apprehensive regarding the consequences of her recent weight gain, as a result of the importance that Defendant placed on appearances. Unbeknownst to Plaintiff, Defendant's male partners, particularly Michael Boulhosa, would refer to her as "fugly" as opposed to her name.

37. Plaintiff was not the only woman that Defendants "objectified" by giving her a nickname based on her looks. Jessica Soren, an associate of Defendant WILSON ELSER who was vision impaired was referred to as a "googly bitch." Likewise, Nicole Mauskopf, another Associate, who had esotropia in one eye was also referred to as "googly."

38. Defendants systemically fostered a hostile work environment for women that included not only the overall discouragement of motherhood, but subjected them to degrading comments, derogatory nicknames and inferior positions.

39. By of example, a female Counsel to Defendants, was routinely called "shiksa" meaning "unclean meat" because she was not Jewish but was having an affair with a Jewish man at the firm.

40. Another example, Danielle Saleese Tauber, a senior Associate at the firm, was originally

referred to as "fat ass." However, Defendant referred to Ms. Saleese Tauber as "fuckable."

41. Yet another example, Trisha Wick, an attorney who was hired by Michael Boulhosa, Defendant's lead partner, was overheard stating that he hired Ms. Wick because she was a "hot piece of ass."

42. By contrast, women who would avail themselves sexually to male partners were protected by Defendant WILSON ELSER. For example, upon information and belief, a young, pretty female contract partner who did not have children, had an affair with Plaintiff's group leader, a male equity partner of Defendant's. This female contract partner had, on at least three occasions, made gross errors compromising clients' cases. However, because of her affair with the equity partner, these matters would be simply "reassigned" to another attorney to "clean up."

43. Plaintiff could not complain, since the discrimination she experienced and witnessed was at Defendant WILSON ELSER's highest levels of management and she would risk termination. It was well known at Defendant WILSON ELSER that those who complained would be "blacklisted" or "frozen out" of work.

44. In or around December 2012, Defendant told Plaintiff RITTER that she was being terminated.

45. When Plaintiff asked for the reason, she was told that the firm had an insufficient amount of work to sustain her position. Plaintiff explained that this wasn't true, that she had many open cases, that her clients were preparing to send her more work, and that her clients had always felt and vocalized that she was doing a good job. Defendant WILSON ELSER measured the financial viability of partners based on billable hours and book of business. When Plaintiff was terminated on December 26, 2012, she had worked 1930 billable hours

and was only one week away from reaching 1950. Plaintiff had usually billed 2000 hours per year.

46. Plaintiff RITTER subsequently learned that Defendant WILSON ELSER had not even discussed Plaintiff's case load or work product with her clients, or her direct supervisor, James Tyrie, prior to the termination.

47. Plaintiff also learned that following her termination, the cases she was handling were given to three male members of the firm, Edward O'Gorman, Cary Maynard and Robert Mazzei, who did not have better books of business or billable hours than Plaintiff.

48. At the time of Plaintiff RITTER's termination, Plaintiff was earning approximately $168,000 in yearly salary. Defendants paid Plaintiff her salary until around April 2013.

49. Ultimately, upon Plaintiff disclosure of her pregnancy and subsequent entry to motherhood, Defendant WILSON ELSER discriminated against Plaintiff on the basis of her sex. Specifically, she was stereotyped in a negative and destructive manner about the qualities and abilities of being a mother of young children.

50. **Plaintiff RITTER was terminated because her employer, Defendant WILSON ELSER assumed that, as a mother of young children, she was unable to maintain the required dedication to the firm.**

51. During Plaintiff RITTER's tenure, she observed that, comparatively, fathers with young children were not treated in the same manner, or stereotyped like mothers. As such, these fathers of young children did not have the same impediments about rising in the firm and weren't stereotyped like the mothers of young children (such as Plaintiff).

52. **Plaintiff RITTER was regularly exposed to differential treatment and a persistent hostile and abusive work environment because of her sex and the gender stereotypes**

perpetrated by Defendants upon women with children.

53. The above mentioned are just some of the acts of harassment and discrimination that Plaintiff RITTER experienced on a regular and continual basis while employed by Defendant WILSON ELSER.

54. Defendant WILSON ELSER's actions and conduct were intentional and aimed at harming Plaintiff.

55. As a result of Defendant WILSON ELSER's harassing conduct, Plaintiff RITTER feels extremely humiliated, degraded, victimized, embarrassed, severely distressed, and has suffered various physical ailments.

56. As a result of the acts and conduct complained of herein, Plaintiff RITTER has suffered loss of income, loss of a salary, bonuses, benefits, and other compensation that such employment entails, future pecuniary losses, pain, inconvenience, loss of enjoyment of life, and other non-pecuniary losses. Plaintiff has further experienced severe emotional and physical distress.

57. As a result of the above, Plaintiff RITTER has been damaged in an amount, which exceeds the jurisdiction limits of the Court.

58. Defendant WILSON ELSER's conduct has been malicious, willful, outrageous, and conducted with full knowledge of the law. As such, Plaintiff demands punitive damages.

AS A FIRST CAUSE OF ACTION FOR DISCRIMINATION UNDER THE NEW YORK STATE EXECUTIVE LAW

59. Plaintiff repeats, reiterates and realleges each and every allegation made in the above paragraphs of this Complaint as if more fully set forth herein at length.

60. The New York State Executive Law § 296(1)(a) provides that, "It shall be an unlawful discriminatory practice: For an employer ... because of an individual's age, race, creed,

color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status, or domestic violence victim status, 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."

61. Defendant engaged in an unlawful discriminatory practice in violation of the New York State Executive Law § 296(1)(a) by creating and maintaining discriminatory working conditions and discharging Plaintiff's employment, because of her sex.

AS A SECOND CAUSE OF ACTION FOR DISCRIMINATION UNDER THE NEW YORK CITY ADMINISTRATIVE CODE

62. Plaintiff repeats, reiterates and realleges each and every allegation made in the above paragraphs of this Complaint as if more fully set forth herein at length.

63. The Administrative Code of City of NY § 8-107 [1] provides that, "It shall be an unlawful discriminatory practice: (a) For an employer or an employee or agent thereof, because of the actual or perceived age, race, creed, color, national origin, **gender**, disability, marital status, sexual orientation or alienage or citizenship status 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."

64. Defendants engaged in an unlawful discriminatory practice in violation of New York City Administrative Code §8-107(1)(a) by creating and maintaining discriminatory working conditions, and otherwise discriminating against Plaintiff because of her gender.

AS A THIRD CAUSE OF ACTION FOR DISCRIMINATION UNDER THE NEW YORK CITY ADMINISTRATIVE CODE

65. Plaintiff repeats, reiterates and realleges each and every allegation made in the above

paragraphs of this Complaint as if more fully set forth herein at length.

66. New York City Administrative Code §8-107(13) employer liability for discriminatory conduct by employee, agent or independent contractor.

a. An employer shall be liable for an unlawful discriminatory practice based upon the conduct of an employee or agent which is in violation of any provision of this section other than subdivisions one and two of this section.

b. An employer shall be liable for an unlawful discriminatory practice based upon the conduct of an employee or agent which is in violation of subdivision one or two of this section only where:

1. the employee or agent exercised managerial or supervisory responsibility; or

2. the employer knew of the employee's or agent's discriminatory conduct, and acquiesced in such conduct or failed to take immediate and appropriate corrective action; an employer shall be deemed to have knowledge of an employee's or agent's discriminatory conduct where that conduct was known by another employee or agent who exercised managerial or supervisory responsibility; or

3. the employer should have known of the employee's or agent's discriminatory conduct and failed to exercise reasonable diligence to prevent such discriminatory conduct.

c. An employer shall be liable for an unlawful discriminatory practice committed by a person employed as an independent contractor, other than an agent of such employer, to carry out work in furtherance of the employer's business enterprise

only where such discriminatory conduct was committed in the course of such employment and the employer had actual knowledge of and acquiesced in such conduct.

67. Defendants violated the section cited herein as set forth.

JURY DEMAND

68. Plaintiff demands a trial by jury.

WHEREFORE, Plaintiff respectfully requests a judgment against the Defendant:

A. Declaring that Defendant engaged in unlawful employment practices prohibited by the New York State Executive Law, § 296, *et. seq.*, and the New York City Administrative Code, §8-107 *et. seq.*, in that Defendants discriminated against Plaintiff on the basis of her gender;

B. Awarding damages to Plaintiff for all lost wages and benefits resulting from Defendant's discrimination and to otherwise make her whole for any losses suffered as a result of such unlawful employment practices;

C. Awarding Plaintiff compensatory damages for mental, emotional and physical injury, distress, pain and suffering, and injury to her reputation in an amount to be proven;

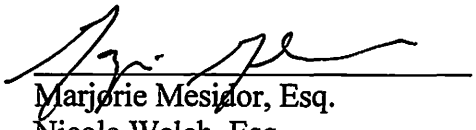
D. Awarding Plaintiff punitive damages;

E. Awarding Plaintiff attorneys' fees, costs, and expenses incurred in the prosecution of the action; and

F. Awarding Plaintiff such other and further relief as the Court may deem equitable, just and proper to remedy Defendants' unlawful employment practices.

Dated: New York, New York
September 23, 2014

PHILLIPS & ASSOCIATES,
ATTORNEYS AT LAW, PLLC

By: 

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SUPREME COURT OF THE STATE OF NEW YORK
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SUMMONS AND COMPLAINT

TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, FORMED AFTER AN INQUIRY REASONABLE UNDER THE CIRCUMSTANCES, THE PRESENTATION OF THESE PAPERS OR THE CONTENTIONS THEREIN ARE NOT FRIVOLOUS AS DEFINED IN SUBSECTION (C) OF §130-1.1 OF THE RULES OF THE CHIEF ADMINISTRATOR (22NYCRR).

BY:_____

PHILLIPS & ASSOCIATES
ATTORNEYS AT LAW, PLLC
45 Broadway, Suite 620
New York, New York 10006
Tel: (212) 248-7431
Fax: (212) 901-2107

Service of the Within is hereby admitted.
Dated:_____, 20_____

_____

Attorney for_____