

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

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VALERIE WHITE,

Plaintiff,

-against-

THE SOLOMON-PAGE GROUP LLC, and
ALANA CAPONE, *Individually*,

Defendants.
-----X

Index No.

Plaintiff designates: NEW YORK
COUNTY as the Place of trial

SUMMONS

The basis of the venue is:
The County in which Defendant
is Domiciled

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 inconvenience relief demanded in the complaint.

Dated: New York, New York
September 5, 2014

**PHILLIPS & ASSOCIATES,
ATTORNEYS AT LAW, PLLC**

By: _____
Alex Umansky, Esq.
Attorneys for Plaintiff
45 Broadway, Suite 620
New York, New York 10006
(212) 248-7431

Defendants' Addresses:

THE SOLOMON-PAGE GROUP LLC
Via Secretary of State

ALANA CAPONE
Via Place of Employment:
260 Madison Avenue, Floor 3
New York, New York 10016

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

-----X Index No.

VALERIE WHITE,

Plaintiff,

COMPLAINT

-against-

THE SOLOMON-PAGE GROUP LLC, and
ALANA CAPONE, *Individually*,

**PLAINTIFF DEMANDS A
TRIAL BY JURY**

Defendants.

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Plaintiff, VALERIE WHITE, by her attorneys, PHILLIPS & ASSOCIATES, Attorneys at Law, PLLC, upon information and belief, complains as follows:

1. Plaintiff complains pursuant to the New York City Human Rights Law, New York City Administrative Code §8-502(a), *et. seq.* (“NYCHRL”), and seeks damages to redress the injuries Plaintiff has suffered as a result of being **Discriminated against** and **Denied Employment** solely on the basis of her **Unemployment Status** and in **Retaliation** for complaining of discrimination.
2. That at all times relevant hereto, Plaintiff VALERIE WHITE (“WHITE”) was a resident of the State of New York and County of Bronx.
3. That at all times relevant hereto, Defendant THE SOLOMON-PAGE GROUP LLC (“SOLOMON-PAGE”) was a domestic limited liability company, duly existing pursuant to, and by virtue of, the laws of the State of New York, with its principle place of business located at 260 Madison Avenue, Floor 3, New York, New York 10016.
4. That at all times relevant hereto, Defendant ALANA CAPONE (“CAPONE”) was an employee of Defendant SOLOMON-PAGE, holding the position of “Director of

Recruitment.”

5. That at all times relevant hereto, Defendant SOLOMON-PAGE and Defendant CAPONE are collectively referred to herein as “Defendants.”

MATERIAL FACTS

6. On or about July 24, 2014, Plaintiff WHITE sent her resume to Defendants in response to their Craigslist.com job posting for “Human Resources Coordinator” with a salary of approximately \$45,000 per year.
7. On or about July 25, 2014, Defendant CAPONE scheduled an interview for Plaintiff WHITE to take place on July 28, 2014 at 10:00 am.
8. Plaintiff WHITE was extremely confident about this interview and felt more than qualified for the position, as Plaintiff WHITE had successfully worked as “Payroll and Office Administrator” for All State Promotions, Inc. from in or about December 1997 through in or about February 2013.
9. On or about July 28, 2014, when Plaintiff WHITE arrived at Defendants’ office to interview for the position of “Human Resources Coordinator,” Defendant CAPONE said to Plaintiff WHITE, “I actually called you down here for the payroll position,” at which point Defendant CAPONE called Jasmattie Johnson, Defendant SOLOMON-PAGE’s Director of Accounting Operations, to join her in the interview.
10. Upon her arrival, Jasmattie Johnson immediately told Plaintiff WHITE, **“I don’t think you can do this because you have been out of work for a year.”** Plaintiff WHITE was extremely upset that she was being punished and possibly denied employment simply because she had been unemployed through no fault of her own.
11. Shockingly, without even asking Plaintiff WHITE any questions regarding her

experience and qualifications or giving Plaintiff WHITE any tests, Defendant CAPONE then simply repeated Jasmattie Johnson's statement and said, "You'll hear from me tomorrow."

12. The following day, on or about July 29, 2014, after not hearing from Defendant CAPONE, Plaintiff WHITE called Defendant CAPONE and left her a voicemail. Unfortunately, Defendant CAPONE never returned Plaintiff WHITE's phone call.
13. Extremely hurt and offended by Defendants' clear discrimination due to her unemployment status, on or about July 30, 2014, Plaintiff WHITE sent an email to Defendant CAPONE and Jasmattie Johnson in which she stated, **"The treatment that I received from this company was unprofessional, to state that I cannot do a job because I have not worked in a year is foolish. I am filing a complaint with the EEOC today."** While Plaintiff WHITE was hoping that her complaint would bring to light that Defendants' actions were unlawful, she never expected Defendants to actively retaliate against her. However, this is exactly what occurred.
14. On or about July 31, 2014, Defendant CAPONE finally returned Plaintiff WHITE's phone call during which she stated, **"You're not getting the position now because of the email."** Plaintiff WHITE was horrified that she was now being retaliated against and denied employment simply because she complained of discrimination.
15. Thus, due to Defendant CAPONE's own admissions, it is patently clear that on or about July 31, 2014, **Defendants refused to hire Plaintiff WHITE solely due to her unemployment status and in retaliation for complaining of discrimination.**
16. But for the fact that Plaintiff WHITE was unemployed and had complained of discrimination, Defendants would not have denied her employment and refused to hire

her.

17. Plaintiff WHITE felt offended, disturbed, and humiliated by the blatantly unlawful, discriminatory, and retaliatory failure to hire.
18. Plaintiff WHITE has been unlawfully discriminated against, retaliated against, humiliated, and degraded, and as a result, suffers loss of rights, emotional distress, loss of income and earnings.
19. **Defendants' actions and conduct were intentional and intended to harm Plaintiff WHITE.**
20. As a result of Defendants' actions, Plaintiff WHITE feels extremely humiliated, degraded, victimized, embarrassed, and emotionally distressed.
21. As a result of Defendants' discriminatory treatment of Plaintiff WHITE, she has suffered severe emotional distress and physical ailments.
22. As a result of the acts and conduct complained of herein, Plaintiff WHITE has suffered and will continue to suffer the loss of income, the loss of a salary, bonuses, benefits and other compensation which such employment entails, and Plaintiff WHITE has also suffered future pecuniary losses, emotional pain, suffering, inconvenience, loss of enjoyment of life, and other non-pecuniary losses. Plaintiff WHITE further experienced severe emotional and physical distress.
23. As a result of the above, Plaintiff WHITE has been damaged in an amount in excess of the jurisdiction of the Court.
24. Defendants' conduct has been malicious, willful, outrageous, and conducted with full knowledge of the law. As such, Plaintiff WHITE demands Punitive Damages as against both Defendants, jointly and severally.

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

25. 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.
26. The New York City Administrative Code §8-107(21)(a)(1) provides that “an employer, employment agency, or agent thereof shall not base an employment decision with regard to hiring, compensation or the terms, conditions or privileges of employment on an applicant’s unemployment.”
27. Defendants engaged in an unlawful discriminatory practice in violation of New York City Administrative Code §8-107(21)(a)(1) by refusing to hire, and otherwise discriminating against Plaintiff, because of her unemployment status.

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

28. 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.
29. The New York City Administrative Code §8-107(7) provides that it shall be unlawful discriminatory practice: “For an employer . . . to discriminate against any person because such person has opposed any practices forbidden under this chapter. . .”
30. Defendants engaged in an unlawful discriminatory practice in violation of New York City Administrative Code §8-107(7) by discriminating against Plaintiff because of Plaintiff’s opposition to the unlawful employment practices of Defendants.

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

31. 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.
32. The New York City Administrative Code §8-107(6) provides that it shall be unlawful discriminatory practice: “For any person to aid, abet, incite, compel; or coerce the doing of any of the acts forbidden under this chapter, or attempt to do so.”
33. Defendant CAPONE engaged in an unlawful discriminatory practice in violation of New York City Administrative Code §8-107(6) by aiding, abetting, inciting, compelling and coercing the above discriminatory, unlawful and retaliatory conduct.

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

34. 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.
35. The 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.
36. Defendants violated the section cited herein as set forth.

WHEREFORE, Plaintiff respectfully requests a judgment against Defendants:

- A. Declaring that Defendants engaged in unlawful employment practices prohibited by the New York City Administrative Code §8-107 *et. seq.*, by discriminating against, and refusing to hire, Plaintiff solely on the basis of her unemployment status and in retaliation for

complaining of discrimination;

- B. Awarding damages to Plaintiff for all lost wages and benefits resulting from Defendants' unlawful 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 the Defendants' unlawful employment practices.

Dated: New York, New York
October 30, 2014

**PHILLIPS & ASSOCIATES,
ATTORNEYS AT LAW, PLLC**

By: _____
Alex Umansky, Esq.
Attorneys for Plaintiff
45 Broadway, Suite 620
New York, New York 10006
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**SUPREME COURT OF THE STATE OF NEW YORK
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VALERIE WHITE,

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Plaintiff,

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**THE SOLOMON-PAGE GROUP LLC, and
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SUMMONS AND COMPLAINT

**PHILLIPS & ASSOCIATES, ATTORNEYS AT LAW, PLLC
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45 Broadway, Suite 620
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