

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

-----X  
GUIRLENE AUGUSTE,

Index Number:

Plaintiff,

-v-

COMPLAINT

REEM BRIDALS LLC, d/b/a REEM ACRA,  
PAUL E. SALKIND, and TETYANA PERERODOVA,

Defendants.  
-----X

CITY OF N.Y. LAW DEPT.  
OFFICE OF PROSECUTOR  
GENERAL  
2014 DEC 29 AM 11:25

Plaintiff, GUIRLENE AUGUSTE, by and through her attorneys, THE LAW OFFICES OF WILLIAM CAFARO, complaining of the Defendants, and each of them, hereby alleges as follows upon information and belief:

NATURE OF CASE

1. This is an action arising under the laws of the City of New York seeking damages to redress the injuries that Plaintiff has suffered as a result of being discriminated against on the basis of disability and/or perceived disability.

2. This action is brought under the New York City Human Rights Law (NYCHRL), Title 8 of the Administrative Code of the City of New York, as amended, including The Local Civil Rights Restoration Act, effective October 3, 2005, and other appropriate rules, regulations, statutes, and ordinances.

2014 DEC 29 P 12:37  
NYC COMMISSION  
ON HUMAN RIGHTS  
LAW ENFORCEMENT BUREAU

**THE PARTIES**

3. The plaintiff GUIRLENE AUGUSTE (“Auguste”) is an individual residing within the City and State of New York, County of Kings.

4. At all times herein pertinent, Auguste was an “employee” within the meaning of the NYCHRL, N.Y.C. Admin. Code § 101 *et seq.*

5. At all times herein pertinent, Auguste worked for Defendant REEM BRIDALS LLC, at 730 Fifth Avenue, Suite 205, New York, New York 10019.

6. The Defendant REEM BRIDALS LLC holds itself out to the public as, and does business under the name and style “REEM ACRA”.

7. The Defendant REEM BRIDALS LLC (hereinafter “Reem Acra”) was and is a foreign limited liability company, organized under the laws of the State of Delaware, which has designated New York County as its principal place of business in New York.

8. At all times herein pertinent, Defendant Reem Acra was an “employer” as it is defined by N.Y.C. Admin. Code §8-102(5) and had four (4) or more persons in its employ at all times herein pertinent.

9. Upon information and belief, the Defendant PAUL E. SALKIND (hereinafter “Salkind”) as Human Resources & Operations Director, had the authority to hire, fire, discipline,

supervise, and direct Plaintiff, and administer the terms, conditions and privileges of her employment.

10. Upon information and belief, Defendant Salkind is a citizen of the State of New York, living at 69 W 9th Street, Apt 10G, New York, NY 10011.

11. At all times herein pertinent, Defendant Salkind was an “employer” as that term is defined by N.Y.C. Admin. Code §8-102(5) and had four (4) or more persons in his employ.

12. Alternatively, at all times herein pertinent, Defendant Salkind actually participated in the conduct giving rise to claims of discrimination alleged herein, and is liable as an aider and abettor of unlawful conduct under the NYCHRL.

13. Upon information and belief, The Defendant TETYANA PERERODOVA (hereinafter “Pererodova”) Company Controller, had the authority to hire, fire, discipline, supervise, and direct Plaintiff, and administer the terms, conditions and privileges of her employment.

14. Upon information and belief, Defendant Pererodova is an individual residing at 101 Linden Ave, Verona, NJ 07044

15. At all times herein pertinent, Defendant Pererodova was an “employer” as that term is defined by N.Y.C. Admin. Code §8-102(5) and had four (4) or more persons in her employ.

16. Defendant Pererodova actually participated in the conduct giving rise to claims of discrimination alleged herein, and is liable as an aider and abettor of unlawful conduct under the NYCHRL.

#### **MATERIAL FACTS**

17. Reem Acra is a fashion design company that is well known for detail and modern design concepts. The company’s designs are frequently worn by celebrities throughout the world.

18. On or about July 15, 2014, Auguste was hired by Reem Acra through Salkind and Pererodova as a staff accountant. Her primary duties were compilation of internal financial statements and related documents.

19. Although her tenure with Reem Acra was brief, Plaintiff was an outstanding, dedicated and hard working employee, serving the Defendants faithfully in her position.

20. On Sunday, July 26, 2014, Auguste was admitted to Brooklyn Hospital with a chief complaint of severe abdominal pain. After diagnostic testing, she was diagnosed with a liver tumor.

21. The following Monday morning, July 27, 2014, Auguste informed her employers that she would be unable to come to work that day due to this illness, and further advised that she had been admitted to the hospital as an inpatient.

22. She continued to keep her employers posted of her status on a daily basis, and advised that she would be returning to work upon her discharge from the hospital.

23. Subsequent to her discharge from the hospital on August 8, 2014, Auguste went to the Reem Acra offices to furnish her employers with copies of her discharge documentation from Brooklyn Hospital. During this visit, Auguste's coworkers and managers expressed their sympathy for her and she informed them that she would be going to Columbia Presbyterian Hospital the following day to meet with a surgeon to discuss her treatment options.

24. At Columbia Presbyterian Hospital she came under the care of Dr. Benjamin Samstein, who put her on bed rest at home pending surgery, so she was unable to return to work as she had planned.

25. From that point forward, Auguste routinely notified the Defendants of her medical progress by e-mail.

26. Auguste also made several phone calls to Salkind and Pererodova in order to notify them of her progress and to let them know when she anticipated returning to work.

27. Salkind was completely oblivious to Auguste's need for accommodation, going so far as to say to her that "for all we know, you could be on a cruise ship sipping Piña Coladas."

28. Until her termination, Auguste always planned and intended to return to work as soon as she recovered from her surgery, which was never anticipated to be a long period of time.

29. She was unlawfully terminated on August 10, 2014 at a meeting with Pererodova and Salkind.

30. A termination letter of August 18, 2014 followed.

31. Her physical inability to return to work after her discharge from Brooklyn Hospital was unreasonably and unlawfully interpreted as conflicting, misleading and inaccurate status information by Salkind.

32. Despite having provided ample medical documentation, the days she missed from work due to an emergent need for medical care were somehow mischaracterized as "unscheduled and unapproved vacation days" in the termination letter.

33. As a consequence of the unlawful termination of her employment, Auguste suffered severe emotional trauma and distress which rendered her unsuitable as a surgical candidate. Her surgery was consequently delayed.

34. The surgical procedure was performed on September 23, 2014, when Plaintiff had two tumors, respectively 9 cm and 10 cm, removed from her liver.

35. Auguste requested a simple, reasonable accommodation from the Defendants, in that she requested that she be given time off from work for her surgery and a short period to recuperate postoperatively.

36. Plaintiff would still have been able to do her job if simple reasonable accommodations had been made, which the Defendants made no effort to make.

37. The Defendants terminated Plaintiff's employment due to her disability and/or perceived disability in violation of the NYCHRL.

38. Defendants treated Auguste unequally, and "less well" than other employees because of her disability and/or perceived disability, in violation of New York City law.

39. Prior to the commencement of this action, Plaintiff served a copy of this complaint upon the New York City Commission on Human Rights and the Corporation Counsel of the City of New York, in accordance with N.Y.C. Admin. Code § 8-502(c).

**AS A FIRST CAUSE OF ACTION FOR  
DISCRIMINATION UNDER NEW YORK CITY LAW**

40. Plaintiff repeats, reiterates and reasserts all allegations contained in the preceding paragraphs of this complaint as if fully set forth herein at length.

41. The New York City Administrative Code Title 8 §8-107(1)(a) provides is shall be unlawful discriminatory practice:

For an employer... because of... disability...to discharge from employment such person or to discriminate against such person in compensation or in terms, conditions or privileges of employment.

42. Defendants engaged in an unlawful discriminatory practice in violation of New York City Administrative Code Title 8 §8-107(1)(a) by discriminating against Plaintiff based upon her disability and/or perceived disability.

43. As a proximate result of the Defendants' adverse employment action they discriminated against Plaintiff in violation of the New York City Human Rights Law and caused Plaintiff a loss of compensation and benefits, and anguish for which she has incurred damages.

**AS A SECOND CAUSE OF ACTION FOR  
DISCRIMINATION UNDER NEW YORK CITY LAW**

44. Plaintiff repeats, reiterates and reasserts all allegations contained in the preceding paragraphs of this complaint as if fully set forth herein at length.

45. The New York City Administrative Code Title 8 §8-107(15)(a) provides a requirement that employers to “make reasonable accommodation to the needs of persons with disabilities”.



46. Defendants engaged in an unlawful discriminatory practice in violation of New York City Administrative Code Title 8 §8-107(15)(a) by not providing a reasonable accommodation to the Plaintiff when she complained of her medical condition.

47. As a proximate result of the Defendants' failure to make any reasonable accommodation, Defendants discriminated against Plaintiff in violation of the New York City Human Rights Law and caused Plaintiff a loss of compensation and benefits, and anguish for which she has incurred damages.

**AS A THIRD CAUSE OF ACTION FOR  
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

48. Plaintiff repeats, reiterates and reasserts all allegations contained in the preceding paragraphs of this complaint as if fully set forth herein at length.

49. Defendants, knowing that Plaintiff was psychologically and financially vulnerable, and solely for their own personal gratification, intentionally inflicted egregious emotional trauma upon Plaintiff.

50. As a result of Defendants' reckless and malicious conduct, Plaintiff's reputation has been damaged and she has lost her job. Plaintiff further suffered, and continues to suffer, embarrassment and humiliation, mental anguish and pain and severe emotional distress.

51. Defendant has engaged in discriminatory and harassing conduct towards Plaintiff involving malice, oppression, insult, wanton or reckless disregard in violation of Plaintiff's rights under the New York City Human Rights law, or other egregious circumstances, and Plaintiff is entitled to punitive damages in an amount to be determined at trial.

**REMEDY**

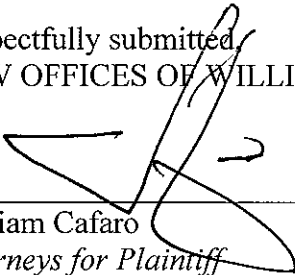
**WHEREFORE**, Plaintiff requests a judgment against the Defendant:

- a. Awarding future income to Plaintiff in an amount to be proven at trial, representing all loss of future earnings, including reasonable and expected increases, loss of the usual customary fringe benefits accorded to accountants of comparable stature in the industry, all to be costed and projected over her prospective work life, all such loss being proximately caused by Defendant's unlawful discriminatory conduct;
- b. Awarding general damages to the Plaintiff to make her whole for any losses suffered as a result of such unlawful employment practices;
- c. Awarding Plaintiff compensatory damages for mental and emotional distress, pain and suffering as well as injury to her reputation in an amount to be proven at trial;
- d. Awarding Plaintiff punitive damages;

- e. Awarding Plaintiff attorneys' fees and costs and expenses incurred in the prosecution of the action;
- 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  
December 24, 2014

Respectfully submitted,  
LAW OFFICES OF WILLIAM CAFARO



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William Cafaro  
*Attorneys for Plaintiff*  
108 West 39<sup>th</sup> Street, Ste. 602  
New York, New York 10018  
(212) 583-7400

**ATTORNEY'S VERIFICATION BY AFFIRMATION**

WILLIAM CAFARO, an attorney duly admitted to practice before the Courts of the State of New York, affirms the following to be true under the penalties of perjury:

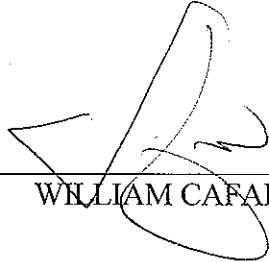
I am a member of THE LAW OFFICES OF WILLIAM CAFARO, attorneys of record for plaintiff. I have read the annexed

SUMMONS & COMPLAINT

and know the contents thereof, and the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon facts, records, and other pertinent information contained in my files.

The reason I make the foregoing affirmation instead of the plaintiff is because plaintiff resides outside of the county wherein your affirmant maintains offices.

DATED:      New York, New York  
                 December 24, 2014

  
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WILLIAM CAFARO