

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

15 CV 2516

KENNETH LOMBARDI,

Plaintiff,

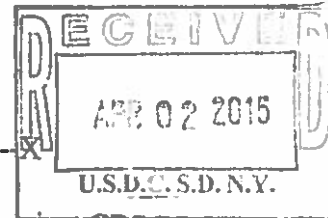
-against-

JUDGE BUCHWALD COMPLAINT

CBS BROADCASTING INC.,
CBS RADIO INC.
DUANE TOLLISON, individually,
ALBERT "CHIP" COLLEY, individually,
and PAULA COHEN, individually,

Plaintiff demands a
Jury Trial

Defendants.



Plaintiff, KENNETH LOMBARDI, as and for his Complaint against CBS BROADCASTING
INC. and CBS RADIO INC. respectfully alleges upon information and belief as follows:

NATURE OF THE CASE

1. Plaintiff complains pursuant to Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (amended in 1972, 1978 and by the Civil Rights Act of 1991, Pub. L. No. 102-166 ("Title VII"), The New York State Executive Law, and the New York City Human Rights Law, New York City Administrative Code § 8-502(a), *et seq.* ("NYCHRL"), FLSA, and seeks damages to redress the injuries Plaintiff has suffered as a result of being sexually harassed, discriminated against on the basis of gender, sexual orientation, and retaliated against by his employer for complaining of harassment and discrimination.

JURISDICTION AND VENUE

2. Jurisdiction of this action is conferred upon the court as this action involves a Federal Question under Title VII of the Civil Rights Act as well as FLSA. The Court also has supplemental jurisdiction over the State and City Causes of Action.
3. Venue is proper in this district based upon Defendants' residency and principal place of business within the County of New York, State of New York, within the Southern District of New York. Additionally, the events took place in New York, NY within the Southern District of New York.
4. On or about August 1, 2014, Plaintiff filed charges with the EEOC against Defendants as set forth herein.
5. On or about January 16, 2015, Plaintiff received a Right to Sue Letter from the EEOC.
6. This action is being commenced within 90 days of receipt of the EEOC Right to Sue Letter.

PARTIES

7. Plaintiff KENNETH LOMBARDI (hereinafter also referred to as Plaintiff and "LOMBARDI") is an individual male who is a resident of the State of New York.
8. Defendants operate a broadcasting center known as CBS BROADCASTING INC. with its principal place of business located at 51 West 52nd Street, New York, New York 10019 and offices located at 524 West 57th Street, New York, New York 10036.

9. Defendant CBS BROADCASTING INC. (hereinafter also referred to as “CBS BROADCASTING”) is a domestic business corporation duly existing under the laws of the State of New York.
10. Defendant CBS RADIO INC. (hereinafter also referred to as “CBS RADIO”) is a foreign business corporation duly existing under the laws of the State of Delaware.
11. At all times material, Defendant DUANE TOLLISON (hereinafter also referred to as “TOLLISON”) was an employee at Defendant CBS RADIO INC.
12. At all times material, Defendant TOLLISON was employed as a Senior Producer.
13. At all times material, Defendant TOLLISON held supervisory authority over Plaintiff.
14. At all times material, Defendant ALBERT “CHIP” COLLEY (hereinafter also referred to as “COLLEY”) was an employee at Defendant CBS BROADCASTING INC.
15. At all times material, Defendant COLLEY held supervisory authority over Plaintiff.
16. At all times material, Defendant PAULA COHEN (hereinafter also referred to as “COHEN”) was an employee at Defendant CBS BROADCASTING INC.
17. At all times material, Defendant COHEN held supervisory authority over Plaintiff.
18. At all times material, Defendants discriminated against Plaintiff because of Plaintiff’s gender, sexual orientation and sexual harassment.
19. At all times material, Defendants were joint employers of Plaintiff.

MATERIAL FACTS

20. In or around September, 2007, Plaintiff began working for Defendants as a freelance video producer for an hourly wage.

21. In or around May, 2008, after Plaintiff's college graduation, Defendants offered Plaintiff a full-time position at CBS News.com as an Associate Video Producer.
22. Throughout Plaintiff's employment with Defendants, Plaintiff was subjected to numerous acts of sexual orientation discrimination, sexual harassment, gender discrimination, retaliation and hostile work environment by Defendants.
23. Upon Plaintiff's hiring, Plaintiff LOMBARDI began to have a friendly rapport with his colleague, Sharon Johnson, Entertainment Producer at CBS BROADCASTING.
24. Ms. Johnson began assigning celebrity interviews to Plaintiff LOMBARDI.
25. Throughout the next few years, Plaintiff earned glowing praise and rave reviews from his colleagues and Manager, Michael Wuebben at Defendant CBS BROADCASTING.
26. In or around April 2011, Plaintiff received his first and only raise.
27. Defendants wrongfully told Plaintiff that he was no longer eligible to earn overtime pay as Plaintiff was officially a "salaried" person.
28. Plaintiff LOMBARDI did routinely work approximately 60 hours per week.
29. Plaintiff LOMBARDI has worked on numerous "Red Carpet" events and he has not been compensated for any of these events.
30. Since Plaintiff's raise in 2011, no overtime pay had been paid to Plaintiff despite the fact that he worked over 40 hours per week.
31. In or around April 2013, Defendants hired Paula Cohen as Plaintiff's official Manager of the Entertainment Department.
32. Almost immediately, Defendant COHEN took a strong disliking towards Plaintiff because he is a man.
33. Defendant COHEN began to treat Plaintiff differently.

34. Immediately, Defendant COHEN seemed to change the Entertainment Department into an "all-girls club" as Plaintiff was the only male in this department alongside his colleagues, Lauren, Jessica and Defendant COHEN. Defendant COHEN began to discriminate against Plaintiff on account of his gender.
35. In the summer of 2013, Plaintiff LOMBARDI told Defendant COHEN that he felt he was being discriminated based on his gender. Defendant COHEN's response was "I wouldn't read into that." Defendant COHEN warned Plaintiff in a harsh voice, "Never bring up gender discrimination again!"
36. After this meeting, Plaintiff LOMBARDI became fearful that he would lose his employment with Defendant CBS BROADCAST if Plaintiff complained about any type of harassment, discrimination or retaliation.
37. In or around December of 2013, Plaintiff LOMBARDI attended the CBS News Holiday party which was held at the Stone Rose Lounge in New York City. Towards the end of the evening, Plaintiff was conversing with colleagues in a very dense and crowded area of the lounge. While Plaintiff was chatting with colleagues from Defendant CBS RADIO, Defendant TOLLISON proceeded to come and push up against Plaintiff's left side. Plaintiff could sense that Defendant TOLLISON was highly intoxicated. Defendant TOLLISON then slid his hand down Plaintiff LOMBARDI's pants and grabbed Plaintiff's penis and testicles. Plaintiff pushed him away and asked Defendant to stop.
38. Plaintiff LOMBARDI was horrified. Defendant TOLLISON then began to kiss Plaintiff's neck and grab Plaintiff's body. Plaintiff LOMABRDI continued to push Defendant away. Eventually, Defendant TOLLISON gave up, walked over to the coat check, retrieved his coat and exited the lounge.

39. Following the party, Defendant TOLLISON emailed Plaintiff apologizing for his behavior the night before stating “Hey! I had such a great time last night! And it was so nice to hang out with you. But I wanted to apologize if anything I did offended you or crossed a line. I like to get a little crazy. If you weren’t offended, then let’s do it again. LOLHow is your day so far? :)”
40. Plaintiff began to feel frightened and threatened. Plaintiff could no longer sleep due to the constant mental fear of seeing Defendant TOLLISON at work and having to relive Defendant’s sexual harassment.
41. On March 16, 2014, Plaintiff put together a ten-minute-long video reel consisting of excerpts from some of his best celebrity interviews. After Plaintiff posted the video to YouTube, Plaintiff sent Defendant COLLEY (who had by this time been promoted to Director of the "CBS Evening News" one of the top and highest-ranking positions in the company) an email with a link to the clip. Plaintiff asked Defendant COLLEY to watch the video and give Plaintiff LOMBARDI professional feedback. Defendant COLLEY then suggested that they (Plaintiff and Defendant) meet over a drink to discuss the reel after he watched it.
42. On May 8, 2014, Defendant COLLEY had Plaintiff meet him at a bar in New York’s Hell’s Kitchen area called “Hardware” ostensibly to discuss Plaintiff LOMBARDI’S reel. When Plaintiff got to the bar, Defendant COLLEY had already started drinking and already appeared to be slightly intoxicated. As Defendant COLLEY quickly consumed his drink, Defendant COLLEY made it clear that he really didn't want to discuss the reel and instead wanted to talk about Plaintiff’s sexuality. Defendant COLLEY asked what Plaintiff’s sexual orientation was. Plaintiff immediately began to feel nauseous and uncomfortable given

Defendant COLLEY'S high position in the company and the position in which Defendant COLLEY was starting to put Plaintiff LOMBARDI. Reluctantly, Plaintiff told him that he was bisexual. Defendant COLLEY started grilling Plaintiff on the "bisexual" standard. Defendant COLLEY told Plaintiff that he did not really believe being "bisexual" was real and told Plaintiff that he was actually completely gay.

43. Plaintiff was highly offended by the attacks on his sexual orientation.
44. Defendant COLLEY asked Plaintiff what he thought about when Plaintiff watched pornographic videos. Defendant COLLEY also texted Plaintiff links to several porn sites during this conversation.
45. Defendant COLLEY began rubbing Plaintiff's thigh. Plaintiff pushed Defendant COLLEY'S hand away. Defendant COLLEY also began trying to kiss Plaintiff's neck and lips.
46. Plaintiff did not give any indication whatsoever that Defendant Colley's conduct was welcomed.
47. Plaintiff LOMBARDI immediately started having an anxiety attack and ran into the bar's bathroom. Plaintiff LOMBARDI started hyperventilating. Plaintiff called his brother, Steve as well as his mom and started begging for their help. They both told Plaintiff to run from Defendant COLLEY and the bar.
48. Plaintiff LOMBARDI snuck out of the bar without Defendant COLLEY noticing. Defendant COLLEY then began sending Plaintiff a barrage of text messages asking where Plaintiff was, none of which Plaintiff responded to.
49. The next day, May 9, 2014, Defendant COLLEY came over to Plaintiff's newsroom and approached Plaintiff's desk and demanded to know why Plaintiff disappeared at the bar the

night before. Plaintiff LOMBARDI told Defendant that he felt sick and had to leave (which was true. Plaintiff was, in fact, sickened by the situation). Defendant suggested that he and Plaintiff meet up again sometime.

50. Since May 9, 2014 Defendant COLLEY began harassing Plaintiff in the hallways of Defendant CBS BROADCASTING, constantly signaling Plaintiff out for a conversation where Defendant COLLEY would usually discuss Plaintiff's looks.
51. On one occasion (when Defendant COLLEY had a young male intern at his side), Defendant COLLEY told Plaintiff his hair was getting gray. However, just a few days later, Defendant COLLEY told Plaintiff that he liked how Plaintiff had changed his hairstyle. Defendant COLLEY often asked what Plaintiff's plans were for the weekend. Plaintiff LOMBARDI would respond to Defendant "I'm going away out of town." Defendant COLLEY continued to make sexual advances towards Plaintiff despite Plaintiff's rejections.
52. Plaintiff has experienced severe anxiety because of these incidences and assaults. Plaintiff LOMBARDI has had difficulty eating, sleeping and suffers from nightmares every night from this harassing behavior.
53. In or around June, 2014, Plaintiff LOMBARDI began showing up late to work due to the emotional distress caused by Defendants' harassment. Plaintiff was so traumatized and scared to enter Defendant CBS BROADCASTING due to the harassment and abuse Plaintiff had suffered at the hands of Defendant TOLLISON and Defendant COLLEY.
54. On June 23, 2014, Defendant COHEN met with Plaintiff.
55. Defendant COHEN told Plaintiff LOMBARDI that he was being written up and issued Plaintiff a final warning for being late.

56. Not once did Defendant COHEN inquire as to why Plaintiff was late and Defendant COHEN then went directly to Human Resources and reported Plaintiff before ever speaking to Plaintiff about his lateness.
57. At this point, because of all the past harassing and degrading experiences that had happened, as well as Defendant COHEN's admonition to Plaintiff not to complain about discrimination, Plaintiff did not feel comfortable bringing up the issue himself.
58. On June 23, 2014 HR Director, Alison Smith, emailed Plaintiff asking Plaintiff to come to her office. When Plaintiff arrived at her office, HR Director, Smith, again reiterated what Defendant COHEN had said "Next time you're late You're fired. Plaintiff LOMBARDI wanted to tell HR Director Smith the reasons for his lateness, about all the sexual harassment and abuse that Plaintiff had faced, but Plaintiff was hesitant and scared to lose his employment given the threat by Defendant COHEN not to complain.
59. On June 23, 2014, Plaintiff LOMBARDI then asked to meet with Defendant COHEN again. Plaintiff told Defendant COHEN that these constant HR issues weren't making their department look good and that they were bringing down morale. Defendant COHEN then slammed her cell phone on the conference room table in a threatening manner, and said while grating her teeth, "You know you're really pissing me off!" Plaintiff kindly told Defendant COHEN that he didn't think Defendant's attitude was professional, and Defendant COHEN replied, "Well, if you don't like it here, you can leave!" Defendant COHEN then kept pointing her finger in Plaintiff's face. Plaintiff asked Defendant COHEN repeatedly to please stop pointing her finger at him, and Defendant COHEN would smile and say "No" as if Defendant COHEN was amused by the torment she was causing Plaintiff LOMBARDI.

60. The next day, on June 24, 2014, Plaintiff went into HR Director Smith's office and told her about the sexual harassment that Plaintiff had endured by Defendants TOLLISON and COOLEY.
61. HR Director Smith then said she would get back to Plaintiff the next day after looking into this matter, apologizing to Plaintiff saying "So sorry that this had happened to you."
62. On June 25, 2014, HR Director Smith called to say that she would contact Plaintiff in the days leading up to the July 4th weekend to update Plaintiff on what was going on. This call never happened.
63. On July 9, 2014, HR Director Smith finally contacted Plaintiff to notify Plaintiff that it would be at least "several more weeks" before Defendants CBS BROADCAST got back to Plaintiff about these matters.
64. On July 23, 2014, Plaintiff LOMBARDI met with HR Director Smith.
65. Plaintiff LOMBARDI was told that Defendants had completed their investigation regarding Plaintiff's allegations and there was no recourse that would be taken.
66. After the completion of Defendants' investigation, Defendants continued to be harass, discriminate and retaliate against Plaintiff LOMARDI.
67. Defendants aggressively increased their hostility towards Plaintiff as a result of Plaintiff's complaint. Defendants became overly critical with respect to Plaintiff and finding fault in Plaintiff where there was none.
68. On or about November 19, 2014, Plaintiff could no longer endure the retaliation from Defendants and was constructively discharged on November 19, 2014.
69. Defendants retaliated against Plaintiff for opposing Defendants' unlawful conduct.

70. Defendants failed to take appropriate action in response to Plaintiff's opposition to the unlawful conduct.
71. Defendants' conduct created an abusive and hostile work environment for Plaintiff.
72. Plaintiff was humiliated on continual basis by the aforementioned conduct and comments by Defendants.
73. The aforementioned conduct by Defendants unreasonably interfered with Plaintiff's work environment.

AS A FIRST CAUSE OF ACTION
FOR DISCRIMINATION UNDER TITLE VII
(Not Against Individual Defendants)

74. Title VII states in relevant parts as follows: SEC. 2000e-2. *[Section 703](a)* Employer practices It shall be an unlawful employment practice for an employer – (1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin.”
75. Defendants engaged in unlawful employment practices prohibited by 42 U.S.C. 2000e *et seq.*, by discriminating against Plaintiff because of his sex.

AS A SECOND CAUSE OF ACTION
FOR DISCRIMINATION UNDER TITLE VII
(Not Against Individual Defendants)

76. Plaintiff repeats and realleges each and every allegation made in the above paragraphs of this complaint.

77. Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e-3(a) provides that it shall be unlawful employment practice for an employer:

“(1) to ... discriminate against any of his employees ... because [s]he has opposed any practice made an unlawful employment practice by this subchapter, or because [s]he has made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under this subchapter.”

78. Defendants engaged in unlawful employment practice prohibited by 42 U.S.C. §2000e *et seq.* by retaliating against Plaintiff with respect to the terms, conditions or privileges of employment because of his opposition to the unlawful employment practices of Defendant.

AS A THIRD CAUSE OF ACTION
FOR DISCRIMINATION UNDER STATE LAW

79. Plaintiff repeats and realleges each and every allegation made in the above paragraphs of this complaint.

80. Executive Law § 296 provides that "1. It shall be an unlawful discriminatory practice:

"(a) For an employer or licensing agency, because of the age, race, creed, color, national origin, sex, or disability, or marital status of any individual, 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."

81. Defendants engaged in an unlawful discriminatory practice by discriminating against the Plaintiff because of sex and sexual orientation.

82. Plaintiff hereby makes a claim against Defendants under all of the applicable paragraphs of Executive Law Section 296.

AS A FOURTH CAUSE OF ACTION
FOR DISCRIMINATION UNDER STATE LAW

83. Plaintiff repeats and realleges each and every allegation made in the above paragraphs of this complaint.

84. New York State Executive Law §296(7) provides that it shall be an unlawful discriminatory practice: "For any person engaged in any activity to which this section applies to retaliate or discriminate against any person because [s]he has opposed any practices forbidden under this article."

85. Defendants engaged in an unlawful discriminatory practice by discharging, retaliating, and otherwise discriminating against the Plaintiff because of Plaintiff's opposition to the unlawful employment practices of Plaintiff's employer.

AS A FIFTH CAUSE OF ACTION
FOR DISCRIMINATION UNDER STATE LAW

86. Plaintiff repeats and realleges each and every allegation made in the above paragraphs of this complaint.

87. New York State Executive Law §296(6) provides that it shall be an unlawful discriminatory practice: "For any person to aid, abet, incite compel or coerce the doing of any acts forbidden under this article, or attempt to do so."

88. Defendants engaged in an unlawful discriminatory practice in violation of New York State Executive Law §296(6) by aiding, abetting, inciting, compelling and coercing the discriminatory conduct.

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

89. Plaintiff repeats and realleges each and every allegation made in the above paragraphs of this complaint.

90. 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."

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

92. Plaintiff hereby makes a claim against Defendants under all of the applicable paragraphs of New York City Administrative Code Title 8.

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

93. Plaintiff repeats and realleges each and every allegation made in the above paragraphs of this complaint.
94. The New York City Administrative Code Title 8, §8-107(1)(e) provides that it shall be unlawful discriminatory practice: "For an employer . . . to discharge . . . or otherwise discriminate against any person because such person has opposed any practices forbidden under this chapter. . . "
95. Defendants engaged in an unlawful discriminatory practice in violation of New York City Administrative Code Title 8, §8-107(1)(e) by discriminating against the Plaintiff because of Plaintiff's opposition to the unlawful employment practices of Plaintiff's employer.

AS AN EIGHTH CAUSE OF ACTION
FOR DISCRIMINATION UNDER THE NEW YORK CITY ADMINISTRATIVE CODE

96. Plaintiff repeats and realleges each and every allegation made in the above paragraphs of this complaint.
97. The New York City Administrative Code Title 8, §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."

98. Defendants engaged in an unlawful discriminatory practice in violation of New York City Administrative Code Title 8, §8-107(6) by aiding, abetting, inciting, compelling and coercing the above discriminatory, unlawful and retaliatory conduct.

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

99. Plaintiff repeats and realleges each and every allegation made in the above paragraphs of this complaint.

100. Section 8-107(19), entitled Interference with protected rights provides that "It shall be an unlawful discriminatory practice for any person to coerce, intimidate, threaten or interfere with, or attempt to coerce, intimidate, threaten or interfere with, any person in the exercise or enjoyment of, or on account of his or her having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected pursuant to this section."

101. Defendants violated the above section as set forth herein.

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

102. Plaintiff repeats and realleges each and every allegation made in the above paragraphs of this complaint.

103. Section 8-107(13) entitled Employer liability for discriminatory conduct by employee, agent or independent contractor provides "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.

104. Defendants violated the above section as set forth herein.

**AS AN ELEVENTH TWELFTH CAUSE OF ACTION
FOR VIOLATIONS UNDER THE FAIR LABOR STANDARDS ACT**

105. Plaintiff repeats and realleges each and every allegation made in the above paragraphs of this complaint as if same were set forth herein fully at length.

106. Defendants willfully employed Plaintiff in the afore-mentioned enterprise for work weeks longer than 40 hours and failed to compensate Plaintiff for employment in excess of forty (40) hours per week at a rate of at least one and one-half times the rate at which they were employed.

107. Defendants' failure to pay Plaintiff overtime pay in accordance with the Act, was a direct violation of the Act (FLSA), specifically 29 U.S.C. §207.

108. As a result of the underpayment of wages alleged in this Complaint, Plaintiff has been damaged in at least an amount equal to such underpayment of wages, and Defendants are therefore indebted to Plaintiff for back wages.
109. Defendant's willfully violated the Act.

**AS A TWELFTH CAUSE OF ACTION
VIOLATION OF NEW YORK WAGE AND HOUR LAW
and VIOLATION OF Title 12 NYCRR Section 142-2.2
OVERTIME RATE**

110. Plaintiff repeats and realleges each and every allegation made in the above paragraphs of this complaint as if same were set forth herein fully at length.
111. Plaintiff was an employee of Defendants within the meaning of New York Wage Regulations, specifically NYCRR Labor Section 138 *et seq.*
112. Defendants failed to pay Plaintiff a premium for hours worked in excess of 40 hours per week.
113. Defendants violated Plaintiff's rights to overtime pay under Title 12 NYCRR 142-2.2.
114. On account of such violations, Defendants is liable to Plaintiff for actual, statutory and liquidated damages.

**AS A THIRTEENTH CAUSE OF ACTION
VIOLATION OF NEW YORK WAGE ORDER
EMPLOYEE RECORDS**

115. Plaintiff repeats and realleges each and every allegation made in the above paragraphs of this complaint as if same were set forth herein fully at length.

116. Defendants failed to keep employee-specific records documenting, *inter alia*, actual hours worked in each week, in violation of New York Labor Law § 661 and 12 NYCRR 142-2.6.
117. Defendants failed to furnish statements with pay and hour information to Plaintiff, in violation of 12 NYCRR 142-2.7.

AS A FOURTEENTH CAUSE OF ACTION FOR
ASSAULT AND BATTERY
(As Against Defendant Colley)

118. 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.
119. That Defendant assault and batter Plaintiff herein and did cause unwelcomed contact.
120. That Plaintiff did not consent to the contact and that the above contact was offensive.
121. Plaintiff was damaged thereby.

AS A FIFTEENTH CAUSE OF ACTION
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

122. Plaintiff repeats and realleges each and every paragraph above as if said paragraph was more fully set forth herein at length.
123. Defendants engaged in extreme and outrageous conduct.
124. Defendants intended to cause, or disregarded a substantial probability of causing, severe emotional distress to Plaintiff.

125. There exists a causal connection between the above conduct and said injury.
126. As a result of said conduct Plaintiff suffered and suffers from severe emotional distress, and compelling and coercing the above discriminatory conduct and unlawful termination of Plaintiff by Defendants.

PRAAYER FOR RELIEF

JURY DEMAND

Plaintiff requests a jury trial on all issues to be tried.

WHEREFORE, Plaintiff demands judgment against Defendants, jointly and severally, in an amount to be determined at the time of trial plus interest, punitive damages, liquidated damages, statutory damages, attorneys' fees, costs, and disbursements of action; and for such other relief as the Court deems just and proper.

Dated: New York, New York
March 31, 2015

DEREK SMITH LAW GROUP, PLLC
Attorneys for Plaintiffs

By: 

Derek T. Smith, Esq.
30 Broad Street, 35th floor
New York, New York 10004
(212) 587-0760