

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

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| MATTHEW LUKE                                    | : | Index No.:       |
|   | : |                  |
| Plaintiff,                                      | : | <b>COMPLAINT</b> |
|   | : |                  |
| -against-                                       | : |                  |
|   | : |                  |
| AL JAZEERA AMERICA                              | : |                  |
| and OSMAN MAHMUD in his official and individual | : |                  |
| capacities,                                     | : |                  |
|   | : |                  |
| Defendants.                                     | : |                  |
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Plaintiff, Matthew Luke (“Mr. Luke” or “Plaintiff”), by his counsel, Meister Seelig & Fein, LLP, as his Complaint against Defendants Al Jazeera America (“AJAM” or the “Company”) and Osman Mahmud (“Mr. Mahmud”) (collectively, “Defendants”), hereby alleges as follows:

**NATURE OF THIS ACTION**

1. Mr. Luke brings this action against AJAM and Mr. Mahmud to recover damages caused by Defendants’ unlawful and retaliatory termination of Mr. Luke in clear violation of the New York State Human Rights Law (the “NYSHRL”) and the New York City Human Rights Law (the “NYCHRL”).

2. Upon information and belief, AJAM is the American based news division of Al Jazeera Media Network, a Qatar based company, which is funded by the House of Thani, the ruling family of Qatar.

3. Mr. Luke was hired by AJAM on May 13, 2013, prior to the launch of the U.S. broadcast, as AJAM's Supervisor of Media and Archive Management and during his employment performed his duties exceptionally at all times.

4. Mr. Mahmud was hired by AJAM in October 2013, initially as a news editor.

5. In or around November 2014, Mr. Mahmud was promoted to Manager of Video Production and Editing at AJAM.

6. On or about February 13, 2015, Mr. Mahmud was promoted from the position of Manager of Video Production and Editing to Senior Vice President of Broadcast Operations & Technology, despite his lack of experience warranting such a promotion.

7. Upon information and belief, Mr. Mahmud is well connected with the financiers and/or senior executives at the parent company of AJAM, specifically with Dr. Mostefa Souag, acting Director General of the Al Jazeera Media Network, the parent company of AJAM.

8. As an employee at AJAM, Mr. Mahmud's discriminatory conduct included, but was not limited to, removing female employees from projects to which they had been previously assigned by other management level employees, excluding women from emails and meetings relevant to their assignments, and making discriminatory, anti-Semitic and anti-American remarks such as **"whoever supports Israel should die a fiery death in hell."**

9. On February 17, 2015, Mr. Luke complained to AJAM's Human Resources department about the abhorrent, biased and discriminatory conduct of Mr. Mahmud.

10. Ten (10) days after he reported Mr. Mahmud's behavior to AJAM Human Resources, AJAM retaliatorily terminated Mr. Luke's employment.

11. Rather than hold Mr. Mahmud accountable for his discriminatory actions and send the message that AJAM does not condone discriminatory and biased conduct in its news

organization, instead, in a clear act of retaliation, AJAM terminated the employment of Mr. Luke telling him that he did not “fit in” at AJAM.

12. No issues concerning Mr. Luke’s performance had been raised prior to his complaint concerning Mr. Mahmud’s anti-female, anti-Semitic and anti-American bias, and his performance was at all times exemplary.

13. Accordingly, Mr. Luke brings this action to recover the substantial damages he sustained and continues to sustain as a result of Defendants’ unlawful retaliation against him as well as punitive damages to send the message to AJAM and its senior level executives that disparate treatment of employees based on their gender or religion is not tolerated and that those who in good faith take action to prevent such discrimination in the workplace cannot be retaliated against and their employment terminated without repercussions.

**PARTIES, JURISDICTION AND VENUE**

14. Plaintiff, Mr. Luke, worked as AJAM’s Supervisor of Media and Archive Management from May 13, 2013 through February 27, 2015. Mr. Luke is a resident of New York County in the State of New York.

15. Defendant AJAM is a corporation organized and existing under the laws of Delaware and maintaining its headquarters at 435 Hudson Street, New York, New York 10014. AJAM regularly transacts business in the State of New York.

16. Upon information and belief, Mr. Mahmud resides in the State of New York. At all relevant times, Mr. Mahmud was employed by AJAM as a Manager of Editing, then Manager of Video Production and Editing, and later as a Senior Vice President of Broadcast Operations & Technology.

17. This Court has jurisdiction over AJAM pursuant to CPLR Section 301 in that, AJAM is headquartered in the State of New York, regularly transacts business in the State of New York and the events giving rise to this Complaint occurred in the State of New York.

18. This Court has jurisdiction over Mr. Mahmud pursuant to CPLR Section 301 in that, upon information and belief, he is a citizen of the State of New York, he works in AJAM's New York office, and his actions giving rise to this Complaint occurred in the State of New York.

19. Venue is proper in New York County pursuant to CPLR Sections 503 and 509 in that Plaintiff is a resident of New York County and designates New York County as the place of trial.

### **FACTUAL BACKGROUND**

#### **Mr. Luke's Employment with AJAM**

20. On or around May 13, 2013, Mr. Luke was hired as a Supervisor of Media and Archive Management at AJAM.

21. Mr. Luke interviewed with and, throughout most of his employment, directly reported to Mr. Jeff Polikoff, currently the acting Executive Vice President of Operations & Technology.

22. Mr. Luke was passionate and devoted to his job.

23. Mr. Luke worked diligently to assist AJAM to prepare for the launch of its U.S. news network in August of 2013, and, along with the team that he managed, was instrumental in making that launch a logistical success.

24. Throughout Mr. Luke's employment with AJAM, he and Mr. Polikoff had an excellent working relationship.

25. Mr. Luke received only positive feedback regarding his performance at AJAM and the quality of his work.

26. Mr. Luke was well liked and had no issues maintaining good working relationships with his colleagues.

**Mr. Mahmud's Discriminatory Propensities**

27. Throughout his employment with AJAM, Mr. Mahmud engaged in a pattern of offensive and discriminatory behavior that was widely known and even acknowledged by many of AJAM's employees, managers and executives.

28. By way of example, in or around November 2014, approximately one (1) month after Mr. Mahmud was promoted to Manager of Video Production and Editing, Mr. Mahmud took it upon himself to terminate one of the best editors working on the successful show, "America Tonight."

29. When the well-liked and respected female Executive Producer of "America Tonight," expressed concern to Mr. Mahmud regarding his termination of one of her best editors without consulting her, Mr. Mahmud became combative and then dismissive of the Executive Producer even though she outranked him at the Company.

30. Mr. Mahmud then contacted Ehab Al Shihabi, CEO of AJAM, to complain about the Executive Producer, and, shortly thereafter, she was directed to write Mr. Mahmud a letter of apology.

31. A few weeks later, in or around December 2014, a meeting took place concerning Mr. Mahmud and, specifically, his overt misogynistic behavior and bias against women as well as his anti-Semitic rhetoric. Several high level executives and operational heads were present at the meeting.

32. At the December 2014 meeting, both the Executive Vice President of Technology and Operations and the Director of PMO stated that they had no choice but to accept and deal with Mr. Mahmud's offensive and discriminatory conduct because Mr. Mahmud was so well-connected within the Company.

33. As another example of Mr. Mahmud's bias against women, on or around January 15, 2015, a female engineer at AJAM, tried to help Mr. Mahmud set up an edit system on his computer.

34. While the female engineer was working to assist Mr. Mahmud, he, despite her impressive credentials, brushed aside her advice and insisted that she did not know what she was doing.

35. Mr. Mahmud then asked a male engineer to help him instead.

36. The female engineer said to Mr. Luke, "I guess a woman's opinion doesn't count here."

37. Tellingly, the male engineer who witnessed Mr. Mahmud's shocking behavior reiterated the female engineer's instructions and stated that his own explanation did not add anything new to the female engineer's explanation.

38. Nonetheless, Mr. Mahmud dismissed the female engineer's instructions and explanation but listened to those of the male engineer, even though they were substantively the same.

39. A couple of weeks later, as yet another example of Mr. Mahmud's discriminatory behavior, Mr. Luke observed Mr. Mahmud speaking with the female Senior Vice President of News Gathering in an abrasive and condescending manner, regarding the cost of AJAM's Middle East Correspondent's cameraman, who was Israeli.

40. Mr. Mahmud told the female SVP of News Gathering that he wanted to replace the Israeli cameraman, with a Palestinian, whose qualifications for the position were questionable.

41. The female SVP of News Gathering insisted that keeping the Middle East Correspondent's Israeli cameraman would yield the highest quality journalism and be in the best interests of AJAM.

42. Mr. Mahmud insubordinately dismissed and patronized the female SVP and her professional opinion (though assigning photographers and cameramen were not within the ambit of Mr. Mahmud's job description).

43. Upon information and belief, the female SVP reported Mr. Mahmud's conduct to AJAM's Human Resources department.

44. Shortly thereafter, the female SVP was transferred and became the "Senior Vice President of Corporate Outreach," a significantly less prestigious position, that did not require her to use her impressive and substantive experience and skill set.

45. Not surprisingly, the female SVP's previous position was filled by a male, Amir Ahmed, and the Middle East Correspondent was recalled from the field in the Middle East.

46. Upon information and belief, the CEO of AJAM felt the Middle East Correspondent's reporting was too biased toward Israel.

47. Mr. Mahmud also unabashedly and openly made Anti-Semitic and Anti-American remarks at the AJAM office, including stating that "whoever supports Israel should die a fiery death in hell."

48. Mr. Mahmud's discriminatory conduct created a hostile work environment causing Mr. Luke and others at AJAM to feel very uncomfortable.

**Mr. Mahmud is Promoted to Senior Vice President and Forces Mr. Luke to Partake in His Discriminatory Conduct**

49. Despite his well known discriminatory beliefs and conduct, on or around February 13, 2015, Mr. Mahmud became Senior Vice President of Broadcast Operations & Technology at AJAM as well as Mr. Luke's new direct supervisor.

50. Mr. Mahmud was promoted from his position as a rank and file editor at AJAM, to Manager of Video Production and Editing, to Senior Vice President of Broadcast Operations, in a span of less than four (4) short months.

51. Upon information and belief, Mr. Mahmud is well connected with the financiers and/or senior executives at the parent company of AJAM, specifically with Dr. Mostefa Souag, acting Director General of the Al Jazeera Media Network, the parent company of AJAM.

52. Upon information and belief, only a few days after Mr. Mahmud's promotion to Manager of Video Production and Editing, Mr. Mahmud's female supervisor was instructed by Mr. Polikoff to inflate Mr. Mahmud's rating and review (and deflate her own self-review), in an attempt to substantiate Mr. Mahmud's otherwise unjustifiable promotion.

53. Upon information and belief, Mr. Mahmud was not qualified for the position of Senior Vice President of Broadcast Operations & Technology either, but was promoted to that position because of his religion, nationality and his ties to AJAM's parent company's senior executives.

54. On February 13, 2015, Mr. Mahmud's first day in his new role, he directed Mr. Luke to remove two women from an email chain that was directly related to a project they were working on for Mr. Luke and instead include a male engineer on the emails.

55. Mr. Luke explained to Mr. Mahmud that the two female employees were included on the email chain because it was their project (while the male engineer requested by Mr. Mahmud was not involved in the project) and that they had the appropriate qualifications to handle the project.

56. Mr. Mahmud answered that he wanted the female employees replaced and not involved.

57. The female employees were high performers and there was no non-discriminatory reason to remove them from the project.

58. Upon information and belief, the reason that Mr. Mahmud insisted on removing them from the project was that they are female.

59. In addition, Mr. Mahmud told Mr. Luke that, going forward, he should bypass the female Lead Editor as Mr. Luke's point of contact for editing issues and reach out directly to Mr. Mahmud instead.

60. Although Mr. Luke had previously encountered Mr. Mahmud's discriminatory behavior, this was the first time Mr. Luke was being directed to participate in Mr. Mahmud's discriminatory conduct and bias against women, thereby causing Mr. Luke to feel even more uncomfortable with Mr. Mahmud's actions.

#### **Mr. Luke Engages in Protected Activity and Complains to AJAM's Human Resources**

61. On February 13, 2015, Mr. Luke requested a meeting with the Executive Vice President of Human Resources at AJAM, to voice his concerns regarding Mr. Mahmud.

62. On February 17, 2015, Mr. Luke engaged in protected activity and had a conference call with the EVP of Human Resources and Mr. Polikoff to discuss Mr. Mahmud's pattern of inappropriate discriminatory conduct.

63. During the conference call, Mr. Luke explained that Mr. Mahmud behaved in a sexist discriminatory way and sought to exclude women from meetings and communications relevant to their work.

64. Mr. Luke further stated that Mr. Mahmud made anti-Semitic and anti-American remarks and provided examples.

65. To his credit, Mr. Polikoff candidly stated that he had heard similar complaints from others regarding Mr. Mahmud.

66. After the conference call, Mr. Luke requested that he be provided with documentation regarding the call, however the EVP of Human Resources told Mr. Luke that it is AJAM's policy not to keep such records.

67. On Friday, February 20, 2015, only three (3) days after Mr. Luke complained of Mr. Mahmud's discriminatory conduct, Mr. Luke walked by Mr. Mahmud's desk, and on Mr. Mahmud's computer screen saw a letter of acceptance from one of Mr. Luke's subordinates for Mr. Luke's position.

68. Another colleague of Mr. Luke also saw the letter of acceptance on Mr. Mahmud's computer screen.

69. Mr. Luke and his colleague immediately asked Mr. Polikoff about the letter of acceptance, however Mr. Polikoff stated that he had no knowledge about the situation.

70. Mr. Luke asked Mr. Polikoff to inquire with Human Resources about the letter of acceptance, though it was clear to Mr. Luke that Mr. Mahmud had acted immediately to replace Mr. Luke in retaliation for his complaints regarding Mr. Mahmud's conduct.

### **AJAM Suspends Mr. Luke's Employment**

71. On Sunday, February 22, 2015, the EVP of Human Resources emailed Mr. Luke at approximately 11:30 pm directing him not to report to work at AJAM the following day.

72. On February 23, 2015, the EVP of Human Resources called Mr. Luke and explained that a complaint had been filed against him on Friday, February 20, 2015, and that he was suspended (with pay) pending the outcome of an investigation into the charges. The EVP of Human Resources also informed Mr. Luke that his access to his company email and computer was suspended until further notice.

73. Later that day, the EVP of Human Resources asked Mr. Luke to come in for a meeting with her and another Human Resources Vice President regarding the complaint against him.

74. During the meeting with Mr. Luke, the EVP of Human Resources explained that Mr. Mahmud had just filed a complaint against him regarding a professional disagreement that took place between Mr. Mahmud and Mr. Luke *four months prior*.

75. The disagreement between Mr. Luke and Mr. Mahmud was business-related and minor and Mr. Luke believed that he and Mr. Mahmud had both long moved past said disagreement.

76. Upon information and belief, Mr. Mahmud's complaint and the subsequent "investigation" of that complaint was not conducted in good faith, but rather was a misguided attempt on the part of AJAM and Mr. Mahmud to retaliate against Mr. Luke for his complaints regarding Mr. Mahmud's discriminatory conduct.

**AJAM Retaliatorily Terminates Mr. Luke's Employment**

77. On February 27, 2015, three (3) days after the meeting regarding Mr. Mahmud's retaliatory "complaint," and a mere ten (10) days after Mr. Luke's initial meeting with Human Resources in which he engaged in protected activity and voiced his concerns regarding Mr. Mahmud's conduct, which AJAM failed to investigate, AJAM terminated Mr. Luke's employment.

78. At the termination meeting, the EVP of Human Resources told Mr. Luke that he "did not fit into the company culture."

79. AJAM did not bother to conduct any investigation into Mr. Luke's complaints about Mr. Mahmud, but rather simply terminated the messenger.

80. Since Mr. Luke's termination, the female Lead Editor (whose treatment Mr. Luke specifically mentioned in his meeting with the EVP of Human Resources) was also terminated.

81. In addition, another colleague who, after Mr. Luke's termination, wrote a letter to the EVP of Human Resources in support of Mr. Luke and encouraging his reinstatement, was removed from his position of Director of Engineering of AJAM and reassigned to the newly created and less prestigious role of Director of Special Projects.

82. Upon information and belief, AJAM is retaliating against individuals who have demonstrated support of Mr. Luke.

**AS AND FOR A FIRST CAUSE OF ACTION**  
**(Retaliation in Violation of the NYSHRL, N.Y. Exec. L. §§290 *et seq.*)**

83. Plaintiff repeats each and every allegation contained in Paragraphs 1 through 82 with the same force and effect as if fully set forth herein.

84. The NYSHRL states that "it shall be an unlawful discriminatory practice... to retaliate or discriminate against any person because he or she has opposed any practices

forbidden under this article or because he or she has filed a complaint, testified or assisted in any proceeding under this article.” N.Y. Exec. L. §296(7).

85. Mr. Luke engaged in protected activity and opposed Mr. Mahmud’s illegal discriminatory acts against his colleagues by complaining to AJAM’s Human Resources Department regarding Mr. Mahmud’s discriminatory conduct on the basis of his colleagues’ gender, religion and nationality.

86. Because Mr. Luke complained to AJAM regarding Mr. Mahmud’s illegal discriminatory remarks and acts, Defendants retaliated against Mr. Luke by terminating his employment in violation of the NYSHRL.

87. Mr. Luke suffered damages a result of Defendants’ unlawful retaliation, including, without limitation, lost past and future wages and benefits, and emotional distress.

**AS AND FOR A SECOND CAUSE OF ACTION**  
**(Retaliation in Violation of the NYCHRL, N.Y. City Admin. Code §§8-101 *et seq.*)**

88. Plaintiff repeats each and every allegation contained in Paragraphs 1 through 82 with the same force and effect as if fully set forth herein.

89. The NYCHRL mandates that it “[s]hall be an unlawful discriminatory practice for any person engaged in any activity to which this chapter applies to retaliate or discriminate in any manner against any person because such person has (i) opposed any practice forbidden under this chapter...” N.Y. City Admin. Code. §8-107(7)

90. The NYCHRL further provides that the “retaliation or discrimination complained of... must be reasonably likely to deter a person from engaging in protected activity.” N.Y. City Admin. Code. §8-107(7)

91. Mr. Luke engaged in protected activity and opposed Mr. Mahmud’s illegal discriminatory acts against his colleagues by complaining to AJAM’s Human Resources

Department regarding Mr. Mahmud's discriminatory conduct on the basis of his colleagues' gender, religion and nationality.

92. Because Mr. Luke complained to AJAM regarding Mr. Mahmud's illegal discriminatory remarks and acts, Defendants retaliated against Mr. Luke by terminating his employment in violation of the NYCHRL.

93. Defendants' actions toward Mr. Luke are more than reasonably likely to deter another AJAM employee from engaging in protected activity.

94. Mr. Luke suffered damages a result of Defendants' unlawful retaliation, including, without limitation, lost past and future wages and benefits, emotional distress and the costs and attorneys' fees incurred in bringing this action.

95. Because Defendants intentionally retaliated against Mr. Luke, Mr. Luke should also be awarded punitive damages.

**WHEREFORE**, Plaintiff demands judgment against Defendants as follows:

- A. Awarding compensatory damages, including, without limitation, for Mr. Luke's physical and emotional suffering and loss of enjoyment of life, in an amount to be determined at trial, but not less than \$5,000,000;
- B. Awarding punitive damages in an amount to be determined at trial, but not less than \$10,000,000;
- C. Awarding Plaintiff the costs and disbursements of this action, including reasonable attorneys' fees and costs; and
- D. Awarding Plaintiff such other and further relief as this Court deems just and proper.

Dated: New York, New York  
April 28, 2015

**MEISTER SEELIG & FEIN LLP**

By: \_\_\_\_\_

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