

**OUTTEN & GOLDEN LLP**

Tammy T. Marzigliano  
Sally J. Abrahamson (*pro hac vice*  
motion forthcoming)  
Shirley Lin  
3 Park Avenue, 29th Floor  
New York, New York 10016  
(212) 245-1000

**THE LEGAL AID SOCIETY**

Seymour W. James, Attorney-in-Chief  
Adrienne Holder, Attorney-in-Charge, Civil Practice  
Karen Cacace, Supervising Attorney, Employment  
Law Unit  
Hollis V. Pfitsch, Of Counsel  
199 Water Street, 3rd Floor  
New York, New York 10038  
(212) 577-3300

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK**

MARIA (“MARIANA”) QUINDI,

Plaintiff,

v.

YOON CORP., MYONG C. SONG, and YOON  
J. CHANG,

Defendants.

**COMPLAINT**

**Demand for Trial by Jury**

**NATURE OF THE ACTION**

1. Maria (“Mariana”) Quindi (“Ms. Quindi”), Plaintiff, brings this action against Defendants, Yoon Corp. (the “garment factory” or “factory”), Myong C. Song (“Ms. Song”), and Yoon J. Chang (“Mr. Chang”), for violations of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.* (“Title VII”), as amended by the Pregnancy Discrimination Act, 42 U.S.C. § 2000e(k) (the “PDA”), the Family and Medical Leave Act, 29 U.S.C. § 2601 *et seq.* (the “FMLA”), the New York City Human Rights Law (“NYCHRL”) as amended by the New York City Pregnant Workers Fairness Act (“NYC PWFA”), N.Y.C. Admin. Code § 8-101 *et seq.*, and tort law.

2. Ms. Quindi was employed as a machine worker at Yoon Corp., a garment factory located in Long Island City, Queens, under the supervision of Ms. Song and Mr. Chang.

3. Ms. Quindi worked for Defendants for at least seven years without criticism of her work. After Ms. Quindi notified Defendants of her pregnancy in January 2014, however, they immediately subjected her to a campaign of discrimination and retaliation for her attempts to exercise her rights to receive medical treatment for her pregnancy and to receive pregnancy-related work accommodations.

4. Defendants embarked on a campaign of discrimination against Ms. Quindi and constantly insulted and humiliated her in front of her co-workers. For instance, soon after learning of Ms. Quindi's pregnancy, Mr. Chang demanded to know why she was pregnant and told Ms. Quindi that she should throw her baby into the "garbage" instead.

5. Defendants' acts of discrimination escalated on February 21, 2014, when Ms. Song physically attacked Ms. Quindi at the factory. Soon after Ms. Quindi called 911, Ms. Song was arrested.

6. Defendants constructively terminated Ms. Quindi's employment by maintaining working conditions that were so difficult and intolerable that a reasonable person in her shoes would have felt compelled to resign.

7. Ms. Quindi now brings this action to seek declaratory relief, compensatory damages, incidental damages, consequential damages, punitive damages, attorneys' fees and costs, and other appropriate legal and equitable relief pursuant to Title VII, state tort law, and the NYCHRL.

#### **JURISDICTION AND VENUE**

8. This Court has subject matter jurisdiction over Ms. Quindi's Title VII, Pregnancy Discrimination Act, and Family and Medical Leave Act claims pursuant to 28 U.S.C. § 1331.

9. This Court has supplemental jurisdiction over Ms. Quindi's claims under state tort law and the NYCHRL pursuant to 28 U.S.C. § 1367 because these claims are so closely related to Ms. Quindi's claims under the Title VII, the PDA, and the FMLA that they form part of the same case or controversy under Article III of the United States Constitution.

10. Venue lies in this judicial district pursuant to 28 U.S.C. § 1391(b)(2) because Ms. Quindi is a resident of Queens and the unlawful employment practices complained of herein occurred within the Eastern District of New York.

### **PARTIES**

11. Plaintiff Maria ("Mariana") Quindi is a 38-year-old adult woman who currently resides in Queens, New York.

12. Defendant Yoon Corp. is a business incorporated in New York. It has more than 50 employees located at 43-23 Queens Street, Long Island City, New York, 11101.

13. Defendant Myong Song is an individual and, upon information and belief, is an owner of Yoon Corp. Ms. Song supervised Ms. Quindi, and had the power to hire and fire her and set the terms and conditions of her employment. Ms. Song was also known to Ms. Quindi as "Alma."

14. Defendant Yoon J. Chang is an individual and, upon information and belief, is an owner of Yoon Corp. Mr. Chang supervised Ms. Quindi, and had the power to hire and fire her and set the terms and conditions of her employment. Mr. Chang was also known to Ms. Quindi as "Alishe."

15. At all relevant times, Yoon Corp, Ms. Song, and Mr. Chang were each Ms. Quindi's "employer" as that word is defined under Title VII, the FMLA, 29 U.S.C. § 2611(4)(A)(ii)(I), and the NYCHRL.

**FACTUAL ALLEGATIONS**

16. Ms. Quindi began working at the garment factory in late 2001 or early 2002 as a floor worker.

17. Ms. Quindi's position as floor worker entailed standing and cutting threads on pieces that had been sewed and ironed.

18. At the time, Ms. Quindi's supervisor was Defendant Song.

19. Ms. Quindi chose to leave the factory in or around 2006 for personal reasons, and was rehired in or around July 2009 as a machine worker.

20. In the machine worker position, Ms. Quindi carried heavy bundles of clothing, sorted the clothing, and distributed them to the sewers. She would then pick up the bundles from the sewers throughout her shift and bring them to different stations.

21. The bundles were very heavy, weighing at least 30 pounds each, and the position required Ms. Quindi to lift them and walk with them throughout the day.

**Defendants Learn of Ms. Quindi's Pregnancy and Related Restrictions, But Refuse to Properly Accommodate Her Pregnancy and Requests for Intermittent Medical Leave**

22. In late December 2013, Ms. Quindi found out that she was pregnant.

23. Because she had seen Mr. Chang and Ms. Song insult other female garment workers at the factory who revealed that they were pregnant, Ms. Quindi asked her husband to call her supervisor, Mr. Chang, to notify Defendants of her pregnancy.

24. In early January 2014, Ms. Quindi's husband, Jose Pinguil, called Mr. Chang to inform him and Ms. Song that Ms. Quindi was pregnant, and requested that Defendants adjust Ms. Quindi's schedule to allow her to attend medical appointments in the near future.

25. Mr. Chang replied to Mr. Pinguil sarcastically, "Why baby? Why baby? You have mucho money?"

26. Mr. Chang communicated with Ms. Quindi and her husband in a mix of Spanish and English. Ms. Song communicated with Ms. Quindi primarily in Spanish.

27. Mr. Pinguil replied that he and Ms. Quindi wanted to have another child, and had been planning to have this child, to which Mr. Chang responded, “Okay, no problem.”

28. When Ms. Quindi reported to work the following day, Mr. Chang began shouting at her. In front of all of the factory workers — nearly all of whom were women — he yelled, “Por qué baby!?! [Why are you pregnant!?!] You mucho money? [Are you made of money?!],” and “No good! Everything niño — garbage! [Everything baby — garbage!]” Ms. Quindi understood Mr. Chang to mean that she and other women workers should throw their babies in the garbage.

29. Mr. Chang finished by saying, “Tiene baby, sólo appointment, appointment! [Once you have a baby, it’s all about appointments!] No tiene — no tiene! [Don’t have them! Just don’t have them!]”

30. Mr. Chang’s tirade made Ms. Quindi even more afraid of bringing to his attention anything related to her pregnancy.

31. Throughout the month of January 2014, whenever Ms. Quindi lifted the clothing bundles at work, the lifting caused her to have pain in her abdomen, especially in the afternoon.

32. Because of this pain, Ms. Quindi’s doctor advised her to take precautions not to lift any heavy objects because she was carrying the baby very low. She told her husband that she believed she needed to temporarily switch her position at the factory.

33. On or about Thursday, February 13, 2014, Mr. Pinguil called Mr. Chang again to ask for a pregnancy-related accommodation for his wife.

34. Mr. Pinguil asked Mr. Chang to move his wife to another position in the factory, explaining that she is pregnant and felt pain when lifting heavy things.

35. Mr. Chang replied, “Okay, okay,” but immediately added, “Alma está angry because Mariana’s pregnant. [Ms. Song is very angry that Mariana’s pregnant.]”

36. The following day, on or about February 14, 2014, Mr. Chang instructed Ms. Quindi to take up her former position of floor worker, which did not require heavy lifting.

37. He said, “Mariana, tu esposo me llamó que cambie el trabajo. Tú vas a trabajar en piso. [Mariana, your husband called me asking to switch your job. You’re now going to be a floor worker.]”

38. Because floor work came in waves, by midday, Mr. Chang sent Ms. Quindi and about 20 other floor workers home.

39. After Defendants switched Ms. Quindi to work as a floor worker, they appointed another employee to Ms. Quindi’s position of machine worker.

40. Ms. Song quickly became frustrated at the worker she had assigned to replace Ms. Quindi as a machine worker, claiming that her replacement was doing a poor job, and began berating Ms. Quindi in front of other people.

41. The following Monday, Ms. Quindi reported to work as a floor worker, but Mr. Chang told her that she needed to resume her position as a machine worker.

42. Contrary to her doctor’s orders, and out of fear of losing her job, Ms. Quindi complied with Mr. Chang’s directive and reported back to the machine worker position.

43. In total, Defendants accommodated Ms. Quindi’s pregnancy-related condition for approximately only one business day.

44. Defendants did not undertake any other efforts to accommodate her position, whether by providing a wheeled cart or assigning someone to help her lift heavy things.

45. Defendants never offered Ms. Quindi light duty or any other job modification again.

**Defendants Harass and Constructively Terminate Ms. Quindi's Employment Because of Her Pregnancy**

46. Ms. Quindi's pregnancy was considered "high risk" because of her age and the position in which she was carrying her baby. Her doctor required her to undergo several tests because it had been 15 years since her last pregnancy.

47. Because of the risk of complications with her pregnancy, Ms. Quindi attended all of her appointments and did all of the tests the doctors requested during the month of February 2014.

48. After Ms. Song learned that Ms. Quindi was pregnant, however, she began a campaign of harassment and verbal abuse directed towards Ms. Quindi, all of which was related to Ms. Quindi's pregnancy.

49. Ms. Song screamed or yelled at Ms. Quindi whenever she had to take time off for medical appointments or for appointments related to her medical insurance.

50. Among the things Ms. Song yelled, "You are so stupid!" and "Por qué solo appointment!?! [Why all these appointments!?!]" and "No más trabajo! [You're going to be fired!]" and suggested that many people were looking for jobs like hers.

51. Defendants' barrage of comments and insults about her pregnancy and accommodation requests caused Ms. Quindi considerable stress, as she was constantly afraid of losing her job.

52. When Ms. Quindi requested time off for doctor's appointments related to her pregnancy, Ms. Song yelled at Ms. Quindi and insulted her in front of her co-workers. Ms. Quindi was so humiliated by this that she stopped asking for permission to go to appointments when her co-workers were present. Instead, she waited until everyone went home for the day before speaking to Ms. Song about her appointments.

53. When Ms. Quindi tried to approach Mr. Chang instead of Ms. Song for permission to take time off for medical appointments, Mr. Chang also yelled at Ms. Quindi.

54. Further, Ms. Song came to subject Ms. Quindi to unwarranted performance criticisms.

55. For the seven or so years before Ms. Quindi disclosed her pregnancy, Ms. Song had found Ms. Quindi's work as a machine worker and as a floor worker satisfactory. Now, after Ms. Quindi disclosed her pregnancy, however, Ms. Song suddenly began to claim that there were faults with her work.

56. On February 20, 2014, Ms. Quindi had an appointment at the Medicaid office to address her insurance coverage and left work at approximately 4 p.m.

57. The next day, on February 21, 2014, when Ms. Quindi returned to work, Ms. Song angrily yelled at her for leaving work early the previous day.

58. Ms. Song then accused Ms. Quindi of performing a task improperly, and began yelling, "Why did you do this!?"

59. Ms. Quindi turned, and as Ms. Quindi's back was turned Ms. Song hit Ms. Quindi below her head, on her neck, with a stack of envelopes bound together with rubber bands.



60. Ms. Song attacked Ms. Quindi with so much force that Ms. Quindi lost her balance and only managed to prevent herself from falling to the ground by catching herself on a nearby machine.

61. The attack was forceful enough to cause swelling on Ms. Quindi's body.

62. Ms. Quindi, frightened and concerned for her unborn baby, told Ms. Song she was going to call the police.

63. Mr. Chang ordered her not to, saying "Alma is crazy. Come talk about this in the office."

64. When Ms. Quindi refused, Mr. Chang grabbed her from behind, attempting to pin her arms down and shaking her as she struggled to break free.

65. Ms. Quindi was crying throughout the attack, and repeatedly begged Mr. Chang to release her.

66. Mr. Chang finally let her go, saying, "I don't care. I have my lawyer."

67. Ms. Quindi called 911. Upon arrival, the police officers asked Ms. Song and Mr. Chang whether they knew Ms. Quindi was pregnant. They replied yes.

68. The police officers called an ambulance, which took Ms. Quindi to the emergency room of Elmhurst Hospital Center, where she was diagnosed with myalgia and instructed her to rest, apply ice to the swelling, and to take an analgesic.

69. Ms. Song was arrested by the police on the same day. She was charged with assault in the third degree and harassment in the second degree. She ultimately entered a plea to disorderly conduct and a two-year order of protection was entered against her in favor of Ms. Quindi.

70. The next day, Mr. Chang called Ms. Quindi, who was too afraid to answer her phone. Mr. Chang called again the following day, which was a Sunday, and Ms. Quindi's husband answered her phone.

71. Mr. Chang suggested that Ms. Quindi return to work the following day, on Monday. Because Ms. Quindi did not want to put herself or her unborn child in any further danger, Mr. Pinguil told him that Ms. Quindi was not going to return to work.

72. Ms. Quindi did not return to work; any reasonable person in Ms. Quindi's position would have felt compelled to resign, given Defendants' ongoing harassment of Ms. Quindi and the difficult and dangerous work conditions Defendants created for Ms. Quindi.

73. After the attack, Ms. Quindi had tremendous difficulty sleeping and cried often, worrying about carrying her baby to term.

74. Defendants acted willfully and with malice, in conscious and deliberate disregard of Ms. Quindi's health and interests.

#### **CONDITIONS PRECEDENT**

75. Ms. Quindi timely filed a charge of pregnancy discrimination with the Equal Employment Opportunity Commission ("EEOC") on August 19, 2014.

76. On February 13, 2015, Ms. Quindi received a Notice of Right to Sue from the EEOC.

77. Contemporaneously with the filing of this Complaint, Ms. Quindi has mailed a copy to the New York City Commission of Human Rights and the Office of the Corporation Counsel of the City of New York, thereby satisfying the notice requirements of Section 8-502 of the New York City Administrative Code.

**CLAIMS FOR RELIEF**

**FIRST CLAIM FOR RELIEF**

**(Discrimination and Termination of Employment Because of Pregnancy)  
(Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e *et seq.*, as amended by the  
Pregnancy Discrimination Act, 42 U.S.C. § 2000E(K))  
(Against Defendant Yoon Corp.)**

78. Ms. Quindi realleges and incorporates by reference the allegations contained in the previous paragraphs of the Complaint as if fully rewritten herein.

79. The Pregnancy Discrimination Act prohibits discrimination in the terms and conditions of employment and the discharge of an employee based on the employee's pregnancy. 42 U.S.C. §§ 2000e-2(a)(1), 2000e(k).

80. As outlined above, Defendant Yoon Corp. discriminated against Ms. Quindi in the terms and conditions of her pregnancy and by constructively terminating her employment.

81. In doing so, Defendant Yoon Corp. acted maliciously and with reckless indifference to Ms. Quindi's right to be free from discrimination based on her pregnancy.

82. Ms. Quindi is entitled to damages as a result of Defendant Yoon Corp.'s unlawful acts, including past and future lost wages and benefits, damages to compensate her for past and future physical and emotional distress, punitive damages, reasonable attorneys' fees and costs of this action, and pre-judgment interest.

**SECOND CLAIM FOR RELIEF**

**(Discrimination and Termination of Employment Because of Pregnancy)  
(New York City Human Rights Law as amended by the NYC Pregnant Workers  
Fairness Act, N.Y.C. Admin. Code §§ 8-101 *et seq.*, 8-107(22))  
(Against All Defendants)**

83. Ms. Quindi realleges and incorporates by reference the allegations contained in the previous paragraphs of the Complaint as if fully rewritten herein.

84. The Pregnancy Discrimination Act prohibits discrimination in the terms and conditions of employment and the discharge of an employee based on the employee's pregnancy. 42 U.S.C. §§ 2000e-2(a)(1), 2000e(k).

85. As outlined above, Defendants discriminated against Ms. Quindi in the terms and conditions of her pregnancy and by constructively terminating her employment.

86. In doing so, Defendants acted maliciously and with reckless indifference to Ms. Quindi's right to be free from discrimination based on her pregnancy.

87. Ms. Quindi is entitled to damages as a result of Defendants' unlawful acts, including past and future lost wages and benefits, damages to compensate her for past and future physical and emotional distress, punitive damages, reasonable attorneys' fees and costs of this action, and pre-judgment interest.

**THIRD CLAIM FOR RELIEF**  
**(Retaliation for the Exercise of FMLA Rights)**  
**(Family and Medical Leave Act, 29 U.S.C. § 2601 *et seq.*)**  
**(Against All Defendants)**

88. Ms. Quindi incorporates by reference the allegations contained in the previous paragraphs of the Complaint as if fully rewritten herein.

89. Ms. Quindi put Defendants on notice of her need for leave under the Family and Medical Leave Act, for which she was qualified, when she notified Defendants in January 2014 that she was pregnant and, through her husband, requested adjustments to her work schedule to attend prenatal appointments.

90. Defendants violated the Family and Medical Leave Act when they altered the terms and conditions of Ms. Quindi's employment through Mr. Chang's and Ms. Song's ongoing harassment of Ms. Quindi in retaliation for Ms. Quindi's exercise of her FMLA rights.

91. Defendants terminated Ms. Quindi's employment in retaliation for exercising her rights under the Family and Medical Leave Act.

92. Defendants' violations of the Family and Medical Leave Act, as described in the Complaint, were willful and intentional. Defendants did not make a good-faith effort to comply with the Family and Medical Leave Act with respect to Ms. Quindi.

93. Ms. Quindi is entitled to damages as a result of Defendants' unlawful acts, including past and future lost wages and benefits, liquidated damages, and reasonable attorneys' fees and costs of this action.

**FOURTH CLAIM FOR RELIEF**  
**(Interference with FMLA Rights)**  
**(Family and Medical Leave Act, 29 U.S.C. §2601 *et seq.*)**  
**(Against All Defendants)**

94. Ms. Quindi incorporates by reference the allegations contained in the previous paragraphs of the Complaint as if fully rewritten herein.

95. Ms. Quindi put Defendants on notice of her need for leave under the Family and Medical Leave Act, for which she was qualified, when she notified Defendants in January 2014 that she was pregnant and requested adjustments to her work schedule to attend prenatal appointments.

96. Defendants were obligated to notify Ms. Quindi of her entitlement to leave under the Family and Medical Leave Act, and did not comply with their obligation.

97. Defendants violated the Family and Medical Leave Act when they interfered with the exercise of Ms. Quindi's rights under the FMLA by failing to provide her notice of her rights and the opportunity to exercise her rights.

98. Defendants further interfered with Ms. Quindi's rights under the Family and Medical Leave Act by subjecting her to harassment whenever she requested and took time off to attend prenatal appointments.

99. Defendants' violations of the Family and Medical Leave Act, as described in this Complaint, were willful and intentional. Defendants did not make a good-faith effort to comply with the Family and Medical Leave Act with respect to Ms. Quindi.

100. Ms. Ryder is entitled to damages as a result of Defendants' unlawful acts, including past and future lost wages and benefits, liquidated damages, and reasonable attorneys' fees and costs of this action.

**FIFTH CLAIM FOR RELIEF**  
**(Discrimination and Termination of Employment Because of Pregnancy)**  
**(New York City Human Rights Law as amended by the NYC Pregnant Workers**  
**Fairness Act, N.Y.C. Admin. Code §§ 8-101 et seq., 8-107(22))**  
**(Against All Defendants)**

101. Ms. Quindi incorporates by reference the allegations contained in the previous paragraphs of the Complaint as if fully rewritten herein.

102. The New York City Human Rights Law prohibits any employer or an employee or an agent thereof from discriminating against an employee in the terms and conditions of her employment and discharging an employee based Ms. Quindi's disability and perceived disability due to her pregnancy and related medical condition. N.Y. C. Admin. Code § 8-107(1)(a).

103. Defendants violated the New York City Human Rights Law when they discriminated against Ms. Quindi in the terms and conditions of her employment and terminated her employment because of her pregnancy.

104. In doing so, Defendants acted with willful, wanton, and reckless disregard for Ms. Quindi's rights to be free from discrimination because of pregnancy.

105. Ms. Quindi is entitled to damages as a result of Defendants' unlawful acts, including past and future lost wages and benefits, damages to compensate her for past and future physical and emotional distress, punitive damages, reasonable attorneys' fees and costs of this action, and pre-judgment interest.

**SIXTH CLAIM FOR RELIEF**  
**(Failure to Provide a Reasonable Accommodation for a Pregnancy and Related Medical Condition)**  
**(New York City Human Rights Law as amended by the NYC Pregnant Workers Fairness Act, N.Y.C. Admin. Code §§ 8-101 *et seq.*, 8-107(22))**  
**(Against All Defendants)**

106. Ms. Quindi incorporates by reference the allegations contained in the previous paragraphs of the Complaint as if fully rewritten herein.

107. The New York City Human Rights Law prohibits any from "refus[ing] to provide a reasonable accommodation . . . to the needs of an employee for her pregnancy, childbirth, or related medical condition that would allow the employee to perform the essential requisites of the job." N.Y. C. Admin. Code § 8-107(22).

108. Defendants violated the New York City Pregnant Workers Fairness Act when they were aware of her pregnancy and related medical condition, but failed to provide her with a reasonable accommodation for the duration of her employment. Defendants additionally violated the NYC PWFA when they terminated her employment because she requested an accommodation for her pregnancy.

109. In doing so, Defendants acted with willful, wanton, and reckless disregard for Ms. Quindi's rights to be free from discrimination because of pregnancy.

110. Ms. Quindi is entitled to damages as a result of Defendants' unlawful acts, including past and future lost wages and benefits, damages to compensate her for past and future

physical and emotional distress, punitive damages, reasonable attorneys' fees and costs of this action, and pre-judgment interest.

**SEVENTH CLAIM FOR RELIEF**  
**(Aiding and Abetting Liability for Discrimination and Termination of Employment**  
**Because of Pregnancy)**  
**(New York City Human Rights Law as amended by the NYC Pregnant Workers**  
**Fairness Act, N.Y.C. Admin. Code §§ 8-101 *et seq.*, 8-107(22))**  
**(Against Defendants Myong Song and Yoon Chang)**

111. Ms. Quindi incorporates by reference the allegations contained in the previous paragraphs of the Complaint as if fully rewritten herein.

112. The New York City Human Rights Law prohibits as an unlawful discriminatory practice for "any person to aid, abet, incite, compel or coerce the doing of" any discriminatory acts forbidden under the NYCHRL. N.Y.C. Admin. Code § 8-107(6).

113. Defendant Song is individually liable for aiding and abetting discrimination and termination of Ms. Quindi's employment because she personally engaged in harassment against Ms. Quindi, including physically assaulting her, because of her pregnancy.

114. Defendant Chang is individually liable for aiding and abetting discrimination and termination of Ms. Quindi's employment because he personally engaged in harassment against Ms. Quindi because of her pregnancy.

115. Ms. Quindi is entitled to damages as a result of Defendants Song and Chang's unlawful acts, including past and future lost wages and benefits, damages to compensate her for past and future physical and emotional distress, punitive damages, reasonable attorneys' fees and costs of this action, and pre-judgment interest.



**EIGHTH CLAIM FOR RELIEF**  
**(Aiding and Abetting Liability for Failure to Provide a Reasonable Accommodation for a Pregnancy and Related Medical Condition)**  
**(New York City Human Rights Law as amended by the NYC Pregnant Workers Fairness Act, N.Y.C. Admin. Code §§ 8-101 *et seq.*, 8-107(22))**  
**(Against Defendants Myong Song and Yoon Chang)**

116. Ms. Quindi incorporates by reference the allegations contained in the previous paragraphs of the Complaint as if fully rewritten herein.

117. The New York City Human Rights Law prohibits as an unlawful discriminatory practice for “any person to aid, abet, incite, compel or coerce the doing of” any discriminatory acts forbidden under the NYCHRL. N.Y.C. Admin. Code § 8-107(6).

118. Defendant Song is individually liable for aiding and abetting Yoon Corp.’s failure to provide a reasonable accommodation for Ms. Quindi’s pregnancy and related medical condition because she was aware of Ms. Quindi’s pregnancy and related medical condition, but failed to provide her with a reasonable accommodation for the duration of her employment. Furthermore, Defendant Song personally engaged in harassment against Ms. Quindi, including physically assaulting her, because of her request for an accommodation for her pregnancy and a related medical condition.

119. Defendant Chang is individually liable for aiding and abetting Yoon Corp.’s failure to provide a reasonable accommodation for Ms. Quindi’s pregnancy and related medical condition because he was aware of Ms. Quindi’s pregnancy and related medical condition, but failed to provide her with a reasonable accommodation for the duration of her employment. Furthermore, Defendant Song personally engaged in harassment against Ms. Quindi because of her request for an accommodation for her pregnancy and a related medical condition.

120. Ms. Quindi is entitled to damages as a result of Defendants Song and Chang’s unlawful acts, including past and future lost wages and benefits, damages to compensate her for

past and future physical and emotional distress, punitive damages, reasonable attorneys' fees and costs of this action, and pre-judgment interest.

**NINTH CLAIM FOR RELIEF**  
**Assault**  
**(Against Defendant Myong Song)**

121. Ms. Quindi incorporates by reference the allegations contained in the previous paragraphs of the Complaint as if fully rewritten herein.

122. Defendant Song assaulted Ms. Quindi, intentionally placing her in fear of imminent harm or wrongful physical contact.

123. As a result of the foregoing, Ms. Quindi has suffered and will suffer emotional pain.

124. Accordingly, she is entitled to compensatory damages in an amount to be determined at trial.

**TENTH CLAIM FOR RELIEF**  
**Battery**  
**(Against Defendant Myong Song)**

125. Ms. Quindi incorporates by reference the allegations contained in the previous paragraphs of the Complaint as if fully rewritten herein.

126. Defendant Song intentionally caused harmful contact with Ms. Quindi by hitting her in the neck near her head with a bound stack of envelopes without Ms. Quindi's consent.

127. As a result, Ms. Quindi has suffered and continues to suffer physical and emotional pain.

128. Accordingly, she is entitled to compensatory damages in an amount to be determined at trial, as well as punitive damages.

**ELEVENTH CLAIM FOR RELIEF**  
**Battery**  
**(Against Defendant Yoon Chang)**

129. Ms. Quindi incorporates by reference the allegations contained in the previous paragraphs of the Complaint as if fully rewritten herein.

130. Defendant Chang intentionally caused harmful contact with Ms. Quindi by grabbing and shaking Ms. Quindi without her consent, so as to prevent her from calling the police for help.

131. As a result, Ms. Quindi has suffered and continues to suffer physical and emotional pain.

132. Accordingly, she is entitled to compensatory damages in an amount to be determined at trial, as well as punitive damages.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests that this Court enter a judgment:

- A. Declaring that the acts, practices, and omissions complained of herein violate Title VII, the Pregnancy Discrimination Act, the Family and Medical Leave Act, the NYCHRL, and the NYC Pregnant Workers Fairness Act;
- B. Directing the Defendants to pay Ms. Quindi her back pay, front pay, compensatory damages, and pre-judgment interest for violations of Title VII, the Pregnancy Discrimination Act, the NYCHRL, and the NYC Pregnant Workers Fairness Act;
- C. Directing the Defendants to pay Ms. Quindi her back pay, front pay, compensatory damages, liquidated damages, and pre-judgment interest for violations of the Family and Medical Leave Act;

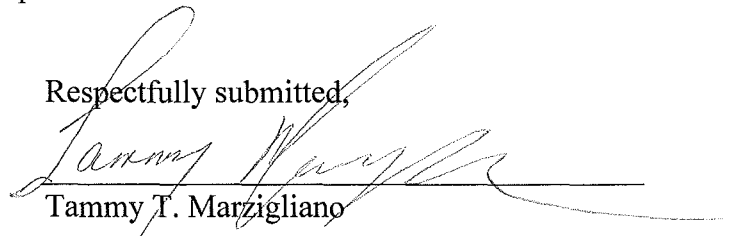
- D. Directing the Defendants to pay punitive damages sufficient to punish and deter continuation of Defendants' discriminatory and unlawful employment practices;
- E. Directing the Defendants to pay all actual, incidental, consequential, and punitive damages arising from Defendants' tortious conduct;
- F. Awarding the plaintiff reasonable attorneys' fees, costs, and expenses pursuant to 42 U.S.C. § 2000e-5(f)(1); 29 U.S.C. § 2617(a)(3); and N.Y.C. Admin. Code § 8-502; and
- G. Awarding such other relief as the Court deems just and proper.

**JURY DEMAND**

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Ms. Quindi demands a trial by jury on all questions of fact raised by the complaint

Dated: New York, New York  
February 20, 2014

Respectfully submitted,



Tammy T. Marzigliano

**OUTTEN & GOLDEN LLP**

Tammy T. Marzigliano  
Sally J. Abrahamson (*pro hac vice*  
motion forthcoming)  
Shirley Lin  
3 Park Avenue, 29th Floor  
New York, New York 10016  
Telephone: (212) 245-1000  
Facsimile: (646) 509-2071

**THE LEGAL AID SOCIETY**

199 Water Street, 3rd Floor  
New York, New York 10038  
Telephone: (212) 577-3300  
Facsimile: (646) 616-4716  
Steven Banks  
*Attorney-in-Chief*

Adrienne Holder  
*Attorney-in-Charge, Civil Practice*  
Karen Cacace,  
*Supervising Attorney, Employment Law Unit*  
Hollis V. Pfitsch  
*Of Counsel*

*Attorneys for Plaintiff*