

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARCY CASTELGRANDE,	:	
	:	Case No. _____ (____)
Plaintiff,	:	
	:	
— against —	:	
	:	<u>COMPLAINT</u>
ELIE TAHARI, LTD. and ELIE TAHARI, individually,	:	
	:	JURY TRIAL REQUESTED
Defendants.	:	
	:	
-----X		

Plaintiff, Marcy Castelgrande (“*Castelgrande*” or “*Plaintiff*”), by her attorneys, Sack & Sack, LLP, as and for her complaint against Elie Tahari Ltd. (“*Tahari*”) and Elie Tahari, individually (“*Mr. Tahari*”, together with Tahari, “*Defendants*”), alleges as follows:

NATURE OF ACTION

1. Plaintiff complains that Defendants engaged in the unlawful discrimination and subsequent retaliation of Plaintiff in the terms, conditions, and privileges of her employment in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C.A. § 2000e, (“*Title VII*”) based upon her sex, female.

2. Plaintiff further complains of gender discrimination, in violation of New York State Human Rights Law, Executive Law § 290 et seq. (the “*NYSHRL*”); the Administrative Code of the City of New York § 8-101 et seq. (the “*NYCHRL*”). The claims made herein are based upon Defendants’ unlawful discrimination, in violation of Plaintiff’s civil rights in the terms, conditions and privileges of employment, based upon her gender, female.

3. Plaintiff further complains that Defendants engaged in extraordinarily severe hostile work environment sexual harassment against Plaintiff that altered the conditions of her

working environment, unreasonably interfered with her work performance after being publicly humiliated by the CEO of the company in violation of Federal, State and City Human and Civil Rights laws.

4. Plaintiff files this action to seek monetary relief for the denial of equal employment opportunity and for the unlawful employment practices of Defendants.

5. Plaintiff further complains that she has suffered, is suffering and will continue to suffer severe economic and non-economic damages because Defendant deprived Plaintiff of her employment rights in violation of federal and state law.

6. On or about March 15, 2012, Plaintiff filed a timely Charge of Discrimination with the United States Equal Employment Opportunity Commission (“*EEOC*”), charge number 520-2012-01689.

7. Plaintiff timely brings this action within ninety (90) days of the receipt of a Notice of Right to Sue Letter, issued by the EEOC on March 13, 2015.

JURISDICTION AND VENUE

8. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1337 and supplemental jurisdiction over Plaintiff’s state law claims pursuant to 28 U.S.C. § 1367. In addition, the Court has jurisdiction over Plaintiff’s claims under Title VII.

9. Venue is proper in the Southern District of New York pursuant to 28 U.S.C. § 1391(a).

PARTIES

10. Plaintiff is a female citizen of the United States and who, at all times relevant to this Complaint, has resided and currently resides at 30 Carmine Street, #3A, New York, New

York 10014, County of New York.

11. From March 2006 until her unlawful termination on December 2, 2011, Plaintiff was employed by Elie Tahari Ltd.

12. At all times relevant herein, Plaintiff was an “employee” within the meaning of Title VII, NYSHRL and NYCHRL and thus, afforded protection against sexual harassment and discrimination in employment on the basis of her sex, female.

13. At all times relevant to this Complaint, Defendant, Elie Tahari Ltd., is a corporation licensed to do business in the State of New York, with offices located at 510 5th Avenue, New York, New York 10036, County of New York.

14. At all relevant times herein, Defendant Elie Tahari is an individual who either aids, abets, incites, compels or coerces unlawful discriminatory retaliation pursuant to NYSHRL and NYCHRL.

15. Defendant Mr. Tahari knew or should have known of the discriminatory customs, practices, policies and wrongful acts described in the complaint but nonetheless condoned, ratified and/or authorized such conduct. Mr. Tahari is being sued in his official and individual capacities.

16. At all relevant times herein, Defendant Mr. Tahari was Plaintiff’s supervisor and in a position to discriminate and retaliate against Plaintiff in violation of NYSHRL and NYCHRL.

17. At all relevant times herein, Defendant Mr. Tahari is an individual who, either aids, abets, incites, compels or coerces unlawful discriminatory retaliation pursuant to NYSHRL and NYCHRL.

FACTS COMMON TO ALL COUNTS¹

The claims set forth herein arise from the following set of facts:

18. In or about March 2006, Castelgrande began her employment as a Product Coordinator at Tahari.

19. During the course of her employment with Tahari, Castelgrande successfully performed her responsibilities and duties of employment.

20. On December 3, 2011, Tahari unlawfully terminated Castelgrande's employment in retaliation for her lawful complaint of discrimination Mr. Tahari.

CASTELGRANDE IS SUBJECTED TO SEXUAL HARASSMENT

21. For the last three (3) months of her employment, Castelgrande endured discrimination under a sexually charged hostile work environment promulgated by the owner of Defendant, Elie Tahari.

22. The final incident of sexual harassment took place on December 2, 2011.

23.

24. On that date, Tahari's recently divorced CEO, Mr. Tahari, unlawfully and inappropriately touched Ms. Castelgrande in the area of her private parts while she was modeling a skirt before a public crowd of at least ten (10) people that included her male and female co-workers, professional colleagues and supervisors.

25. At that time, while Plaintiff was standing before a room full of people, the

¹ All directly quoted statements, unless otherwise specified, are the sum and substance of such statements as recalled by Plaintiff.

recently divorced CEO, Mr. Tahari, without notice or reason, attempted to lift a skirt that Castelgrande was modeling above her panty line.

26. Humiliated, embarrassed and shocked by Mr. Tahari's extremely unprofessional behavior, Castelgrande immediately protested Mr. Tahari's actions both verbally and by placing her hands on her legs to avoid exposure of her private genitalia.

27. In stubborn defiance to Castelgrande's rebuffs, Mr. Tahari publicly announced for the whole room to hear, "**She needs to leave here. I can't work with her. She is too sensitive. I've had lawsuits in the past and cannot deal with another one.**"

28. Embarrassed and humiliated before her colleagues, Plaintiff quickly exited the room mortified.

29. Mr. Tahari's public humiliation of attempting to expose Plaintiff's private parts to a room of her male and female colleagues was so extraordinarily severe, it created a hostile work environment that altered the conditions of Plaintiff's work environment and unreasonably interfered with her work performance.

CASTELGRANDE IS RETALIATED AGAINST AND UNLAWFULLY TERMINATED

30. Immediately following the incident, Castelgrande lodged a lawful complaint of sexual harassment to a Tahari human resources representative.

31. Two hours after complaining of sexual harassment, Castelgrande's employment was terminated in retaliation to her lawful complaints and she was asked to leave the premises.

32. After five (5) years of loyalty and service, Defendant terminated Castelgrande's

employment without reason, justification, notice or cause in unlawful retaliation for her complaints of extraordinarily severe hostile work environment and sexual harassment.

33. There is no legitimate business reason or lawful basis for Plaintiff's termination except in retaliation for asserting Plaintiff's federally protected rights.

LEGAL CLAIMS

AS AND FOR A FIRST CAUSE OF ACTION

SEX DISCRIMINATION IN VIOLATION OF TITLE VI

34. Plaintiff repeats, realleges, and incorporates by reference each and every allegation previously made herein as if the same were more fully set forth at length herein.

35. Defendants' discriminatory behavior and then retaliatory termination of Plaintiff's employment were made as a direct result of Plaintiff's sex, female, and show an animus of sex bias.

36. Defendants' animus towards Plaintiff's sex is revealed in instances where similarly situated male employees were treated differently than Plaintiff in respect to of their terms, conditions, and privileges of employment.

37. Defendants have undertaken these discriminatory practices willfully or with reckless disregard for the Plaintiff's rights protected under Title VII.

38. These employment practices violate § 703 of Title VII.

39. As a result of Defendants' actions, Plaintiff is unable to return to comparable employment.

40. The aforementioned acts of Defendants constitute unlawful discrimination against

Plaintiff in the terms, conditions and privileges of her employment because of her gender and in retaliation against her in violation of the provisions of Title VII.

41. As a proximate result of Defendants' aforementioned sex discrimination against Plaintiff, Plaintiff has and will continue to suffer substantial losses, including the loss of past and future earnings, bonuses, deferred compensation and other employment benefits.

42. As a further proximate result of Defendants' actions, Plaintiff has and will continue to suffer irreparable and significant damage to her personal and professional good name and reputation.

43. As a further proximate result of Defendants' actions taken because of Plaintiff's sex, Plaintiff has and will continue to suffer severe and lasting embarrassment, humiliation and anguish and other incidental and consequential damages and expenses.

44. As a result of the foregoing, Plaintiff is entitled to recover from Defendant, jointly and severally, an amount equal to the value of all compensation to be earned by Plaintiff had her employment not been interfered with, including all to be earned salary and bonuses, benefit payments, profit sharing, costs, attorney's fees and prejudgment interest at no less than 9%.

45. As a result of the foregoing acts, Plaintiff is entitled to recover an amount no less than \$6,000,000.00 in compensatory damages from Defendant, in addition to all other amounts sought herein.

46. In committing the acts alleged herein, Defendant, jointly and severally, acted in an outrageous and malicious manner with intent, oppression, gross negligence, malice, wanton disregard and indifference for Plaintiff's protected civil rights, as part of a continuing pattern of conduct, and Plaintiff is entitled to punitive damages of at least \$6,000,000.00 to adequately

punish Defendants and to deter Defendants from continuing and repeating such conduct in the future.

AS AND FOR A SECOND CAUSE OF ACTION

DISCRIMINATION ON THE BASIS OF GENDER UNDER NYSHRL

47. Plaintiff repeats, realleges, and incorporates by reference each and every allegation previously made herein as if the same were more fully set forth at length herein.

48. Defendants' discriminatory behavior and then retaliatory termination of Plaintiff's employment were made as a direct result of Plaintiff's gender, female, and show an animus of gender bias.

49. Defendants' animus towards Plaintiff's gender, female, is revealed in instances where similarly situated male employees were treated differently than Plaintiff in respect to of her terms, conditions, and privileges of employment.

50. As a result of Defendants' actions, Plaintiff is unable to return to comparable employment.

51. The aforementioned acts of Defendants constitute unlawful discrimination against Plaintiff in the terms, conditions and privileges of her employment because of her gender and in retaliation against her in violation of the provisions of the NYSHRL.

52. As a proximate result of Defendants' aforementioned sex discrimination against Plaintiff, Plaintiff has and will continue to suffer substantial losses, including the loss of past and future earnings, bonuses, deferred compensation and other employment benefits.

53. As a further proximate result of Defendants' actions, Plaintiff has and will continue to suffer irreparable and significant damage to her personal and professional good name and reputation.

54. As a further proximate result of Defendants' actions taken because of Plaintiff's sex, Plaintiff has and will continue to suffer severe and lasting embarrassment, humiliation and anguish and other incidental and consequential damages and expenses.

55. As a result of the foregoing, Plaintiff is entitled to recover from Defendant, jointly and severally, an amount equal to the value of all compensation to be earned by Plaintiff had her employment not been interfered with, including all to be earned salary and bonuses, benefit payments, profit sharing, costs, attorney's fees and prejudgment interest at no less than 9%.

56. As a result of the foregoing acts, Plaintiff is entitled to recover an amount no less than \$6,000,000.00 in compensatory damages from Defendant, jointly and severally, in addition to all other amounts sought herein.

57. In committing the acts alleged herein, Defendants acted in an outrageous and malicious manner with intent, oppression, gross negligence, malice, wanton disregard and indifference for Plaintiff's protected civil rights, as part of a continuing pattern of conduct, and Plaintiff is entitled to punitive damages of at least \$6,000,000.00 to adequately punish Defendant, jointly and severally, and to deter Defendants from continuing and repeating such conduct in the future.

AS AND FOR A THIRD CAUSE OF ACTION

DISCRIMINATION ON THE BASIS OF GENDER UNDER NYCHRL

58. Plaintiff repeats, realleges, and incorporates by reference each and every allegation previously made herein as if the same were more fully set forth at length herein.

59. Defendants' discriminatory behavior and then retaliatory termination of Plaintiff's employment were made as a direct result of Plaintiff's gender, female, and show an animus of gender bias.

60. Defendants' animus towards Plaintiff's gender, female, is revealed in instances where similarly situated male employees were treated differently than Plaintiff in respect to of their terms, conditions, and privileges of employment.

61. As a result of Defendants' actions, Plaintiff is unable to return to comparable employment.

62. The aforementioned acts of Defendants constitute unlawful discrimination against Plaintiff in the terms, conditions and privileges of her employment because of her gender and in retaliation against her in violation of the provisions of the NYCHRL.

63. As a proximate result of Defendants' aforementioned sex discrimination against Plaintiff, Plaintiff has and will continue to suffer substantial losses, including the loss of past and future earnings, bonuses, deferred compensation and other employment benefits.

64. As a further proximate result of Defendants' actions, Plaintiff has and will continue to suffer irreparable and significant damage to her personal and professional good name and reputation.

65. As a further proximate result of Defendants' actions taken because of Plaintiff's sex, Plaintiff has and will continue to suffer severe and lasting embarrassment, humiliation and anguish and other incidental and consequential damages and expenses.

66. As a result of the foregoing, Plaintiff is entitled to recover from Defendants an amount equal to the value of all compensation to be earned by Plaintiff had her employment not been interfered with, including all to be earned salary and bonuses, benefit payments, profit sharing, costs, attorney's fees and prejudgment interest at no less than 9%.

67. As a result of the foregoing acts, Plaintiff is entitled to recover an amount no less

than \$6,000,000.00 in compensatory damages from Defendant, jointly and severally, in addition to all other amounts sought herein.

68. In committing the acts alleged herein, Defendants acted in an outrageous and malicious manner with intent, oppression, gross negligence, malice, wanton disregard and indifference for Plaintiff's protected civil rights, as part of a continuing pattern of conduct, and Plaintiff is entitled to punitive damages of at least \$6,000,000.00 to adequately punish Defendants and to deter Defendants from continuing and repeating such conduct in the future.

AS AND FOR A FOURTH CAUSE OF ACTION

HOSTILE WORK ENVIRONMENT SEXUAL HARASSMENT IN VIOLATION OF TITLE VII

69. Plaintiff repeats, realleges, and incorporates by reference each and every allegation previously made herein as if the same were more fully set forth at length herein.

70. Based upon the aforementioned facts, Plaintiff was subjected to discriminatory, humiliating, sexually perverted, filthy, lewd, unwelcome, crude and inappropriate behavior, jokes, innuendo, remarks, gestures, comments, discussions and unwanted physical contact and sexual advances at Tahari.

71. Defendants' knowledge, tolerance and acquiescence of a sexually charged hostile work environment suffered by Plaintiff, is impermissible sex based discrimination.

72. Defendants allows to exist an offensive, discriminatory, and hostile work environment where a constant barrage of discriminatory, humiliating, sexually perverted, filthy, lewd, unwelcome, crude and inappropriate behavior, jokes, innuendo, remarks, gestures, comments, discussions and unwanted physical contact and sexual advances was made, which is particularly offensive and directed towards Plaintiff.

73. Defendants did not have policies in place to deal with a sexually hostile work

environment.

74. Defendants failed to take reasonable steps to stop the harassment complained of herein.

75. Defendants have undertaken these discriminatory practices willfully or with reckless disregard for the Plaintiff's rights protected under Title VII.

76. These employment practices violate § 703 of Title VII.

77. Plaintiff has been unable, despite reasonable efforts, to find comparable employment.

78. The aforementioned acts of Defendants constitute hostile work environment sexual harassment against Plaintiff in violation of the provisions of Title VII.

79. As a proximate result of Defendants' aforementioned hostile work environment sexual harassment against Plaintiff, Plaintiff has and will continue to suffer substantial losses, including the loss of past and future earnings, bonuses, deferred compensation and other employment benefits.

80. As a further proximate result of Defendants' actions, Plaintiff has and will continue to suffer irreparable and significant damage to her personal and professional good name and reputation.

81. As a further proximate result of Defendants' hostile work environment sexual harassment, Plaintiff has and will continue to suffer severe and lasting embarrassment, humiliation and anguish and other incidental and consequential damages and expenses.

82. As a result of the foregoing, Plaintiff is entitled to recover from Defendants an amount equal to the value of all compensation to be earned by Plaintiff had her employment not

been interfered with, including all to be earned salary and bonuses, benefit payments, profit sharing, costs, attorney's fees and prejudgment interest at no less than 9%.

83. As a result of the foregoing acts, Plaintiff is entitled to recover an amount no less than \$6,000,000.00 in compensatory damages from Defendant, jointly and severally, in addition to all other amounts sought herein.

84. In committing the acts alleged herein, Defendant, jointly and severally, acted in an outrageous and malicious manner with intent, oppression, gross negligence, malice, wanton disregard and indifference for Plaintiff's protected civil rights, as part of a continuing pattern of conduct, and Plaintiff is entitled to punitive damages of at least \$6,000,000.00 to adequately punish Defendant, jointly and severally, and to deter Defendants from continuing and repeating such conduct in the future.

AS AND FOR A FIFTH CAUSE OF ACTION

HOSTILE WORK ENVIRONMENT SEXUAL HARASSMENT UNDER NYSHRL

85. Plaintiff incorporates by reference and realleges each and every allegation as set forth above as if fully set forth herein.

86. Based upon the aforementioned facts, Plaintiff was subjected to discriminatory, humiliating, sexually perverted, filthy, lewd, unwelcome, crude and inappropriate behavior, jokes, innuendo, remarks, gestures, comments, discussions and unwanted physical contact and sexual advances at Tahari.

87. Defendants' knowledge, tolerance and acquiescence of a sexually charged hostile work environment suffered by Plaintiff, is impermissible sex based discrimination.

88. Defendants allows to exist an offensive, discriminatory, and hostile work environment where a constant barrage of discriminatory, humiliating, sexually perverted, filthy,

lewd, unwelcome, crude and inappropriate behavior, jokes, innuendo, remarks, gestures, comments, discussions and unwanted physical contact and sexual advances was made, which is particularly offensive and directed towards Plaintiff.

89. Defendants did not have policies in place to deal with a sexually hostile work environment.

90. Defendants failed to take reasonable steps to stop the harassment complained of herein.

91. Plaintiff has been unable, despite reasonable efforts, to find comparable employment.

92. The aforementioned acts of Defendants constitute unlawful discrimination against Plaintiff in the terms, conditions and privileges of her employment because of her gender and in retaliation against her in violation of the provisions of the NYSHRL.

93. As a proximate result of Defendants' aforementioned hostile work environment sexual harassment against Plaintiff, Plaintiff has and will continue to suffer substantial losses, including the loss of past and future earnings, bonuses, deferred compensation and other employment benefits.

94. As a further proximate result of Defendants' actions, Plaintiff has and will continue to suffer irreparable and significant damage to her personal and professional good name and reputation.

95. As a further proximate result of Defendants' actions taken because of Plaintiff's sex, Plaintiff has and will continue to suffer severe and lasting embarrassment, humiliation and anguish and other incidental and consequential damages and expenses.

96. As a result of the foregoing, Plaintiff is entitled to recover from Defendants an amount equal to the value of all compensation to be earned by Plaintiff had her employment not been interfered with, including all to be earned salary and bonuses, benefit payments, profit sharing, costs, attorney's fees and prejudgment interest at no less than 9%.

97. As a result of the foregoing acts, Plaintiff is entitled to recover an amount no less than \$6,000,000.00 in compensatory damages from Defendants in addition to all other amounts sought herein.

98. In committing the acts alleged herein, Defendants acted in an outrageous and malicious manner with intent, oppression, gross negligence, malice, wanton disregard and indifference for Plaintiff's protected civil rights, as part of a continuing pattern of conduct, and Plaintiff is entitled to punitive damages of at least \$6,000,000.00 to adequately punish Defendants and to deter Defendants from continuing and repeating such conduct in the future.

AS AND FOR A SIXTH CAUSE OF ACTION

HOSTILE WORK ENVIRONMENT SEXUAL HARASSMENT UNDER NYCHRL

99. Plaintiff incorporates by reference and realleges each and every allegation as set forth above as if fully set forth herein.

100. Based upon the aforementioned facts, Plaintiff was subjected to discriminatory, humiliating, sexually perverted, filthy, lewd, unwelcome, crude and inappropriate behavior, jokes, innuendo, remarks, gestures, comments, discussions and unwanted physical contact and sexual advances at Tahari.

101. Defendants' knowledge, tolerance and acquiescence of a sexually charged hostile work environment suffered by Plaintiff, is impermissible sex based discrimination.

102. Defendants allows to exist an offensive, discriminatory, and hostile work

environment where a constant barrage of discriminatory, humiliating, sexually perverted, filthy, lewd, unwelcome, crude and inappropriate behavior, jokes, innuendo, remarks, gestures, comments, discussions and unwanted physical contact and sexual advances was made, which is particularly offensive and directed towards Plaintiff.

103. Defendants did not have policies in place to deal with a sexually hostile work environment.

104. Defendants failed to take reasonable steps to stop the harassment complained of herein.

105. Plaintiff has been unable, despite reasonable efforts, to find comparable employment.

106. The aforementioned acts of Defendants constitute unlawful discrimination against Plaintiff in the terms, conditions and privileges of her employment because of her gender and in retaliation against her in violation of the provisions of the NYCHRL.

107. As a proximate result of Defendants' aforementioned hostile work environment sexual harassment against Plaintiff, Plaintiff has and will continue to suffer substantial losses, including the loss of past and future earnings, bonuses, deferred compensation and other employment benefits.

108. As a further proximate result of Defendants' actions, Plaintiff has and will continue to suffer irreparable and significant damage to her personal and professional good name and reputation.

109. As a further proximate result of Defendants' actions taken because of Plaintiff's sex, Plaintiff has and will continue to suffer severe and lasting embarrassment, humiliation and

anguish and other incidental and consequential damages and expenses.

110. As a result of the foregoing, Plaintiff is entitled to recover from Defendants an amount equal to the value of all compensation to be earned by Plaintiff had her employment not been interfered with, including all to be earned salary and bonuses, benefit payments, profit sharing, costs, attorney's fees and prejudgment interest at no less than 9%.

111. As a result of the foregoing acts, Plaintiff is entitled to recover an amount no less than \$6,000,000.00 in compensatory damages from Defendants in addition to all other amounts sought herein.

112. In committing the acts alleged herein, Defendants acted in an outrageous and malicious manner with intent, oppression, gross negligence, malice, wanton disregard and indifference for Plaintiff's protected civil rights, as part of a continuing pattern of conduct, and Plaintiff is entitled to punitive damages of at least \$6,000,000.00 to adequately punish Defendants and to deter Defendants from continuing and repeating such conduct in the future.

AS AND FOR A SEVENTH CAUSE OF ACTION

RETALIATION IN VIOLATION OF TITLE VII

113. Plaintiff incorporates by reference and realleges each and every allegation as set forth above as if fully set forth herein.

114. Based upon the aforementioned facts, Plaintiff had reasonable belief that Defendants were engaged in unlawful conduct under Title VII.

115. Plaintiff acted in opposition to such unlawful conduct by making good faith claims and/or complaints of sexual harassment and discrimination to Defendants and appropriate authorities.

116. Defendants had actual knowledge of Plaintiff's activities in respect of making

good faith claims and/or complaints of sexual harassment and discrimination to Defendants and appropriate authorities.

117. As a proximate result of Plaintiff's activities in respect of making good faith claims and/or complaints of sexual harassment and discrimination to Defendants and appropriate authorities, Defendants engaged in adverse treatment of Plaintiff, including, *inter alia*, terminating her employment.

118. Plaintiff has been unable, despite reasonable efforts, to find comparable employment.

119. The aforementioned acts of Defendants constitute unlawful retaliation against Plaintiff in violation of the provisions of Title VII.

120. As a proximate result of Defendants' aforementioned retaliation against Plaintiff, Plaintiff has and will continue to suffer substantial losses, including the loss of past and future earnings, bonuses, deferred compensation and other employment benefits.

121. As a further proximate result of Defendants' actions, Plaintiff has and will continue to suffer irreparable and significant damage to her personal and professional good name and reputation.

122. As a further proximate result of Defendants' actions taken because of Plaintiff's sex, Plaintiff has and will continue to suffer severe and lasting embarrassment, humiliation and anguish and other incidental and consequential damages and expenses.

123. As a result of the foregoing, Plaintiff is entitled to recover from Defendants an amount equal to the value of all compensation to be earned by Plaintiff had her employment not been interfered with, including all to be earned salary and bonuses, benefit payments, profit

sharing, costs, attorney's fees and prejudgment interest at no less than 9%.

124. As a result of the foregoing acts, Plaintiff is entitled to recover an amount no less than \$6,000,000.00 in compensatory damages from Defendants, jointly and severally, in addition to all other amounts sought herein.

125. In committing the acts alleged herein, Defendants acted in an outrageous and malicious manner with intent, oppression, gross negligence, malice, wanton disregard and indifference for Plaintiff's protected civil rights, as part of a continuing pattern of conduct, and Plaintiff is entitled to punitive damages of at least \$6,000,000.00 to adequately punish Defendants and to deter Defendants from continuing and repeating such conduct in the future.

AS AND FOR A EIGHTH CAUSE OF ACTION

RETALIATION IN VIOLATION OF NYSHRL

126. Plaintiff incorporates by reference and realleges each and every allegation as set forth above as if fully set forth herein.

127. Based upon the aforementioned facts, Plaintiff had reasonable belief that Defendants was engaged in unlawful conduct under NYSHRL.

128. Plaintiff acted in opposition to such unlawful conduct by making good faith claims and/or complaints of sexual harassment and discrimination to Defendants and appropriate authorities.

129. Defendants had actual knowledge of Plaintiff's activities in respect of making good faith claims and/or complaints of sexual harassment and discrimination to Defendants and appropriate authorities.

130. As a proximate result of Plaintiff's activities in respect of making good faith claims and/or complaints of sexual harassment and discrimination to Defendants and appropriate

authorities, Defendants engaged in adverse treatment of Plaintiff, including, inter alia, terminating her employment.

131. Plaintiff has been unable, despite reasonable efforts, to find comparable employment.

132. The aforementioned acts of Defendants constitute unlawful retaliation against Plaintiff in violation of the provisions of NYSHRL § 296 (1) (a).

133. As a proximate result of Defendants' aforementioned retaliation against Plaintiff, Plaintiff has and will continue to suffer substantial losses, including the loss of past and future earnings, bonuses, deferred compensation and other employment benefits.

134. As a further proximate result of Defendants' actions, Plaintiff has and will continue to suffer irreparable and significant damage to her personal and professional good name and reputation.

135. As a further proximate result of Defendants' actions taken because of Plaintiff's sex, Plaintiff has and will continue to suffer severe and lasting embarrassment, humiliation and anguish and other incidental and consequential damages and expenses.

136. As a result of the foregoing, Plaintiff is entitled to recover from Defendants an amount equal to the value of all compensation to be earned by Plaintiff had her employment not been interfered with, including all to be earned salary and bonuses, benefit payments, profit sharing, costs, attorney's fees and prejudgment interest at no less than 9%.

137. As a result of the foregoing acts, Plaintiff is entitled to recover an amount no less than \$6,000,000.00 in compensatory damages from Defendants in addition to all other amounts sought herein.

138. In committing the acts alleged herein, Defendants acted in an outrageous and malicious manner with intent, oppression, gross negligence, malice, wanton disregard and indifference for Plaintiff's protected civil rights, as part of a continuing pattern of conduct, and Plaintiff is entitled to punitive damages of at least \$6,000,000.00 to adequately punish Defendants and to deter Defendants from continuing and repeating such conduct in the future.

AS AND FOR A NINTH CAUSE OF ACTION
RETALIATION IN VIOLATION OF NYCHRL

139. Plaintiff incorporates by reference and realleges each and every allegation as set forth above as if fully set forth herein.

140. Based upon the aforementioned facts, Plaintiff had reasonable belief that Defendants was engaged in unlawful conduct under NYCHRL § 8-107.

141. Plaintiff acted in opposition to such unlawful conduct by making good faith claims and/or complaints of sexual harassment and discrimination to Defendants and appropriate authorities.

142. Defendants had actual knowledge of Plaintiff's activities in respect of making good faith claims and/or complaints of sexual harassment and discrimination to Defendants and appropriate authorities.

143. As a proximate result of Plaintiff's activities in respect of making good faith claims and/or complaints of sexual harassment and discrimination to Defendants and appropriate authorities, Defendants engaged in adverse treatment of Plaintiff, including, inter alia, terminating her employment.

144. Plaintiff has been unable, despite reasonable efforts, to find comparable

employment.

145. The aforementioned acts of Defendants constitute unlawful retaliation against Plaintiff in violation of the provisions of NYCHRL.

146. As a proximate result of Defendants' aforementioned retaliation against Plaintiff, Plaintiff has and will continue to suffer substantial losses, including the loss of past and future earnings, bonuses, deferred compensation and other employment benefits.

147. As a further proximate result of Defendants' actions, Plaintiff has and will continue to suffer irreparable and significant damage to her personal and professional good name and reputation.

148. As a further proximate result of Defendants' actions taken because of Plaintiff's sex, Plaintiff has and will continue to suffer severe and lasting embarrassment, humiliation and anguish and other incidental and consequential damages and expenses.

149. As a result of the foregoing, Plaintiff is entitled to recover from Defendant, jointly and severally, an amount equal to the value of all compensation to be earned by Plaintiff had her employment not been interfered with, including all to be earned salary and bonuses, benefit payments, profit sharing, costs, attorney's fees and prejudgment interest at no less than 9%.

150. As a result of the foregoing acts, Plaintiff is entitled to recover an amount no less than \$6,000,000.00 in compensatory damages from Defendants in addition to all other amounts sought herein.

151. In committing the acts alleged herein, Defendants acted in an outrageous and malicious manner with intent, oppression, gross negligence, malice, wanton disregard and indifference for Plaintiff's protected civil rights, as part of a continuing pattern of conduct, and

Plaintiff is entitled to punitive damages of at least \$6,000,000.00 to adequately punish Defendants and to deter Defendants from continuing and repeating such conduct in the future.

AS AND FOR A TENTH CAUSE OF ACTION

AGAINST ELIE TAHARI (NYSHRL - AIDING AND ABETTING)

152. Plaintiff incorporates by reference and realleges each and every allegation as set forth above as if fully set forth herein.

153. As a result of the aforementioned actions, Defendant Elie Tahari has discriminated against Plaintiff on account of her gender with respect to the terms, conditions and privileges of her employment in violation of NYSHRL.

154. As a result of the aforementioned actions, Defendant Elie Tahari has violated the NYSHRL by aiding, abetting, inciting and coercing the unlawful discrimination outlined herein.

155. As a result of Defendant Elie Tahari's discrimination (and aiding, abetting and inciting discrimination) against her, Plaintiff has suffered damages, including, without limitation, deprivation of income and benefits, emotional pain, suffering, inconvenience, damage to reputation and career, mental anguish and humiliation.

ATTORNEYS' FEES AND COSTS

156. Attorneys' fees and costs are warranted in this matter as the undersigned, on behalf of Plaintiff have in good faith, attempted to negotiate a reasonable resolution with Defendants without having to refer this matter to this forum for adjudication, determination and final resolution on the merits.

PUNITIVE DAMAGES – BAD FAITH

157. It is presumed that parties to contracts undertake their respective obligations in good faith, with intent to deal fairly. In light of Defendants' obvious and blatant bad faith,

wrongdoing and breach of other duties, *punitive damages* should be assessed against Defendants so that they are deterred from attempting such harmful employment practices in the future.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court grant the following relief:

- I. An award of Plaintiff's actual damages in respect of loss of wages, promotional opportunities, including an award of front pay compensating Plaintiff for loss of future salary and benefits had their employment not been interfered with, including all to be earned wages, costs, attorney's fees and prejudgment interest at no less than 9%;
- II. An award of compensatory damages not less than \$6,000,000;
- III. An award of punitive damages not less than \$6,000,000;
- IV. An order enjoining Defendants from engaging in the wrongful practices alleged herein;
- V. Award Plaintiff prejudgment interest;
- VI. Award Plaintiff the costs of this action together with reasonable attorneys' fees; and
- VII. Such other and further relief as this Court deems necessary and proper, including, where appropriate, reinstatement and back wages for discharged Plaintiff.

DEMAND FOR TRIAL BY JURY

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

Dated: New York, NY
June 9, 2015

Respectfully submitted,

SACK & SACK, LLP
/s/ Jonathan Sack

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Attorneys for Plaintiff
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