

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

FABIO SILVA,

PLAINTIFF,

-- against --

**GIORGIO ARMANI CORPORATION,
PRESIDIO INTERNATIONAL, INC.,
GIORGIO ARMANI,
GIORGIO FORNARI, AND LUCINDA ROSSO,**

DEFENDANTS.

SUMMONS

JURY TRIAL DEMANDED

Index No.


SIRS/MADAMS:

YOU ARE HEREBY SUMMONED to answer the Complaint in this action and to serve a copy of your answer on the undersigned attorneys for plaintiff, Sanford Heisler Kimpel, LLP at 1350 Avenue of the Americas, 31st Floor, New York, NY 10019 within twenty (20) days after the service of this Summons and Complaint, exclusive of the day of service, or within thirty (30) days after the service is complete, if this Summons is not personally delivered to you within the State of New York. In the case of your failure to answer, judgment will be taken against you by default for the relief demanded in the complaint, together with the costs of this action.

The basis of venue is New York County, which is Plaintiff's residence, residence of Defendant Rosso, and the place of incorporation for Defendants Giorgio Armani Corporation and Presidio International, Inc.

Dated: September 15, 2015
New York, NY

Respectfully submitted,


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Lucinda Rosso
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**SUPREME COURT OF THE STATE OF NEW YORK
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**GIORGIO ARMANI CORPORATION,
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DEFENDANTS.

COMPLAINT

JURY TRIAL DEMANDED

Index No.

Plaintiff Fabio Silva (“Plaintiff,” “General Counsel Silva,” or “Mr. Silva”), by and through his attorneys, Sanford Heisler Kimpel, LLP, brings this action against Giorgio Armani Corporation (“Giorgio Armani Corporation” or “the Company”), Presidio International, Inc. (“Presidio”), Giorgio Armani (“Mr. Armani” or “Defendant Armani”), Giorgio Fornari (“Mr. Fornari” or “Defendant Fornari”), and Lucinda Rosso (“Ms. Rosso” or “Defendant Rosso”). Plaintiff alleges upon knowledge concerning his own acts and upon information and belief as to all other matters:

I. OVERVIEW

1. Giorgio Armani Corporation is the United States corporate presence for the famed Italian luxury retailer, whose brands include Giorgio Armani, Emporio Armani, A|X Armani Exchange, Armani Collezioni, Armani Jeans, Armani/Casa, and Armani Ristorante. The Armani brand is associated with high fashion and understated elegance, but there was nothing elevated or subtle about the discrimination that Plaintiff Fabio Silva faced when he worked at Giorgio Armani Corporation’s Manhattan headquarters.

2. Before he became the General Counsel and Vice President for Legal Affairs of Giorgio Armani Corporation, Mr. Silva's career trajectory was the quintessential American success story. Mr. Silva was born near Guadalajara, Mexico and came as a young child to the United States, where his parents worked in hospital maintenance to provide for their family of five children. As a teenager, Mr. Silva worked as a dishwasher to help support himself and his family. With the benefit of financial aid, Mr. Silva rose from humble beginnings to graduate from the University of California and Stanford Law School. Passionate about fashion, Mr. Silva made his name as an esteemed fashion lawyer, earning a degree from Parsons School of Design and going to work for the fashion and design retailers Burberry, Tory Burch, and Fab.com.

3. Mr. Silva came to Giorgio Armani Corporation as its General Counsel and Vice President for Legal Affairs. During his tenure at the Company, Giorgio Armani Corporation discriminated against Mr. Silva based on his Mexican nationality. The Company's Chief Financial Officer told Mr. Silva unequivocally that he "do[es] not trust Mexicans" and subjected Mr. Silva to heightened scrutiny and unfair criticism because he is Mexican. When Mr. Silva protested this discriminatory treatment, the Company's Chief Operations Officer and its Senior Vice President for Organizational Development and Human Resources berated Mr. Silva for complaining of discrimination and defended the Chief Financial Officer's discriminatory remarks towards and discriminatory treatment of Mr. Silva.

4. Rather than addressing the Company's wrongdoing, Giorgio Armani Corporation and its leaders retaliated against Mr. Silva. When Mr. Silva asked for a raise after a strong performance review, the Company used his prior complaints of discrimination as a reason to deny him a raise. And, without giving Mr. Silva any reason to believe his job was in jeopardy, Armani began a search to replace Mr. Silva.

5. Late in his tenure at Giorgio Armani Corporation, Mr. Silva was diagnosed with a possible malignancy in his colon. Mr. Silva provided immediate notice that he might have cancer to the Company's Senior Vice President for Organizational Development and Human Resources, its Chief Operations Officer, and its Chief Financial Officer. Less than a week later, Mr. Silva was officially diagnosed with cancer, and he promptly notified the Company's Senior Vice President for Organizational Development and Human Resources. Yet the Company treated Mr. Silva's cancer as a further basis to discriminate against him: the Company's Senior Vice President for Organizational Development and Human Resources, Defendant Rosso, fired Mr. Silva just minutes after he told her that he had been officially diagnosed with cancer. Using the same words that the Company's Chief Financial Officer had used to denigrate Mexicans, Defendant Rosso claimed to Mr. Silva that the Company could not "trust" him.

6. General Counsel Silva hereby brings claims under the New York City Human Rights Law for hostile work environment based on his national origin, retaliation for engaging in protected activity, and unlawful discharge discrimination based on his national origin and disability. Plaintiff seeks damages from Defendants in excess of \$75 million.

II. THE PARTIES

7. **PLAINTIFF FABIO SILVA** worked for Giorgio Armani Corporation as its Vice President for Legal Affairs from October 15, 2014, through July 8, 2015. Mr. Silva is domiciled in Manhattan, and he worked in the Company's Manhattan headquarters.

8. **DEFENDANT GIORGIO ARMANI CORPORATION** is a luxury apparel retailer. Giorgio Armani Corporation is incorporated and headquartered in New York. Giorgio Armani Corporation maintains its headquarters in Manhattan.

9. **DEFENDANT PRESIDIO INTERNATIONAL, INC.** is the retailer of the Armani brand A|X Armani Exchange. Presidio International, Inc. is headquartered in New York and incorporated in Delaware. Presidio International, Inc. maintains its headquarters in Manhattan.

10. **DEFENDANT GIORGIO ARMANI** is the Chairman, Chief Executive Officer and President of Giorgio Armani S.p.A., the parent company of Giorgio Armani Corporation. Upon information and belief, Mr. Armani resides and works in Italy.

11. **DEFENDANT GIORGIO FORNARI** is the Chief Operations Officer of Giorgio Armani Corporation. Mr. Fornari is domiciled in Manhattan and works at Giorgio Armani Corporation's Manhattan headquarters.

12. **DEFENDANT LUCINDA ROSSO** is Senior Vice President of Organizational Development and Human Resources at Giorgio Armani Corporation. Ms. Rosso is domiciled in Manhattan and works at Giorgio Armani Corporation's Manhattan headquarters.

III. JURISDICTION AND VENUE

13. The Court has personal jurisdiction over Defendant Giorgio Armani Corporation pursuant to CPLR § 301, as Defendant Giorgio Armani Corporation is incorporated and headquartered in New York.

14. The Court has personal jurisdiction over Defendant Presidio International, Inc. pursuant to CPLR § 301, as Defendant Presidio International, Inc. is incorporated and headquartered in New York.

15. The Court has personal jurisdiction over Defendant Giorgio Armani pursuant to CPLR §§ 301 and 302. Defendant Armani's wrongful acts or omissions were committed in New York State and/or caused injury to Plaintiff within New York State. Defendant Armani regularly

does or solicits business, engages in a persistent course of conduct, and/or derives substantial revenue from goods used or services rendered in New York State.

16. The Court has personal jurisdiction over Defendant Giorgio Fornari pursuant to CPLR § 301, as Defendant Fornari is domiciled in New York State.

17. The Court has personal jurisdiction over Defendant Lucinda Rosso pursuant to CPLR § 301, as Defendant Rosso is domiciled in New York State.

18. Venue belongs in New York County. Plaintiff resides in this County, Defendant Giorgio Armani Corporation is headquartered in this County, Defendants Fornari and Rosso reside and work in this County, and each Defendant's wrongful acts and omissions were committed in this County and/or caused injury to Plaintiff in this County.

IV. FACTUAL ALLEGATIONS

A. Mr. Silva's Educational and Professional Background

19. Mr. Silva is a Mexican immigrant to the United States. Born near Guadalajara, Mexico, Mr. Silva immigrated to the United States in 1974 when he was four years old. In the United States, his father worked as a janitor and his mother worked as a hospital laundry attendant. As an adolescent, Mr. Silva helped support himself and his family by working as a dishwasher.

20. With the benefit of financial aid, Mr. Silva graduated from the University of California, Santa Barbara, in 1993 with a Bachelor of Arts with Honors in Business Economics. He earned his Juris Doctor degree from Stanford University Law School in 1998. Seeking a creative outlet after working at law firms in Washington, D.C., Mr. Silva pursued his dream of working in fashion and earned a degree from Parsons School of Design in 2003.

21. Mr. Silva went on to establish his career as a prominent fashion and design lawyer. He worked for Burberry as its Intellectual Property counsel from 2003 to 2007 and as its Vice President of Legal from 2007 to 2011; for Tory Burch as interim Associate General Counsel from 2011 to 2012; and for Fab.com as Senior Vice President and General Counsel from 2012 until September 2014. Mr. Silva also served as an adjunct professor of law at Benjamin N. Cardozo School of Law, where he taught seminars on in-house legal practice.

22. Mr. Silva's talents and accomplishments have been widely recognized in both the fashion and legal communities. In 2010, Mr. Silva received Parsons' Alumni of the Year Award. In 2014, Mr. Silva was honored with the National LGBT Bar Association's Out & Proud Corporate Counsel Award. Mr. Silva has been profiled twice in *Hispanic Executive* magazine.

B. Mr. Silva's Strong Performance at Giorgio Armani Corporation

23. Mr. Silva worked as the General Counsel and Vice President for Legal Affairs for Giorgio Armani Corporation from October 15, 2014, to July 8, 2015. He simultaneously served as General Counsel for Presidio International, Inc., a subsidiary of Giorgio Armani Corporation.

24. In his capacity as Giorgio Armani Corporation's first General Counsel, Mr. Silva was responsible for overseeing virtually all legal matters affecting Giorgio Armani Corporation and Presidio. Among other things, General Counsel Silva was responsible for reviewing all contracts and leases that Giorgio Armani Corporation and Presidio entered into; making revisions to ensure that the Company's legal and business interests were fully protected; and communicating with the Company's Chief Operations Officer and Chief Financial Officer to explain and secure approval of the contracts and leases. Mr. Silva was also responsible for selecting and coordinating with external counsel to oversee various litigation matters. Mr. Silva regularly communicated with the Company's operational and financial teams, various

department heads at Giorgio Armani Corporation and Presidio, as well as in-house attorneys and other executives at Giorgio Armani headquarters in Milan, Italy.

25. General Counsel Silva was a strong performer at the Company. In his first and only performance review at the Company, Mr. Silva earned a “3.5” performance rating, indicating that he was achieving at a level above the Company’s performance expectations. At the performance review, Mr. Silva was told that all feedback about his performance was positive.

C. Discrimination Against General Counsel Silva Based on His Mexican Origin

26. Despite his strong performance, the Company discriminated against General Counsel Silva based on his Mexican nationality.

27. In early December 2014, the Company’s Chief Financial Officer, Thomas Chan, openly denigrated Mexicans in the presence of Mr. Silva. Mr. Silva was meeting with Mr. Chan to secure final approval of a contract that involved a Mexican vendor, and Mr. Silva had made extensive edits to the contract to ensure that Giorgio Armani Corporation was fully protected. Even though the Company’s interests were protected, Mr. Chan questioned Mr. Silva for over an hour and would not sign the contract. When Mr. Silva asked Mr. Chan what his concern was, Mr. Chan stated multiple times: “*I don’t trust Mexicans.*” Shocked by the expression of prejudice towards his nationality, General Counsel Silva asked if what Mr. Chan meant was that he was concerned about enforcing a contract outside of the United States. But Mr. Chan rejected this explanation outright and repeated, “*No, I’ve done business with Mexicans, and I don’t trust them.*”

28. A few minutes later, Defendant Fornari, who knew that General Counsel Silva is Mexican, walked into Mr. Chan’s office and casually asked Mr. Silva if he had been practicing his Spanish in discussions with the Mexican vendor. Mr. Chan looked stunned by the revelation

about Mr. Silva's national origin and prodded Mr. Silva about his background. With a tone of incredulity, Mr. Chan asked Mr. Silva: "*Oh, so you're a Mexican?*" Mr. Silva confirmed that he is Mexican.

29. Following the incident where Mr. Chan openly denigrated Mexicans and learned that Mr. Silva himself was Mexican, Mr. Chan subjected General Counsel Silva to heightened scrutiny and unfounded criticism. Mr. Chan behaved in ways that were antagonistic, demeaning, and distrustful towards General Counsel Silva – even in routine discussions about leases, contracts, and other business transactions with which Mr. Silva had extensive experience as a lawyer.

D. General Counsel Silva's Complaints of Discrimination and Defendants' Inaction

30. In late December 2014, General Counsel Silva complained about discriminatory treatment that he was suffering on the basis of his Mexican nationality.

31. On December 23, 2014, Mr. Silva sent an email to Defendant Fornari complaining that the Company's Chief Financial Officer had been subjecting him to heightened scrutiny and unfair criticism. Mr. Silva informed Defendant Fornari that Mr. Chan had explicitly stated that he does not trust Mexicans. Mr. Silva complained to Defendant Fornari: "I'm beginning to wonder whether my working relationship w[i]ll ever have any hope if he simply does 'not trust Mexicans.'"

32. Defendant Fornari did not respond to General Counsel Silva's complaint of discrimination for nearly two weeks. On January 5, 2015, Defendant Fornari responded to Mr. Silva with an email that brushed off Mr. Chan's expressions of prejudice as an "awkward situation."

33. Defendant Fornari invited Mr. Silva to his office later that day and continued to defend Mr. Chan's discriminatory remarks and treatment. Defendant Fornari then attacked Mr. Silva for putting his concerns about discrimination in writing and did not want to share Mr. Silva's concerns with Human Resources.

34. Later that same day, General Counsel Silva met with Defendant Rosso to discuss Mr. Chan's discriminatory remarks and treatment. Defendant Rosso defended Mr. Chan's prejudicial remarks and attacked Mr. Silva, accusing him of overreacting. Mr. Silva informed Defendant Rosso that Defendant Fornari had reprimanded Mr. Silva for making a written complaint of discrimination.

E. Defendants' Retaliation Against General Counsel Silva

35. Defendants retaliated against General Counsel Silva for complaining about the discriminatory treatment that he had suffered on the basis of his Mexican nationality.

36. On or around April 1, 2015, Mr. Silva received his mid-year performance review. Defendant Fornari informed Mr. Silva that all the feedback he had received about Mr. Silva was positive, and he assigned Mr. Silva a "3.5" performance rating, indicating that Mr. Silva was achieving at a level well above the Company's performance expectations.

37. Following the strong performance review, and at the same meeting at which the performance review took place, Mr. Silva asked Defendant Fornari to consider providing Mr. Silva with administrative assistance resources and to consider a salary adjustment for Mr. Silva. Defendant Fornari had assumed that Mr. Silva was earning \$250,000 per year, and expressly stated so to Mr. Silva, but in fact Mr. Silva's salary was \$50,000 a year less than what Defendant Fornari assumed. In a subsequent discussion, Defendant Rosso admitted to Mr. Silva that the Company's budget was flexible.

38. On April 8, 2015, Mr. Silva emailed Defendant Fornari seeking an update on Mr. Silva's request for a salary adjustment. Defendant Fornari came into Mr. Silva's office and expressly stated that a reason Defendant Fornari was unwilling to increase Mr. Silva's salary was because Mr. Silva had complained of discrimination.

39. On April 10, 2015, Defendant Fornari again confronted Mr. Silva about his request for a raise. Mr. Silva once again objected to how Defendant Fornari was using Mr. Silva's prior complaint of discrimination to justify denying Mr. Silva a raise. Mr. Silva told Defendant Fornari explicitly, "That's retaliation."

40. On April 13, 2015, during an in-person meeting, Ms. Rosso told General Counsel Silva that he should leave the Company if he was unhappy. General Counsel Silva informed Defendant Rosso that Defendant Fornari had retaliated against Mr. Silva by using his complaint of discrimination to justify not increasing Mr. Silva's salary. Defendant Rosso defended Defendant Fornari's retaliatory conduct, stating, "Giorgio had a right to bring that up." Ms. Rosso refused to address Mr. Silva's claim of retaliation by the Company's Chief Operations Officer, and instead renewed the invitation for Mr. Silva to leave the Company.

41. In a follow-up email to Defendant Rosso, General Counsel Silva provided assurances that he was committed to staying at the Company, very much enjoyed his job, and that he would leave it to the Company to decide how to fairly compensate him. However, immediately after these discussions where Mr. Silva expressed concern about retaliation, Defendants began searching for a replacement for Mr. Silva – all without ever telling him that his job was in jeopardy. In fact, except for criticizing General Counsel Silva for complaining about discrimination and retaliation, Defendants never criticized Mr. Silva's business judgment and never told Mr. Silva that his conduct had been unprofessional in any way.

F. The Company's Awareness of General Counsel Silva's Cancer Diagnosis and Treatment

42. Late in the afternoon on Friday, June 26, 2015, General Counsel Silva learned that he had a possibly malignant tumor in his colon.

43. To ensure that the Company was informed about the situation fully and promptly, the following Monday, June 29, 2015, Mr. Silva informed Defendant Rosso, Mr. Chan, and Defendant Fornari about the preliminary diagnosis and that a colonoscopy had been scheduled that may confirm the diagnosis.

44. On July 1, 2015, following the scheduled colonoscopy, Mr. Silva was informed by his gastroenterologist that the diagnosis was colon cancer. The doctor told Mr. Silva that he would need surgery to remove the tumor and a few inches of his colon.

45. On July 2, 2015, Mr. Silva returned to work and informed Defendant Rosso that he had been diagnosed with colon cancer but that the tumor was operable and that his doctor expected him to make a full recovery.

G. The Discriminatory and Retaliatory Termination of Mr. Silva

46. Defendants' discrimination and retaliation culminated in the termination of Mr. Silva.

47. On July 2, 2015, just minutes after General Counsel Silva apprised Defendant Rosso about the official cancer diagnosis, Defendant Rosso informed Mr. Silva that the Company was terminating him. Using the same words that the Company's Chief Financial Officer had used to denigrate Mexicans, Defendant Rosso told Mr. Silva that the Company could no longer "trust" Mr. Silva. When Mr. Silva protested the termination and pointed out that he had recently received a high rating in his last performance review, Ms. Rosso dismissed this evidence of Mr. Silva's strong performance, saying, "It doesn't matter."

48. After providing notice of the termination, Defendant Rosso threatened to have General Counsel Silva escorted out of the building if he became “litigious.”

49. Later that afternoon, on July 2, 2015, the Company’s Chief Financial Officer approached Mr. Silva to discuss a legal issue, and it became clear to Mr. Silva that the Company’s Chief Financial Officer was unaware that Mr. Silva had just been terminated. After Mr. Silva informed him of the termination, the Company’s Chief Financial Officer admitted that the decision to terminate him was “bad.” Without any prompting from Mr. Silva, the Company’s Chief Financial Officer indicated that he suspected that the termination was related to the incident in early December 2014 when the Chief Financial Officer made denigrating remarks about Mexicans. Mr. Silva informed Mr. Chan that he felt it was unfortunately “all related.”

50. The effective date of General Counsel Silva’s termination was July 8, 2015.

H. Damage Suffered by General Counsel Silva

51. General Counsel Silva has suffered emotional distress and reputational harm because of Defendants’ discriminatory and retaliatory treatment and termination of his employment. Mr. Silva has built his reputation as a fashion lawyer, and Defendants’ treatment and termination of Mr. Silva have embarrassed him and tarnished his well-earned reputation in the fashion and legal communities.

52. Since the Company’s termination of him, General Counsel Silva remains unemployed and is suffering financial losses. Further, the circumstances of the Company’s involuntary termination of him significantly limit his ability to find a suitable replacement position.

V. COUNTS

COUNT I
**VIOLATION OF NEW YORK CITY HUMAN RIGHTS LAW—
HOSTILE WORK ENVIRONMENT**
New York City Administrative Code § 8-107
(Against All Defendants)

53. Plaintiff re-alleges and incorporates by reference each and every allegation in the previous paragraphs as though fully set forth herein.

54. Defendants discriminated against Plaintiff in violation of the New York City Human Rights Law by permitting an ongoing, severe, or pervasive pattern or practice of harassment against him based on his national origin.

55. Plaintiff complained about the harassment to which he was subjected. Defendants took no action to stop the offensive and illegal behavior that was directed towards Plaintiff based on his national origin.

56. The actions of Defendants created a hostile work environment that altered the terms and conditions of Plaintiff's employment.

57. Defendants Armani, Fornari, and Rosso had the power to hire, fire, and alter the terms and conditions of Plaintiff's employment.

58. Defendants Armani, Fornari, and Rosso participated in conduct giving rise to the harassment and hostile work environment based on Plaintiff's national origin that altered the terms and conditions of Plaintiff's employment.

59. Defendants Armani, Fornari, and Rosso aided, abetted, incited, compelled and/or coerced a hostile work environment based on Plaintiff's national origin by directly and purposefully participating in conduct giving rise to the unlawful harassment and hostile work environment.

60. Defendants Armani, Fornari, and Rosso aided, abetted, incited, compelled and/or coerced a hostile work environment based on Plaintiff's national origin by failing to investigate or take appropriate remedial measures despite being informed about the existence of discriminatory conduct.

61. As a result of each Defendant's unlawful conduct, Plaintiff has suffered and continues to suffer harm, including but not limited to working in an environment charged with discrimination on the basis of national origin; emotional distress; and other damages.

62. Plaintiff is entitled to all remedies available for violations of the New York City Human Rights Law, including lost compensation, back pay, front pay, compensatory damages, punitive damages, attorneys' fees, costs, and other appropriate relief.

COUNT II
VIOLATION OF NEW YORK CITY HUMAN RIGHTS LAW—
RETALIATION
New York City Administrative Code § 8-107
(Against All Defendants)

63. Plaintiff re-alleges and incorporates by reference each and every allegation in the previous paragraphs as though fully set forth herein.

64. Plaintiff complained to Defendant Rosso and Defendant Fornari about the discriminatory he was subjected to at the Company.

65. The issues raised by Plaintiff constitute colorable violations of the New York City Human Rights Law prohibiting discrimination on the basis of national origin.

66. Defendants retaliated against Plaintiff for engaging in protected activities by refusing to grant him a salary adjustment and by terminating him.

67. Defendants' retaliatory or discriminatory act or acts would be reasonably likely to deter a person from engaging in protected activity.

68. Defendants Armani, Fornari, and Rosso had the power to hire, fire, and alter the terms and conditions of Plaintiff's employment.

69. Defendants Armani, Fornari, and Rosso participated in conduct giving rise to the retaliation based on Plaintiff engaging in protected activity.

70. Defendants Armani, Fornari, and Rosso aided, abetted, incited, compelled and/or coerced the retaliation based on Plaintiff engaging in protected activity by directly and purposefully participating in conduct giving rise to the unlawful retaliation.

71. Defendants Armani, Fornari, and Rosso aided, abetted, incited, compelled and/or coerced the retaliation based on Plaintiff's complaints of discrimination based on national origin by failing to investigate or take appropriate remedial measures despite being informed about the existence of retaliatory conduct.

72. As a result of each Defendant's unlawful conduct, Plaintiff has suffered and continues to suffer harm, including but not limited to lost earnings, lost future employment opportunities, other financial losses, emotional distress, and other non-economic damages.

73. Plaintiff is entitled to all remedies available for violations of the New York City Human Rights Law, including lost compensation, back pay, front pay, compensatory damages, punitive damages, attorneys' fees, costs, and other appropriate relief.

COUNT III
VIOLATION OF NEW YORK CITY HUMAN RIGHTS LAW—
UNLAWFUL DISCHARGE BASED ON NATIONAL ORIGIN
New York City Administrative Code § 8-107
(Against All Defendants)

74. Plaintiff re-alleges and incorporates by reference each and every allegation in the previous paragraphs as though fully set forth herein.

75. Defendants discriminated against Plaintiff in violation of the New York City Human Rights Law by discharging him from employment because of his national origin.

76. Plaintiff is of Mexican nationality.

77. Defendants replaced Plaintiff with an employee who is not Mexican.

78. Defendants Armani, Fornari, and Rosso had the power to hire, fire, and alter the terms and conditions of Plaintiff's employment.

79. Defendants Armani, Fornari, and Rosso participated in conduct giving rise to the unlawful discharge based on Plaintiff's national origin.

80. Defendants Armani, Fornari, and Rosso aided, abetted, incited, compelled and/or coerced the unlawful discharge based on Plaintiff's national origin by directly and purposefully participating in conduct giving rise to the unlawful discharge.

81. Defendants Armani, Fornari, and Rosso aided, abetted, incited, compelled and/or coerced the unlawful discharge based on Plaintiff's national origin by failing to investigate or take appropriate remedial measures despite being aware of the existence of discriminatory conduct.

82. As a result of each Defendant's unlawful conduct, Plaintiff has suffered and continues to suffer harm, including but not limited to lost earnings, lost future employment opportunities, other financial losses, emotional distress, and other non-economic damages.

83. Plaintiff is entitled to all remedies available for violations of the New York City Human Rights Law, including lost compensation, back pay, front pay, compensatory damages, punitive damages, attorneys' fees, costs, and other appropriate relief.

COUNT IV
VIOLATION OF NEW YORK CITY HUMAN RIGHTS LAW—
UNLAWFUL DISCHARGE BASED ON DISABILITY
New York City Administrative Code § 8-107
(Against All Defendants)

84. Plaintiff re-alleges and incorporates by reference each and every allegation in the previous paragraphs as though fully set forth herein.

85. Defendants discriminated against Plaintiff in violation of the New York City Human Rights Law by discharging him from employment because of his disability.

86. Plaintiff was battling cancer when he was terminated. Plaintiff's disability did not prevent him from performing in a reasonable manner the activities involved in his job.

87. Upon information and belief, Defendants replaced Plaintiff with an employee who does not have cancer.

88. Defendants Armani, Fornari, and Rosso had the power to hire, fire, and alter the terms and conditions of Plaintiff's employment.

89. Defendants Armani, Fornari, and Rosso participated in conduct giving rise to the unlawful discharge based on Plaintiff's disability.

90. Defendants Armani, Fornari, and Rosso aided, abetted, incited, compelled and/or coerced the unlawful discharge based on Plaintiff's disability by directly and purposefully participating in conduct giving rise to the unlawful discharge.

91. Defendants Armani, Fornari, and Rosso aided, abetted, incited, compelled and/or coerced the unlawful discharge based on Plaintiff's disability by failing to investigate or take appropriate remedial measures despite being aware of the existence of discriminatory conduct.

92. As a result of each Defendant's unlawful conduct, Plaintiff has suffered and continues to suffer harm, including but not limited to lost earnings, lost future employment opportunities, other financial losses, emotional distress, and other non-economic damages.

93. Plaintiff is entitled to all remedies available for violations of the New York City Human Rights Law, including lost compensation, back pay, front pay, compensatory damages, punitive damages, attorneys' fees, costs, and other appropriate relief.

PRAYER FOR RELIEF ON CLAIMS

WHEREFORE, Plaintiff prays that this Court:

A. Award Plaintiff all of his damages available under the New York City Human Rights Law resulting from Defendants' discrimination on the basis of national origin and disability and retaliation for engaging in protected activity, including lost compensation, back pay, front pay, compensatory damages, and punitive damages, in an amount in excess of \$75 million;

B. Award Plaintiff all attorneys' fees, costs, and expenses available under law;

C. Award Plaintiff all pre-judgment interest and post-judgment interest available under law; and

D. Award Plaintiff such additional and further relief as this Court may deem just and proper.

VI. JURY DEMAND

Plaintiff demands a trial by jury on all issues triable of right by jury.

Dated: September 15, 2015

Respectfully submitted,



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