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To: David Bouley LLC
88 West Broadway
New York, New York 10007

Daniel Chavez
163 Duane Street
New York, New York 10013

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

_____)	
GENEVIEVE GERMAIN,)	Index No.
)	
Plaintiff,)	
)	
-against-)	COMPLAINT
)	
DAVID BOULEY LLC and DANIEL)	
CHAVEZ, Individually,)	
)	
Defendants.)	
_____)	

Plaintiff, GENEVIEVE GERMAIN ("Ms. Germain" or "Plaintiff"), by and through her attorneys, Levine & Blit, PLLC, complaining of defendants DAVID BOULEY LLC ("Bouley Restaurant") and DANIEL CHAVEZ, Individually ("Mr. Chavez") (hereinafter, Bouley Restaurant and Mr. Chavez shall be collectively referred to as "Defendants"), hereby alleges as follows:

PRELIMINARY STATEMENT

1. Plaintiff brings this civil action to remedy the creation of an unlawful hostile work environment based upon sex by Defendants and constructive discharge in violation of the New York State Human Rights Law ("NYSHRL") and the New York City Human Rights Law ("NYCHRL").
2. Plaintiff seeks equitable and legal relief in the form of declaratory relief; injunctive relief; monetary damages for past and future economic losses; compensatory damages, including, but not limited to, emotional distress, mental

anguish, and humiliation; punitive damages; attorney's fees; costs of this action; and any such other and further relief deemed just and equitable.

JURISDICTION AND VENUE

3. This Court has jurisdiction over this matter pursuant to CPLR § 301.
4. Venue is proper in this Court pursuant to CPLR § 503.

PARTIES

5. Ms. Germain is a twenty-seven (27) year-old woman residing in the State of New York.
6. Bouley Restaurant is a domestic limited liability company, duly organized and existing in the State of New York, with its principal place of business located at 88 West Broadway, New York, New York.
7. Bouley Restaurant operates a fine dining establishment located at 163 Duane Street, New York, New York.
8. Mr. Chavez natural person in his early 40s who is employed by Bouley Restaurant as the Chef de Cuisine.
9. At all times relevant to this Complaint, Mr. Chavez directed and controlled the terms and conditions of Ms. Germain's employment with Bouley Restaurant, including but not limited to her daily duties, responsibilities, and hours of work.

10. At all times relevant to this action, Ms. Germain was an “employee” of Bouley Restaurant as defined by all applicable state and local statutes.
11. At all times relevant to this action, Bouley Restaurant was an “employer” of Plaintiff within the meaning of the applicable state and local statutes and case law.
12. At all times relevant to this action, Ms. Germain was qualified to hold her position of employment with Bouley Restaurant through her knowledge, education, training, experience, and/or qualifications.

FACTUAL ALLEGATIONS

13. From about March 2015 until June 15, 2015, Ms. Germain was employed by Bouley Restaurant as a cook at its place of business located at 163 Duane Street, New York, New York.
14. As a cook, Ms. Germain was compensated as an hourly employee.
15. Ms. Germain’s immediate supervisor was Mr. Chavez.
16. Shortly after Ms. Germain began working for Bouley Restaurant, Mr. Chavez commenced his acts of sexual harassment.

17. On a drive to Rochester, New York for a private event catered by Bouley Restaurant, Mr. Chavez told Ms. Germain that he liked her body and that he “could smell that she was a party girl.”
18. During this drive, Mr. Chavez insisted that he and Ms. Germain go out for drinks and party, which Ms. Germain declined.
19. Upon returning to Manhattan, Mr. Chavez continued his sexually harassing course of conduct by making sexual advances toward Ms. Germain and making use of sexual innuendos when talking with her.
20. When Ms. Germain would speak to Mr. Chavez, he would simply stare at her chest causing Ms. Germain to feel highly uncomfortable and sexually objectified.
21. Despite Ms. Germain’s disinterest in socializing or engaging in a romantic relationship with Mr. Chavez, he continued to ask Ms. Germain about going out for drinks, which Ms. Germain continued to decline.
22. Thereafter, Mr. Chavez’s sexual harassment of Ms. Germain only increased.
23. Among other things, Mr. Chavez would brush up against Ms. Germain’s rear end when passing by even though sufficient space was available for him to avoid physical contact; asked Ms. Germain about her boyfriend and whether she was a

jealous person; grabbed Ms. Germain's rear end and hips in front of co-workers; blow kisses to Ms. Germain; and told Ms. Germain that he liked standing close to her because she smells good and then moved in closer to sniff her.

24. On one occasion, Mr. Chavez asked Ms. Germain to taste a sauce he had prepared.

25. When Ms. Germain complied, Mr. Chavez replied, "Oh, I love it when you do that with your lips."

26. On another occasion, Mr. Chavez approached Ms. Germain, who was wearing light colored pants, from behind and said she could not wear pants like that because it excited him too much.

27. Despite Ms. Germain's continued rebukes, on Mr. Chavez's birthday, Mr. Chavez asked Ms. Germain when she would be taking him out to dinner to celebrate to which Ms. Germain did not respond and removed herself from his presence.

28. Mr. Chavez's sexually harassing conduct and sexual advances were unwelcomed, unreciprocated, and humiliating to Ms. Germain.

29. As a result of Mr. Chavez's continuous harassment of Ms. Germain in front of her co-workers, Ms. Germain's co-workers also became disrespectful and demeaning.

30. On or about June 15, 2015, Ms. Germain inquired with Mr. Chavez about the menu to be prepared.
31. Due to Ms. Germain's rejection of his continuous sexual advances, Mr. Chavez responded that she would not be participating in preparing the menu because her co-workers did not want to work with someone who was slow.
32. At this point, Ms. Germain reminded Mr. Chavez that two weeks prior he had complimented her speed of production and performance overall; yet, Mr. Chavez continued to refuse to allow Ms. Germain to participate in preparing the menu.
33. Immediately thereafter, Ms. Germain complained to the General Manager, Manuel Enfedaque, about Mr. Chavez's sexually harassing conduct and discriminatory behavior.
34. Subsequent to Ms. Germain's complaint, Bouley Restaurant did not take appropriate corrective action, if any action at all, to remedy the hostile work environment created by Mr. Chavez compelling Ms. Germain to end her employment with Bouley Restaurant.
35. As a result of Defendants' unlawful conduct, Ms. Germain has suffered economic losses; and severe anxiety, panic attacks, emotional distress, mental anguish, humiliation, embarrassment, and loss of reputation.

**FIRST CAUSE OF ACTION AGAINST DEFENDANTS
(Hostile Work Environment based upon Sex in Violation of the NYSHRL)**

36. Plaintiff repeats, realleges, and reiterates each and every allegation contained in paragraphs 1 through 35 as if fully set forth herein.

37. Pursuant to the unlawful acts and practices alleged above, Defendants intentionally created a hostile work environment for Plaintiff, which altered the terms and conditions of her employment.

38. The unlawful acts and practices alleged above were severe, pervasive, insulting, humiliating, and continuous in nature.

39. Defendants subjected Plaintiff to this unlawful conduct due to her sex.

40. Mr. Chavez's conduct was unwelcomed by Ms. Germain.

41. Bouley Restaurant was aware that Plaintiff was being subjected to a hostile work environment, but failed to take appropriate remedial action.

42. Mr. Chavez, as Ms. Germain's direct supervisor who directed and controlled her daily work activities and had the authority to control the hours worked by Ms. Germain, thereby, her compensation.

43. As a direct and proximate result of the Defendants' unlawful discriminatory conduct, Plaintiff has suffered, and continues to suffer, severe mental anguish and emotional distress, including but not limited to, humiliation, embarrassment, stress and anxiety, and loss of reputation, for which she is entitled to an award of compensatory damages and other relief.

**SECOND CAUSE OF ACTION AGAINST DEFENDANTS
(Hostile Work Environment based upon Sex in Violation of the NYCHRL)**

44. Plaintiff repeats, realleges, and reiterates each and every allegation contained in paragraphs 1 through 43 as if fully set forth herein.

45. Pursuant to the unlawful acts and practices alleged above, Defendants intentionally created a hostile work environment for Plaintiff, which altered the terms and conditions of her employment.

46. The unlawful acts and practices alleged above were severe, pervasive, insulting, humiliating, and continual in nature.

47. Defendants subjected Plaintiff to this unlawful conduct due to her sex.

48. Mr. Chavez's conduct was unwelcomed by Ms. Germain.

49. Defendants were aware that Plaintiff was being subjected to a hostile work environment, but failed to take appropriate remedial action.

50. As a direct and proximate result of the Defendants' unlawful discriminatory conduct, Plaintiff has suffered, and continues to suffer, severe mental anguish and emotional distress, including but not limited to, humiliation, embarrassment, stress and anxiety, and loss of reputation, for which she is entitled to an award of compensatory damages and other relief.
51. Mr. Chavez, as Ms. Germain's direct supervisor who directed and controlled her daily work activities and had the authority to control the hours worked by Ms. Germain, thereby, her compensation.
52. Defendants' unlawful and discriminatory actions constitute malicious, willful, and wanton violations of the NYCHRL, and were done with knowing or reckless disregard for Plaintiff's civil rights, for which Plaintiff is entitled to an award of punitive damages.

**THIRD CAUSE OF ACTION AGAINST DEFENDANTS
(Constructive Discharge)**

53. Plaintiff repeats, realleges, and reiterates each and every allegation contained in paragraphs 1 through 52 as if fully set forth herein.
54. Pursuant to the acts and practices alleged herein, Ms. Germain's work environment was so permeated with sexual harassment and touching, ridicule, and humiliation that a reasonable person would feel compelled to leave her position of employment.

55. Defendants were aware that Plaintiff was being subjected to such a work environment, but failed to take appropriate remedial action.
56. As a direct and proximate result of the Defendants' unlawful discriminatory conduct, Plaintiff has suffered, and continues to suffer, economic losses; and severe mental anguish and emotional distress, including but not limited to, humiliation, embarrassment, stress and anxiety, and loss of reputation, for which she is entitled to an award of compensatory damages and other relief.
57. Defendants' unlawful and discriminatory actions constitute malicious, willful, and wanton violations of the NYCHRL, and were done with knowing or reckless disregard for Plaintiff's civil rights, for which Plaintiff is entitled to an award of punitive damages.

PRAYER FOR RELIEF

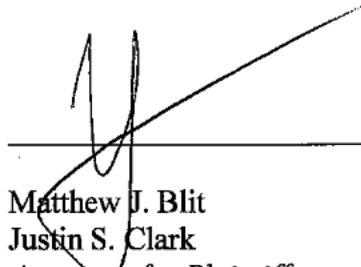
WHEREFORE, Plaintiff respectfully requests that this Court enter a judgment against Defendant containing the following relief:

- (a) An Order declaring that Defendants have violated the anti-harassment and anti-discrimination provisions of the NYSHRL, and the NYCHRL;
- (b) An Order enjoining the Defendants from engaging in the unlawful conduct alleged herein;
- (c) An Order awarding monetary damages to Plaintiff to compensate her for her past and future economic losses caused by Defendants' unlawful conduct;
- (d) An Order awarding monetary damages to Plaintiff to compensate her for the severe emotional distress, mental anguish, humiliation, and loss of reputation, suffered as a result of Defendants' unlawful actions;

- (e) An Order awarding punitive damages to Plaintiff in an amount to be determined by the trier of fact;
- (f) An Order awarding Plaintiff her reasonable attorney's fees;
- (g) An Order awarding Plaintiff her costs of this action; and
- (h) Any such other or further relief deemed just and equitable.

Dated: October 2, 2015
New York, New York

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