

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

SUMMARY ORDER

RULINGS BY SUMMARY ORDER DO NOT HAVE PRECEDENTIAL EFFECT. CITATION TO A SUMMARY ORDER FILED ON OR AFTER JANUARY 1, 2007 IS PERMITTED AND IS GOVERNED BY FEDERAL RULE OF APPELLATE PROCEDURE 32.1 AND THIS COURT'S LOCAL RULE 32.1.1. WHEN CITING A SUMMARY ORDER IN A DOCUMENT FILED WITH THIS COURT, A PARTY MUST CITE EITHER THE FEDERAL APPENDIX OR AN ELECTRONIC DATABASE (WITH THE NOTATION "SUMMARY ORDER"). A PARTY CITING TO A SUMMARY ORDER MUST SERVE A COPY OF IT ON ANY PARTY NOT REPRESENTED BY COUNSEL.

1 At a stated term of the United States Court of Appeals for the Second Circuit, held
2 at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New
3 York, on the 9th day of October, two thousand fifteen.

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5 PRESENT: ROBERT D. SACK,
6 RAYMOND J. LOHIER, JR.,
7 SUSAN L. CARNEY,
8 *Circuit Judges.*

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10 EDGAR SOSA,
11 *Plaintiff-Appellant,*

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13 v.

No. 14-3704-cv

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15 LOCAL STAFF, LLC, CROSS COUNTRY HEALTHCARE,
16 INC., CORNELL UNIVERSITY, WEILL CORNELL MEDICAL
17 COLLEGE, ADELA VARGAS, Individually, GUY MAZZA,
18 DAVID GREENE, Individually, ISABEL STANSHINE,
19 Individually,

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21 *Defendants-Appellees.**
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* The Clerk of Court is directed to amend the case caption as set forth above.

1 FOR PLAINTIFF-APPELLANT: CASEY WOLNOWSKI (Alex Umansky, *on*
2 *the brief*), Phillips & Associates, New
3 York, NY

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5 FOR DEFENDANTS-APPELLEES: JOSEPH C. O'KEEFE, Proskauer Rose LLP,
6 Newark, NJ, *for* Local Staff, LLC,
7 Cross-Country Healthcare, Inc., , David
8 Greene & Isabel Stanshine
9 SHERYL A. ORWEL (James R. Kahn, *on the*
10 *brief*), New York, NY, *for* Cornell
11 University, Weill Cornell Medical
12 College, Adela Vargas & Guy Mazza
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14 Appeal from a judgment of the United States District Court for the Southern
15 District of New York (Naomi Reice Buchwald, *Judge*).

16 UPON DUE CONSIDERATION, IT IS HEREBY ORDERED, ADJUDGED, AND
17 DECREED that the judgment of the District Court is AFFIRMED.

18 Plaintiff Edgar Sosa appeals from a judgment of the District Court (Buchwald, J.)
19 dismissing his claims of race-based discrimination, hostile work environment, and
20 retaliation against various people and entities associated with his former employer
21 under 42 U.S.C. § 2000e *et seq.* ("Title VII"), 42 U.S.C. § 1981, and the New York City
22 Human Rights Law, New York City Administrative Code, § 8-101 (the "NYCHRL").
23 This appeal centers on Sosa's internal complaints regarding one comment made by his
24 supervisor, defendant Adela Vargas, in which she told Sosa, "You're so street." We
25 agree with the District Court that these complaints did not constitute protected activity
26 for the purpose of a retaliation claim under either Title VII or the NYCHRL.

1 To bring a Title VII retaliation claim based on a complaint of unlawful activity, a
2 “plaintiff must demonstrate a good faith, reasonable belief that the underlying
3 challenged actions of the employer violated the law.” Manoharan v. Columbia Univ.
4 Coll. of Physicians & Surgeons, 842 F.2d 590, 593 (2d Cir. 1988) (quotation marks
5 omitted). The objective reasonableness of an employee’s belief that the employer has
6 violated Title VII must “be measured against existing substantive law,” because a failure
7 to do so would “eviscerate the objective component of our reasonableness inquiry.”
8 Clover v. Total Sys. Servs., Inc., 176 F.3d 1346, 1351 (11th Cir. 1999) (quotation marks
9 omitted); see also Reed v. A.W. Lawrence & Co., 95 F.3d 1170, 1178-79 (2d Cir. 1996).
10 Because Vargas’s comment to Sosa was “at worst an isolated incident that cannot
11 remotely be considered extremely serious,” as Title VII requires, Clark Cnty. Sch. Dist. v.
12 Breeden, 532 U.S. 268, 271 (2001) (quotation marks omitted), Sosa’s belief that it was
13 unlawful was not objectively reasonable.

14 We also conclude that Sosa did not “oppose[] any practice forbidden” by the
15 NYCHRL. N.Y.C. Admin. Code § 8-107(7). Although we construe the NYCHRL more
16 broadly than its federal and state counterparts, see, e.g., Nelson v. HSBC Bank USA, 929
17 N.Y.S.2d 259, 264 (2d Dep’t 2011), we recognize that it still does not “operate as a general
18 civility code.” Williams v. N.Y.C. Hous. Auth., 872 N.Y.S.2d 27, 40-41 (1st Dep’t 2009)
19 (quotation marks omitted). Based on the allegations in Sosa’s complaint, we agree that

1 the comment “You’re so street” is “nothing more than what a reasonable victim of
2 discrimination would consider petty slights and trivial inconveniences.” Id. at 41
3 (quotation marks omitted). We therefore affirm the District Court’s holding that Sosa
4 had not engaged in protected activity under the NYCHRL.

5 We have considered all of Sosa’s remaining arguments and conclude that they are
6 without merit. For the foregoing reasons, the judgment of the District Court is
7 AFFIRMED.

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FOR THE COURT:
Catherine O’Hagan Wolfe, Clerk of Court