

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X		
ANNE MARIE NOLAN-GRIFFIN,	:	
	:	
Plaintiff,	:	16 Civ. 370
	:	
-against-	:	<b><u>COMPLAINT</u></b>
	:	
NYSARC, Inc., New York City Chapter, d/b/a	:	PLAINTIFF DEMANDS A
“AHRC,”	:	TRIAL BY JURY
Defendant.	:	
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Plaintiff, Anne Marie Nolan-Griffin, by her attorney, alleges for her Complaint as follows:

**PARTIES**

1. Mrs. Anne Marie Nolan-Griffin (“**Plaintiff**” or “**Mrs. Nolan-Griffin**”) is a natural person and United States citizen residing in the Bronx, New York.
2. NYSARC, Inc., New York City Chapter, d/b/a “AHRC” (“**Defendant**” or “**NYSARC**”), is a domestic not-for-profit human services organization that serves more than 11,000 individuals with intellectual and developmental disabilities. Upon information and belief, NYSARC from 2010 through the date of this filing has employed more than five-hundred (500) employees.

**JURISDICTION AND VENUE**

3. Jurisdiction is founded upon 28 U.S.C. § 1331 and principles of supplemental jurisdiction under 28 U.S.C. §1367.
4. Plaintiff, through counsel, filed a Charge of Discrimination with the Equal Employment Opportunity Commission (“**EEOC**”) on June 16, 2014.
5. Plaintiff asserted her statutory right to request a *Right to Sue* letter on September 30, 2015 and received a *Right to Sue* letter, dated October 14, 2015, by mail on October 19, 2015.

(EXHIBIT A.) Accordingly, Plaintiff had ninety (90) days to file Title VII claims on or before January 17, 2016 and this lawsuit is timely.

6. Jurisdiction under 42 U.S.C. § 1981 rests because Mrs. Nolan-Griffin is Italian, and therefore part of an identifiable class of persons based on ancestry or ethnic characteristics that were classified as non-Caucasian when section 1981 was enacted and who suffered decades of animus and disparate treatment as an insular ethnic minority. Moreover, Mrs. Nolan-Griffin's Italian ancestry makes her part of an ethnically and physiognomically distinctive subgrouping of *homo sapiens* that section 1981 protects.
7. The statute of limitations on a section 1981 employment action is four years, Mrs. Nolan-Griffin had to file a 1981 claim—at the latest—within four years of the last adverse employment action on March 13, 2014, or by March 13, 2018. Therefore, Mrs. Nolan-Griffin's section 1981 employment discrimination and retaliation claims are timely.
8. Venue is proper in this district pursuant to 28 U.S.C. §1391(b) because a substantial part of (if not all of) the events giving rise to Plaintiff's claims occurred in Harlem, New York. For this same reason, this case is properly designated for adjudication in the Foley Square courthouse as opposed to the White Plains courthouse.

**STATEMENT OF FACTS COMMON TO ALL CLAIMS**

9. Mrs. Nolan-Griffin was employed by NYSARC from on or around November 2010 until the wrongful termination on or around March 13, 2014.
10. Mrs. Nolan-Griffin is an Italian-American and belongs to the protected class of "race" as defined in Title VII and Section 1981.

11. Mrs. Nolan-Griffin was an employee who engaged in Title VII and Section 1981 verbal ‘protected activity’ and belongs to the protected class of employee who Title VII and Section 1981 intends to protect.
12. At all pertinent times Mrs. Nolan-Griffin was fit, qualified, and eager to hold a position at NYSARC, and performed her duties in a professional and competent manner.
13. Upon information and belief, at all pertinent times, Defendant acted or failed to act by and through its duly authorized agents, servants, representatives, partners, manager, supervisors and employees, who conducted themselves within the scope and course of their employment, with intentional malice and/or with reckless disregard to Mrs. Nolan-Griffin’s federal and state civil rights.
14. NYSARC supervisor Elizabeth Nichols is believed to be African-American and started in or around December 2013.
15. NYSARC Manager Uzaina Soto is believed to be Hispanic.
16. As used herein, race, color and national origin (collectively “**Italian Race**”) shall be used interchangeably and when any one term is used it shall have the effect as if all distinct terms were used.
17. NYSARC, by and through its supervisors and/or managers, created, permitted, and/or countenanced a hostile work environment against Mrs. Nolan-Griffin because of her Italian Race.
18. NYSARC, by and through its supervisors and/or managers, treated Mrs. Nolan-Griffin less favorably than other non-protected class and similarly situated coworkers.
19. For example, in or around December 2013 during a company meeting (called internally an “OP” or a “PT”) manager Ms. Soto treated Mrs. Nolan-Griffin less favorably by singling

out Mrs. Nolan-Griffin without justification and stating, in substantial form: “Everyone likes her [Mrs. Nolan-Griffin] because she’s white” while Ms. Soto indicated toward Mrs. Nolan-Griffin’s exposed skin. This remark is significant insofar that it encapsulates the mentality of management at NYSARC (*i.e.*, a mentality that Mrs. Nolan-Griffin was somehow receiving favorable treatment because of her Italian ancestry and their concomitant efforts to put Mrs. Nolan-Griffin in her place).

20. In addition, specifically, Mrs. Nolan-Griffin’s coworkers regularly made “jokes” wherein the punch-line centered on Mrs. Nolan-Griffin’s Italian ancestry and her “whiteness.”
21. Though Mrs. Nolan-Griffin never heard supervisor Ms. Nichols utter an explicitly race-based joke—as her coworkers regularly did—Mrs. Nolan-Griffin from December 2013 through her March 2014 termination witnessed supervisor Ms. Nichols hear her coworkers making such jokes and Ms. Nichols never interjected to stop such race-based “joking” and otherwise failed to take any step to adhere to NYSARC’s purported anti-discrimination policy.
22. In or around January 2014, Mrs. Nolan-Griffin engaged in protected activity by verbally complaining about the harassment and disparate treatment she perceived she was receiving to Ms. Nichols, however, Ms. Nichols failed to take any steps to investigate the allegation or take any steps to correct the actual problem.
23. Another specific example of NYSARC’s favorable treatment of non-protected class similarly situated coworkers and its less favorable treatment of Mrs. Nolan-Griffin is the issue of meal breaks. Other non-Italians were regularly allowed to take meal breaks (as mandated by New York labor law), but Mrs. Nolan-Griffin was not allowed to take a meal break despite her requesting to take meal breaks.

24. Mrs. Nolan-Griffin engaged in protected activity when she complained to Ms. Soto that she felt her inability to take meal breaks was another iteration of the harassment she perceived she was receiving. Ms. Soto never investigated Mrs. Nolan-Griffin's complaint or took any action to correct her inability to take meal breaks.
25. The disparate treatment and harassment was so obvious that in or around December 2013 and January 2014 several of Mrs. Nolan-Griffin's coworkers approached her and warned her that Supervisor Ms. Nichols was "out to get" the Plaintiff.
26. Another illustrative example is the elevator conversation. In or around January 2014 Mrs. Nolan-Griffin was taking the elevator and Ms. Nichols happened to enter the same. Ms. Nichols stated, in substantial form: "are you going to smoke? That's not allowed. You need to get back to work."
27. In point of fact, Mrs. Nolan-Griffin has never smoked a day in her life. She was taking the elevator downstairs to sign for a delivery pursuant to her job responsibilities. Instead of asking Mrs. Nolan-Griffin what she was doing, Ms. Nichols presumed the worst and then revoked a privilege she regularly granted other non-Italian coworkers.
28. Upon information and belief, Ms. Nichols is more than aware of the regular on-the-clock smoke breaks other similarly situated non-protected class coworkers took who she had control and authority over. However, Ms. Nichols never revoked or attempted to revoke those persons' smoking breaks or reprimanded those employees for violating company policy.
29. Another specific example of the harassment and disparate treatment NYSARC interposed against Mrs. Nolan-Griffin is the trumped-up forgery charge and subsequent Decision Making Leave ("DML") the company forced Mrs. Nolan-Griffin to sign.

30. In or around January 1, 2014 Mrs. Nolan-Griffin—with a coworker’s permission—she initialed a workload sheet for the employee with said employee present and watching her. Though possibly a technical violation of NYSARC policy, this practice and custom was common practice that all coworkers engaged in and knew about, and a practice and custom Ms. Soto and Ms. Nichols knew about.
31. About the same time a coworker heard Ms. Soto learn about Mrs. Nolan-Griffin’s signing for the coworker, and manager Ms. Soto stated, in substantial form: “Don’t worry, I’ll get her cracker ass.”
32. The coworker immediately told Mrs. Nolan-Griffin about the racist comment, and Mrs. Nolan-Griffin immediately confronted Ms. Soto by stating “we need to talk.”
33. Ms. Soto attempted to brush Mrs. Nolan-Griffin off by stating, “not now.”
34. Mrs. Nolan-Griffin responded, in substantial form: “If you can talk about me behind my back, and say racist things, then you can say it now to my face.”
35. Ms. Soto instructed Mrs. Nolan-Griffin to report to Supervisor Ms. Nichols. Mrs. Nolan-Griffin complied and, upset by the racist comment and animus directed toward her, wept in Ms. Nichols office. While weeping, Mrs. Nolan-Griffin informed Ms. Nichols about the racist slur and the harassment.
36. Ms. Nichols—instead of launching an investigation pursuant to NYSARC’s anti-discrimination policy—directed Mrs. Nolan-Griffin to, in substantial form: “stop crying, [because] it’s unprofessional.”
37. The next day Mrs. Nolan-Griffin was forced to sign a Decision Making Leave (“DML”) or face immediate termination. By signing the DML, Mrs. Nolan-Griffin was forced to suffer suspension without pay for one day, and in fact, suffered the same. Instead of investigating

Mrs. Nolan-Griffin's protected activity and verbal complaint, NYSARC suspended the complainant for a day for alleged "forgery."

38. The disparate application of an otherwise facially neutral company policy can constitute inferential evidence of disparate treatment and/or harassment.

39. On or around March 3, 2014, a day before Mrs. Nolan-Griffin's pre-approved ten (10) day vacation, she observed a NYSARC patient named "Joe" who required medical attention in the hospital. Mrs. Nolan-Griffin informed NYSARC of Joe's need and was assured Joe would receive appropriate medical care.

40. Ten days later, after her pre-approved vacation, Mrs. Nolan-Griffin returned to work and saw Joe still in his bed and his health had materially deteriorated.

41. Pursuant to well-established New York and federal law, Mrs. Nolan-Griffin immediately went to her Supervisor Ms. Nichols and demanded to know why Joe had not received any medical care and was laying ill in his bed after ten days.

42. Hearing a run-of-the-mill excuse from Ms. Nichols, Mrs. Nolan-Griffin engaged in protected activity—knowingly jeopardizing her employment by taking an adverse stance against her employer in order to help an elderly patient—and stated: "if Joe doesn't get to a hospital I will advocate for him [Joe]." The word advocate is a term-of-art that is used in the medical field that colloquially means a person will whistleblow to the highest level to report perceived medical abuses and obtain immediate treatment for an ill patient.

43. That evening NYSARC signed paperwork dismissing Mrs. Nolan-Griffin.

44. Thankfully, because—and only because—of Mrs. Nolan-Griffin's protected activity and advocating for Joe, he received the medical care at the emergency room of Mount Sinai for the festering and bleeding sores on and around his genital, buttocks and leg area.

45. The pretextual reason NYSARC provided for Mrs. Nolan-Griffin's termination was the months old January 2014 "falsification" charge—that itself was trumped-up and a discriminatory application of an otherwise facially neutral policy against Mrs. Nolan-Griffin.
46. Mrs. Nolan-Griffin's status as a member of a protected class was a motivating and/or but-for factor for the adverse employment action(s) NYSARC interposed.

**FIRST CLAIM**

(Race/Color Status-Based Discrimination  
Arising Under Title VII)

47. Plaintiff incorporates by reference the preceding paragraphs as if fully stated herein.
48. This claim is premised upon Title VII of the Civil Rights Act of 1964, as amended, codified at 42 U.S.C. § 2000e, *et seq.*
49. At all relevant times, Mrs. Nolan-Griffin was an "employee" under Title VII, 42 U.S.C. § 2000e(f).
50. NYSARC is an "employer" under Title VII, 42 U.S.C. § 2000e(b).
51. Ms. Soto and Ms. Nichols each possessed the power to hire, fire, promote, fail to promote, transfer, reassign, permit or forbid meal breaks, alter significant terms and conditions of employment, and/or otherwise affect the ultimate decision maker's decision (*i.e.*, cat's paw theory).
52. Mrs. Nolan-Griffin opposed NYSARC's unlawful, discriminatory employment practices and engaged in protected activity under Title VII.
53. Specifically, NYSARC discriminated and retaliated against Mrs. Nolan-Griffin when the company, *inter alia*, imposed a disparate and discriminatory of otherwise facially neutral employment policies, made and/or countenanced race based jokes, failed to allow Mrs.



Nolan-Griffin to take meal breaks, attempted to revoke privileges it regularly granted other non-Italian American coworkers, suspended Mrs. Nolan-Griffin without pay for one day after she opposed a racial slur directed toward her by management, and when NYSARC otherwise treated Mrs. Nolan-Griffin unfavorably as compared to similarly situated, non-protected class coworkers subject to the same supervisor(s), manager(s), procedures and rules. NYSARC discriminated against Mrs. Nolan-Griffin because of her race, color and/or national origin as an Italian in violation of Title VII.

54. Upon information and belief, Defendant's actions were done intentionally or with reckless indifference to Plaintiff's federally protected Title VII rights.

55. As a direct and proximate result of the intentional and/or reckless Defendant's actions, Plaintiff was wrongly written-up, suspended without pay, harassed, suffered an emotional breakdown, and terminated. Plaintiff in addition suffered lost wages and benefits, as well as humiliation, loss of dignity, inconvenience, and mental distress.

### **SECOND CLAIM**

(Race/Color Status-Based Discrimination Arising Under  
Section 1981)

56. Plaintiff incorporates by reference all preceding paragraphs as if re-alleged and stated fully herein.

57. 42 U.S.C. section 1981 prohibits racial discrimination in the employment context.

58. Defendant's actions were done intentionally or with reckless indifference to Plaintiff's statutorily protected Section 1981 rights.

59. As a direct and proximate result of intentional and/or reckless Defendant's actions, Plaintiff was terminated or otherwise not allowed to work, and suffered lost wages and benefits, as well as humiliation, inconvenience, mental distress, and embarrassment.

**THIRD CLAIM**  
(Protected Activity Retaliation  
Arising Under Title VII)

60. Plaintiff incorporates by reference all preceding paragraphs as if re-alleged and stated fully herein.
61. This claim is premised upon Title VII of the Civil Rights Act of 1964, as amended, codified at 42 U.S.C. § 2000e.
62. At all relevant times, Mrs. Nolan-Griffin was an “employee” under Title VII, 42 U.S.C. §2000e(f).
63. NYSARC is an “employer” under Title VII, 42 U.S.C. § 2000e(b).
64. Mrs. Nolan-Griffin opposed NYSARC’s unlawful, discriminatory employment practices and engaged in protected activity under Title VII.
65. Defendant’s retaliatory treatment of Plaintiff because of her protected activity in advancing her Title VII rights was in violation of, *inter alia*, Title VII, 42 U.S.C. § 2000e-3.
66. NYSARC retaliated against Mrs. Nolan-Griffin when, *inter alia*, it failed to investigate or correct two separate verbal complaints of perceived discrimination because of her race.
67. Instead, NYSARC failed to investigate, failed to follow its own antidiscrimination policy, suspended Mrs. Nolan-Griffin for a day without pay, padded her disciplinary file by applying facially neutral employment policies in a discriminatory manner, and then terminating Mrs. Nolan-Griffin.
68. Defendant’s actions were done intentionally or with reckless indifference to Plaintiff’s federally protected Title VII rights.

69. As a direct and proximate result of intentional and/or reckless Defendant's actions, Plaintiff was terminated or otherwise not allowed to work, and suffered lost wages and benefits, as well as humiliation, inconvenience, mental distress, and embarrassment.

**FOURTH CLAIM**

(Protected Activity Retaliation Arising Under  
Section 1981)

70. All preceding paragraphs are incorporated by reference as if fully stated herein.

71. Section 1981 prohibits retaliation after a good faith verbal or written complaint of discrimination because of race.

72. Upon information and belief, NYSARC's actions were done intentionally or with reckless indifference to Plaintiff's statutorily protected Section 1981 anti-retaliation rights, entitling her to punitive damages without statutory caps.

73. As a direct and proximate result of intentional and/or reckless Defendant's actions, Plaintiff was terminated or otherwise not allowed to work, and suffered lost wages and benefits, as well as humiliation, inconvenience, mental distress, and embarrassment.

**FIFTH CLAIM**

(Status-Based Discrimination Arising Under NYCHRL)

74. The following preceding paragraphs are incorporated by reference as if fully stated herein:

¶¶ 1-38.

75. The NYCHRL and the City's Restoration Act are uniquely broad and prohibits an employer from treating an employee differently because of her status in a protected class. N.Y.C. Admin. Code § 8-107 *et. seq.*; N.Y.C. Admin. Code § 8-107(1)(a).

76. Mrs. Nolan-Griffin, as stated above, suffered many non-trivial incidents of less favorable treatment because of her Italian ancestry as compared to those non-protected class coworkers who were similarly situated.

77. Upon information and belief, NYSARC's actions were done intentionally or with reckless indifference to Plaintiff's statutorily protected anti-discrimination rights, entitling her to punitive damages.

78. As a direct and proximate result of intentional and/or reckless Defendant's actions, Plaintiff was terminated or otherwise not allowed to work, and suffered lost wages and benefits, as well as humiliation, inconvenience, mental distress, and embarrassment.

**SIXTH CLAIM**  
(Retaliation Arising Under NYCHRL)

79. The following preceding paragraphs are incorporated by reference as if fully stated herein:  
¶¶ 1-38.

80. The NYCHRL and the City's Restoration Act are uniquely broad and prohibits an employer from retaliating against an employee in any manner because of her protected activity. N.Y.C. Admin. Code § 8-107 *et. seq.*; N.Y.C. Admin. Code § 8-107(7).

81. NYSARC's failure to investigate Mrs. Nolan-Griffin's verbal complaint of harassing race-based jokes by coworkers and its failure to take any corrective action whatsoever is reasonably likely to deter a person from complaining about discrimination.

82. NYSARC's failure to investigate Mrs. Nolan-Griffin's complaint about a racial slur by a NYSARC manager and, instead, its telling her to stop crying, issuing a Decision Making Leave ("DML"), and suspending her for a day without pay is reasonably likely to deter a person from complaining about discrimination.

83. Upon information and belief, NYSARC's actions were done intentionally or with reckless indifference to Plaintiff's statutorily protected anti-retaliation rights, entitling her to punitive damages.

84. As a direct and proximate result of intentional and/or reckless Defendant's actions, Plaintiff was terminated or otherwise not allowed to work, and suffered lost wages and benefits, as well as humiliation, inconvenience, mental distress, and embarrassment.

**SEVENTH CLAIM**  
(Section 741 Healthcare Whistleblowing)

85. The preceding paragraphs are incorporated by reference as if fully stated herein: ¶¶ 1-3, 8-9, 12, 14-15, and 39-44.

86. This claim is premised upon New York Labor Law §741, or the whistleblower provision protecting healthcare employees.

87. NYLL § 741, as specified in NYLL § 741(4), incorporates and uses NYLL § 740(4) as its mechanism for enforcement via a civil suit.

88. NYLL § 741 provides a two year statute of limitations as marked from the alleged retaliatory personnel action. Specifically, the retaliatory termination occurred on or around March 13, 2014, which means Mrs. Nolan-Griffin is required to file on or before March 13, 2016 and this claim is timely.

89. NYLL § 741 incorporates the remedies set forth in NYLL § 740(5) and Mrs. Nolan-Griffin seeks the fullest extent of remedies available to her under the law.

90. For purposes of NYLL section 741(1)(a), Mrs. Nolan-Griffin was an "employee" because she performed health care services for and under the control and direction of a public and/or private employer which provides health care services for wages or other remuneration.

91. More specifically, Mrs. Nolan-Griffin was paid wages by NYSARC for her services that included, *inter alia*: (a) the provision of health care services relating to monitoring patient infections, (b) monitoring and executing patient prescription regimes, monitoring patient response to prescription and treatment regimes, (c) providing protective and healthful

grooming and other health-related treatments, (d) mediating emergency situations pertaining to patients, (e) providing medical assistance until relieved in said emergency situations, (f) exercising independent, discretionary and professional judgment to report any perceived violations of patient rights promptly to a superior, (g) administering medication to patients, (h) providing hands-on services directly to patients relating to maintaining and improving their health, (i) exercising independent and discretionary judgment as to the psychological stability of patients and reporting any patient problem or indication of an upcoming problem, (j) assisting patients in toileting and hygiene, (k) monitoring behavior and progress (both medical and psychological), (l) providing information to her coworkers and superiors as to the progress and assessment of her patients, (m) advocate for a patient if their dignity and respect are violated, and (n) to advocate for a patient if their medical and psychological welfare are violated.

92. NYSARC, for purposes of this statute, is an employer who provides “health care services” to patients, and employs professionals and non-professionals to assist in providing these “health care services” for remuneration and other benefits and non-financial compensation.

93. Mrs. Nolan-Griffin engaged in protected whistleblowing activity when she disclosed to her supervisor Ms. Nichols an activity and/or policy or practice that she, in good faith, reasonably believed constituted improper quality of patient care to Joe.

94. Mrs. Nolan-Griffin whistleblaw, advocated for Joe and reported “improper quality of patient care” as defined by NYLL section 741(a)(d) because with respect to patient care, she witnessed a practice, procedure, action or failure to act NYSARC that violated a law, rule, regulation or declaratory ruling adopted pursuant to law, and this violation by

NYSARC related to a matter which might have presented a substantial and specific danger to public health or the safety or a significant threat to the health of patient “Joe.”

95. Mrs. Nolan-Griffin actually, in fact, provided health care services, and did not merely coordinate with those who do.

96. Mrs. Nolan-Griffin, by virtue of her training and/or experience, was qualified to make knowledgeable judgments as to the quality of patient care, and her job at NYSARC required her to advocate for a patient when any such violations was known or suspected.

97. After her ten day break and seeing Joe’s health materially deteriorating and him still festering in his bed, when she advocated for Joe Mrs. Nolan-Griffin had a good faith and reasonable belief that NYSARC had violated, *inter alia*, the Department of Health law by failing to report the physical abuse (i.e., a failure and lack of care) the facility was either using or permitting with respect to Joe. The reporting was required by New York Public Health Law § 2803-d.

98. When she advocated for Joe, Mrs. Nolan-Griffin had a good faith and reasonable belief that NYSARC had treated a disabled person without dignity, unsafely, and cruelly in violation of New York’s Mental Hygiene Law §§ 16.19, 31.19, 33.03.

99. When she advocated for Joe, Mrs. Nolan-Griffin had a good faith and reasonable belief that NYSARC was permitting the physical abuse of a patient in violation of 10 NYCRR 415.4(b)(1).

100. After engaging in whistleblowing activity to her supervisor Ms. Nichols by disclosing NYSARC’s failure to act and permitting Joe’s physical abuse for over ten days, Mrs. Nolan-Griffin went further by threatening to “advocate” for Joe by whistleblowing

further up the chain-of-command internally and then finally by calling 911 or other appropriate first-responder authorities (police and/or medical ambulance services).

101. Mrs. Nolan-Griffin's whistleblowing on or around March 13, 2014 and her advocating for Joe's emergency room medical care was the "but for" cause of her termination.

102. Defendant's actions were done intentionally or with reckless indifference to Plaintiff's statutorily protected whistleblowing rights.

103. As a direct and proximate result of the intentional and/or reckless Defendant's actions, Plaintiff was terminated or otherwise not allowed to work, and suffered lost wages and benefits, as well as humiliation, inconvenience, mental distress, and embarrassment.

**WHEREFORE**, Mrs. Nolan-Griffin respectfully demands judgment against Defendant, as follows:

- A.** On her First Claim (Title VII Status), back pay and front pay in amounts as yet undetermined (including benefits and wage supplements), compensatory damages and punitive damages to the maximum extent permissible by statutory caps, attorneys' fees, interest, and costs;
- B.** On her Second Claim (Section 1981 Status), back pay and front pay in amounts as yet undetermined (including benefits and wage supplements), compensatory damages and punitive damages to the maximum extent permissible by due process, attorneys' fees, interest, and costs;
- C.** On her Third Claim (Title VII Retaliation), back pay and front pay in amounts as yet undetermined (including benefits and wage supplements), compensatory



damages and punitive damages to the maximum extent permissible by statutory caps, attorneys' fees, interest, and costs;

- D.** On her Fourth Claim (Section 1981 Retaliation), back pay and front pay in amounts as yet undetermined (including benefits and wage supplements), compensatory damages and punitive damages to the maximum extent permissible by due process, attorneys' fees, interest, and costs;
- E.** On his Fifth Claim (NYCHRL Status), back pay and front pay in amounts as yet undetermined (including benefits and wage supplements), compensatory damages and punitive damages to the maximum extent permissible by law, attorneys' fees, interest, and costs;
- F.** On his Sixth Claim (NYCHRL Retaliation), back pay and front pay in amounts as yet undetermined (including benefits and wage supplements), compensatory damages and punitive damages to the maximum extent permissible by law, attorneys' fees, interest, and costs;
- G.** On his Seventh Claim (NYLL 741 HealthCare Whistleblowing), back pay and front pay in amounts as yet undetermined (including benefits and wage supplements), compensatory damages and punitive damages to the maximum extent permissible by law, attorneys' fees, interest, and costs;
- H.** That if Plaintiff succeeds on any claim it be designated and obtain "prevailing party" status; and,
- I.** Such other and further relief as the Court deems just and proper under the circumstances.

JURY TRIAL DEMANDED

ATTORNEY'S LIEN CLAIMED

**Dated: New York, New York**  
**January 17, 2016**

**Respectfully submitted,**

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