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**SUPREME COURT OF NEW YORK  
COUNTY OF NEW YORK**

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**DILEK EDWARDS,**

**Plaintiff,**

v.

**CHARLES V. NICOLAI and STEPHANIE  
ADAMS,**

**Defendants.**  
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**INDEX NO: 160830/2013**

**AMENDED COMPLAINT**

**DEMAND FOR JURY TRIAL**

Plaintiff, Dilek Edwards, by and through her attorneys, Joseph & Kirschenbaum LLP, alleges upon knowledge as to herself and upon information and belief as to all other matters as follows:

**NATURE OF CLAIM**

1. This case asserts claims under the New York State Human Rights Law, N.Y. Exec. L. §§ 290 *et seq.*, and the New York City Human Rights Law, N.Y. Admin. Code §§ 8-101 *et seq* and for defamation. Defendants subjected Plaintiff to sexual harassment, gender discrimination, unlawfully terminated her employment, and made intentionally false statements about Plaintiff.

**JURISDICTION, VENUE, AND PARTIES**

2. Venue herein is proper as Defendants are residents and conduct business in New York County, and the unlawful practices occurred in this county.

3. Wall Street Chiropractic and Wellness (“WSCW”) is a provider of chiropractic and therapeutic services. WSCW’s main office is located at 75 Wall Street, New York, NY 10005.

4. Defendant Charles V. Nicolai (“Nicolai”) is a co-owner and head chiropractor of Wall Street Chiropractic and Wellness.

5. Defendant Nicolai oversees all of the chiropractic and therapeutic care performed at WSCW. Defendant Nicolai hired Plaintiff, oversaw her work, and trained her in medical massage techniques.

6. Defendant Stephanie Adams is a co-owner and chief operating officer of WSCW.

7. Plaintiff was employed by WSCW at its main office.

8. Between April and October 2013, Plaintiff was an "employee" under all applicable statutes.

9. At all times relevant, Defendants Adams and Nicolai employed four (4) or more employees. Accordingly, Defendants Adams and Nicolai meet the definition of “employer” under all applicable statutes.

10. This Court has jurisdiction over the parties pursuant to CPLR 301; the Defendants’ principle place of business is in New York County.

### **FACTS**

11. Plaintiff began working as a yoga and massage therapist at WSCW in April 2012.

12. Throughout Plaintiff’s employment with WSCW, a posting in the office displayed Plaintiff’s fixed work schedule.

13. WSCW paid Plaintiff a fixed rate per hour for each hour she worked at WSCW's office.

14. WSCW always scheduled the treatments and processed the payments of Plaintiff's patients.

15. WSCW supplied Plaintiff with a treatment room, massage oils, and other supplies for all her treatments.

16. Defendant Adams was the November 1992 Playboy Playmate and was later named the "first openly lesbian Playmate." Defendant Adams is currently an investor and author of a New Age self-help book series and brand entitled *Goddessy*.

17. Defendants Nicolai and Adams are currently married.

18. Defendant Nicolai regularly praised Plaintiff's work performance throughout her period of employment.

19. In or about June 2013, Defendant Nicolai informed Plaintiff that his wife might become jealous of Plaintiff, because Plaintiff was "too cute."

20. Nevertheless, throughout the period of Plaintiff's employment, she maintained a strictly professional relationship with Defendant Nicolai.

21. Plaintiff met Defendant Adams only once at WSCW's office and the meeting was cordial.

22. At approximately 1:15 a.m. on October 29, 2013, Plaintiff received a missed call from Defendant Adams on her personal phone.

23. At 1:31 a.m. on the same day, Plaintiff received a frantic text message "out of the blue" on her personal phone from Defendant Adams.

24. The text message confirmed Dr. Nicolai's earlier concerns that Defendant Adams was jealous of Plaintiff's working relationship with Dr. Nicolai. The text message stated, "Dilek, you did not answer the phone when I just called and I will call again but I will make myself perfectly clear via text and later via phone call... You are NOT welcome any longer at Wall Street Chiropractic, DO NOT ever step foot in there again, and stay the FUCK away from my husband and family!!!!!! And remember I warned you."

25. At 8:53 a.m. on October 30, 2013, Plaintiff received an email from Defendant Nicolai that stated, "You are fired and no longer welcome in our office. If you call or try to come back, we will call the police."

26. Plaintiff was extremely distressed by her termination and the threatening and harassing text messages and email. She called the office to seek clarification only to learn that her number had been blocked by the office phone system.

27. As stated above, Plaintiff's relationship with Dr. Nicolai was purely professional. Accordingly, Plaintiff had and still has no idea what sparked Defendant Adams' absurd suspicions and/or Plaintiff's termination.

28. After receiving this text message, Plaintiff was hurt, distraught and feared for her personal safety and personal/professional reputation.

29. Plaintiff was too afraid to collect her belongings from WSCW's office. She learned from a former co-worker that Defendant Adams threw her leather jacket in the garbage.

30. On November 7, 2013, Plaintiff received an email from the website WordPress.com, which she uses to host her personal business website <http://dilekedwardsyoga.com>. The email stated that Wordpress.com had suspended her site until

she took corrective action to address a complaint filed against her website by Defendants Nicolai and Adams that falsely alleged trademark infringement and other spurious claims.

31. It is clear that Defendants' complaint to Wordpress.com was frivolous and was made for the sole purpose of inflicting further financial and emotional injury to Plaintiff.

32. As a result of WSCW's unlawful and malicious termination of Plaintiff, Plaintiff has suffered, and continues to suffer, extreme emotional distress.

33. On or about October 30, 2013, Defendant Adams made a complaint to the New York Police Department regarding Plaintiff. Defendant Adams falsely told the police that she received threatening phone calls from Plaintiff and that Plaintiff "stated 'I am going to come to the office' in a threatening manner."

34. Defendant Adams' statement was false. Plaintiff did not call Ms. Adams and make this statement.

35. Ms. Adams knew this to be a false statement and made it with the intent of harming Plaintiff.

36. Defendant Adams further stated that she was "so alarmed that she changed the locks to her home and office."

37. This statement is false. Ms. Adams knew this to be a false statement and made it with the intent of harming Plaintiff.

38. What in fact happened was that Defendant Nicolai changed the locks to his office because he was afraid of Defendant Adams, who had come home the night before and yelled at him in a fit of jealous rage regarding her suspicions of Ms. Edwards. Dr. Nicolai had left his home that night and spent the remainder of the night and several nights thereafter sleeping at the office.

39. As a result of Defendant Adams' defamatory statements, Plaintiff suffered injury to her personal and business reputation, which has caused her severe emotional distress.

40. Further, the defamatory statements ascribe criminal behavior to Plaintiff and are therefore defamation/slander *per se*.

**FIRST CLAIM FOR RELIEF**  
**(New York State Human Rights Law ("NYSHRL"),  
N.Y. Exec. L. §§ 290 *et seq.* – Gender Discrimination—  
Sexual Harassment and Wrongful Termination—  
Against Defendants Nicolai and Adams)**

41. Plaintiff realleges and incorporates by reference all preceding paragraphs as if they were set forth again herein.

42. In violation of the NYSHRL, Defendants Nicolai and Adams intentionally discriminated against Plaintiff on the basis of her sex by terminating Plaintiff's employment.

43. As a direct and proximate consequence of Defendants Nicolai and Adams' sexual harassment/discrimination against Plaintiff, she has suffered, and continues to suffer, substantial monetary damages, including, but not limited to, a loss of income, including past and future salary.

44. As a direct and proximate consequence of Defendants Nicolai and Adams' sexual harassment/discrimination against Plaintiff, she has suffered, and continues to suffer, substantial non-monetary damages, including, but not limited to, emotional distress, physical pain and suffering, damage to Plaintiff's good name and reputation, lasting embarrassment, humiliation and anguish.

45. As a result of Defendants Nicolai and Adams' unlawful conduct, Plaintiff is entitled to compensatory damages, including but not limited to lost wages and damages for

emotional distress, post-judgment interest, attorneys' fees and costs, and such other legal and equitable relief as this Court deems just and proper.

**SECOND CLAIM FOR RELIEF**  
**(New York City Human Rights Law ("NYCHRL"))**  
**N.Y. Admin. L. §§ 8-101 *et seq.* – Gender Discrimination—**  
**Sexual Harassment and Wrongful Termination)**

46. Plaintiff realleges and incorporates by reference all preceding paragraphs as if they were set forth again herein.

47. In violation of the NYCHRL, Defendants Nicolai and Adams discriminated against Plaintiff on the basis of her gender by terminating Plaintiff's employment.

48. As a direct and proximate consequence of Defendants Nicolai and Adams' sexual harassment/discrimination against Plaintiff, she has suffered, and continues to suffer, substantial monetary damages, including, but not limited to, a loss of income, including past and future salary.

49. As a direct and proximate consequence of Defendants Nicolai and Adams' sexual harassment/discrimination against Plaintiff, she has suffered, and continues to suffer, substantial non-monetary damages, including, but not limited to, emotional distress and physical pain and suffering.

50. Defendants Nicolai and Adams' conduct was outrageous and malicious, was intended to injure, and was done with reckless indifference to Plaintiff's statutorily-protected civil rights.

51. As a result of Defendants Nicolai and Adams' unlawful conduct, Plaintiff is entitled to compensatory damages, including but not limited to lost wages and damages for

emotional distress, punitive damages, post-judgment interest, attorneys' fees and costs, and such other legal and equitable relief as this Court deems just and proper.

**THIRD CLAIM FOR RELIEF**  
**(Defamation-Against Defendant Adams)**

52. Defendant Adams made the statements described above to the police and to the New York Post, respectively.

53. The statements were known to Defendants to be false at the time they were made and were made with the intent of harming Plaintiff.

54. The defamatory statements ascribe criminal behavior to Plaintiff and are therefore defamation *per se*.

55. As a result of Defendant Adams' defamatory statements, Plaintiff suffered injury to her personal and business reputation, which has caused her severe emotional distress.

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

(a) Enter a declaratory judgment that the acts and practices of Defendants complained of herein are in violation of the laws of the State of New York.

(b) Enjoin and permanently restrain Defendants' violations of the laws of the State of New York.

(c) Direct Defendants to place Plaintiff in the position she would have occupied but for WSCW's discriminatory and retaliatory treatment of her as well as to take such affirmative action as is necessary to ensure that the effects of these unlawful employment practices are eliminated and do not continue to affect Plaintiff's employment opportunities;

(d) Award Plaintiff monetary damages including, but not limited to, lost income, including past salary, future salary, and company-sponsored benefits, in an amount to be



determined at trial, together with interest thereon from the time of the initial loss until satisfaction of judgment and post-judgment interest thereon;

(e) Award Plaintiff non-monetary damages including, but not limited to, compensation for her humiliation and emotional distress and suffering, in an amount to be determined at trial, and punitive damages, together with interest thereon from the time of the initial loss until satisfaction of judgment as well as with post-judgment interest thereon;

(g) Award plaintiff the costs of this action, together with reasonable attorney's fees;

(h) Grant plaintiff such other and further relief this Court deems necessary and proper.

**JURY DEMAND**

Plaintiff demands trial by jury on all counts so triable.

Dated: New York, New York  
December 2, 2013

Respectfully submitted,

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