

SUPREME COURT OF THE STATE OF NEW YORK  
NEW YORK COUNTY

Index No.:  
Summons Filed:

-----X  
YAHAIRA HERNANDEZ, ESTHER HERARTE and  
JENNIFER V. STERN

**SUMMONS AND COMPLAINT**

Plaintiffs,

Plaintiffs designate NEW YORK  
COUNTY As the place for trial  
Pursuant to CPLR §503(a)  
in that plaintiff Yahaira  
Hernandez resides at  
New York in the County of New  
York

-against-

DR ARDEN KAISMAN

Defendant(s).  
-----X

**07104989**

TO DR. ARDEN KAISMAN **Defendant in the above-entitled cause of action:**

**YOU ARE HEREBY SUMMONED** to answer the complaint in this action and to serve a copy of your answer or if the complaint is not served with this summons to serve a notice of appearance on the plaintiffs' Attorney within 20 days after the service of this summons exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in the case of your failure to appear or answer, judgement will be taken against you be default for the relief demanded in the complaint.

Dated: New York, New York  
April 10, 2007

From: Fred Lichtmacher Esq.  
Attorney for Plaintiffs  
The Empire State Building  
350 5<sup>th</sup> Avenue Suite 7220  
New York, New York 10118  
(212) 922-9066

Defendant's address:  
DR. ARDEN KAISMAN  
51 East 25th Street, 6th Floor,  
New York, NY 10010

**FILED**  
**APR 12 2007**  
**NEW YORK**  
**COUNTY CLERK'S C**

SUPREME COURT OF THE STATE OF NEW YORK  
NEW YORK COUNTY

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YAHAIRA HERNANDEZ, ESTHER HERARTE and  
JENNIFER V. STERN

**VERIFIED COMPLAINT**

Plaintiffs,

Plaintiffs designate NEW YORK  
COUNTY As the place for trial  
Pursuant to CPLR §503(a)  
in that plaintiff YAHAIRA  
HERNANDEZ resides in  
New York County

-against-

DR ARDEN KAISMAN,

Defendant.

-----X

The plaintiffs, complaining of the defendant, by their attorney, FRED  
LICHTMACHER, ESQ., respectfully show to this Court and allege:

**PARTIES**

07104989

1 That the plaintiffs YAHAIRA HERNANDEZ, ESTHER HERARTE and JENNIFER V.  
STERN are all adult females and plaintiff YAHAIRA HERNANDEZ is a resident of the City State  
and County of New York.

2 That at all times relevant the plaintiffs were employed by defendant Dr Kaisman in his office  
located at 51 East 25th Street, 6th Floor, New York, NY 10010.

**STATEMENT OF FACTS**

**Yahaira Hernandez**

3 The defendant employed the plaintiff Yahaira Hernandez beginning in January of 2006 as  
a medical clerk and later as an assistant office manager.

4 On Hernandez' first day working for him, Kaisman showed Hernandez a model of a  
person with a phallic object being inserted into its rectum, commenting that he showed this same  
object to everyone and that it was funny.

5        Shortly thereafter Kaisman called Hernandez into his office and while they were alone together he told her that he thought it would be a good idea if she were to get breast implants.

6        Kaisman informed Hernandez that he would have a plastic surgeon he knows do the surgery and he would be paying the bill.

7        Kaisman further informed Hernandez that he personally would be escorting Hernandez to Philadelphia Pennsylvania where he wanted her to have the surgery performed.

8        Hernandez informed Kaisman she was not interested and left his office.

9        Hernandez felt degraded, embarrassed, insulted, self conscious and humiliated by the discussion.

10       On more than one occasion Kaisman asked Hernandez to stay after work with him alone in the office, because he was going to be in the office all alone doing work and that he would be bored and he informed her that she would be there to keep him company, which Hernandez declined to do.

11       On another occasion Kaisman leaned over Hernandez' chair to stare down her pants when her pants had slightly pulled away from her body.

12       Kaisman tapped Hernandez on the shoulder and pointed in the direction of her underwear which was somewhat visible in that position.

13       Hernandez quickly adjusted her clothes but Kaisman complained to her saying "oh, please let me enjoy myself."

14       Kaisman on several occasions made it clear to Hernandez that if anyone ever tried to get in his way he would destroy them because he knew some of the best lawyers in New York and he worked for them.

15       In May of 2006 at a party for a female employee taking a leave of absence in front of

plaintiffs Hernandez and Herarte, Kaisman placed whipped cream on the side of his mouth and asked the woman if this looked familiar.

16 In October of 2006 Kaisman began sending pornographic emails to all three of the plaintiffs during working hours.

17 The emails included, but were not limited to, a female masturbating in front of her family, a picture of a naked woman with no head entitled "The Perfect Woman," a video including a naked man, a video including the image of a man's penis shaped in snow with obscene commentary and a lecture on a four letter word for fornication.

18 Kaisman referred to himself in front of Hernandez as pimp Kaisman.

19 In December of 2006 when Kaisman's partner, Dr. Brisson, announced that he would be leaving the practice, all three of the plaintiffs decided to leave Kaisman to work with Dr. Brisson due to the nature of the work environment Kaisman had created.

20 Kaisman insulted Hernandez when she informed him she was leaving his employ to go with Brisson and he told her that she would never amount to anything if she were to leave his employ.

#### **Esther Herarte**

21 Plaintiff Esther Herarte was employed as a Medical Clerk by Kaisman for three and half years.

22 Kaisman repeatedly told Herarte she had to lose weight.

23 Kaisman on one occasion touched Herarte's derriere.

24 Kaisman tried to get Herarte to "go out" with his friends and clients in spite of Herarte telling Kaisman she did not want to do so.

25 Early in November of 2006 Herarte began receiving the aforementioned pornographic

email videos from Kaisman.

26 After receiving the emails Herarte decided she did not want to work with Kaisman any longer.

**Jennifer Stern**

27 On October 17, 2006 Kaisman, after having argued with another individual, physically grabbed Stern's arm in anger while she was working in his office.

28 On that occasion Stern was subjected to several allegations regarding Kaisman's partner.

29 Kaisman screamed obscenities and threats towards Stern, and his behavior continued for several hours and continued in front of other employees and patients.

30 Kaisman had grabbed at least two other employees one whose chair was knocked over by his grabbing her.

31 In the fall of 2006, Stern found condoms in a drawer that was accessible to all the plaintiffs as well as others who worked in the office, condoms that were placed there by Kaisman.

32 In the fall of 2006 Stern also received the aforementioned obscene emails.

33 That all three of the plaintiff were subjected to repeated yelling and screaming by the defendant and all three were aware that he had touched employees inappropriately and that at any time he might do so again.

34 All the plaintiffs were aware that Kaisman would take females, including female employees, to a room and be alone with them for extended periods of time.

35 Kaisman frequently walked around the office without pants on in his long johns.

36 The atmosphere in Kaisman's office was permeated with sexual tension due solely to his inappropriate behavior.

**AS AND FOR A FIRST CAUSE OF ACTION**  
**ON BEHALF OF PLAINTIFFS**  
**VIOLATION OF EXECUTIVE LAW § 296 et seq.**  
**and §§ 8-107 et seq. and 8-502(a) OF THE ADMINISTRATIVE**  
**CODE OF THE CITY OF NEW YORK**

37 Plaintiffs repeat, reiterate and reallege each and every allegation contained in the prior paragraphs with the same force and effect as is more fully and at length set forth herein.

38 That the defendant caused, created and maintained a hostile work environment as the employer of the plaintiffs.

39 That in repeatedly sending overtly sexual obscene pornographic emails to the plaintiffs defendant created and maintained a hostile work environment.

40 That in looking down Hernandez' pants defendant created a hostile work environment.

41 That in arranging for a breast augmentation surgery for Hernandez and in arranging a trip for them together defendant created and maintained a hostile work environment.

42 That in asking Hernandez to stay late at work to be alone with him defendant created a hostile work environment.

43 That in touching Herarte's derriere, defendant created a hostile work environment.

44 That in commenting on Herarte's body, defendant created a hostile work environment.

45 That in walking around the office in his long johns and by the use of sexual innuendo and his various other actions, defendant created a sexually permeated hostile work environment.

46 That the defendant was responsible for hiring and terminating employees and he created and maintained the objectively and subjectively hostile work environment plaintiffs were subjected to which was both severe and pervasive.

47 The three plaintiffs were emotionally injured by the defendant's conduct and they suffered from fear, anxiety, embarrassment, humiliation and other emotional harms.

48 That defendant's behavior was outrageous, malicious, wanton, reckless and willfully disregarded the plaintiffs' rights.

49 That by reason of the aforesaid, plaintiffs have been damaged in a sum not to exceed ONE MILLION (\$1,000,000.00) DOLLARS each and that an award of punitive damages is appropriate as well as an award of reasonable attorney's fees.

**AS AND FOR A SECOND CAUSE OF ACTION**  
**ON BEHALF OF PLAINTIFF JENNIFER STERN**  
**BATTERY**

50 Plaintiffs repeat, reiterate and reallege each and every allegation contained in the prior paragraphs with the same force and effect as is more fully and at length set forth herein.

51 That the defendant by putting his hands on the plaintiff Jennifer Stern in anger committed a battery.

52 That on October 17, 2006, defendant Kaisman committed a battery on Stern in that his touching of the plaintiff was harmful, unconsented, and unjustified and in so doing defendant violated the laws and Constitution of the State of New York and otherwise violated plaintiff's rights under New York law.

53 That by reason of the act of battery committed against the plaintiff, plaintiff was damaged emotionally and that she was subjected to, humiliation, embarrassment, anxiety and other emotional harms.

54 That by reason of the aforesaid, the plaintiff Stern has been damaged in a sum not to exceed FIFTY THOUSAND (\$50,000.00) DOLLARS.

**AS AND FOR A THIRD CAUSE OF ACTION**  
**ON BEHALF OF PLAINTIFFS**  
**VIOLATION OF THE PLAINTIFFS' RIGHTS UNDER**  
**NEW YORK STATE LAW**  
**ASSAULT**

55 Plaintiffs repeat, reiterate and reallege each and every allegation contained in the prior paragraphs with the same force and effect as is more fully and at length set forth herein.

56 That on the aforementioned dates, times and places the defendant committed the tort of assault against the plaintiffs by causing them to be in apprehension of imminent, harmful and offensive touchings and in so doing defendant violated the laws and Constitution of the State of New York and otherwise violated plaintiffs' rights under New York law.

57 That by reason of the aforesaid, committed by defendant, plaintiffs suffered and continue to suffer emotional injuries and that they were otherwise damaged.

58 That by reason of the aforesaid the plaintiffs have been damaged in a sum not to exceed FIVE HUNDRED THOUSAND (\$500,000.00) DOLLARS (each) and they are entitled to awards of punitive damages.

**AS AND FOR A FOURTH CAUSE OF ACTION**  
**ON BEHALF OF PLAINTIFFS**  
**VIOLATION OF THE PLAINTIFFS' RIGHTS UNDER**  
**NEW YORK STATE LAW**  
**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

59 Plaintiffs repeat, reiterate and reallege each and every allegation contained in the prior paragraphs with the same force and effect as is more fully and at length set forth herein.

60 That on the aforementioned dates, times and places the defendant committed the tort of intentional infliction of emotional distress.

61 That the aforementioned conduct by the defendant was extreme and outrageous; it was intentional or reckless; there is a causal relationship between the conduct and the resulting harms to the plaintiffs; and the plaintiffs suffered severe emotional distress due to defendant's conduct.

62 The three plaintiffs were emotionally injured by the defendant's conduct and they suffered from fear, anxiety, embarrassment, humiliation and other emotional harms.

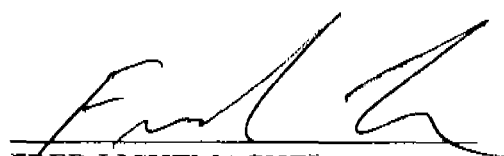


63 That defendant's behavior was outrageous, malicious, wanton, reckless and willfully disregarded the plaintiffs' rights.

64 That by reason of the aforesaid, plaintiffs have been damaged in a sum not to exceed ONE MILLION (\$1,000,000.00) DOLLARS each and that an award of punitive damages is appropriate.

**WHEREFORE**, plaintiffs demand judgment against the defendant in a sum not to exceed ONE MILLION (\$1,000,000.00) DOLLARS each and that an award of punitive damages is appropriate as well as an award of reasonable attorney's fees on the First Cause Of Action; in a sum not to exceed FIFTY THOUSAND (\$50,000.00) DOLLARS for the plaintiff Stern only plus an award of punitive damages on the Second Cause Of Action; in a sum not to exceed FIVE HUNDRED THOUSAND (\$500,000.00) DOLLARS (each), and they are entitled to awards of punitive damages on the third Cause Of Action; and in a sum not to exceed ONE MILLION (\$100,000.00) DOLLARS each and an award of punitive damages on the Fourth Cause of Action together with costs and disbursements of this action; a trial by jury of all issues involved in this complaint; and such other and further relief as this Court may deem just and proper under the circumstances.

Dated: April 10, 2007  
New York, New York

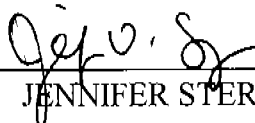
  
FRED LICHTMACHER  
Attorney for Plaintiffs  
60 East 42<sup>nd</sup> Street Suite 2001  
New York, New York 10165  
(212) 922-9066

To: Defendant's address:  
DR. ARDEN KAISMAN  
51 East 25th Street, 6th Floor,  
New York, NY 10010

**VERIFICATION**

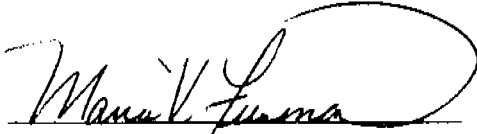
State of New York    )  
                                  ) ss.:  
County of New York )

I, JENNIFER STERN, am one of the plaintiffs in the within action. I have read the foregoing complaint and know the contents thereof. The contents are true to my own knowledge except as to matters therein stated to be alleged upon information and belief, and as to those matters I believe them to be true.

  
\_\_\_\_\_  
JENNIFER STERN

STATE OF NEW YORK }  
NEW YORK COUNTY } ss:

Before me personally came the individual named above who executed the above authorization before me on this 10<sup>th</sup> Day of April, 2007.

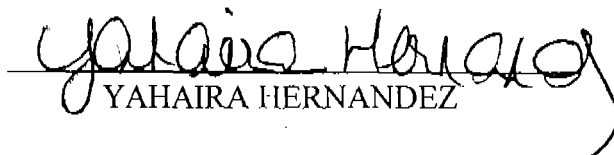
  
\_\_\_\_\_  
NOTARY PUBLIC

MARIA V. FEINMAN  
Notary Public, State of New York  
No. 01FE6038827  
Qualified in New York County  
Commission Expires March 20, 20 10

VERIFICATION

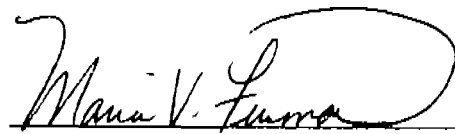
State of New York    )  
                                  ) ss.:  
County of New York )

I, YAHAIRA HERNANDEZ, am one of the plaintiffs in the within action. I have read the foregoing complaint and know the contents thereof. The contents are true to my own knowledge except as to matters therein stated to be alleged upon information and belief, and as to those matters I believe them to be true.

  
YAHAIRA HERNANDEZ

STATE OF NEW YORK }  
NEW YORK COUNTY } ss:

Before me personally came the individual named above who executed the above authorization before me on this 10<sup>th</sup> Day of April, 2007.

  
NOTARY PUBLIC

MARIA V. FEINMAN  
Notary Public, State of New York  
No. 01FE6038827  
Qualified in New York County  
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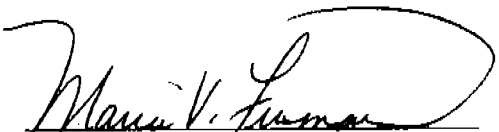
State of New York    )  
                                  ) ss.:  
County of New York    )

I, ESTHER HERARTE, am one of the plaintiffs in the within action. I have read the foregoing complaint and know the contents thereof. The contents are true to my own knowledge except as to matters therein stated to be alleged upon information and belief, and as to those matters I believe them to be true.

  
\_\_\_\_\_  
ESTHER HERARTE

STATE OF NEW YORK }  
NEW YORK COUNTY } ss:

Before me personally came the individual named above who executed the above authorization before me on this 10<sup>th</sup> Day of April, 2007.

  
\_\_\_\_\_  
NOTARY PUBLIC

MARIA V. FEINMAN  
Notary Public, State of New York  
No. 01FE6038827  
Qualified In New York County  
Commission Expires March 20, 20 10

NEW YORK COUNTY

Summons

TABARA HENRI ANDRE

IN RE

Case No.

April 19

Filed

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York

Defendant(s).

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**SUMMONS AND COMPLAINT**

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Dated: New York, New York  
April 10, 2007

From: Fred Lichtmacher Esq.  
Attorney for Plaintiffs  
The Empire State Building  
350 5<sup>th</sup> Avenue Suite 7220  
New York, New York 10118  
(212) 922-9066

Defendant's address:  
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