

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

----- X

**ANASTASIOS MYLONAS,**

**Plaintiff,**

**-against-**

**ARMAND CORPORATION,**

**Defendant.**

----- X

**SUMMONS**

**PLAINTIFF DESIGNATES  
NY COUNTY AS THE  
PLACE OF TRIAL**

**TO THE ABOVE-NAMED DEFENDANTS:**

**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 the summons, to serve a notice of appearance on the Plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service; in the case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York  
April 29, 2016

ADVOCATES FOR JUSTICE,  
CHARTERED ATTORNEYS  
*Attorneys for Plaintiff*

By: \_\_\_\_\_ /s/

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

-----X

**ANASTASIOS MYLONAS,**

**Plaintiff,**

**COMPLAINT**

**-against-**

**ARMAND CORPORATION,**

**Defendant.**

-----X

Plaintiff, by his undersigned attorneys, as and for his Complaint, alleges as follows:

**INTRODUCTION**

1. Plaintiff Anastasios Mylonas was terminated from employment with the Defendant for taking less than a week of sick leave to address Post Traumatic Stress Disorder (“PTSD”) that he had been suffering on account of witnessing a fatal shooting while on the job working for the Defendant. The Defendant explicitly communicated this reason for termination of the Plaintiff directly to him. This constitutes discrimination under New York State and New York City law. Plaintiff seeks damages for lost wages and emotional distress as well as punitive damages.

**PARTIES**

2. Plaintiff Anastasios Mylonas, is a resident of Queens County, New York, and at all relevant times, was employed by Defendant Armand Corporation.

3. Defendant Armand Corporation (“Armand Corp.”) is a foreign corporation registered to do business in the State of New York. Its principal place of business and office is located at 1001 Avenue of the Americas, Suite 1105, New York, New York 10018.

**FACTS RELEVANT  
TO ALL CLAIMS**

4. Anastasios Mylonas, was employed by Defendant Armand Corp. from June 2, 2014 until November 5, 2014 as the Project Superintendent for the Taft Houses' roof replacement and asbestos removal project.

5. Mr. Mylonas witnessed a shooting at the Taft Houses worksite on September 27, 2014, and held the hand of the shooting victim as he died.

6. Although Mr. Mylonas was severely traumatized by this death, he missed only a day and a half of work in early October. By October 27, 2014, however, Mr. Mylonas was suffering from extreme anxiety and decided to take leave to seek medical treatment.

7. Mr. Mylonas was absent from work from October 27 to October 31, 2014. On October 28, 2014, he submitted a note from a doctor diagnosing PTSD.

8. Upon information and belief NYCHA management pressured Armand Corp. to dismiss Mr. Mylonas after only 3-days of absence had elapsed.

9. Even though Mr. Mylonas was prepared to return to work, Armand Corp. turned around and terminated Mr. Mylonas on November 5, 2014

10. Mr. Mylonas had not exhausted his sick leave prior to termination.

11. There was absolutely no discussion between Armand Corp. or Mr. Mylonas about accommodating his PTSD in the event that sick leave was exhausted, even though Mr. Mylonas had placed Armand on notice that he had a serious long-term medical condition on October 28, 2014.

12. When queried by Mr. Mylonas, Armand Corp. communicated that they had terminated him on account of his absence for PTSD and under pressure from NYCHA. A copy of the correspondence where this was indicated is attached herein as Exhibit A.

13. Mr. Mylonas was without employment from the date of his discharge until February 3, 2015.

14. The termination served to heighten the anxiety and symptoms that Mr. Mylonas was suffering as a result of his PTSD.

15. The termination was carried out willfully and maliciously.

### **DAMAGES**

16. As a proximate result of Defendants' actions, Plaintiff has been injured by his loss of pay while he was unemployed, and suffered emotional distress with associated physical disability.

### **AS AND FOR A FIRST CAUSE OF ACTION**

#### **(VIOLATION OF NEW YORK EXECUTIVE LAW § 296(1)(a))**

17. Each of the allegations above are incorporated by reference.

18. By its aforescribed actions, Defendant discriminated against Plaintiff by dismissing him, violating § 296(1)(a) of the New York State Executive Law, which makes it unlawful to discriminate against a person based on disability.

### **AS AND FOR A SECOND CAUSE OF ACTION**

#### **(VIOLATION OF NEW YORK EXECUTIVE LAW § 296(3)(a))**

19. By its aforescribed actions, Defendant violated § 296(3)(a) of the New York State Executive Law, which requires an interactive and individualized accommodations process for persons with disabilities that impair their ability to work.

**AS AND FOR A THIRD  
CAUSE OF ACTION**

**(VIOLATION OF NEW YORK CITY ADMINISTRATIVE CODE § 8-107)**

20. Each of the allegations above are incorporated by reference.

21. By its aforescribed actions, Defendant discriminated against Plaintiff by dismissing him, violating § 8-107 of the of the New York City Administrative Code, which makes it unlawful to discriminate against a person based on disability.

**PRAYER FOR RELIEF**

WHEREFORE Plaintiff prays that the Court enter judgment

1. Awarding Plaintiff all sums lost as a result of Defendants' wrongful acts.
2. Awarding Plaintiff damages for emotional distress.
3. Awarding Plaintiff punitive damages.
4. Awarding Plaintiff such other and further relief as is just and equitable.

Dated: New York, New York  
April 29, 2016

ADVOCATES FOR JUSTICE,  
CHARTERED ATTORNEYS  
*Attorneys for Plaintiff*

By: \_\_\_\_\_ /s/

Richard Soto  
Arthur Z. Schwartz  
225 Broadway, Suite 1902  
New York, New York 10007  
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aschwartz@afjlaw.com

# EXHIBIT A

Fwd: Termination

Subject: Fwd: Termination  
From: Anastasios Mylonas <anastasiosmylonas@gmail.com>  
Date: 11/10/2014 5:00 PM  
To: Sanja Mylonas <sanjamylonas@gmail.com>, sanja <sanja@catseyepromos.com>

Please also print this

----- Forwarded message -----

From: Barbara Armand <barmand@armandcorp.com>  
Date: Mon, Nov 10, 2014 at 4:55 PM  
Subject: RE: Termination  
To: Anastasios Mylonas <anastasiosmylonas@gmail.com>  
Cc: Jania Foster <jfoster@armandcorp.com>

Anastasios:

Our client, the New York City Housing Authority, asked Armand to replace you because they were upset about your absenteeism. As indicated on your employment letter, excessive absenteeism is grounds for dismissal. In addition, your employment states that "client complaints that are found to be valid and legitimate" will also lead to dismissal. As of Oct 31, 2014, you had accrued only 33.335 hours of Personal Time Off, and you actually took 89.5 hrs off from work thru 11/4/14. This means in the 5 months that you worked, you took 11 days off.

Recently, you were absent from work from October 27 – October 31<sup>st</sup>. During that time, Armand attempted to cover your absence by moving staff around between the Taft, Sack Wern and LaGuardia projects. Although, we were doing our best to cover all 3 sites, NYCHA noticed our scarce coverage on Wednesday, Oct. 29<sup>th</sup>.

On Wednesday, Oct. 29<sup>th</sup>, 10:53am, Larry Schucker sent an email to Jean Paul and copied Vijay Shah and Art Schor. It states: "It has been 3 working days that Armand's Supt Anastasios Mylonas has not been in. He called in this morning and informed Armand that he will not be in the remainder of the week. I have spoken with Art that he should be interviewing for a new Supt."

Wednesday, Oct. 29<sup>th</sup>, 10:58am, Vijay Shah responds to Larry Schucker: "This is unacceptable and we are now in position where we need super and Armand has no one. JP [Jean Paul], you need to put it in writing immediately."

Wednesday, Oct. 29, 5:29pm, Jean Paul to Art Schor: "It is very troubling and disappointing to learn that your

Fwd: Termination

superintendent was not at the job site for (3) three working days. The super as you know is responsible for the daily operation, therefore, a person essential in a project. Armand is a continuation of NYCHA, why is the super's absence was not revealed to our attention? This should have never happened. Please ensure that proper protocol is in place to avoid a recurring of such situation."

Wednesday, Oct. 29, 6:13pm, Barbara Armand to Jean Paul, cc Vijay Shah: "Vijay, Please allow me and Art a few days to work through this."

Wednesday, October 29, 7:17 pm, Vijay Shah to Barbara Armand: " Barbara, We need to move this project and would appreciate if selection [of a new superintendent] can be expedited.

On November 5<sup>th</sup>, you returned to work with a doctor's note that stated that you are 'Medically Cleared' for work. You were also in possession of a NYCHA computer during all of those days you were absent from the site. Your employment letter clearly states that "Software, technical manuals, books, drawings, construction management and engineering data, reports or other information and supplies or *equipment* provided by our clients or Armand are not to be taken from the office without prior permission from your supervisor". Your supervisor had not provided you the permission to take the laptop home. After verbally telling you that NYCHA wanted you replaced and that you were being terminated, I told you to leave the computer and immediately leave the job site.

Finally, today, I reminded you that a few months ago, NYCHA also asked Armand to replace another Superintendent, Sal Quezada. He was replaced because he was not tough enough with the contractor. After review of NYCHA's complaint, it was found to be valid and legitimate, and we terminated Sal Quezada.

Anastasios, if you have any questions about this email, DO NOT call me tonight. I will not answer. I will be in the office Tuesday morning about 9:30am.

*Barbara Armand, President*

*Armand Corporation*

New York

1001 Avenue of the Americas, Ste 1105

New York, NY 10018

~~212-542-4179~~