

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
PAQUERETTE KADIR-TAHIR

Plaintiff,

-against-

KATERI RESIDENCE/ARCH CARE and  
CHRISTOPHER BECKFORD

Defendants.

**COMPLAINT**

\_\_\_\_ Civ. \_\_\_\_  
( ) ( )

----- X  
Plaintiff Paquerette-Kadir Tahir ("Plaintiff" or "PKT" of "Ms. Manette"), through her attorneys,  
The Wilson Law Firm LLC, complaining of defendants.

NATURE OF ACTION

1. This is an action based on claims of sex discrimination and sexual harassment and retaliation committed by Defendants Kateri Residence/Arch Care (hereinafter "Kateri") and Christopher Beckford (hereinafter "Beckford"):
  - (i) In violation of Title of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e *et seq.*, as amended by, among others, the Civil Rights Act of 1991 ("Title VII"); and
  - (ii) In violation of the New York State Human Rights Law, NY Exec. Law, §§290 *et seq.* ("NYS HRL"); and
  - (iii) In violation of the New York City Human Rights Law, NYC Admin Code §§ 8-101 *et seq.* ("NYC HRL").

2. Plaintiff seeks declaratory and injunctive relief, compensatory and punitive damages, lost wages and benefits, costs and attorney's fees and all other appropriate legal and equitable relief.

### JURISDICTION AND VENUE

3. Jurisdiction of this Court is invoked pursuant to 42 U.S.C. §§2000e-5(f) and (g) and 28 USC §§1331, 1343 (a) (4), 2201 and 2202 as well as Gender Discrimination in Employment Act Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 12203a, §§ 2003a and 2000e and 29 CFR Part 1640 as codified. Jurisdiction over the state claims and the pendent parties is invoked pursuant to 28 USC §1367 and the Court's pendent jurisdiction.
4. Venue is found in the Southern District of New York pursuant to 28 USC §1391(b) and 42 USC §2000e-5(f)(3)
5. On or about September 16, 2013, Plaintiff timely filed charges of sex discrimination and harassment, as more fully described infra, with the Equal Employment Opportunity Commission ("EEOC") considered cross-filed with the New York State Division of Human Rights pursuant to EEOC procedures and the civil rights statutes.
6. The reason for the charge was due to Kateri's refusal to address or properly address numerous complaints of sexual harassment by Beckford, and/or other agents or assigns, terminated her for pretextual reasons on January 2, 2013, then denied her unemployment insurance in a continued effort to violate Ms. Manette's Civil Rights. Plaintiff alleges that the Respondent retaliated against her for complaining while on the job about the disparate treatment, hostile work environment, gender discrimination and sexual harassment discrimination Plaintiff was constantly subjected to by the Respondents and

its agents. When Plaintiff finally complained, again, in front of her coworkers and supervisors, Plaintiff was terminated in retaliatory fashion.

7. The EEOC issued a probable cause finding, as more fully described infra, and began the process of attempting conciliation. See Exhibit A, attached probable cause finding dated January 21, 2016.
8. The probable cause finding contained a conciliation proposal. However, that failed when the defendants refused to conciliate or to, upon information and belief, even change their policy regarding sexual harassment and disparate treatment.
9. The EEOC issued a letter stating that the conciliation effort had failed dated April 1, 2016.
10. Plaintiff received a Notice of Right to Sue, dated April 1, 2016. Attached is a copy of the finding as well as the right to sue letter, as Exhibit B.
11. Plaintiff has fully complied with all the statutory and administrative prerequisites for the filing of this action.

#### THE PARTIES

##### PLAINTIFF

12. At all times relevant herein, PKT was and is a female Dietary Aide.

Plaintiff resides in Bronx County in the city and State of New York.

##### DEFENDANTS

13. Kateri Residence/Arch Care is a non-profit entity, licensed in the State of New York and an employer within the meaning of Title VII of the Civil Rights Act of 1964 and has an office/facility at 150 Riverside Drive New York, NY 10024.
14. Christopher Beckford is a longtime employee of defendant Kateri//Arch Care.

25. A Dietary Aide, Ms. Manette worked at Kateri Residence from July 27, 1997 to January 2, 2013, about 16 years. Plaintiff was terminated allegedly for the cause of making “threats” towards coworkers.
26. Plaintiff was constantly and routinely harassed by coworker – Christopher Beckford - a 50 something year old male, also a Dietary Aide, allegedly married with children – for 16 years. The harassment consisted of sexual remarks such as “I want to f\*\*\* you, word dropping, bad mouthing, cursing at plaintiff and intimidating her (i.e. saying “f u b\*\*\*” to her at work, etc.)
27. This history of harassment started in or about 1999 when Beckford solicited Plaintiff to be his “woman” as well as bad mouthing her.
28. At times he would get loud and moody – he would take it out on plaintiff. If at the call station plaintiff would miss provision of a carton of milk, etc., defendant Beckford would curse at her and bully her.
29. Plaintiff would try to defend herself verbally but it did not work as Beckford repeatedly said and did the same things outrageous things. That was the culture and hostile environment of the defendant Kateri’s place of business that allowed Beckford and others to continue it.
30. If Beckford was in the mood to do so, he would speak to plaintiff in a nasty manner, cursing plaintiff loudly.
31. Management of defendant Kateri, upon information and belief, would talk to both of them about exchanges between them but would inevitably believe Beckford over Manette or blame them both.

41. Defendant Kateri asked for the complaint in writing, which Cornelius provided. The complaint was allegedly put in Beckford's file but, upon information and belief, he was not reprimanded.
42. Others were targeted by Beckford as well - Laura Archibald, Lydia Brilliant, Veronica Hunt, and possibly others - usually newcomers to the job whom Beckford would intimidate and harass them.
43. Ms. Manette would hear what he said to them and the gossip would go around the workplace, contributing to the hostile and harassing environment.
44. Finally, after many years of harassment, Ms. Manette went to Kateri in April 2012 where plaintiff complained via letter. A copy of the letter, provided to the EEOC, will be supplied upon request.
45. Orville Richards was a union delegate who knew about it.
46. Ms. Manette spoke to him about it all the time, from the beginning. Richards told her to not pay Beckford "any mind," even though Richards was himself harassed by Beckford.
47. Beckford would curse at him; call him profane names, even coming close to physical altercation.
48. Plaintiff, a mother and grandmother, did not want to lose her job and continued to try to make peace, in contravention of her legal rights.
49. Ms. Manette, by her suspension on January 3, 2013, and her termination letter on January 12, 2013 was used as a scapegoat.
50. The harassment reached a tipping point on the 2<sup>nd</sup> of January and then Plaintiff wrote a letter on the 8<sup>th</sup> of January.

51. On January 3, Plaintiff received a call from Hinds but Clayton Wright, the director, told her that Plaintiff was suspended pending an investigation and later plaintiff was then terminated. Clayton Wright was the director of food service and served as an assistant director back in 2002.
52. He therefore knew Beckford and they were buddies, which means that over the years that Ms. Manette was complaining about the harassment, Wright deliberately did nothing. He repeatedly said to Manette: "I am going to talk to him and get back to you" but it never happened or Wright didn't care.
53. Beckford's harassment continued. In the winter of 2004, for example, Mr. Manette asserts that Beckford kept harassing her in all aspects, i.e. verbally and physically.
54. Plaintiff was having nightmares and dreading having to go to work and having to see Beckford for the next eight (8) working hours.
55. Plaintiff experienced anxiety attacks over the harassment that had been going on approximately for 16 yrs, - verbally, physically and sexually.
56. For instance, Beckford would pass her with the food truck, push the truck in her direction and just before it hit her, he would pull it back and laugh - and this behavior was frequent.
57. Plaintiff remembers that in approximately August of 2004, when she asked her coworker, Scott Cornelius, as a third party, to talk to Beckford, to get him to cease, because she knew that they were both from the same country and spoke the same dialect.
58. As a result, Cornelius spoke to Beckford and in turn Beckford started to harass Cornelius by telling him that he, Cornelius, was looking out for the "old gal" and other disrespectful and/or profanity laced language.

59. Beckford, after the conversation, also called Cornelius a homosexual and that was why Cornelius went to his supervisor, who told Cornelius to put the incident in writing.
60. Cornelius did so and Beckford was "written up" because of his behavior but was not otherwise disciplined. Moreover the issue regarding the harassment of Ms. Manette was not dealt with in any way by management.
61. After the exchange, Beckford refused to speak with Cornelius for three (3) years.
62. Beckford's behavior is a perfect example of how he harassed many, male and female and got away with it with the blessing of management.
63. In the summer of 2009, Beckford would creep up behind Ms. Manette, holding his private parts and saying to her: "old gal, come sit upon this." Plaintiff remembers vividly in 2010 that he would use his shoulder to 'body bounce' her frequently and say "sorry" afterwards.
64. Ms. Manette went numerous times to the office to complain to supervisor Lisa Jackson, Mr. Hinds, Santiago and Chef David Clayton to no avail.
65. Clayton got tired of her complaining to the point that he began acting coldly towards her and ignoring her.
66. In the Winter of 2012, Beckford was the loader and Ms. Manette was assisting as the hot one person.
67. At the end of the first shift, he had to clean the steam tables that preserve the heat for the food. As Plaintiff was picking up her belongings from underneath the steam table in front of Beckford, he threw hot water on her back and got it wet.
68. Ms. Manette screamed and went straight to the office to show Clayton her wet uniform.

69. Mr. Clayton's response was that he would "talk" to Beckford and that plaintiff should stay away from him.
70. On April 4<sup>th</sup> 2012, Beckford made comments to her in the hallway in the basement. "I want to f\*\*k you, that is what you need because you are miserable," he said. "You want me, that is why you are acting like this."
71. Each time he would make these comments, plaintiff said that she told him, "no I do not want you, you are not my cup of tea, I will never want you if you were the last man on earth." But he would not stop the unwanted and illegal actions...and the defendant employer knew that he was doing it.
72. Every December, the company had a Christmas party approximately two (2) weeks before Christmas.
73. In December 2012, a few of the employees, like Gloria Garrett, Becky Aggyman, Laura Archibald and plaintiff got dressed up to serve the food to all employees.
74. Beckford saw plaintiff in the kitchen picking up utensils and food for the staff and he said "old gal old gal is going on like a fancy young girl, fancy clothes and false fingernails and false eyelashes." He then laughed out loud.
75. Later that day, Ms. Manette asked Director Clayton why Beckford was treating her so badly and Clayton's response was: "I am so tired of all this," and walked away.
76. Ms. Manette then spoke to Mr. Hinds about Clayton's coldness and insensitivity towards her and he also acknowledged that Clayton was acting coldly and insensitive towards plaintiff.
77. The hostile work environment was not only limited to Beckford's antics. Plaintiff was subjected to sexual harassment by another co-worker who frequently leered at the



plaintiff's breast, buttocks and overall body; and also made inappropriate sexual remarks.

Mustapha Beauville, the co-worker, began his harassment in or about 2002-2012 - he would pass and brush himself against plaintiff.

78. Plaintiff was also subjected to gender discrimination, retaliation and a hostile work environment at this place. He would make comments like "you are dirt; you never finished your work" over and over again.

79. Ms. Manette pleaded with then director Mrs. Cruz to do something about the situation because she did not go to work to be harassed by anyone and certainly did not harass anyone.

80. Mrs. Cruz stated that she would "talk" to Beckford or Beauville and may have done so.

81. However, whatever Cruz told them did not work as they continued to harass Ms. Manette.

82. As the third senior checker, there were numerous times when Mustapha (loader) would hold down the tray line (walking away from the line talking on his phone) to delay time in order for management to reprimand plaintiff because the line would be late which was not good for production.

83. Clayton would come in the kitchen every morning and greet everyone except Ms.

Manette. Ms. Manette suffered and was humiliated by these people in front of others.

84. Outlined above, upon information and belief, are examples of harassment that plaintiff has gone through over the years at Kateri.

85. Ms. Manette, throughout the years, went to her immediate supervisors, delegates and Human Resources ("HR") and none of them helped her.

86. Ms. Manette ended up drinking hard liquor in order to try to overcome the stressful harassment she had to deal with on a daily basis.
87. Prior to her termination, Ms. Manette went again to Human Resources, complaining about Beckford aggressively harassing her.
88. HR, in turn, manipulated her by telling her to stay away from Beckford, which plaintiff did but was subjected to the draconian warning that if she happened to come back again to complain, somebody, including herself (the plaintiff), would be fired.
89. Nevertheless, the plaintiff continued to complain of the discrimination, hostile work environment, gender discrimination, sexual harassment and retaliation and, not knowing her rights, did her best to avoid complaining anymore but she was so overwhelmed that she could not take it anymore.
90. However, the plaintiff continued to be subjected to a hostile work environment, sexual harassment, retaliation and gender discrimination on a daily basis until her unlawful termination.
91. On or about January 12, 2013, the plaintiff was discharged under the pretext of insubordination and in retaliation. Plaintiff was a victim of sexual harassment and a hostile work environment claim, attempting in vain to get justice for herself, but was over and over again victimized by the employer who could have helped her.
92. Upon information and belief, none of the plaintiff's former co-workers complained of sexual harassment and/or were denied their rights against harassment from the employees who subjected her to a hostile work environment, sexual harassment and retaliation throughout her time at Kateri.

93. To date, the plaintiff has not been offered her position back but instead was denied unemployment benefits as a further example of retaliation. Defendant Kateri failed to prevent plaintiff from securing unemployment benefits.
94. Plaintiff's constant subjection to a hostile work environment and retaliation gives rise to prima facie claims of discrimination and disparate treatment.
95. Plaintiff is a member of the protected class as she is a female.
96. Plaintiff had over sixteen years of service and was qualified to remain employed as a Dietary Aide for the Defendant Kateri.
97. Plaintiff was subjected to an adverse employment action as she was consistently subjected to gender discrimination, retaliation and a hostile work environment, and sexual harassment for nearly sixteen consecutive years.
98. Plaintiff's termination gives rise to an inference of retaliation. Plaintiff was also repeatedly told that the gender discrimination, hostile work environment, sexual harassment and retaliation would be rectified, or plaintiff was threatened with reprimand if she continued to complain, and she continued to be subjected to gender based discrimination, a hostile work environment and retaliation.
99. The defendants routinely engaged in a pattern and practice of allowing female employees to be subjected to gender discrimination and sexual harassment and by allowing employees to be subjected to retaliation and a hostile work environment while retaining male employees who subjected other employees to hostile work environments and retaliation.
100. On or about January 21, 2016, the EEOC issued a probable cause determination that reads, in part, "Credible evidence obtained by the Commission during the

investigation of this Charge supports Charging Party's allegation that she was subjected to harassment and sexual harassment by her coworker and terminated in retaliation for her complaints. Charging Party was no more disruptive, nor her conduct more unacceptable, than that of her accused male coworker, yet he was not subjected to similar discipline or termination. Respondent's defense that Charging Party was terminated due to insubordination and threatening co-workers does not withstand scrutiny. The Commission has determined that there is reasonable cause to believe that Respondent retaliated against Charging Party by terminating her because she engaged in protected Activity in violation of Title VII. This Determination is final." See Exhibit A, pages 1-2.

101. The EEOC's probable cause determination further stated that "Upon finding that there is reason to believe that violations have occurred, the Commission attempts to eliminate the alleged unlawful practices by informal methods of conciliation." Though conciliation was unsuccessful, See Exhibit B (page 1), letter to plaintiff from Kevin Berry dated 4/1/16 along with a Right to Sue Letter (page 2), it has come to the attention of the undersigned that the culture of harassment and violations of Title VII continue to this day. Therefore, upon information and belief, the defendants have not even learned any lessons from the EEOC finding, and continue to victimize others like the plaintiff, who may prefer or be intimidated into being silent rather than asserting their lawful rights.

102. The instant Summons and Complaint is being filed herein.

FIRST CAUSE OF ACTION

103. Plaintiff repeats and re-alleges the allegations contained in paragraphs above with the same force and effect as if set forth herein.

104. Defendant Kateri engaged in unlawful discrimination against plaintiff on the basis of her sex, in violation of Title VII of the Civil Rights Act of 1991, in its termination of Plaintiff's employment

SECOND CAUSE OF ACTION

105. Plaintiff repeats and re-alleges the allegations contained in paragraphs above with the same force and effect as if set forth herein.
106. Defendant Kateri engaged in unlawful discrimination against Plaintiff on the basis of her sex, with regard to the terms and conditions of her employment in violation of Title VII of the Civil Rights Act of 1964, 42 USC §§2000e *et seq.*, as amended by among others, the Civil Rights Act of 1991, by, *inter alia*, subjecting Plaintiff to a hostile and abusive work environment.

THIRD CAUSE OF ACTION

107. Plaintiff repeats and re-alleges the allegations contained in the paragraphs above with the same force and effect as if set forth herein.
108. Defendant Kateri engaged in unlawful retaliation against plaintiff in violation of Title VII of the Civil Rights Act of 1964, 42 USC §§ 2000e *et seq.*, as amended by, among others, the Civil Rights Act of 1991, and more particularly, 42 USC §2000e-3, by knowingly pursuing a meritless challenge to plaintiff's entitlement to unemployment insurance benefits.

FOURTH CAUSE OF ACTION

109. Plaintiff repeats and re-alleges the allegations contained in the paragraphs above with the same force and effect as if set forth herein.

110. Defendants engaged in unlawful discrimination against Plaintiff on the basis of her sex, in violation of NYS HRL, NY Exec. L. §§290 *et seq.*, and, more particularly, NY Exec. L. § 296, in its termination of Plaintiff's employment.

111. In the alternative, Defendants engaged in unlawful discrimination against plaintiff on the basis of her sex, in violation of NYS HRL, NY Exec. L. §§290 *et seq.*, and, more particularly, NY Exec. L. § 296, in their constructive discharge of plaintiff from her employment.

#### FIFTH CAUSE OF ACTION

112. Plaintiff repeats and re-alleges the allegations contained in the paragraphs above with the same force and effect as if set forth herein.

113. Defendants engaged in unlawful discrimination against plaintiff with regard to the terms and conditions of her employment on the basis of her sex, in violation of NYS HRL, NY Exec. L. §§290*et seq.*, and, more particularly, NY Exec. L. § 296, by, *inter alia*, subjecting plaintiff to a hostile and abusive work environment.

#### SIXTH CAUSE OF ACTION

114. Plaintiff repeats and re-alleges the allegations contained in the paragraphs above with the same force and effect as if set forth herein.

115. Defendants engaged in unlawful discrimination against plaintiff on the basis of her sex, in violation of NYS HRL, NY Exec. L. §§290 *et seq.*, and, more particularly, NY Exec. L. §296(1)(e), by knowingly offering a meritless challenge to plaintiff's entitlement to unemployment insurance benefits.

#### SEVENTH CAUSE OF ACTION

116. Plaintiff repeats and re-alleges the allegations contained in paragraphs with the same force and effect as if set forth herein.

117. Defendants engaged in unlawful discrimination against plaintiff on the basis of her sex, in violation of the NYC HRL, NYC Admin Code §§ 8-101 *et seq.*, and more particularly NYC Admin. Code § 8-107(1), in their termination of plaintiff's employment.

118. In the alternative, defendants engaged in unlawful discrimination against plaintiff on the basis of her sex, in violation of the NYC HRL, NYC Admin Code §8-101 *et seq.*, and, more particularly NYC Admin Code §8-107(1), in their constructive discharge of plaintiff from her employment.

#### EIGHTH CAUSE OF ACTION

119. Plaintiff repeats and re-alleges the allegations contained in the paragraphs above with the same force and effect as if set forth herein.

120. Defendants engaged in unlawful discrimination against plaintiff with regard to the terms and conditions of her employment on the basis of her sex, in violation of the NYC HRL Admin Code §§8-101 *et seq.*, and more particularly NYC Admin Code §8-107(1), by, *inter alia*, subjecting plaintiff to a hostile and abusive work environment.

#### NINTH CAUSE OF ACTION

121. Plaintiff repeats and re-alleges the allegations contained in the paragraphs above with the same force and effect as if set forth herein.

122. Defendants engaged in unlawful retaliation against plaintiff in violation of the NYC HRL, NYC Admin Code §§8-101 *et seq.*, and more particularly NYC Admin. Code

§8-107(7), by knowingly offering a meritless challenge to plaintiff's entitlement to unemployment insurance benefits.

TENTH CAUSE OF ACTION

123. Plaintiff repeats and re-alleges the allegations contained in the paragraphs above with the same force and effect as if set forth herein.

124. Defendant Beckford, an agent of defendant, caused, aided and abetted, incited, compelled and/or coerced the doing of one or more of the acts forbidden by the NYS HRL, in violation of NY Exec. L. 296(6).

ELEVENTH CAUSE OF ACTION

125. Plaintiff repeats and re-alleges the allegations contained in the paragraphs above with the same force and effect as if set forth herein.

126. Defendant Beckford, an agent of defendant Kateri, caused, aided, abetted, incited, compelled and/or coerced the doing of more of the acts forbidden by the NYC HRL, in violation of NYC Admin Code § 8-107(6).

TWELFTH CAUSE OF ACTION

127. Plaintiff repeats and re-alleges the allegations contained in the paragraphs above with the same force and effect as if set forth herein.

128. Defendants are liable for the actions and inactions of each and every one of their agents and employees, including without limitation defendant Beckford pursuant to NYC Admin Code § 8-107(13).

129. A copy of this complaint will be timely served upon the New York City Commission on Human Rights and the Corporation Counsel.

RELIEF



WHEREFORE, Plaintiff respectfully requests that this Court enter a judgment: on the first cause of action, declaring that defendant engaged in unlawful discrimination against plaintiff on the basis of her sex, in violation of Title VII of the Civil Rights Act of 1964, 42 USC §§2000e et seq., as amended by, among others, the Civil Rights Act of 1991, in its termination of plaintiff's employment or in the alternative in the constructive discharge of plaintiff;

On the second cause of action, declaring that the defendant engaged in unlawful discrimination against plaintiff on the basis of her sex, in violation of Title VII of the Civil Rights Act of 1964, 42 USC §§ 2000e et seq, as amended by, among others, the Civil Rights Act of 1991, by discriminating against plaintiff on the basis of her sex with regard to the terms and conditions of her employment by, inter alia, subjecting her to a hostile and abusive work environment;

On the third cause of action, declaring that defendant engaged in unlawful retaliation against plaintiff in violation of Title VII of the Civil Rights Act of 1964, 42 USC §§2000e et seq., as amended by, among others, the Civil Rights Act of 1991, and more particularly 42 USC 2000e 3 by knowingly pursuing a merciless challenge to plaintiff's entitlement to unemployment insurance benefits;

On the fourth cause of action, declaring that defendant(s) engaged in unlawful discrimination against plaintiff on the basis of her sex, in violation of NYS HRL, NY Exec. L. §290 et seq., and more particularly, NY Exec. L. §296, in their termination of plaintiff's employment or in the alternative in the constructive discharge of plaintiff;

On the fifth cause of action, declaring that defendant(s) engaged in unlawful discrimination against plaintiff on the basis of her sex, in violation of NYS HRL, NY

Exec. L. §290 et seq., and, more particularly, NY Exec. L. §296, by discriminating against plaintiff on the basis of her sex in regard to the terms and conditions of her employment, including, inter alia, subjecting plaintiff to a hostile and abusive work environment;

On the sixth cause of action, declaring that defendant(s) engaged in unlawful retaliation against plaintiff in violation of NYS HRL, NY Exec. L. §290 et seq., and, more particularly, NY Exec. L. §296(1)(e), by knowingly offering a meritless challenge to plaintiff's entitlement to unemployment insurance benefits;

On the seventh cause of action, declaring that defendants engaged in unlawful discrimination against plaintiff on the basis of her sex in violation of the NYC HRL, NYC Admin Code §8-101 et seq., and, more particularly NYC Admin Code §8-107(1), in their termination of plaintiff's employment or in the alternative in the construction discharge of plaintiff;

On the eighth cause of action, declaring that the defendant(s) engaged in unlawful discrimination against plaintiff on the basis of her sex, with regard to the terms and conditions of her employment, in violation of the NYC HRL, NYC Admin Code §§8-101 et seq., and, more particularly NYC Admin. Code §8-107(1), by inter alia, subjecting plaintiff to a hostile and abusive work environment;

On the ninth cause of action, declaring that defendant(s) engaged in unlawful retaliation against plaintiff in violation of the NYC HRL, NYC Admin Code §§8-101 et seq. and more particularly NYC Admin Code §8-107(7), by knowingly pursuing a meritless challenge to plaintiff's entitlement to unemployment insurance benefits;

On the tenth cause of action, declaring that defendant(s) aided, abetted, incited, compelled and/or coerced the doing of one or more of the acts forbidden by the NYS HRL, in violation of NY Exec. L. 296(6);

On the eleventh cause of action declaring that defendant(s) aided, abetted, incited, compelled and/or coerced the doing of one or more of the acts forbidden by the NYC HRL, in violation of NYC Admin. Code §8-107(6);

On the twelfth cause of action, declaring that defendant is liable for the actions and inactions of each and every one of its agents and employees, including without limitation, pursuant to NYC Admin. Code §8-107(13);

Enjoining defendants from engaging in further acts of unlawful discrimination against and harassment of plaintiff, and ordering defendant(s) to prevent future discrimination against and harassment of employees by, among other things, issuing and maintaining appropriate written policies, having appropriate mechanisms for addressing complaints, and providing regular training for all employees and managers to learn about their respective rights and obligations under the applicable laws;

On the first cause of action, compensatory damages for personal, physical injury and past, present and future pain and suffering (collectively referred to as “Compensatory Damages”) and punitive damages in the maximum amounts permitted by law, together with full compensation for all past, present and future lost wages and benefits

On the second cause of action, for compensatory damages and punitive damages in the maximum amounts permitted by law, together with full compensation for all past, present and future lost wages and benefits;

On the third cause of action, for Compensatory Damages and punitive damages in the maximum amounts permitted by law, together with full compensation for all past, present, and future lost wages and benefits;

On the fourth cause of action, for Compensatory Damages in the amount of \$10 million and full compensation for all past, present, and future lost wages and benefits;

On the fifth cause of action, for \$10 million in Compensatory Damages and full compensation for all past, present and future lost wages and benefits;

On the sixth cause of action, for \$10 million in Compensatory Damages and full compensation for all past, present and future lost wages and benefits;

On the seventh cause of action, for \$10 million in Compensatory Damages and \$25 million in punitive damages, together with full compensation for all past, present, and future lost wages and benefit;

On the eighth cause of action, for \$10 million in Compensatory Damages and \$25 million in punitive damages together with full compensation for all past present and future lost wages and benefits;

On the ninth cause of action, for \$10 million in Compensatory Damages and \$25 million in punitive damages , together with full compensation for all past, present and future lost wages and benefits;

On the tenth cause of action, for \$10 million in Compensatory Damages and full compensation for all past, present and future lost wages and benefits;

On the eleventh cause of action, for \$10 million in Compensatory Damages and \$25 million in punitive damages, together with full compensation for all past, present and future lost wages and benefits;

On the twelfth cause of action, for \$10 million in Compensatory Damages and \$25 million in punitive damages, together with full compensation for all past, present and future lost wages and benefits;

On the first, second, and third causes of action, for reasonable attorneys' fees pursuant to Title VII of the Civil Rights Act of 1964, 42 USC §§2000e et seq., and any other applicable fee shifting statutes;

On the seventh, eighth, ninth, eleventh, and twelfth causes of action, for reasonable attorney's fees pursuant to NYC Admin Code §8-502 and any other applicable fee shifting statutes;

For the costs and disbursements of this action; and

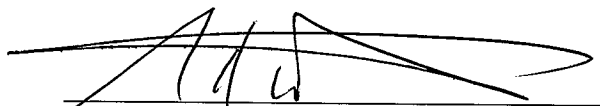
For such other and further relief as this Court deems necessary and proper

DEMAND FOR A TRIAL BY JURY

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, plaintiff hereby demands a trial by jury in this action.

Dated: Brooklyn, New York  
June 25, 2016

THE WILSON LAW FIRM LLC

A handwritten signature in black ink, appearing to read 'Earl Wilson', is written over a horizontal line.

By: Earl Antonio Wilson EW5466  
Attorneys for Plaintiff  
255 Livingston Street- Fourth Floor  
Brooklyn, New York 11227

EXHIBIT A



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**  
**New York District Office**

33 Whitehall Street, 5<sup>th</sup> Floor  
New York, NY 10004-2112  
(212) 336-3620  
TTY (212) 336-3622  
General FAX (212) 336-362

**DETERMINATION**

**Charge No: 520-2014-00152**

**Charging Party**

Paquerette Manette Kadir-Tahir  
2673 Briggs Avenue, PH  
Bronx, NY 10458

**Respondent**

Kateri Residence / ArchCare  
150 Riverside Drive  
New York, NY 10024

I issue the following determination on the merits of the subject charge filed under the Civil Rights Act of 1964 Title VII ("Title VII"). Kateri Residence / ArchCare ("Respondent") is an employer within the meaning of Title VII, and all requirements for coverage have been met.

Charging Party alleges that she was discriminated against based on her sex (female), and terminated in retaliation for complaining of harassment and a sexually hostile work environment. Charging Party was employed by Respondent as a Dietary Aide for about 16 years. She claims that, throughout much of her tenure, a male coworker created a sexually hostile work environment by routinely subjecting her to unwelcome physical touching, and unwelcome sexual comments and advances.

Charging Party alleges that she complained to Respondent's supervisors and Human Resources personnel several times about the harassment and sexually hostile work environment, but the harassment continued. In response to her complaints, she contends that Respondent instructed her to stay away from the alleged harasser and warned her that she would be fired, if she complained again. Charging Party asserts that on January 2, 2013 she verbally complained to Respondent following an incident with the harasser, and on January 8<sup>th</sup> submitted a written complaint to management. She received written notice on January 12, 2013 that she was terminated effective January 2, 2013. Charging Party, therefore, contends that she was terminated in retaliation for complaining.

Respondent denies discriminating and retaliating against Charging Party. Respondent claims that throughout her employment Charging Party was disciplined for numerous infractions of its policies, including excessive absences, job abandonment, use of inappropriate language, and insubordination. Respondent alleges that an internal investigation was conducted regarding Charging Party's sexual harassment complaint of 2012, but its investigation failed to substantiate Charging Party's allegations. Respondent maintains that Charging Party was terminated for "making threats toward coworkers, disruptive behavior and unacceptable conduct." It asserts that Charging Party's threats claiming "...as God was her witness, everybody would get what was coming to them," posed a risk to the safety of residents and staff. As such, Respondent contends that Charging Party was terminated for legitimate non-discriminatory reasons.

Credible evidence obtained by the Commission during the investigation of this Charge supports Charging Party's allegation that she was subjected to harassment and sexual harassment by her

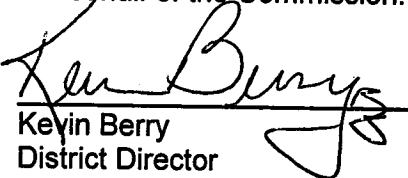
coworker and terminated in retaliation for her complaints. Charging Party was no more disruptive, nor her conduct more unacceptable, than that of her accused male coworker, yet he was not subjected to similar discipline or termination. Respondent's defense that Charging Party was terminated due to insubordination and threatening co-workers does not withstand scrutiny. The Commission has determined that there is reasonable cause to believe that Respondent retaliated against Charging Party by terminating her because she engaged in a protected activity, in violation of Title VII.

This Determination is final. Upon finding that there is reason to believe that violations have occurred, the Commission attempts to eliminate the alleged unlawful practices by informal methods of conciliation. Therefore, the Commission now invites you to join with it in reaching a just resolution of this matter. Enclosed is a letter outlining the proposed terms of conciliation.

Disclosure of information obtained by the Commission during the conciliation process may only be made in accordance with the Civil Rights Act and the Commission's Procedural Regulations.

If Respondent declines to enter into conciliation discussions, or when the Commission's representative is unable to secure an acceptable conciliation agreement, the Commission's Director shall so inform the parties in writing, advising them of the court enforcement alternatives available to the Charging Parties and the Commission.

On behalf of the Commission:

  
Kevin Berry  
District Director

1/21/16  
Date

cc: Earl Antonio Wilson, Esq.  
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