

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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**KARIN BEECHER,**

**Plaintiff,**

**-against -**

**NORTHWELL HEALTH, formerly known as NORTH  
SHORE-LONG ISLAND JEWISH HEALTH SYSTEM,**

**Defendant.**  
-----X

**Civil Action No.: 16-cv-4190**

**VERIFIED  
COMPLAINT  
*Jury Trial Demanded***

Plaintiff, KARIN BEECHER (hereinafter referred to as “Plaintiff” or “Mrs. Beecher”), by and through her attorneys, Nesenoff & Miltenberg, LLP, whose offices are located at 363 Seventh Avenue, 5th Floor, New York, New York 10001, alleges upon knowledge with respect to herself, and upon knowledge, information and belief as to all other matters, as follows:

**PRELIMINARY STATEMENT**

1. Northwell Health, formerly known as North Shore-Long Island Jewish Health System (hereinafter “Northwell” or the “Hospital”), purports to commit itself to “diversity and [the] inclusion of all people” by employing a “diverse workforce.” Behind closed doors, however, New York’s largest integrated health system openly rejected its commitment to diversity in favor of blatant discrimination against its own employees. Indeed, the predominantly male administration at Northwell’s headquarters openly targeted Mrs. Karin Beecher, Plaintiff herein, on the basis of her gender, and subjected female staff members to bullying behavior, fraudulent discipline, constant threats, and untold torment spearheaded by Plaintiff’s former supervisor, Nelson Mercurio. Adding insult to injury, in response to complaints of gender discrimination by the female staff, including Mrs.

Beecher, Northwell turned its back on its victimized employees and continued to support Mr. Mercurio's chauvinistic and tyrannical behavior. When Plaintiff escalated her complaints and retained legal counsel, Defendant unabashedly lashed out at Plaintiff, stripped Plaintiff of her title, demoted her to a position far below her qualifications, reduced her pay, and immediately replaced Plaintiff with a male employee. Defendant's actions were so heinous that Plaintiff had no other choice but to leave the job she once loved and cherished to escape Northwell's constant abusive attacks against her.

2. This is a civil action brought on behalf of Plaintiff Karin Beecher against Defendant Northwell Health, formerly known as North Shore-Long Island Jewish Health System, for gender discrimination and retaliation in violation of Title VII of the Civil Rights Act of 1964 ("Title VII") and the New York State Human Rights Law (N.Y. Exec. Law 290 *et. seq.*)("NYSHRL"), along with any and all other causes of action which can be reasonably inferred from the facts as set forth below.

### **JURISDICTION AND VENUE**

3. This Court has original jurisdiction over Plaintiff's federal claims pursuant to 28 U.S.C. §§ 1331 and 1343. This Court has supplemental jurisdiction over Plaintiff's state law claims pursuant to 28 U.S.C. § 1367 because those claims are so related to the federal claims that they form a part of the same case or controversy between Plaintiff and Defendant.

4. Venue is proper in this case pursuant to 28 U.S.C. § 1391 because a substantial part of the events which give rise to Plaintiff's claims took place in Nassau County, New York which is in the Eastern District of New York.

5. All conditions precedent to filing the instant action have been fulfilled. On or about October 19, 2015, Plaintiff filed a timely Charge of Discrimination with the Equal Employment Opportunity Commission ("EEOC") which was cross-filed with the New York State Division of Human Rights. On or about May 2, 2016, the EEOC issued Plaintiff a Notice of Right to Sue, which was received by

Plaintiff's counsel on or about May 4, 2016. A copy of Plaintiff's Right to Sue Notice and Proof of Receipt is annexed hereto as **Exhibit A**.

6. This action is being brought within 90 days of Plaintiff's receipt of her Notice of Right to Sue.

### **PARTIES**

7. Plaintiff Karin Beecher ("Plaintiff" or "Mrs. Beecher") is a female citizen of the United States who is a resident and domiciliary of Nassau County, New York. At all times relevant, Plaintiff was an "employee" of Defendant as that term is defined by Title VII and the NYSHRL.

8. Defendant Northwell Health, formerly known as North Shore Long Island Jewish Health System ("Northwell" or "Defendant"), is a large healthcare provider with its headquarters located at 300 Community Drive, Manhasset, New York 11030. At all times relevant, Defendant was Plaintiff's "employer" as that term is defined by Title VII and the NYSHRL.

### **FACTUAL ALLEGATIONS**

#### **Background**

9. Mrs. Beecher commenced employment with Northwell, then North Shore Long Island Jewish Health System, in December 2008 as an Imaging Center Chief Technologist. Most recently, Mrs. Beecher worked for Defendant at Northwell's 611 Northern Boulevard, Great Neck, New York location (the "611 Facility"). In her role, Plaintiff performed, among other things: prostate exams, payroll and supply ordering, MRI scanning, quality assurance and control, peer reviews and annual performance evaluations.

10. Over the course of her tenure with Northwell, Plaintiff proved herself as a dedicated, capable, and hard-working employee, and garnered the respect of her colleagues and (most) of her superiors.

11. Plaintiff's colleagues and subordinates held Mrs. Beecher in high regard, as evidenced by the numerous letters of appreciation and support Plaintiff received from fellow Northwell staff members.

12. Plaintiff faced serious staffing issues during her tenure at Defendant's 611 Facility. At all times, Mrs. Beecher did the best she could to compensate for the severely understaffed 611 Facility, vehemently stood up for her staff, and fought to resolve the understaffing issues at the 611 Facility.

### **Northwell Assigns Nelson Mercurio to the 611 Facility**

13. In or around 2014, Northwell assigned Nelson Mercurio ("Mr. Mercurio") as Northwell's Administrative Director at the 611 Facility. Mr. Mercurio also worked at Defendant's CFAM location.

14. Accordingly, Mr. Mercurio was Plaintiff's "supervisor."

15. Mr. Mercurio was widely known to hold a deep animus against female staff members and, upon information and belief, a number of complaints had been lodged against him for his tyrannical behavior towards women.

16. Upon information and belief, Northwell assigned Mr. Mercurio to the 611 Facility despite complaints against him from female staff members. In fact, upon information and belief, Mr. Mercurio had incurred several complaints throughout Defendant's various facilities against him due to his malicious and discriminatory tendencies and behavior.

17. Accordingly, Northwell was on notice of Mr. Mercurio's discriminatory tendencies but chose to turn a blind eye to his behavior. Instead of addressing the issue head on, Northwell instead opted to simply shift the problem from one facility to another and allowed Mr. Mercurio to terrorize even more of Northwell's female staff members.

### **Mr. Mercurio Immediately Targets And Threatens Mrs. Beecher**

18. Mrs. Beecher first met Mr. Mercurio in or around November 2014. Despite Mr. Mercurio's sordid reputation, Mrs. Beecher decided to give him the benefit of the doubt, and hoped to amicably work with him to address any and all issues facing the 611 Facility.

19. Mrs. Beecher looked forward to meeting Mr. Mercurio and hoped they would be able to "hit the ground running" to work towards bettering the department. Plaintiff's hopes were quickly shot down.

20. Immediately upon meeting Mrs. Beecher, Mr. Mercurio attempted to exert his authority and power over Plaintiff. In their first meeting, Mr. Mercurio showed absolutely no interest in working alongside Mrs. Beecher but instead, took the opportunity to immediately intimidate Plaintiff and let Mrs. Beecher know that she was inferior to him.

21. In their first meeting, Mr. Mercurio openly threatened Plaintiff that if she did not stay loyal to him, all he had to do was make one phone call and get rid of her because "he kn[ew] people." Plaintiff was stunned speechless and left the meeting completely bewildered.

22. Approximately one day later, Plaintiff reported the comments to Northwell's Medical Director, Dr. Daniel Walz ("Dr. Walz"), who was stunned at Mr. Mercurio's threats.

23. Thereafter, Mr. Mercurio lived up to his well-earned reputation and ran Plaintiff's department like a despot. True to form, Mr. Mercurio acted superior to Plaintiff by virtue of being a man, and subjected Mrs. Beecher (along with her predominantly female co-workers) to blatant harassment and bullying behavior predicated upon her gender.

**Mr. Mercurio Disproportionately  
Disciplines the Female Staff**

24. Mr. Mercurio mandated that no employee was permitted to use or wear any products that carried a scent.

25. Although this mandate was purportedly applicable to all employees, Mr. Mercurio *only* disciplined the female staff. Indeed, Mr. Mercurio went out of his way to catch the female staff members wearing scented products and, upon information and belief, was observed smelling the female staff in an effort to reprimand them for wearing scented products. If any of his female subordinates deviated from his unilaterally implemented regulations, they were harshly punished and written up for insubordination.

26. Like the rest of the female staff members, Mrs. Beecher was unable to use certain types of hygiene products out of fear their smell would carry and she would be disciplined harshly.

27. In contrast, although there were serious repercussions for the women who allegedly disobeyed Mr. Mercurio's edict, Mr. Mercurio did not similarly reprimand the male staff. Indeed, the male staff at the 611 Facility often wore heavily scented cologne and used scented hygiene products without incurring any discipline or consequences from Mr. Mercurio.

**Defendant Refuses to Allow Plaintiff  
Any Personal Time Off**

28. Defendant refused to allow Plaintiff to take any personal time off, even though she had rightfully accrued such leave time. Mr. Mercurio attributed this to the fact that the 611 Facility was short staffed. Notably, however, neither Defendant nor Mr. Mercurio did anything to alleviate that issue despite Plaintiff's pleas for extra help.

29. Upon information and belief, Defendant knew of the short staffing issue at the 611 Facility and only employed two (2) per diem employees for the ultrasound division to accommodate Defendant's seven (7) ambulatory sites. As a result, Plaintiff often sacrificed her ability to take time off in order to allow her staff to take off and, on the rare occasion where she did request to take off, her requests were often denied despite having earned the requisite PTO time.

30. Curiously, however, concessions were made for several of Plaintiff's male colleagues which allowed them to take PTO time despite alleged short-staffing.

31. As a result of the long and extra hours Plaintiff put in at the 611 Facility, Mrs. Beecher earned approximately 180 hours in her "catastrophic bank," which did not help as such hours could only be used in the case of extreme emergency.

**Mr. Mercurio Yells at and Berates Plaintiff for Going Above and Beyond**

32. Mr. Mercurio vehemently criticized and undermined Mrs. Beecher's efforts to tend to the patients, and refused to acknowledge Plaintiff's continued efforts to go above and beyond the call of duty.

33. On or about November 27, 2014 (Thanksgiving Day), Mrs. Beecher came into work at the direct request of Dr. Walz, to help with a VIP patient from the New York Islanders hockey team.

34. While certain members of Northwell's staff, such as chairman of Radiology Dr. Jason Naidich, commended and thanked Mrs. Beecher for her help over the holiday, Mr. Mercurio was decidedly much less appreciative.

35. Specifically, on or about December 1, 2014, Mr. Mercurio met with Mrs. Beecher to discuss the aforementioned patient's treatment on Thanksgiving Day. Instead of commending Mrs. Beecher, as other high ranking hospital staff members had, Mr. Mercurio absurdly reprimanded Plaintiff and chastised her for not having a registrar available to sign in the patient. Notably, it was never Plaintiff's responsibility to schedule front desk registrar personnel to sign in patients.

36. Moreover, Defendant failed to timely compensate Mrs. Beecher for her time worked on Thanksgiving Day. Mrs. Beecher submitted a request to Mr. Mercurio for two hours of premium

(overtime) pay to account for her work over the holiday but, appallingly, Mr. Mercurio would not submit the request until, upon information and belief, his superior intervened months later.

37. As a result, Mrs. Beecher was not properly compensated for her hours worked until nearly two months later in January 2015.

38. Mr. Mercurio's behavior towards Mrs. Beecher stood in stark contrast to his treatment of Plaintiff's male colleagues. Indeed, on or about Martin Luther King Day 2015, one of Plaintiff's male colleagues, Joseph Johann ("Mr. Johann"), came into work on the holiday. In recognition of doing so, upon information and belief, Mr. Mercurio purchased Mr. Johann breakfast as a thank you and never once reprimanded him for, essentially, doing his job. Upon information and belief, Mr. Johann was also properly and timely paid his accrued premium pay with no issue.

#### **Defendant Dubs Plaintiff the "Prostate Princess"**

39. Mrs. Beecher was constantly teased and subjected to derogatory and gender motivated comments by staff and patients. The running joke at Northwell was to refer to Mrs. Beecher as the "prostate princess" and "twirls," referring to her job performing prostate and MRI scans.

40. In addition, many of the male patients made lewd comments to Plaintiff during their respective examinations. Instead of protecting Plaintiff, upon information and belief, Mr. Mercurio released Plaintiff's personal information, including her personal cell phone number, to at least one patient who continued to stalk and harass Plaintiff after his treatment.

#### **Mr. Mercurio Subjects Plaintiff To Repeated Verbal Abuse and Threats**

41. Mr. Mercurio fostered a work environment of humiliation and disparagement towards his female subordinates, including and especially Mrs. Beecher. Plaintiff witnessed several of her co-workers cower away from Mr. Mercurio and break down in tears as a result of his antics.

42. Mr. Mercurio set the tone for Mrs. Beecher's work environment in their first meeting when he threatened to get rid of her with one phone call if she was not loyal to him. Mr. Mercurio reiterated this threat again when he told Plaintiff again that she needed to be loyal to him and that if she crossed him "[she] would pay dearly."

43. As he had threatened at their first meeting, Mr. Mercurio again reminded Mrs. Beecher that it would only take "one phone call to get rid of [her]." He also mentioned, in a threatening and menacing manner, that "[He knew] where [she] live[d]."

#### **Mr. Mercurio Becomes Physically Violent Toward Plaintiff**

44. On or about December 5, 2014, Mr. Mercurio confronted Mrs. Beecher in the MRI suite in front of her co-workers, and immediately began violently screaming and berating Plaintiff about the MRI technologists' shifts. Mercurio screamed at Plaintiff that she had to change the MRI tech shifts from four days to five days, despite knowing that Northwell was severely understaffed and the staff could not accommodate so many hours.

45. Mr. Mercurio's behavior was so extreme that he caused visible damage to the wall of the MRI suite when he slammed the door as hard as he could. Indeed, Real Estate Services had to be called in to repair the hole Mr. Mercurio caused in the wall.

46. Mr. Mercurio's violent outburst was witnessed by Plaintiff's co-workers, including Alan Wacker ("Mr. Wacker"), and was, upon information and belief, overheard by several staff members.

Moreover, several of Plaintiff's co-workers, including Danielle Tomeo, witnessed the physical damage Mr. Mercurio left in his wake after his violent outburst.

47. Upon information and belief, Mr. Mercurio was never reprimanded or disciplined for his conduct towards Plaintiff or the damage he caused to Northwell's property.

**Plaintiff's Co-Workers and Dr. Walz Attempt to Protect Plaintiff, Infuriating Mr. Mercurio Even Further**

48. In or around January 2015, Mr. Mercurio attempted to schedule another private meeting between himself and Plaintiff. Mr. Mercurio first attempted to schedule the meeting without Dr. Walz.

49. Fearing yet another violent and demoralizing attack from Mr. Mercurio, Mrs. Beecher approached Dr. Walz and explained that she was scared to be alone with Mr. Mercurio and did not feel comfortable meeting with him alone.

50. Seeing Mrs. Beecher's terror, and being fully familiar with Mr. Mercurio's reputation, Dr. Walz contacted Mr. Mercurio and requested the meeting be postponed to a time when Dr. Walz could be present.

51. On or about January 7, 2015, Mr. Mercurio approached Mrs. Beecher in the MRI suite and, in front of Mr. Wacker and another male employee Steven Callei ("Mr. Callei"), screamed at Plaintiff for allegedly missing a scheduled meeting.

52. In reality, Mrs. Beecher had understood that the meeting had been cancelled because Dr. Walz had requested that the meeting be re-scheduled in order for him to be in attendance.

53. Despite this fact, Mr. Mercurio mercilessly went after Mrs. Beecher and unabashedly screamed at and berated Plaintiff in front of her male colleagues. Mr. Mercurio screamed at Plaintiff "[w]here the hell are you?!" and demanded Mrs. Beecher go to his office because Mr. Mercurio "did not need

Dr. Walz present to meet with her.” Seeing no other option, Mrs. Beecher excused herself from the MRI suite and met with Mr. Mercurio in his office.

54. While Mr. Mercurio and Plaintiff were in Mr. Mercurio’s office, Mr. Mercurio continued to interrogate and bully Mrs. Beecher for over two (2) straight hours. During this meeting, Mr. Mercurio threatened Plaintiff that he could make any changes to her schedule he wanted and there was nothing she could do about it, and announced that anyone could do what Mrs. Beecher did.

55. As a further threat, Mr. Mercurio maliciously told Plaintiff: “If you think Dr. Walz can protect you, you are sadly mistaken.”

56. Mr. Mercurio was so abusive towards Mrs. Beecher that Plaintiff left the meeting in fear for her safety and visibly upset. Indeed, after nearly two hours of relentless verbal abuse and threats, Mrs. Beecher physically could not remain in Mr. Mercurio’s office and had to escape the meeting for her own safety.

57. Mr. Callei was so disgusted by Mr. Mercurio’s behavior towards Plaintiff and concerned for Mrs. Beecher’s well-being that he felt compelled to intervene. Mr. Callei sent Dr. Walz a text message following Mr. Mercurio’s open attack on Plaintiff in the MRI suite. Upon information and belief, the text message warned Dr. Walz about Mr. Mercurio’s behavior towards Mrs. Beecher and informed Dr. Walz that Mr. Callei did not appreciate how Mr. Mercurio yelled at and threatened Plaintiff in the workplace.

**Plaintiff Complains About Mr. Mercurio’s  
Discriminatory Behavior**

58. On or about January 15, 2015, Mrs. Beecher spoke to Dr. Ben-Levi, Northwell’s Medical Director of CFAM, over the phone. Dr. Ben-Levi was one of Mr. Mercurio’s supervisors.

59. Plaintiff told Dr. Ben Levi about everything Mr. Mercurio put her through including, but not limited to: (1) that Mr. Mercurio attacked her on a daily basis; (2) that Mr. Mercurio interrogated and berated Plaintiff for two hours during the aforementioned meeting; (3) that Mr. Mercurio commonly attacked Plaintiff in the MRI suite; and (4) that Mr. Mercurio continued to threaten Plaintiff's that he could get rid of her with one phone call.

60. At such time, Mrs. Beecher broke down in tears and described in detail to Dr. Ben-Levi Mr. Mercurio's continued discriminatory behavior. Plaintiff was so distraught that she told Dr. Ben-Levi she may have to find alternate employment to escape Mr. Mercurio's tyrannical rule over her and the 611 Facility.

61. Dr. Ben-Levi apologized for Mr. Mercurio's behavior and promised that he would resolve the problem. To that end, on or about January 15, 2015, Dr. Ben-Levi requested a meeting with Northwell's administrators, including Defendant's Chairman of Radiology Dr. Jason Naidich, Defendant's Vice President of Operations Cynthia Kubala, and Defendant's Associate Vice President of Operations, John Aloisio.

62. At such time, upon information and belief, Dr. Ben-Levi demanded that Mr. Mercurio's harassing behavior be put to an end. Despite Dr. Ben-Levi's strong directive, Defendant did nothing to stop Mr. Mercurio and, in fact, endorsed his continued discriminatory conduct.

**Mr. Mercurio Continues to Target Plaintiff  
And Make False Accusations Against Mrs. Beecher**

63. Despite Plaintiff's complaint to Defendant against Mr. Mercurio and his discriminatory conduct, Mr. Mercurio continued to harass Plaintiff unabated.

64. Mr. Mercurio routinely yelled at Plaintiff for the ways in which she supervised and compensated her staff (which were never an issue prior to Mr. Mercurio), accused Plaintiff of lying, and threatened to bring Plaintiff under investigation for frivolous and/or nonexistent infractions.

65. For example, on or about March 11, 2015, Mr. Mercurio falsely blamed Mrs. Beecher of improperly scheduling a training course. In reality, Mr. Mercurio had scheduled an orthopedic training course on a date when Dr. Walz was unable to attend. Due to Dr. Walz' unavailability, the course had to be rescheduled. When confronted, upon information and belief, Mr. Mercurio blamed Mrs. Beecher for the initial scheduling mistake to avoid getting in trouble.

66. Moreover, Mr. Mercurio wrote to Dr. Walz and accused Mrs. Beecher of having a poor attitude and of being "combative." In reality, Mrs. Beecher merely stood up for herself and her staff after Mr. Mercurio harassed her yet again in another closed door meeting. At this meeting, Mr. Mercurio again threatened to alter Mrs. Beecher's work environment for the worse and cautioned that he could change Mrs. Beecher's shift and she could not do anything about it.

67. Thereafter, once again afraid for her safety and knowing that patients were waiting to be treated, Mrs. Beecher left Mr. Mercurio's office. In response, Mr. Mercurio became irate and yelled at Mrs. Beecher for allegedly being rude, and contacted Dr. Walz to make false accusations against Plaintiff.

**The Female Staff Members Complain to Defendant About Mr. Mercurio's Discriminatory and Harassing Behavior**

68. In or around May 2015, a number of Plaintiff's female colleagues submitted a signed letter to Northwell's Human Resources ("HR") department which outlined Mr. Mercurio's behavior and made allegations of harassment, a hostile work environment, and discrimination predicated upon gender (the "Internal Complaint").

69. Specifically, the female staff reported that Mr. Mercurio exhibited “intimidating behavior and aggressive behavior ONLY towards the female employees” at the 611 Facility and that several Northwell administrators, including John Alosio and Cynthia Kubala knew of the discrimination and took action to conceal Mr. Mercurio’s behavior rather than rectify it.

70. Despite this clear and unequivocal complaint of discrimination, Defendant still took no action against Mr. Mercurio until the staff complained (again) and confronted Northwell with its utter lack of response to previous complaints. Finally, the Hospital’s HR department conducted a sham investigation into the Internal Complaint.

71. As part of the investigation, an HR representative interviewed several staff members, as well as Mr. Mercurio, about the allegations in the Internal Complaint.

72. Although Mrs. Beecher was not a signatory or complainant to the Internal Complaint, Plaintiff was questioned by Defendant’s HR representative in the course of Defendant’s investigation.

73. At such time, Mrs. Beecher lodged another complaint against Mr. Mercurio for harassment and discrimination, and again informed Northwell of Mr. Mercurio’s deplorable behavior. Prior to her interview, Mrs. Beecher consulted with Dr. Walz and Dr. Jason Naidich, who both advised Plaintiff to be completely forthcoming during the investigation. Empowered by their advice, Plaintiff once again put her faith in Northwell one more time to protect her, and lodged yet another complaint of discrimination and harassment against Mr. Mercurio. In addition, some of Plaintiff’s colleagues who were also interviewed recounted instances wherein Mr. Mercurio attacked them and Plaintiff in the workplace. Sadly, Plaintiff’s faith was misplaced.

74. Specifically, Plaintiff and the female (and male) staff alerted Defendant’s HR representative to several instances of harassment and discrimination, including but not limited to:

- a. Hearing and witnessing Mr. Mercurio yell at Plaintiff;
- b. Witnessing Plaintiff upset in tears after being yelled at by Mr. Mercurio;

- c. Mr. Mercurio threatening the female staff members' jobs repeatedly;
- d. Mr. Mercurio raising his voice and harassing Plaintiff; and
- e. Mr. Mercurio treating the female staff "like children" and has directing them not to go above his head and speak to Dr. Walz.

75. Despite ample evidence to the contrary, including numerous accounts of Mr. Mercurio's threatening behavior towards the female staff, Northwell inexplicably found the Internal Complaint unsubstantiated, and thereby condoned and endorsed Mr. Mercurio's discriminatory conduct.

**The Hospital Permits Mr. Mercurio to Retaliate Against the Female Staff, Including Mrs. Beecher**

76. After learning of the Internal Complaint and investigation, Mr. Mercurio, upon information and belief, menacingly stated to Northwell's Practice Supervisor Melissa Morales: "I'm not going anywhere." He also directed the staff that they were not allowed to contact HR in violation of Defendant's policy.

77. Upon information and belief, Mr. Mercurio was aware of which staff members lodged the Internal Complaint and, upon information and belief, knew who Defendant had interviewed in connection with the HR's investigation.

78. Following the conclusion of the investigation, Mr. Mercurio immediately lashed out at all those involved in the Internal Complaint and subsequent investigation, especially and including Mrs. Beecher. Northwell knew or should have known that Mr. Mercurio would retaliate against Plaintiff and the other women.

79. Indeed, in or around Spring of 2015, upon information and belief, Northwell's Executive Vice President of Operations, Cynthia Kubala, directed Mr. Mercurio to inform the staff and Dr. Walz that

no email thanking or in any way commending Mrs. Beecher was to be distributed to the radiology service line.

80. In addition, Mr. Mercurio warned new hires that they could not trust certain technologists and listed the names of those women who had filed the Internal Complaint, as well as Mrs. Beecher.

**Northwell and Mr. Mercurio Attempt to Replace Mrs. Beecher with an Unqualified Male Employee**

81. In or around May 2015, approximately two weeks following the Internal Complaint, Northwell announced the addition of a newly hired evening supervisor, Victor Greenidge (“Mr. Greenidge”). Notably, upon information and belief, no other Northwell facility had an evening supervisor except for the 611 Facility.

82. At a town hall meeting, Defendant made a show of announcing that Mrs. Beecher was senior to, and in fact superior to, Mr. Greenidge. Defendant also stated that Mr. Greenidge was hired to assist Mrs. Beecher and to help out only when Plaintiff was not on duty.

83. Despite such public reassurances, Mr. Mercurio immediately announced to the staff that Mr. Greenidge was equal to Mrs. Beecher and that under no circumstances would Plaintiff be permitted to give Mr. Greenidge any directives.

84. Upon information and belief, Defendant knew that Mr. Mercurio had undermined Plaintiff’s authority over Mr. Greenidge and condoned such action. Indeed, upon information and belief, Defendant hired Mr. Greenidge to replace Plaintiff.

85. Mr. Mercurio displayed an obvious favor for Mr. Greenidge. Upon information and belief, numerous patients complained via email to Mr. Mercurio about Mr. Greenidge. Specifically, upon information and belief, patients complained that Mr. Greenidge, among other things: (i) was verbally and physically aggressive; (ii) refused to stop scanning when necessary and held patients within the

MRI scanner against their will; (iii) caused patients severe pain while scanning; and (iv) performed the wrong scans on patients.

86. Upon information and belief, Mr. Greenidge was also caught gambling while at work. Upon information and belief, a patient lodged a complaint against Mr. Greenidge for gambling on site and ignoring patients. Upon information and belief, such an infraction is cause for termination based upon Defendant's internal policies and procedures. Appallingly, Mr. Greenidge incurred no discipline for such conduct.

87. Despite such alarming complaints, Mr. Mercurio supported Mr. Greenidge and, in essence, swept the complaints under the proverbial rug. When confronted by Plaintiff about the complaints, Mr. Mercurio told Mrs. Beecher: "Who cares?" and directed Plaintiff to make the complaints go away.

88. Despite the numerous complaints against him, Mr. Mercurio went out of his way to praise Mr. Greenidge (and *only* Mr. Greenidge) during staff and operations meetings for work performed by the entire MRI team, showing his clear discriminatory bias towards the male employee.

89. Further, in or around July 2015, Mr. Mercurio gave Mr. Greenidge a key to his private office to use the space at Mr. Greenidge's free will. Upon information and belief, Mr. Greenidge used Mr. Mercurio's office for personal matters and was once observed in the office "working" on his fantasy baseball team rather than doing actual work for the 611 Facility or its patients.

90. Notably, despite being a loyal employee for many years, Mrs. Beecher was never afforded a key to Mr. Mercurio's office. Indeed, Mrs. Beecher was permitted only to use a shared computer in an office space shared by two other female employees.

91. Defendant similarly undermined Plaintiff's authority in favor of Mr. Greenidge. By way of example only, John Aloisio, Defendant's Associate Vice President of Operations, intentionally failed to invite Mrs. Beecher and another female supervisor in the service line to an important "Task Force" meeting meant for all supervisors in the service line to attend.

**Mr. Mercurio Continues to Harass Plaintiff**

92. Following the Internal Complaint and subsequent investigation, Mr. Mercurio continued to interrupt Mrs. Beecher during critical times throughout her work-day, and would become visibly angry and snap at Mrs. Beecher in front of her co-workers when she was unable to leave a patient to speak with him.

93. Mr. Mercurio forced Plaintiff to meet with him, behind closed doors in an office with no windows and purposefully conducted the meetings as if they were interrogations. He refused to allow anyone else to be present. Mr. Mercurio used these opportunities to exert his authority and power over Plaintiff, and relentlessly verbally abused Plaintiff to remind her that she was in a submissive role to him.

94. During these meetings, Mr. Mercurio openly berated Plaintiff and placed Mrs. Beecher in fear for her personal safety. Indeed, Mrs. Beecher became so fearful that she was concerned about parking her car in the basement parking lot of the garage during the early hours of the morning for fear of running into Mr. Mercurio in the deserted parking lot.

95. Mrs. Beecher was so afraid of Mr. Mercurio that she asked her colleagues Mr. Wacker and Mr. Callei never to leave her alone with Mr. Mercurio.

96. On the days Mr. Mercurio was not at the 611 Facility, he continued to harass and undermine Plaintiff through aggressive emails. In addition, Mr. Mercurio continued to make disrespectful remarks about Mrs. Beecher to her colleagues, including Ms. Morales.

97. Mr. Mercurio purposefully sabotaged Mrs. Beecher's ability to perform her job responsibilities. Mr. Mercurio repeatedly ignored Mrs. Beecher's numerous complaints regarding understaffing and falsely accused Mrs. Beecher of improper conduct to her co-workers in an effort to ostracize her in the

workplace. Mr. Mercurio further questioned Mrs. Beecher's every decision, and used every opportunity he had to challenge and dispute Plaintiff's choices in the workplace.

**Mrs. Beecher Again Complains About Mr. Mercurio but to no Avail**

98. Mrs. Beecher complained again to Defendant and pleaded with Northwell's HR representative Cathy Mignone ("Ms. Mignone") to do something to stop Mr. Mercurio's continuing torment.

99. In response, Ms. Mignone appallingly told Mrs. Beecher: "I don't know why you think you could call me? There is no evidence of gender discrimination!" and refused to help Mrs. Beecher.

**Northwell Improperly Instigates an Investigation Against Mrs. Beecher for Alleged Conduct Outside Plaintiff's Employment**

100. On or about September 11, 2015, Kathy Donovan ("Ms. Donovan"), Defendant's Vice President of HR, demanded Mrs. Beecher attend an off-site meeting with her and Ms. Mignone at 2:30 pm that same day. Upon information and belief, it was not standard practice at Northwell to hold off-site HR meetings.

101. Ms. Donovan induced Mrs. Beecher to the meeting and told Mrs. Beecher that the meeting was to review HR's notes regarding the complaints against Mr. Mercurio but refused to specify in writing what the meeting was about, despite Mrs. Beecher's requests for Ms. Donovan to do so.

102. Ms. Donovan, Mrs. Beecher, and Ms. Mignone all met on September 11, 2015 at approximately 2:30 pm at the Seven Seas Diner, a restaurant located next to the 611 Facility.

103. At such time, Mrs. Beecher again told Defendant's representatives about the many ways in which Mr. Mercurio harassed, tormented, bullied, discriminated against, and retaliated against her.

For the first two hours of the meeting, Mrs. Beecher, Ms. Donovan, and Ms. Mignone discussed each instance mentioned herein (and more) separately.

104. Approximately two hours into the meeting, Ms. Donovan and Ms. Mignone began to ask Mrs. Beecher seemingly off topic questions about a fellow colleague, Ms. Lisa Wickers (“Ms. Wickers”).

105. At approximately 4:30 pm, Mr. Callei voluntarily entered the Seven Seas Diner to check on Mrs. Beecher. Upon information and belief, Mr. Callei became worried when he noticed Mrs. Beecher’s car was still on the premises hours after her shift had ended, and wanted to make sure she was okay. Upon seeing Mrs. Beecher, Mr. Callei grew concerned and asked Plaintiff if she wished to leave with him. Plaintiff politely declined.

106. Ms. Donovan and Ms. Mignone were incensed at Mr. Callei’s interruption and later accused Mrs. Beecher of strategically orchestrating his arrival to interrupt the meeting. Any accusation that Mrs. Beecher instructed Mr. Callei to interrupt the meeting is patently false, as Mr. Callei entered the Seven Seas Diner of his own volition and purely out of concern for Mrs. Beecher.

107. After Mr. Callei left the Seven Seas Diner, Ms. Donovan and Ms. Mignone immediately turned the tables on Mrs. Beecher and commenced an impromptu interrogation of Plaintiff. Ms. Donovan falsely accused Mrs. Beecher of numerous infractions and attempted to coax Mrs. Beecher into divulging information implicating herself and her colleagues.

108. In addition to making false accusations against Mrs. Beecher, Ms. Donovan and Ms. Mignone also attempted to confront Mrs. Beecher with certain supposedly offensive text messages allegedly sent by Plaintiff to Ms. Wickers regarding Mr. Mercurio. Notably, the text messages were sent outside of work hours and completely outside the scope of Plaintiff’s employment.

109. Mrs. Beecher immediately and truthfully reported that she did not recall having the conversation with Ms. Wickers.

110. At that point, the meeting had lasted for roughly three straight hours and Mrs. Beecher, distraught, overwhelmed, and having been taken completely off guard, asked to conclude the meeting. Ms. Donovan and Ms. Mignone refused to conclude the meeting and, indeed, made a scene at the Seven Seas Diner embarrassing Plaintiff after she requested to leave. Eventually, the women gave in and ended the meeting.

### **Mrs. Beecher Retains Legal Counsel**

111. Prior to the aforementioned September 11<sup>th</sup> meeting, Mrs. Beecher had consulted with an attorney about the hostile work environment she endured at Northwell.

112. During the September 11<sup>th</sup> meeting, Plaintiff informed Ms. Donovan and Ms. Mignone that she had a meeting with her attorney and wanted to consult with her legal counsel.

113. At such time, Ms. Donovan and Ms. Mignone became irate and screamed at Mrs. Beecher in the middle of the Seven Seas Diner. Specifically, Ms. Donovan screamed at Plaintiff: “Why are you getting a lawyer?! That’s ridiculous! Sit down right now, we are conducting an investigation!”

114. Despite Defendant’s clear displeasure with Plaintiff’s act of seeking legal counsel, an act Plaintiff had every right to do, Mrs. Beecher did retain an attorney who thereafter notified Northwell of the discrimination and retaliation Mrs. Beecher had been subjected to at the hands of Mr. Mercurio.

115. On or about September 17, 2015, through her then legal counsel, Mrs. Beecher sent Northwell a letter which detailed Mr. Mercurio’s vile and discriminatory behavior.

### **Northwell Demotes Plaintiff in Retaliation**

116. In lieu of investigating the allegations raised in Plaintiff's attorney's letter, Northwell again ignored Mrs. Beecher's complaints, opting instead to lash out at Mrs. Beecher and appallingly continue to support Mr. Mercurio and his abhorrent behavior.

117. On or about October 7, 2015, Northwell appallingly demoted Plaintiff from her Chief Technologist position to a staff MRI Technologist position. This unwarranted demotion resulted in a \$15,000.00 pay decrease for Mrs. Beecher. Even more absurd, Mrs. Beecher was told there was no way she could appeal the demotion and was forced to accept her new position or quit.

118. Mrs. Beecher's demotion was thereafter memorialized in writing on or about October 8, 2015.

119. Curiously, following her demotion, Defendant threatened Mrs. Beecher multiple times that the demotion was her "final warning" despite the fact that in Plaintiff's many years of service, this was Mrs. Beecher's only disciplinary action.

120. Moreover, upon information and belief, many of Plaintiff's similarly situated colleagues had committed similar, if not worse, infractions and had received much lesser punishments. For example, upon information and belief, Jeremiah Rivera ("Mr. Rivera"), an employee of Defendant who was not a part of the Internal Complaint or subsequent investigation, similarly sent allegedly inappropriate text messages to co-workers regarding Dr. Walz. As a 'consequence', upon information and belief Mr. Rivera was transferred to another facility, *promoted*, and incurred no decrease in salary.

121. As yet another example, several of Plaintiff's colleagues were caught drinking alcohol while on duty and incurred only temporary suspensions and were, upon information and belief, issued year end salary raises.

122. Following Mrs. Beecher's demotion, as evidence of Northwell's bias against Plaintiff on the basis of her gender and complaints of discrimination, Defendant replaced Plaintiff with Mr. Greenidge.

123. Notably, the day following Mrs. Beecher's transfer, the imaging department at the 611 Facility was notified that it would be getting extra staffing for the workload, a plea that was intentionally ignored by Mr. Mercurio and HR during Mrs. Beecher's tenure as Chief Technologist.

124. Moreover, upon information and belief, Mr. Mercurio remained at the 611 Facility for a significant amount of time without receiving any discipline for his discriminatory and retaliatory behavior, and continued to attack Mrs. Beecher's character after her demotion by announcing Plaintiff "got what she deserved."

### **Mrs. Beecher is Constructively Discharged**

125. For nearly two years, Mrs. Beecher lived and worked in a state of fear for her professional livelihood and, at times, her own personal safety. As a result of Defendant's conduct and the caustic work environment Plaintiff was forced to endure, Mrs. Beecher has suffered extreme emotional stress and mental anguish for which she has treated, and indeed continues to treat, with a mental health professional.

126. Specifically, Mrs. Beecher has been treated for anxiety and depression so severe it has caused physical symptoms and injuries, and has required Mrs. Beecher to remain on a regular regimen of prescription medications.

127. After suffering years of torment, Plaintiff's unwarranted demotion was the proverbial straw that broke the camel's back. Seeing no other way to alleviate her dreadful situation, on or about February 3, 2016 Mrs. Beecher resigned from employment at Northwell. Accordingly, Mrs. Beecher's resignation constituted a constructive discharge.

### **CLAIMS FOR RELIEF AS AND FOR THE FIRST CAUSE OF ACTION**

*(Gender Discrimination - Disparate Treatment in Violation of Title VII of the Civil Rights Act of 1964)*

128. Plaintiff repeats and re-alleges each and every fact as set forth above, herein.

129. Plaintiff is a female and is therefore a member of a protected class.

130. Plaintiff was qualified to work as an employee for Defendant and she satisfactorily performed the duties required by the position she held at Defendant.

131. As set forth in detail above and herein, Defendant subjected Plaintiff to disparate treatment and disparate discipline on the basis of her gender.

132. The discrimination that Plaintiff suffered while employed by Defendant severely affected the terms and conditions of her employment.

133. As a direct and proximate result of Defendant's unlawful employment practices, Plaintiff has suffered extreme mental anguish, outrage, severe anxiety about her future, harm to her employability and earning capacity, painful embarrassment among her family, friends, and co-workers, damage to her personal and professional reputation, disruption of her personal life, and the loss of enjoyment of the ordinary pleasures of everyday life.

134. Accordingly, Defendant Northwell Health discriminated against Plaintiff Karin Beecher by virtue of treating Plaintiff less well than her similarly situated colleagues outside her protected class in violation of her statutory rights as guaranteed by Title VII.

**AS AND FOR THE SECOND CAUSE OF ACTION**

*(Gender Discrimination – Disparate Treatment in violation of the New York State Human Rights Law)*

135. Plaintiff repeats and re-alleges each and every fact as set forth above, herein.

136. Plaintiff is a female and is therefore a member of a protected class.

137. Plaintiff was qualified to work as an employee for Defendant and she satisfactorily performed the duties required by the position she held at Defendant.

138. As set forth in detail above and herein, Defendant subjected Plaintiff to disparate treatment and disparate discipline on the basis of her gender.

139. The discrimination that Plaintiff suffered while employed by Defendant severely affected the terms and conditions of her employment.

140. As a direct and proximate result of Defendant's unlawful employment practices, Plaintiff has suffered extreme mental anguish, outrage, severe anxiety about her future, harm to her employability and earning capacity, painful embarrassment among her family, friends, and co-workers, damage to her personal and professional reputation, disruption of her personal life, and the loss of enjoyment of the ordinary pleasures of everyday life.

141. Accordingly, Defendant Northwell Health discriminated against Plaintiff Karin Beecher by virtue of treating Plaintiff less well than her similarly situated colleagues outside her protected class in violation of her statutory rights as guaranteed by the NYSHRL.

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

*(Gender Discrimination - Hostile Work Environment in Violation of Title VII of the Civil Rights Act of 1964)*

142. Plaintiff repeats and re-alleges each and every fact as set forth above, herein.

143. Plaintiff is a female and is therefore a member of a protected class.

144. Plaintiff was qualified to work as an employee for Defendant and she satisfactorily performed the duties required by the position she held at Defendant.

145. As set forth herein and above, Defendant subjected Plaintiff to a hostile work environment on the basis of her gender.

146. The discrimination Plaintiff suffered while employed with Defendant was severe and pervasive, unwelcome by Plaintiff, and would be offensive to a reasonable person.

147. The discrimination that Plaintiff suffered while employed by Defendant severely affected the terms and conditions of her employment.

148. As a direct and proximate result of Defendant's unlawful employment practices, Plaintiff has suffered extreme mental anguish, outrage, severe anxiety about her future, harm to her employability and earning capacity, painful embarrassment among her family, friends, and co-workers, damage to her personal and professional reputation, disruption of her personal life, and the loss of enjoyment of the ordinary pleasures of everyday life.

149. Accordingly, Defendant Northwell Health discriminated against Plaintiff Karin Beecher by virtue of subjecting Plaintiff to a hostile work environment in violation of her statutory rights as guaranteed by Title VII.

**AS AND FOR THE FOURTH CAUSE OF ACTION**

*(Gender Discrimination – Hostile Work Environment in violation of the New York State Human Rights Law)*

150. Plaintiff repeats and re-alleges each and every fact as set forth above, herein.

151. Plaintiff is a female and is therefore a member of a protected class.

152. Plaintiff was qualified to work as an employee for Defendant and she satisfactorily performed the duties required by the position she held at Defendant.

153. As set forth herein and above, Defendant subjected Plaintiff to a hostile work environment on the basis of her gender.

154. The discrimination Plaintiff suffered while employed with Defendant was severe and pervasive, unwelcome by Plaintiff, and would be offensive to a reasonable person.

155. The discrimination that Plaintiff suffered while employed by Defendant severely affected the terms and conditions of her employment.

156. As a direct and proximate result of Defendant's unlawful employment practices, Plaintiff has suffered extreme mental anguish, outrage, severe anxiety about her future, harm to her employability and earning capacity, painful embarrassment among her family, friends, and co-workers, damage to her personal and professional reputation, disruption of her personal life, and the loss of enjoyment of the ordinary pleasures of everyday life.

157. Accordingly, Defendant Northwell Health discriminated against Plaintiff Karin Beecher by virtue of subjecting Plaintiff to a hostile work environment in violation of her statutory rights as guaranteed by the NYSHRL.

**AS AND FOR THE FIFTH CAUSE OF ACTION**  
*(Retaliation in Violation of Title VII of the Civil Rights Act of 1964)*

158. Plaintiff repeats and re-alleges each and every fact as set forth above, herein.

159. As set forth in detail above, Defendant subjected Plaintiff to discrimination, a hostile work environment, and an atmosphere of adverse employment actions and decisions because of her gender in violation of Plaintiff's statutory and constitutional rights.

160. Plaintiff complained to Defendant multiple times, both personally and through her legal counsel, regarding the rampant discrimination she was subjected to during her employment at the 611 Facility.

161. Defendant failed to carry out an unbiased and thorough investigation into the merits of Plaintiff's reports of discrimination and a hostile work environment.

162. In response to Plaintiff's complaint, Defendant subjected Plaintiff to a series of adverse employment actions including, but not limited to subjecting Plaintiff to an increasingly hostile work environment, instigating an investigation against Plaintiff, disproportionately disciplining Plaintiff, demoting Plaintiff, and constructively discharging Plaintiff.

163. Accordingly, Defendants, unlawfully and without cause, retaliated against Plaintiff as a direct result of Plaintiff complaint of discrimination and a hostile work environment.

164. As a direct and proximate result of Defendant's unlawful employment practices, Plaintiff has suffered extreme mental anguish, outrage, severe anxiety about her future, harm to her employability and earning capacity, painful embarrassment among her family, friends, and co-workers, damage to her personal and professional reputation, disruption of her personal life, and the loss of enjoyment of the ordinary pleasures of everyday life.

165. Accordingly, Defendant Northwell Health retaliated against Plaintiff Karin Beecher in violation of her statutory rights as guaranteed by Title VII.

**AS AND FOR THE SIXTH CAUSE OF ACTION**

*(Retaliation in violation of the New York State Human Rights Law)*

166. Plaintiff repeats and re-alleges each and every fact as set forth above, herein.

167. As set forth in detail above, Defendant subjected Plaintiff to discrimination, a hostile work environment, and an atmosphere of adverse employment actions and decisions because of her gender in violation of Plaintiff's statutory and constitutional rights.

168. Plaintiff complained to Defendant multiple times, both personally and through her legal counsel, regarding the rampant discrimination she was subjected to during her employment at the 611 Facility.

169. Defendant failed to carry out an unbiased and thorough investigation into the merits of Plaintiff's reports of discrimination and a hostile work environment.

170. In response to Plaintiff's complaint, Defendant subjected Plaintiff to a series of adverse employment actions including, but not limited to subjecting Plaintiff to an increasingly hostile work

environment, instigating an investigation against Plaintiff, disproportionately disciplining Plaintiff, demoting Plaintiff, and constructively discharging Plaintiff.

171. Accordingly, Defendants, unlawfully and without cause, retaliated against Plaintiff as a direct result of Plaintiff complaint of discrimination and a hostile work environment.

172. As a direct and proximate result of Defendant's unlawful employment practices, Plaintiff has suffered extreme mental anguish, outrage, severe anxiety about her future, harm to her employability and earning capacity, painful embarrassment among her family, friends, and co-workers, damage to her personal and professional reputation, disruption of her personal life, and the loss of enjoyment of the ordinary pleasures of everyday life.

173. Accordingly, Defendant Northwell Health retaliated against Plaintiff Karin Beecher in violation of her statutory rights as guaranteed by the NYSHRL.

#### **PRAYER FOR RELIEF**

**WHEREFORE**, for the foregoing reasons, it is specifically requested that this Court grant Plaintiff judgment as follows:

(i) On the First Cause of Action, awarding Plaintiff compensatory and other damages in an amount to be determined at trial but in any case no less than \$2,500,000;

(ii) On the Second Cause of Action, awarding Plaintiff compensatory damages and other damages in an amount to be determined at trial but in any case no less than \$2,500,000;

(iii) On the Third Cause of Action, awarding Plaintiff compensatory damages and other damages in an amount to be determined at trial but in any case no less than \$2,500,000;

(iv) On the Fourth Cause of Action, awarding Plaintiff compensatory and other damages in an amount to be determined at trial but in any case no less than \$2,500,000;

(v) On the Fifth Cause of Action, awarding Plaintiff compensatory and other damages in an amount to be determined at trial but in any case no less than \$2,500,000;

(vi) On the Sixth Cause of Action, awarding Plaintiff compensatory and other damages in an amount to be determined at trial but in any case no less than \$2,500,000; and

(iv) Awarding Plaintiff the costs and disbursements of this action, including reasonable attorneys' fees, together with such other and further relief as this court deems equitable, proper, and just.

**Dated: New York, New York  
July 28, 2016**

**NESENOFF & MILTENBERG, LLP.**  
*Attorneys for Plaintiff*

By: /s/ Megan S. Goddard

**Megan S. Goddard, Esq.**  
**Gabrielle M. Vinci, Esq.**  
**363 Seventh Avenue, Fifth Floor**  
**New York, New York 10001**  
**212.736.4500**

EXHIBIT A



EEOC Form 161-B (11/09)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Karin Beecher
78 Wyatt Road
Garden City, NY 11530

From: New York District Office
33 Whitehall Street
5th Floor
New York, NY 10004

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

Table with 3 columns: EEOC Charge No., EEOC Representative, Telephone No.
520-2016-00189, Gustavo A. Blanco, Investigator, (212) 336-3640

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

- X More than 180 days have passed since the filing of this charge.
Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.
X The EEOC is terminating its processing of this charge.
The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:

- The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.
The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Kevin J. Berry, District Director

5/2/2016 (Date Mailed)

Enclosures(s)

cc: Gabrielle Mitchell
Director of Human Resources
NORTH SHORE LONG ISLAND JEWISH HEALTH SYSTEMS
600 Community Drive
Manhasset, NY 11030

Gabrielle Vinci
NESENOFF & MILTENBERG, LLP
363 Seventh Avenue, 5th Floor
New York, NY 10001

Enclosure with EEOC  
Form 161 (11/09)

**INFORMATION RELATED TO FILING SUIT  
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.  
If you also plan to sue claiming violations of State law, please be aware that time limits and other  
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),  
the Genetic Information Nondiscrimination Act (GINA), or the Age  
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

**PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):**

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10** -- not 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice **and** within the 2- or 3-year EPA back pay recovery period.

**ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:**

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do **not** relieve you of the requirement to bring suit within 90 days.

**ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:**

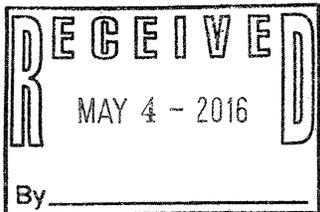
You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

***IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.***

**EMPLOYMENT OPPORTUNITY COMMISSION**

New York District Office  
33 Whitehall Street, 5th Fl  
New York, N.Y. 10004

OFFICIAL BUSINESS  
PENALTY FOR PRIVATE USE, \$300



Gabrielle Vinci  
NESENOFF & MILTENBERG, LLP  
363 Seventh Avenue, 5th Floor  
New York, NY 10001

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