

NEW YORK STATE SUPREME COURT
COUNTY OF NEW YORK

----- X
ADRIENNE THIERY, :
 :
 Plaintiff, :
 :
 v. :
 :
 SLOVER [AND] COMPANY, SUSAN SLOVER :
 DESIGN, INC. d/b/a SLOVER [AND], :
 COMPANY, SUSAN SLOVER and ROSEMARY :
 KUROPAT, :
 :
 Defendants. :
----- X

SUMMONS

Plaintiff designates
NEW YORK COUNTY
as the place of trial

The basis of the venue is:
residence of defendants

To the above named Defendant Slover [and] Company:

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

Dated: July 28, 2016
New York, New York

WIGDOR LLP

By: 
David E. Gottlieb

85 Fifth Avenue
New York, New York 10003
Tel: (212) 257-6800
Fax: (212) 257-6845
dgottlieb@wigdorlaw.com

Counsel for Plaintiff

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To the above named Defendant Susan Slover Design, Inc. d/b/a Slover [and] Company:

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

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To the above named Defendant Susan Slover:

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To the above named Defendant Rosemary Kuropat:

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

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Counsel for Plaintiff

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COMPANY, SUSAN SLOVER and ROSEMARY
KUROPAT,

Defendants.
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COMPLAINT

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Jury Trial Demanded

Plaintiff Adrienne Thiery hereby alleges against Defendants slover [and] company, Susan Slover Design, Inc. d/b/a slover [and] company (together, “Slover”), Susan Slover and Rosemary Kuropat (all together, “Defendants”) as follows:

PRELIMINARY STATEMENT

1. Attention Deficit Hyperactivity Disorder (“ADHD”) is a serious medical condition from which approximately 10.5 million adults and 6.4 million children suffer in the United States. ADHD takes on ranging levels of severity, but is thankfully both diagnosable and treatable for the vast majority of those who have the disorder. Plaintiff Adrienne Thiery is among those who suffer from ADHD.

2. Defendant Susan Slover is the founder of the upscale SoHo design firm Defendant slover [and] company, which she runs with her partner, Defendant Rosemary Kuropat. Ms. Slover describes herself on Slover’s website as the “heart and soul of the place,” and a woman with “bottomless heart.” However, while Ms. Slover and Ms. Kuropat have attempted to create a company with an appearance of class, sophistication and personal warmth to further their business interests, the reality is that the company egregiously mistreats its employees.

3. In no circumstance was this conduct more blatant and abhorrent than when Ms. Slover and Ms. Kuropat exchanged emails wherein they mocked Ms. Thiery because of her ADHD, and then fired Ms. Thiery for the stated reason – also documented in an email – that she suffers from ADHD. It was only due to Ms. Slover’s emailing error that Ms. Thiery and many other employees and company vendors were accidentally forwarded this email, which documented Defendants’ discriminatory conduct in their own words.

4. The anti-discrimination laws are intended to provide people with disabilities and medical conditions the right to be treated the same as any other employee, and to provide those with disabilities with the dignity and respect they deserve in the workplace. Defendants have failed to heed the requirements of the anti-discrimination laws, and have thankfully documented their own unlawful conduct, so there can be no mistake that they have violated the law.

JURISDICTION AND VENUE

5. The Court has jurisdiction over this matter pursuant to New York Civil Practice Laws and Rules (“CPLR”) § 301. Venue is proper in this district pursuant to CPLR § 503 as Defendants reside in New York County.

PARTIES

6. Plaintiff Adrienne Thiery is a former employee of Defendants. Ms. Thiery currently resides in Queens County, New York. At all relevant times, Ms. Thiery fell within the definition of a “person” and/or an “employee” under all applicable statutes.

7. Defendant Slover is a branding and design firm located at 584 Broadway in the SoHo neighborhood in New York County, New York. Slover is a domestic business corporation organized under the laws of the State of New York. At all relevant times, Slover was an “employer” within the meaning of all applicable statutes.

8. At all relevant times, Defendant Susan Slover was a Partner and/or Owner of Slover. In this capacity, Ms. Slover participated directly in the unlawful conduct described herein. Upon information and belief, Ms. Slover resides in New York County, New York. At all relevant times, Ms. Slover was an “employer” within the meaning of all applicable statutes.

9. At all relevant times, Defendant Rosemary Kuropat was a Partner and/or Owner of Slover. In this capacity, Ms. Kuropat participated directly in the unlawful conduct described herein. Upon information and belief, Ms. Kuropat resides in New York County, New York. At all relevant times, Ms. Kuropat was an “employer” within the meaning of all applicable statutes.

FACTUAL ALLEGATIONS

10. In or around July 2015, Ms. Thiery began her employment with Slover as an Office Manager.

11. In this role, Ms. Thiery was responsible for, *inter alia*, acting as executive assistant to Ms. Slover and Ms. Kuropat, managing all office administrative systems, providing in-house technical support, overseeing facilities, managing inventory, coordinating employee healthcare benefits, shipping of business and creative materials and handling aspects of various projects and presentations.

12. In her role as Office Manager, Ms. Thiery was routinely praised by Ms. Slover and Ms. Kuropat, and others, for the quality of her work.

13. In fact, in or around December 2015, Ms. Thiery was given a year-end bonus, despite the fact that she had only worked at Slover for only half the year.

14. In or around May 2016, further demonstrating Defendants’ satisfaction with Ms. Thiery’s work and aptitude, Defendants promoted Ms. Thiery to the position of Account Manager and gave her a \$12,000 raise per annum.

15. Moreover, Defendants gave Ms. Thiery this promotion at a time when other employees at Slover were being terminated, demonstrating that Defendants viewed her as one of their elite team members.

16. Ms. Thiery has been diagnosed with ADHD. ADHD is a treatable neurodevelopmental and mental disorder marked by an ongoing pattern of inattention and/or hyperactivity-impulsivity that interferes with function or development.

17. Ms. Thiery takes medication for her ADHD and she has at all times been able to perform all of her job functions at Slover (whether as Office Manager or as Account Manager).

18. In or around late May 2016, Ms. Thiery mentioned to Jenn Teixeira, a co-worker at Slover, that she suffers from ADHD in an informal conversation. Unbeknownst to Ms. Thiery, this information was subsequently disclosed to Ms. Kuropat.

19. On June 2, 2016, Ms. Kuropat and Ms. Slover engaged in an email exchange regarding Ms. Thiery's ADHD diagnosis, which was then accidentally sent to Ms. Thiery and other employees and vendors of Slover.

20. The content of the email read as follows:

Ms. Kuropat (3:48 p.m.): Turns out that Adrienne told Jenn she has ADHD (attention deficit hyperactivity disorder), too! ai yi yi!

Ms. Slover (4:12 p.m.): It cannot be our problem and at a higher salary. I think she may have to have a departure similar to Alex Holcombe's. It's all very tiring, Rosemary.

Ms. Kuropat (5:54 p.m.): This just shows you how much more empathetic YOU are than I!! I wasn't suggesting we should be more sensitive. . .I was thinking...THE CHICK IS HOPELESS!!!

See Exhibit A.

21. After realizing that Ms. Thiery had been inadvertently copied on this email, a follow-up email was subsequently sent from Ms. Slover to Ms. Thiery, incredibly attempting to blame the offensive content of the previous email exchange on Ms. Thiery herself, because she “**did not offer complete honesty at the point of being hired,**” referring to the fact that Ms. Thiery did not disclose her ADHD to Defendants prior to being hired.

22. In the same email, Ms. Slover explained that if Ms. Thiery had disclosed her ADHD at the time of being hired, Defendants would not have hired her.

23. Moreover, Ms. Slover, for the first time in Ms. Thiery’s employment, informed Ms. Thiery that she had performance problems and fired her.

24. Ms. Kuropat then chimed in on the email chain, and stated that Ms. Thiery had to be terminated because her own discriminatory email made Ms. Thiery’s continued employment unworkable. She stated:

I have always believed in clean breaks, and think that this unfortunate email surely calls for one now.

25. Ms. Thiery was terminated because she suffers from ADHD.

26. ADHD is a disability as defined by the New York State Human Rights Law (“NYSHRL”) and the New York City Human Rights Law (“NYCHRL”).

27. Defendants regarded Ms. Thiery as having an impairment of a system of the body resulting from anatomical, physiological, genetic or neurological conditions, and terminated her based on this disability and/or perceived disability.

28. Defendants regarded Ms. Thiery as having a physical, medical, mental or psychological impairment, and terminated her based on this disability and/or perceived disability.

29. Defendants regarded Ms. Thiery as having an impairment of a system of the body resulting from anatomical, physiological, genetic or neurological conditions, which are demonstrable by medically accepted clinical or laboratory diagnostic techniques, and terminated her based on this disability and/or perceived disability.

30. Following Ms. Thiery's termination, she informed Defendants that she intended to bring an action against them for unlawful termination. Defendants responded by threatening Ms. Thiery that if she filed an action they would countersue her. This threat was intended to intimidate Ms. Thiery and dissuade her from filing a discrimination action.

FIRST CAUSE OF ACTION
(Discrimination in Violation of the NYSHRL)
Against All Defendants

31. Plaintiff hereby repeats, reiterates, and re-alleges each and every allegation as contained in each of the preceding paragraphs as if fully set forth herein.

32. Defendants have discriminated against Plaintiff in violation of the NYSHRL by denying her equal terms and conditions of employment, including, but not limited to, terminating her employment because of her disability and because Defendants regarded her as disabled. To the extent Defendants believed Plaintiff required an accommodation to perform her job, Defendants did not offer or provide any accommodations to Plaintiff or engage in any collaborative or interactive process.

33. As a direct and proximate result of Defendants' unlawful and discriminatory conduct in violation of the NYSHRL, Plaintiff has suffered, and continues to suffer, monetary and/or economic damages, including, but not limited to, loss of past and future income, compensation and benefits, for which she is entitled to an award of monetary damages.

34. As a direct and proximate result of Defendants' unlawful and discriminatory conduct in violation of the NYSHRL, Plaintiff has suffered and continues to suffer mental anguish and emotional distress for which she is entitled to an award of compensatory damages.

SECOND CAUSE OF ACTION
(Discrimination in Violation of the NYCHRL)
Against All Defendants

35. Plaintiff hereby repeats, reiterates, and re-alleges each and every allegation as contained in each of the preceding paragraphs as if fully set forth herein.

36. Defendants have discriminated against Plaintiff in violation of the NYCHRL by denying her equal terms and conditions of employment, including, but not limited to, terminating her employment because of her disability and because Defendants regarded her as disabled. To the extent Defendants believed Plaintiff required an accommodation to perform her job, Defendants did not offer or provide any accommodations to Plaintiff or engage in any collaborative or interactive process.

37. As a direct and proximate result of Defendants' unlawful and discriminatory conduct in violation of the NYCHRL, Plaintiff has suffered, and continues to suffer, monetary and/or economic damages, including, but not limited to, loss of past and future income, compensation and benefits, for which she is entitled to an award of monetary damages.

38. As a direct and proximate result of Defendants' unlawful and discriminatory conduct in violation of the NYCHRL, Plaintiff has suffered and continues to suffer mental anguish and emotional distress for which she is entitled to an award of compensatory damages.

39. Defendants' unlawful and discriminatory actions constitute malicious, willful, wanton and/or reckless indifference to Plaintiff's protected rights under the NYCHRL, for which Plaintiff is entitled to an award of punitive damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for the following relief:

- A. A declaratory judgment that the actions, conduct and practices of Defendants complained of herein violate the laws of the State of New York;
- B. An award of damages, including compensatory damages in an amount to be determined at trial, plus prejudgment interest, to compensate Plaintiff for all losses and/or hardship incurred as a result of Defendants' unlawful actions;
- C. An award of punitive damages in an amount to be determined at trial;
- D. An award of costs that Plaintiff has incurred in this action, as well as Plaintiff's reasonable attorneys' fees to the fullest extent permitted by law; and
- E. Such other and further relief as the Court may deem just and proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury on all issues of fact and damages stated herein.

Dated: July 28, 2016
New York, New York

Respectfully submitted,

WIGDOR LLP

By: 
David E. Gottlieb

85 Fifth Avenue
New York, NY 10003
Telephone: (212) 257-6800
Facsimile: (212) 257-6845
dgottlieb@wigdorlaw.com

Counsel for Plaintiff

Exhibit A

Susan Slover

June 2, 2016 at 6:36 PM

To: REDACTED Cc: REDACTED Adrienne Thiery, REDACTED REDACTED
Fwd: Adrienne...



REDACTED

Begin forwarded message:

From: Rosemary Kuropat <rkuropat@sloverandco.com>
Date: June 2, 2016 at 5:54:32 PM EDT
To: Susan Slover <sslover@sloverandco.com>
Subject: Re: Adrienne...

Vb...
This just shows you how much more empathetic YOU are than !!! I wasn't suggesting we should be more sensitive...
I was thinking...THE CHICK IS HOPELESS!!!

I'm back at Alon if you want to talk...

xo
R

On Jun 2, 2016, at 1:12 PM, Susan Slover <sslover@sloverandco.com> wrote:

It cannot be our problem and at a higher salary. I think she may have to have a departure similar to Alex Holcombe's.
It's all very tring, Rosemary.

On Jun 2, 2016, at 3:46 PM, Rosemary Kuropat <rkuropat@sloverandco.com> wrote:

Turns out that Adrienne told Jenn she has ADHD (attention deficit hyperactivity disorder), too!

ai yi yi!

rosemary kuropat | slover [AND] company
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