

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

-----X
TOM CORCORAN,

Plaintiff,

-against-

SIEBERT CISNEROS SHANK & CO, LLC and
SEAN DUFFY,

Defendants.
-----X

Index No.:

SUMMONS

Date of Purchase
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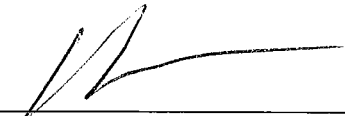
YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer within twenty [20] days after the service (or within thirty [30] days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgement will be taken against you by default for the relief demanded in the complaint.

The plaintiff designates New York County as the place of trial which is the county in which the plaintiff was employed by the defendant.

Dated: New York, New York
November 22, 2016

KAISER SAURBORN & MAIR, P.C.
Attorneys for Plaintiff

By: _____


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COMPLAINT

Plaintiff, Tom Corcoran, by his attorneys Kaiser Saurborn & Mair, P.C., as and for his complaint against defendant, alleges as follows:

PARTIES, JURISDICTION, AND NATURE OF ACTION

1. Plaintiff, Tom Corcoran (“plaintiff” or “Corcoran”), is employed by Siebert Cisneros Shank & Co, LLC.
2. Defendant, Siebert Cisneros Shank [“SCS” or “Defendant”], is a financial brokerage firm with offices located at 100 Wall Street, 18th Fl., New York, New York 10005.
3. Defendant, Sean Duffy [“Defendant” or “Duffy”] is Mr. Corcoran’s supervisor.
4. Mr. Corcoran asserts claims under Executive Law §296 and New York City Administrative Code §8-502(a), Mr. Corcoran contends he was subjected to a hostile working environment that was sexually harassing and further that he was subjected to a hostile working environment based upon his ethnic heritage. Finally, he was retaliated against for objecting to the unlawful discrimination.

I.

MR. CORCORAN'S EMPLOYMENT

5. In March 2005, Mr. Corcoran commenced employment with SCS in the position of institutional sales.

6. During the tenure of his employment, Mr. Duffy supervised Mr. Corcoran.

7. Defendants had a duty to maintain a working environment free from discrimination and retaliation.

8. As detailed below, Mr. Corcoran was subjected to retaliation when he objected to a workplace environment permeated with unlawful discrimination.

II.

THE WORKPLACE DISCRIMINATION

9. Since the latter part of 2007, Mr. Corcoran's working environment at SCS has been abusive, offensive, and extremely distressing to him. His working environment, in the room in which Mr. Corcoran has been located, more closely resembled a rowdy teenage boys' locker room than a professional trading floor at a well-regarded Wall Street firm.

10. Crude sexual banter, and in particular within earshot of Mr. Corcoran as well as female work colleagues, was the norm. In fact, much of the time the atrocious conduct was directed at women.

11. The conduct was extremely upsetting to Mr. Corcoran and he periodically objected to it. In or about Aug 2014, when the conduct was particularly

offensive to a different female colleague, Mr. Corcoran called his manager to complain. His complaint was not welcome.

12. Mr. Corcoran's work life took a turn for the worse following a communication of his objections to the treatment of a female colleague to Mr. Duffy. Suddenly, the vile harassment was more particularly directed against Mr. Corcoran. The mean spirited abusive behavior wrecked his workplace rendering it emotionally and physically toxic for him.

13. The harassment and vile workplace conduct was a constant throughout his SCS work tenure. It worsened at the beginning of 2012 when Mr. Zurlo was terminated and Mr. Duffy had more free reign to facilitate and encourage the discriminatory workplace culture.

14. At all times, Mr. Corcoran was a model employee and an excellent salesperson. Despite the horrendous working environment, including the constant disrespectful sexual banter and bullying behavior, he was dedicated and diligent in the performance of his job responsibilities.

15. The discriminatory banter and the sexualized conduct that occurred on the desk resembled a college fraternity house. Sometimes the remarks were directed at no one in particular but often a person was identified by the harassers, typically led by Mr. Duffy, and mercilessly tortured.

16. Laura Gruen, the only institutional saleswoman on the desk was targeted for abuse. Mr. Duffy and his colleagues began referring to her as "the foot" because they believed her face looked like a foot. When she left the room they would turn to Mr. Corcoran and remark "Tom what are you and the foot up to down there. We heard you

went home with her last night.” They further remarked “Can you imagine Tom going down on her?” Or “Corks [Tom’s nickname] What’s it like when you got your head in that smelly snatch?”

17. On occasion the harassment turned physical. One time Mr. Duffy was passing Mr. Corcoran’s work location and suddenly and without warning body checked him into the cabinet. He hurt Mr. Corcoran. He was so upset, Mr. Corcoran just left for the day. Later that evening Mr. Duffy called him to apologize but did not explain why he had physically assaulted him.

18. In or about 2010, Mr. Duffy instituted the “Wall of Shame.” Anyone Mr. Duffy disapproved of was added to the Wall of Shame. A female employee, for example that Mr. Duffy judged distant and not friendly, whatever meaning that has to Mr. Duffy, was placed on the Wall of Shame.

19. Tim Muller, a fellow institutional salesman was put on the Wall of Shame. Within a year he left for a similar job at one of Defendant’s competitors.

20. On or about late 2011, Mr. Corcoran’s picture was added to the Wall of Shame. It remained on the wall for more than a year. It was degrading and humiliating for him. Mr. Duffy and company thought it was hysterical.

21. Following Mr. Zurlo’s discharge, the working environment deteriorated rapidly. He was replaced by Mr. Duffy and now his behavior as well as all those around him was permitted to sink to the lowest common denominator of human behavior.

22. Mr. Duffy referring to Ms. Gruen repeatedly and loudly remarked to Scott Rubinstein, VP Operations/Syndicate, “Scott I wouldn’t put your dick in her.” He would repeatedly remark to Mr. Corcoran “Where is our girl? [meaning Laura] I

bet Tommie knows where she is.”

23. Mr. Duffy repeatedly told stories about past sexual exploits of work colleagues. For example, he would tell how John McLean, institutional salesman “whipped his dick out” at the Christmas party years back when they worked together at Paine Webber.

24. It was apparent that the sexual remarks bothered Ms. Gruen. On several occasions she remarked to Mr. Corcoran that the conduct was offensive to her. On any given day, either Mr. Duffy or Mr. McLean would yell over to Mr. Corcoran “Where’s Laura?”

25. One day Mr. Corcoran remarked, in retrospect unwisely, that he was part Hungarian. Mr. Duffy and his cohorts began referring to him as the “Hungarian Hammer.” They further repeatedly remarked “Hey Tom, did Laura like the Hungarian Hammer last night?” These remarks were made in Ms. Gruen’s presence.

26. Mr. Corcoran repeatedly let Mr. Duffy know that these sexual taunts were not appreciated by him. Once a month Mr. Duffy and Mr. Corcoran had dinner together. At those dinners he would object to the sexual banter in the office. He also advised him that Ms. Gruen objected to the conduct. Mr. Duffy disregarded his objections and stated that he “had enough on her so she would never be able to sue.”

27. On or about Aug 2014, Mr. Duffy and his colleagues while at the desk shouted at Mr. Corcoran “Are you waxing your carrot over there?” Further they shouted “Stick it up your ass.” Another colleague chimed in “Your dick is so small you have not seen it in years.”

28. The group then targeted Matt Metzger, the junior trader on the desk “Metz

don't be afraid- you can come out of your closet and no one will bother you." Yet another abusive remark was made " you fucking loser. You probably got butt fucked last night."

29. Disgusted by the intensity and appalling nature of the conduct, Mr. Corcoran left the desk and went to the kitchen to get water. While in the kitchen, Melissa Little, Operations-Compliance Assistant/Office Manager, approached him. She confided in him that the sexual conduct bothered her and that it was difficult for her to stay in the room. Mr. Corcoran told her that their conduct was awful and that he would call Mr. Duffy tonight and let him know that it bothered her.

30. Later that evening, Mr. Corcoran called Mr. Duffy and relayed to him what Ms. Little told him. He advised Mr. Duffy that this was a "heads up" and that he should take actions to stop the conduct. Mr. Duffy had no reaction to the information relayed to him and simply began a new topic of conversation.

III.

RETALIATION TAKEN AGAINST MR. CORCORAN FOR OBJECTING TO THE UNLAWFUL CONDUCT

31. The next day upon his return to work, the sexual remarks continued. At some point during the day Mr. Corcoran left his desk and returned one hour later. When he returned he found the word "Cheswick" printed on paper and taped to his chair. He googled the word Cheswick. It is a term that refers to a penis that is larger in girth than it is in length.

32. The next day following a business meeting, Mr. Corcoran returned to his desk to find "Cheswick" signs taped all over his chair, Bloomberg, and desk. Mr. Corcoran was enraged. In an effort to stand up for himself he wrote the word Ca-Ca and placed it on Mr. McLean's desk. Mr. Duffy observed what he was doing and inquired

why he was doing it? Mr. Corcoran responded “Because you are doing nothing to stop the behavior.”

33. On the next Friday morning, Mr. Corcoran arrived at work and began catching up on messages. He then sees the following message on his computer.

“Good morning Cheswick.”

34. He was stunned. Chills ran down his spine. These animals were now in his Bloomberg sending him messages. He was thoroughly shaken. He immediately went to church and prayed for guidance. Not only was this harassment of Mr. Corcoran, this was also blatant retaliation for his standing up for Ms. Little.

35. At the beginning of 2015, the direct taunts of Mr. Corcoran quieted down. The retaliation taken against him, however, for objection to the unlawful conduct did not.

36. Accounts that should have been assigned to him were not. For example, the ownership of Siebert was changing in that one of the partners retired and was bought out, the other one passed away. They replaced them with three new partners -one being Mr. Duffy. In 2015, SCS began selling and underwriting corporate bonds.

37. Mr. Corcoran was told by Mr. Duffy that he would be assigned accounts to sell these bonds. He was given two accounts. Other salesmen were given many more. Mr. Corcoran continued to ask for more accounts. Inexplicably, Mr. Corcoran was never assigned more accounts.

38. As a consequence of the retaliation, Mr. Corcoran’s income is far less than his colleagues. His colleagues’ income has risen. By contrast, he has seen no rise in his compensation.

39. In or about Christmas 2015, Mr. Corcoran developed a terrible rash. Treatment of his rash required multiple doctor visits every week.
40. On May 25, 2016, Mr. Duffy sent out a note asking half of the employees to take the day off before Memorial Day & the others take the day off before July 4th.
41. The note went on to add “don’t want people doing a Laura or Corkie” [Tom’s nickname] sneaking out early Friday while others are working like they usually do. When Mr. Corcoran would object to these statements Mr. Duffy would respond that he had more doctor appointments than everyone else.
42. While this statement was untrue, it was also blatant harassment of Mr. Corcoran for his need to properly treat a serious medical condition.
43. On other occasions, when Mr. Corcoran was out of the office attending to his medical needs, Mr. Duffy would accuse him of taking leisure time like walking the streets instead of working. The bullying and harassment was endless and merely a continuation of the retaliation for Mr. Corcoran’s objections to the earlier unlawful conduct.
44. The intense retaliation began immediately following Mr. Corcoran’s telephone call to Mr. Duffy objecting to his male colleague’s treatment of Ms. Little.
45. The sexualized banter continued until the present including insulting references about Laura Gruen-continuing to refer to her as “the foot.” Other times the sexual remarks come from viewing a pretty (or Not so pretty) woman on the business channel on a quiet day or just the gutter language that goes on regardless of male or female colleagues in the room.
46. The diminishment of Mr. Corcoran’s business and account opportunities

only occurred immediately following his objection to Mr. Duffy regarding Ms. Little. The specific derogatory comments directed specifically at Mr. Corcoran immediately intensified following his objection to Mr. Duffy concerning the treatment of Ms. Little.

47. On or about October 13, 2016 two of Mr. Corcoran's colleagues told him to "get home safe." This was entirely out of character for these colleagues and was clearly intended to convey a threat to Mr. Corcoran. This was further retaliation for his discrimination objections.

48. Defendants discriminated and retaliated against plaintiff, creating an intolerable hostile working environment that was both sexually harassing and ethnically derogatory, in reckless disregard of his civil rights under New York State and New York City Human Rights statutes.

49. Defendant had no legitimate business reasons for discriminating and retaliating against plaintiff.

50. Defendant's conduct has had a continuing impact on plaintiff.

CAUSE OF ACTION I

51. Plaintiff repeats and reiterates the allegations contained in paragraphs "1" through "50" as if incorporated and realleged herein.

52. Defendants discriminated against plaintiff because of his ethnic heritage and by creating and encouraging a sexually harassing workplace.

53. Defendants retaliated against Plaintiff for objecting to the lawful discriminatory conduct.

54. By reason thereof, defendant has violated Executive Law §296, and plaintiff has been damaged in an amount to be determined at trial.

CAUSE OF ACTION II

55. Plaintiff repeats and reiterates the allegations contained in paragraphs "1" through "50," "52," and "53" as if incorporated and realleged herein.

56. By reason thereof, defendant has violated New York City Administrative Code §8-502(a), and plaintiff has been damaged in an amount to be determined at trial.

WHEREFORE, plaintiff demands judgment against defendants as follows:

- (i) On the First Cause of Action assessing compensatory damages in an amount to be determined at trial;
- (ii) On the Second Cause of Action assessing compensatory damages in an amount to be determined at trial and punitive damages in an amount to be determined at trial;
- (iii) Attorney fees and disbursements; and

(iv) For such other relief as the Court deems just and proper.

Dated: New York, New York
November 22, 2016

KAISER SAURBORN & MAIR, P.C.

By: 

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