

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

-----X

MARLINE SALVAT,
Plaintiff,

-against-

CONSTRUCTION RESOURCES CORP.,
ANTHONY SANGO,
Defendants.

-----X

VERIFIED COMPLAINT

Index No.:

Jury Trial Demanded

MARILNE SALVAT (“Plaintiff” or “Ms. Salvat”), by her attorneys, JOSEPH & NORINSBERG, LLC., complaining of CONSTRUCTION RESOURCES CORP., (hereinafter “CRC”) and ANTHONY SANGO (“Sango”), (collectively, “Defendants”), alleges upon knowledge as to herself and her own actions, and upon information and belief as to all other matters, as follows:

INTRODUCTION

This is a civil action seeking monetary damages based upon Defendants’ violations of Title 8 of the Administrative Code of the City of New York, also known as the New York City Human Rights Law (“NYCHRL”); assault; intentional infliction of emotional distress; and any other cause(s) of action that can be inferred from the facts set forth herein.

PRELIMINARY STATEMENT

1. In or around July 2016, Plaintiff began her employment with Defendant, Construction Resources Corp., located at Empire Outlets, 55B Richmond Terrace, Staten Island, New York.

2. From the outset, Plaintiff was subjected to discrimination and harassment on the basis of her gender, which directly interfered with her work performance and which took the form of a hostile and offensive work environment at CRC.

3. As set forth in more detail below, Defendant Anthony Sango, an employee at CRC, repeatedly subjected Plaintiff to graphic, explicit, unwelcomed sexual harassment, including unwanted sexual advances, invasion of Plaintiff's privacy, and daily verbal harassment.

4. Although Plaintiff made multiple complaints about Sango's persistent harassment, this unlawful conduct continued persistently throughout Plaintiff's employment at CRC.

PARTIES

5. At all relevant times hereinafter mentioned, Plaintiff Marline Salvat, a female, was and is a resident of the State of New York, residing in Nassau County, Long Island.

6. At all relevant times herein, Defendant CRC was and is a limited liability partnership organized and existing under the laws of the State and City of New York, with a principal place of business located at 6395 Amoy Rd. 2nd Floor, Staten Island, NY 10309.

7. At all relevant times herein, Defendant CRC employed four (4) or more employees.

8. At all times relevant herein, Plaintiff is a "person" and an "employee" within the meaning of the NYCHRL.

9. At all times relevant herein, Defendant Sango was and is an "employee" within the meaning of the NYCHRL, and was acting within the scope of his employment at CRC.

10. At all times relevant herein, Defendant CRC was and is an “employer” within the meaning of the NYCHRL.

BACKGROUND FACTS

11. Plaintiff Marline Salvat commenced her employment with Defendant CRC on or about July 26, 2016.

12. At that time, CRC hired Ms. Salvat as an Iron Worker, and assigned her to work at its construction site located at Empire Outlets, 55B Richmond Terrace Staten Island, New York 10301.

13. Ms. Salvat brought with her a decade’s worth of experience and an impeccable track record as an ironworker. In order to become an ironworker, Ms. Salvat had successfully completed a rigorous four-year apprenticeship comprised of demanding physical training and extensive weekly testing.

14. Throughout Ms. Salvat’s employment history, Plaintiff demonstrated an exemplary work ethic, and she was frequently sought after to work on various construction jobs. In fact, Ms. Salvat was recruited from another project to work on CRC’s construction project because of her experience and professionalism.

15. Shortly after commencing her employment at CRC, Ms. Salvat was forced to endure blatant, open and egregious acts of sexual harassment in the workplace.

16. Within the second week of her employment, defendant Sango, a male employee at CRC, approached Ms. Salvat as she returned from a break and stated, in substance: “I saw you talking to that shop Steward over there, and I will tell your fiancé unless you pay me with your panties.” Ms. Salvat was shocked and appalled by these offensive comments.

17. Ms. Salvat immediately reported the incident to another Shop Steward at the construction site, Greg Bullock, who purportedly reprimanded Sango for his inappropriate behavior.

18. Notwithstanding this reprimand, Sango, over the course of the next few weeks, repeatedly sexually harassed Ms. Salvat, despite her complaints to several co-workers and her threats to call the police.

19. Rather than cease his unlawful behavior, Sango ignored Ms. Salvat's warnings, and actually escalated his acts of sexual harassment toward her.

20. In or around the third week of Plaintiff's employment at CRC, Ms. Salvat, while on her way to the bathroom, noticed that Sango was following her, and she quickly ran into the porta-john, believing this would be enough to discourage Sango from continuing to follow her.

21. While Ms. Salvat was using the bathroom, Sango repeatedly and aggressively banged on the bathroom door, which caused Ms. Salvat to push against the door with her hand since the bathroom lock was broken.

22. Sango then raised his hand and placed it through the broken vent above the porta-john door, and took pictures of Ms. Salvat as she sat on the toilet naked from the waist down.

23. After the incident, Sango threatened to disclose the pictures unless Ms. Salvat agreed to have sex with him. Plaintiff emphatically rejected this "offer" and told Sango, in no uncertain terms, to leave her alone and stop harassing her.

24. Ms. Salvat immediately reported the bathroom to her Union, and shortly thereafter, a meeting was held with representatives from her union and CRC regarding Sango's improper conduct.

25. During this meeting, Ms. Salvat described Sango's repeated acts of sexual harassment and provided a detailed summary of same. Further, Ms. Salvat disclosed that she had repeatedly complained to CRC about her inadequate bathroom conditions since she had commenced working at CRC.

26. During this meeting, Ms. Salvat also disclosed intimate details of her ongoing battle with ovarian cancer, to further explain the importance of having a secure and accessible bathroom, and the negative impact a toxic work environment could have on her overall recovery.

27. At this meeting, CRC admitted that it had failed to provide Plaintiff with a separate bathroom because it had assumed that there would be no female employees at the construction site.

28. CRC further admitted that it had instructed Ms. Salvat to use the bathroom at the Staten Island Ferry, which was approximately five minutes away from the job site.

29. When CRC finally provided a female bathroom to Ms. Salvat, she noticed that the locks and vents were broken. Ms. Salvat immediately complained to management about the condition of the bathroom, but CRC took no steps to remedy the issue.

30. In failing to ensure that the locks and vents to Ms. Salvat's porta-john were secure, CRC exhibited a deliberate indifference to the health, safety and welfare of Ms. Salvat.

31. After the bathroom incident, Sango openly bragged about having access to the female bathroom and of his having taken pictures of Ms. Salvat. Sango then distributed these photos to several employees at the job site, who informed Plaintiff that they had seen pictures of her in the bathroom.

32. Plaintiff suffered severe embarrassment and humiliation when she learned that semi-nude photographs of her had been distributed to other workers on the job site.

33. Following the meeting between Plaintiff and CRC, CRC promised to permanently remove Sango from the job site, and to provide Ms. Salvat with safe and secure bathroom facilities.

34. Ms. Salvat left the meeting believing that the hostile work environment and intolerable working conditions which she had endured since the inception of her employment were finally coming to an end.

35. The following day, however, CRC completely reneged on its agreement. CRC allowed Sango to return to the job site the *very next day*, without providing Ms. Salvat any notice or an explanation for this decision.

36. CRC then summarily and illegally terminated Ms. Salvat under the pretext of non-existent and factually baseless performance issues.

37. CRC terminated Ms. Salvat in retaliation for her complaints of unlawful sexual harassment and unsafe working conditions.

38. Defendant Sango's unlawful actions, as set forth above, directly affected Plaintiff's work performance. Sango's unwanted and unwelcomed sexual harassment fostered a hostile and offensive work environment for Plaintiff, creating an intimidating and abusive work environment for Ms. Salvat.

FIRST CLAIM AGAINST ALL DEFENDANTS
(Gender Discrimination, Harassment under the NYCHRL)

39. Plaintiff repeats, reiterates and re alleges each and every allegation set forth above with the same force and effect as if more fully set forth herein.

40. The NYCHRL prohibits discrimination in the terms, conditions, and privileges of employment on the basis of an individual's sex/gender.

41. Defendants discriminated against Plaintiff in violation of the NYCHRL by permitting a hostile work environment, in the form of sexual harassment and unlawful termination of Plaintiff's employment.

42. As a result of Defendants' discriminatory acts, Plaintiff has suffered and will continue to suffer losses, including loss of past and future earnings and other employment benefits, and has suffered other monetary damages and compensatory damages for, *inter alia*, mental anguish, emotional distress, humiliation, and loss of reputation.

SECOND CLAIM AGAINST ALL DEFENDANTS
(Gender Discrimination, Harassment and Retaliation under the NYCHRL)

43. Plaintiff repeats, reiterates and re alleges each and every allegation set forth above with the same force and effect as if more fully set forth herein.

44. The NYCHRL prohibits discrimination in the terms, conditions, and privileges of employment on the basis of an individual's sex/gender, and also prohibits retaliation against individuals who in good faith complain about discriminatory practices to which they have been subjected.

45. Defendants discriminated against Plaintiff in violation of the NYCHRL by subjecting Plaintiff to physical and verbal sexual harassment, intentionally creating a hostile work environment and constructive termination of Plaintiff's employment.

46. Defendant CRC retaliated against Plaintiff in violation of the NYCHRL, by terminating her employment solely because Plaintiff had, in good faith, opposed Defendant Sango's discriminatory practices by complaining to Defendant CRC.

47. As a result of Defendants' discriminatory and retaliatory acts, Plaintiff has suffered and will continue to suffer substantial losses, including loss of past and future earnings and other employment benefits, and has suffered other monetary damages and compensatory damages for, *inter alia*, mental anguish, emotional distress, humiliation, and loss of reputation.

THIRD CLAIM AGAINST DEFENDANT SANGO

(Assault)

48. Plaintiff repeats, reiterates, and re alleges each and every allegation set forth above with the same force and effect as if more fully set forth herein.

49. Defendant Sango, as described above, intended to cause Plaintiff to suffer apprehension of an immediate harmful or offensive contact.

50. As a direct cause of Defendant Sango's intent to cause Plaintiff to suffer apprehension of an immediate harmful or offensive contact, Defendant Sango's actions did cause Plaintiff to suffer apprehension of an imminent harmful or offensive contact.

51. The aforementioned conduct has caused Plaintiff severe emotional distress.

52. As a proximate cause of Defendant Sango's unlawful acts, Plaintiff has in the past, and will in the future, suffer damages, including but not limited to mental anguish, emotional distress and humiliation.

FOURTH CLAIM AGAINST SANGO
(Intentional Infliction of Emotional Distress)

53. Plaintiff repeats, reiterates and re alleges each and every allegation set forth above with the same force and effect as if more fully set forth herein.

54. Defendants by their actions or inactions described above exhibited extreme and outrageous conduct towards Plaintiff.

55. In undertaking the aforementioned actions or inactions, Defendants intended to cause Plaintiff severe emotional distress.

56. The aforementioned conduct has caused Plaintiff severe emotional distress and mental anguish.

57. As a proximate cause of Defendants' unlawful acts, Plaintiff has in the past and will in the future suffer damages.

DEMAND FOR A JURY TRIAL

58. Plaintiff demands a trial by jury of all issues and claims in this action.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgment against Defendants as follows:

1. Preliminary and permanent injunctions against Defendants' and its officers, owners, agents, successors, employees, representatives, and any and all persons acting in concert with them, from engaging in each of the unlawful practices, policies, customs, and usages set forth herein;

2. A judgment declaring that the practices complained of herein are unlawful and the acts of the Defendants' are in violation of the aforementioned and applicable laws;

3. Granting an order restraining Defendants' from any retaliation against Plaintiff for participation in any form in this litigation;

4. All damages which Plaintiff has sustained as a result of Defendants' conduct, including back pay, front pay, general and special damages for lost compensation and job benefits she would have received but for Defendants' conduct, and for emotional distress, humiliation, embarrassment, and anguish;

5. Front pay to Plaintiff until such time as she can be placed in the same position she would have occupied but for Defendants' tortious conduct;

6. Exemplary and punitive damages in an amount commensurate with Defendants' ability and so as to deter future malicious, reckless and/or intentional conduct;

7. Awarding Plaintiff costs and disbursements incurred in connection with this action, including reasonable attorneys' fees, expert witness fees and other costs;

8. Pre-judgment and post-judgment interest, as provided by law; and

9. Granting Plaintiff other and further relief as this Court finds necessary and proper.

Dated: New York, New York
December 9, 2016

Respectfully Submitted,

The Law Office of
JOSEPH & NORINSBERG, LLC.

By:



JON L. NORINSBERG, ESQ.

Attorney for Plaintiff

225 Broadway, Suite 2700

New York, NY 10007

Tel. (212) 227-5700

Fax. (212) 406-6890