

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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TAREK AHMED,

Plaintiff,

**COMPLAINT AND JURY  
DEMAND**

v.

AMERICAN MUSEUM OF NATUAL HISTORY  
AND SAMUEL TRAN

Defendants.

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The Plaintiff, by his attorneys, Law Offices of Lauren Goldberg, PLLC, as and for his complaint against the Defendants allege:

**NATURE OF CLAIMS**

1. Plaintiff was employed as a software engineer for Defendants and brings this action for sex discrimination in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000 *et seq.* (“Title VII”), the New York State Human Rights Law, New York Executive Law §§ 290 *et seq.* (“NYSHRL”), and the New York City Human Rights Law, New York Administrative Code §§ 8-101 *et seq.* (“NYCHRL”).
2. Aiding and abetting claims are made against Samuel Tran because he participated in an unlawful discriminatory termination of the Plaintiff.

**JURISDICTION AND VENUE**

3. The Court has jurisdiction over each of Plaintiff’s claims pursuant to 28 U.S.C. §§ 1331 and 1343 as this action involves federal questions regarding the deprivation of plaintiff’s rights under Title VII, 42 U.S.C. §2000e-2(a)(1), *et. seq.* This Court has supplemental

jurisdiction over plaintiff's related claims arising under state and local law pursuant to 28 U.S.C. § 1367(a).

4. Venue against all defendants except lies in this judicial district pursuant to 28 U.S.C. § 1391(b) as this action arose, in substantial part, within the Southern District of New York, where the unlawful practices alleged herein occurred.

### **PROCEDURAL REQUIREMENTS**

5. Mr. Ahmed filed a charge of discrimination with the Equal Employment Opportunity Commission ("EEOC") alleging violations of Title VII, 42 U.S.C. §§ 2000e et seq. and received a Right to Sue Letter dated February 23, 2017.

### **PARTIES**

6. Plaintiff Tarek Ahmed currently resides in Brooklyn, New York.
7. American Museum of Natural History ("the Museum") is located at Central Park West and 79<sup>th</sup> Street in New York New York 10024.
8. Upon information and belief, the Museum has over 1000 employees.
9. Upon information and belief, Defendant Samuel Tran ("Tran") was and still is the Director of Information Technology at the Museum and resides in Brooklyn, New York.

### **STATEMENT OF FACTS**

10. Tarek Ahmed (Ahmed) worked for the American Museum of Natural History as a software engineer.
11. Ahmed had a strong work performance record with the Museum. While he initially worked for the Museum from April 2014 to January 2016 as a contractor through a company called Door3, the Museum offered him an opportunity to work directly for the Museum in March 2016.

12. Mr. Ahmed started working directly for the Museum in March 2016.
13. Although the Museum did not label Ahmed as an employee in March 2016, but rather labeled him as an independent contractor, he was misclassified and should have been labeled an employee.
14. The Museum treated Ahmed as an employee.
15. Ahmed had to report to the Museum every day at 9:30 am which is when he was expected to be at the Museum.
16. Ahmed stayed at the Museum until at least 5:00 pm every day or later because he was expected to be at the Museum during all hours that visitors were permitted during the weekdays.
17. Ahmed's direct supervisor, Samuel Tran, instructed him on what work he should be doing.
18. Ahmed had to check in daily with the Project Manager who was Susan Weisbrod.
19. Ahmed had no authority to decide how projects were to be completed. Ahmed followed the instruction that he was given.
20. While working at the Museum, he only used equipment and supplies that were owned by the Museum and he attended employee-only meetings.
21. Ahmed also assisted employees from other departments in the Museum.
22. In the beginning of August 2016, he was instructed to attend the Tessitura conference with other Museum employees.
23. The Museum paid for his accommodations and he was told that he needed to attend the conference.

24. While attending the conference, Tran made unwanted sexual advances toward a work colleague, Susan Weisbrod in front of Tarek Ahmed.
25. When Ahmed saw Tran cornering Ms. Weisbrod and trying to make a sexual physical advance on her, he told Tran to stop.
26. Tran had his arm around Ms. Weisbrod and was moving in on her as though he was going to kiss her.
27. Ahmed could see that Ms. Weisbrod was very uncomfortable and was trying to free herself of Mr. Tran.
28. When Tran ignored Ahmed's comments, Ahmed then had to physically restrain Tran by holding his arm and pulling him away.
29. The day after this incident occurred, Ahmed again brought up Tran's inappropriate behavior and told Tran that he thought he should apologize to Ms. Weisbrod because he had sexually harassed her.
30. Once they returned from the conference, Tran retaliated against Ahmed for complaining about his inappropriate sexual advances at the conference.
31. Prior to the conference, in July 2016, Ahmed had been offered a job as an employee with the Museum. Although he was already an employee, they technically misclassified him as an independent contractor and did not provide him with any benefits.
32. Ahmed was expected to officially become an employee at the end of August 2016.
33. Shortly after returning from the conference, however, Tran's behavior toward Ahmed changed and Tran became evasive as to when Ahmed would be starting as an official employee.

34. After the conference, Tran often avoided Ahmed completely and was often non-responsive to his questions.
35. About three weeks after the conference, Tran told Ahmed that the Museum was rescinding his job offer.
36. On September 9, 2016, Ahmed was officially terminated. Ahmed was told that he was not being hired as an employee because of an error on his application.
37. Ahmed knew that this reason was pretextual as there was no error on the application. While the Museum had requested further information from Ahmed's college for his application, Ahmed provided the requested information and Human Resources indicated that his application was complete and accepted.
38. The Museum fired Ahmed because he had complained about Mr. Tran's sexually harassing behavior toward Ms. Weisbrod.
39. As a result of the Museum's actions, Ahmed has suffered and will continue to suffer from loss of income, benefits and other compensation.
40. As a result of the Museum terminating him, Ahmed has encountered significant emotional distress.

**AS AND FOR A FIRST CAUSE OF ACTION**

**(Retaliation in Violation of Title VII)**

41. Plaintiff hereby repeats, reiterates and re-alleges each and every allegation in each of the preceding paragraphs as if fully set forth herein.
42. Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-3(a) provides that it shall be unlawful employment practice for an employer: "(1) too...discriminate against any of his employees...because he has opposed any practice made an unlawful

employment practice by this subchapter, or because he has made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under this subchapter.”

43. Defendants engaged in unlawful employment practices prohibited by 42 U.S.C. § 2000e et seq. by discriminating against Plaintiff with respect to the terms, conditions or privileges of employment because of his opposition to the unlawful employment practices of Defendants.
44. Because of the Title VII retaliation, Mr. Ahmed has, and continues to be, damaged including the loss of past and future wages and benefits, and past and future physical and emotional distress, and the attorneys' fees and costs of bringing this action.

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

**(Retaliation in Violation of NYSHRL)**

45. Plaintiff hereby repeats, reiterates and re-alleges each and every allegation in each of the preceding paragraphs as if fully set forth herein.
46. Defendants violated the New York Executive Law § 296.
47. Mr. Ahmed was terminated in retaliation for opposing Tran’s sexually harassing behavior toward another work colleague.
48. Because of the retaliation, Ms. Ahmed has, and continues to be, damaged including the loss of past and future wages and benefits, and past and future physical and emotional distress, and the attorneys' fees and costs of bringing this action.

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

**(Retaliation in Violation of NYCHRL)**

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

50. The New York City Administrative Code §8-1-07(7) provides that it shall be unlawful discriminatory practice: “For an employer...to discharge...or otherwise discriminate against any person because such person has opposed any practices forbidden under this chapter...”

51. Defendants engaged in an unlawful discriminatory practice in violation of New York City Administrative Code §8-107(7) by discriminating against Plaintiff because of Plaintiff’s opposition to the unlawful employment practices of Defendants.

52. Because of the retaliation, Mr. Ahmed has, and continues to be, damaged including the loss of past and future wages and benefits, emotional distress, and the attorneys' fees and costs of bringing this action.

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

**(Aiding and Abetting in Violation of NYCHRL)**

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

54. New York City Administrative Code § 8-107(6) Aiding and abetting. It shall be an unlawful discriminatory practice for any person to aid, abet, incite, compel or coerce the doing of any of the acts forbidden under this chapter, or to attempt to do so.

55. Defendant Samuel Tran violated the section cited herein as set forth.

56. Because of the foregoing counts, Mr. Ahmed has suffered economic harm and emotional distress.

**AS AND FOR A FIFTH CAUSE OF ACTION**

**(NYCHRL Employer Liability)**

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

58. New York City Administrative Code § 8-107(13) Employer liability for discriminatory conduct by employee, agent or independent contractor reads:

- a. An employer shall be liable for an unlawful discriminatory practice based upon the conduct of an employee or agent which is in violation of any provision of this section other than subdivisions one and two of this section.
- b. An employer shall be liable for an unlawful discriminatory practice based upon the conduct of an employee or agent which is in violation of subdivision one or two of this section only where:
  1. The employee or agent exercised managerial or supervisory responsibility; or
  2. The employer knew of the employee's or agent's discriminatory conduct, and acquiesced in such conduct or failed to take immediate and appropriate corrective action  
an employer shall be deemed to have knowledge of an employee's or agent's discriminatory conduct where that conduct was known by another employee or agent who exercised managerial or supervisory responsibility; or

3. The employer should have known of the employee's or agent's discriminatory conduct and failed to exercise reasonable diligence to prevent such discriminatory conduct.

59. Defendants violated the section cited herein as set forth.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Tarek Ahmed respectfully requests that this Court enter a judgment in his favor and against defendants, awarding the following relief:

- (a) An award of damages in an amount to be determined at trial to compensate plaintiff for all monetary and/or economic damages, including but not limited to, lost income and wages;
- (b) An award of damages in an amount to be determined at trial to compensate plaintiff for all non-monetary and/or compensatory damages, including but not limited to compensation for severe mental anguish, anxiety, stress, humiliation, embarrassment, physical injury and emotional distress;
- (c) An award of any and all other monetary and/or non-monetary losses suffered by plaintiff in an amount to be determined at trial;
- (d) An award of punitive damages;
- (e) An award of all costs that plaintiff has incurred in this action, including reasonable attorneys' fees;
- (f) Such other relief as this Court may deem just and proper.

Dated: New York, New York  
March 23, 2017

**LAW OFFICES OF LAUREN GOLDBERG, PLLC**

By: \_\_\_\_\_



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