

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

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RAYMIS KIMBERLEY RUIZ and JOHN MESSING, JR.,

Case No.

Plaintiffs,

COMPLAINT

-against-

**PLAINTIFFS DEMAND
A TRIAL BY JURY**

BAY SHORE – BRIGHTWATERS RESCUE
AMBULANCE, INC., FELIX RODRIGUEZ,
In His Individual and Official Capacities, JOSEPH A.
FRISINA, *In His Individual and Official Capacities*,
CHARLES CHAPMAN, *In His Individual and Official
Capacities*, & ALEX MULLIN, *In His Individual And
Official Capacities*,

Defendants.

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Plaintiffs, RAYMIS RUIZ and JOHN MESSING, by their attorneys, PHILLIPS & ASSOCIATES, Attorneys at Law, PLLC, hereby complains of the Defendants, upon information and belief, as follows:

NATURE OF THE CASE

1. Plaintiffs complains pursuant to Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (amended in 1972, 1978 and by the Civil Rights Act of 1991, Pub. L. No. 102-166) (“Title VII”), and the New York State Human Rights Law, New York State Executive Law §296, et. seq. (“NYSHRL”) and seeks damages to redress the injuries Plaintiffs suffered (individually and collectively) and continue to suffer as a result of being discriminated against, sexually harassed, retaliated against for complaining about sexual harassment and/or for standing-up against an unlawful discriminatory environment, subjected to ongoing and continuous bullying and a hostile working environment.
2. Defendant BAY SHORE BRIGHTWATERS RESCUE (“BSBRA”) is a non-public volunteer non-profit organization that provides emergency medical services to the communities of Bay

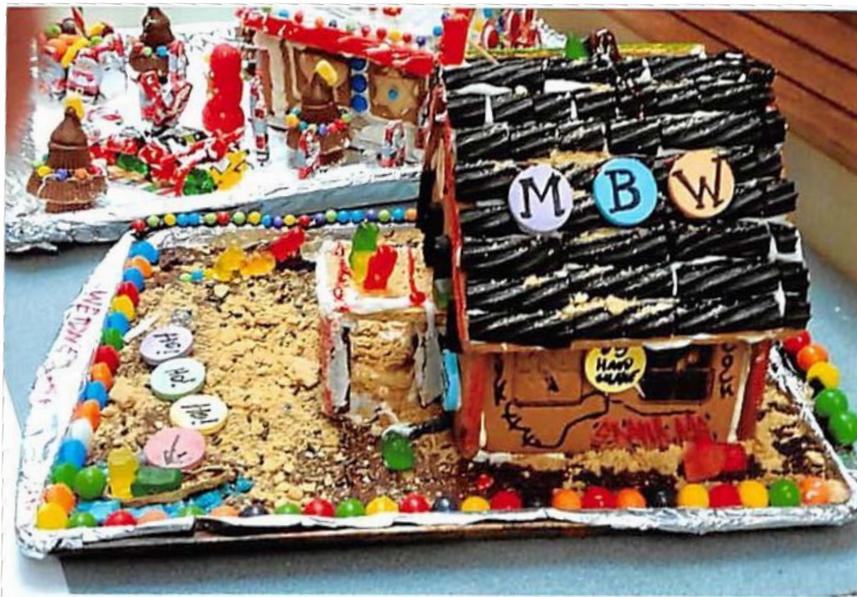
Shore, Brightwaters and West Bay Shore in Nassau County, New York.

3. PLAINTIFFS herein are (and/or were) all volunteer members of BSBRA and each hold different titles, ranks, and/or perform different roles therein.
4. According to BSBRA's "Mission Statement," BSBRA boasts that they "respect every individual without prejudice; and [are] sensitive to our great cultural diversity." In addition, BSBRA claims that it "protects and promotes the highest level of professionalism at all times," among other things. However, in actuality, BSBRA's Chiefs do not adhere to, or respect, their own asserted mission statement or policies.
5. PLAINTIFFS each assert that the work environment at BSBRA is saturated with discriminatory animus, sexual harassment, abuse of power and discriminatory bullying and other unlawful employment practices against BSBRA's membership. Moreover, BSBRA's Chiefs (such as Individual Defendants herein), Captains and other high-ranking members are directly involved in the hostile work environment at BSBRA.
6. Despite the fact that BSBRA has an alleged zero-tolerance policy for sexual harassment, discrimination, and other forbidden employment practices in its facility, COLLECTIVE DEFENDANTS actively engage in, support and advance such unlawful employment practices. Indeed, those members of BSBRA (such as Plaintiffs herein), who complain about the discriminatory culture and unlawful practices of BSBRA membership are often subject to retaliation, bullying, hostile work environment, abuse, adverse employment actions, suspension and terminations - while the person(s) complained about carry-on with impunity.
7. For example, evidence of the sexually derogatory and discriminatory hostile work environment of and/or at BSBRA became apparent to PLAINTIFFS during the holiday **season in the year 2015 when a sexually derogatory and explicit gingerbread house, wherein gummy bears were placed in sexual positions with the words "Ho, Ho, Ho" directed towards them; gummy bears in sexual positions were placed throughout the display as if having a sexual**

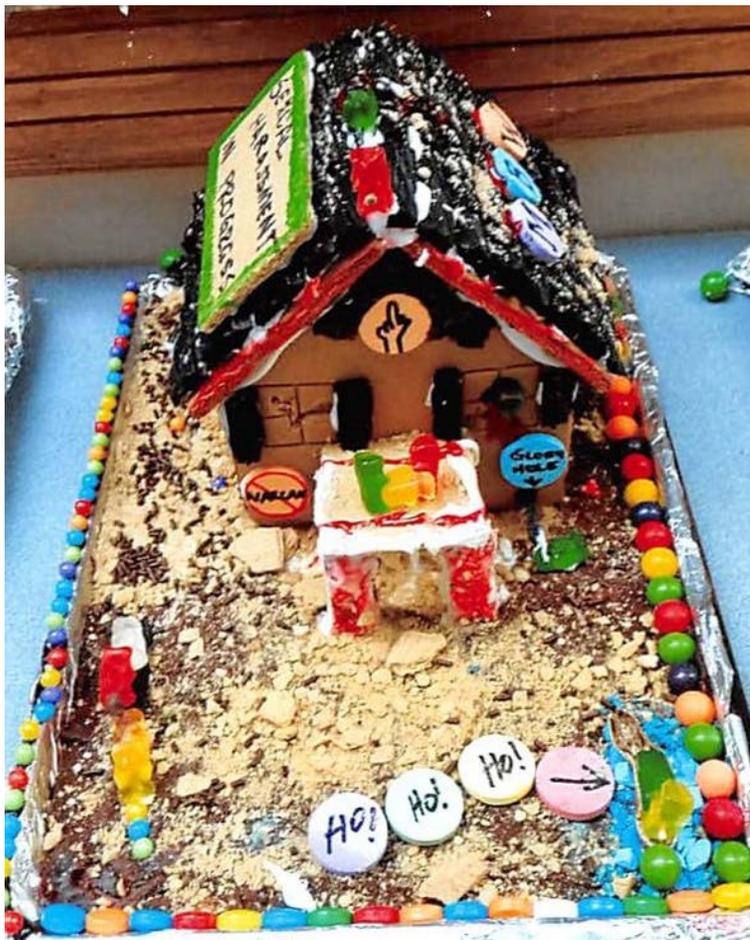
orgy; hand-drawn pictures of a hand giving the middle finger, along with words like “gloryhole,” “skank ass,” “suck-cock,” “sexual harassment in progress” and other sexual profanities was made by a member and placed in a common area for the entire facility to observe. BSBRA could not even keep its discriminatory culture away from, or out of, Christmas holiday celebrations. (see below)



8.



9.



10. PLAINTIFF RUIZ, who was among other BSBRA members that saw the gross and offensive holiday display, took photographs of the display. But, PLAINTIFF RUIZ did not complain out of fear of retaliation. From this point forward, PLAINTIFF RUIZ understood that the culture at BSBRA, under Defendants, tolerated unlawful and sexually offensive discrimination and/or sexual harassment.
11. Upon information and belief, despite the clear unlawful and offensive nature of the above gingerbread house, same was allowed to remain on the premises and on display for some time before it was removed. Further, upon information, the only reason it was removed is because nonmember civilians, who were present in the BSBRA facility and saw the horrific display, expressed concerns about its presence. Before this, BSBRA allowed the display to remain, without concern, and did not discipline anyone involved in the display.

12. To date, no action has been taken against the individual who made and displayed the gingerbread house at BSBRA.
13. This sexual gingerbread house incident made it clear to PLAINTIFFS, particularly PLAINTIFF RUIZ, that unlawful discriminatory activity would be tolerated and ignored by BSBRA DEFENDANTS herein.
14. Months later, PLAINTIFF RAMIS RUIZ was subjected to sexual harassment, sexual rumors, bullying unwanted sexual comments, remarks and behavior by DEFENDANT ALEX MULLIN. PLAINTIFF RUIZ made a complaint to COLLECTIVE DEFENDANTS about MULLIN'S conduct.
15. Consistent with the culture of BSBRA, COLLECTIVE DEFENDANTS failed/refused to act on PLAINTIFF RUIZ'S complaint and instead subjected PLAINTIFF RUIZ to intimidation, threats, false accusations and coercion – while shaming and blaming PLAINTIFF RUIZ for being harassed.
16. PLAINTIFFS MESSING supported PLAINTIFF RUIZ and attempted to get BSBRA DEFENDANTS to follow-up on, investigate, and resolve PLAINTIFF'S sexual harassment complaints – pursuant to BSBRA's purported zero-tolerance antidiscrimination policy.
17. As a result of PLAINTIFF MESSING'S attempts to convince DEFENDANTS to take action with regard to the ongoing hostile work environment faced by PLAINTIFF RUIZ, DEFENDANTS retaliated against PLAINTIFF MESSING, subjected him to wrongful suspension and then termination.

JURISDICTION AND VENUE

18. Jurisdiction of this Court is proper under 42 U.S.C. §2000e-5(f)(3), and 28 U.S.C. §§1331 and 1343.

19. The Court has supplemental jurisdiction over the claims of Plaintiff brought under state law pursuant to 28 U.S.C. §1367.
20. Venue is proper in the Eastern District of New York pursuant to 28 U.S.C. §1391(b), as the acts complained of occurred therein.

PROCEDURAL PREREQUISITES

21. Plaintiffs each filed charges of discrimination upon which this Complaint is based with the Equal Employment Opportunities Commission (“EEOC”).
22. Plaintiffs received a Notice of Right to Sue from the EEOC, dated October, 31, 2017, which were received on November 3, 2017 respectively, with respect to the herein charges of discrimination. A copy of the Notices are annexed hereto.
23. This Action is being commenced within ninety (90) days of receipt of said Right to Sue.

PARTIES

24. PLAINTIFF RAMIS KIMBERLEY RUIZ is a 21-year-old female, who is a volunteer EMT / Crew Chief at Bayshore Brightwaters Rescue Ambulance, Inc. at all times relevant to the Complaint.
25. PLAINTIFF JOHN MESSING, JR. is a forty-one-year-old male, who was a volunteer EMT / Captain at Bayshore Brightwaters Rescue Ambulance, Inc. at all times relevant to the Complaint.
26. Upon information and belief, Defendant BAY SHORE – BRIGHTWATERS RESCUE AMBULANCE, INC., (“**BSBRA**”) Bay Shore Brightwaters Rescue Ambulance (BSBRA) is a privately-owned, volunteer non-profit organization that provides Emergency Medical Services to the communities of Bay Shore, Brightwaters and West Bay Shore in Suffolk County New York.
27. Though PLAINTIFFS are/were volunteers of BSBRA, like employees, PLAINTIFF

Receive compensation in the form(s) of pension and retirement benefits, valuable training, advanced training and education that can be used in the workforce, valuable certifications pursuant to that training, and other benefits in exchange for their membership. In addition, in the event that a member were injured on the job, BSBRA submits claims to the Workers Compensation Board for that member.

28. At all times relevant, Defendant FELIX RODRIGUEZ, is the former elected Chief of Bay Shore Rescue Ambulance, Inc. CHIEF RODRIGUEZ is being sued herein in his individual and official capacities.
29. At all times relevant, Defendant JOSEPH A. FRISINA, was the elected First Assistant Chief Bay Shore Rescue Ambulance, Inc. Defendant FRISINA is being sued herein in his individual and official capacities.
30. At all times relevant, Defendant CHARLES CHAPMAN, is the elected Third Assistant Chief of Bay Shore Rescue Ambulance, Inc. Defendant Chapman is being sued herein in his individual and official capacities.
31. Upon information and belief, Defendant ALEX MULLIN, was/is an Emergency Medical Technician and Paramedic at Bay Shore Rescue Ambulance, Inc. at the time(s) alleged in the Complaint. Upon information and belief, Defendant MULLIN was recently elected to an Assistant Chief at BSBRA. Defendant Mullin is being sued herein in his individual and official capacities.

FACTUAL ALLEGATIONS

32. During the month of October 2016, DEFENDANT MULLIN was running for the 2nd Assistant Chief position at BSBRA against another Assistant Chief named April Kunz. Upon information and belief, April Kunz was the standing 2nd Assistant Chief, who was challenged by DEFENDANT MULLIN for the position.

PLAINTIFF RAMIS KIMBERLEY RUIZ

33. PLAINTIFF RAYMIS RUIZ was a supporter of Assistant Chief April Kunz during Kunz's campaign against DEFENDANT MULLIN for the Assistant Chief position.
34. During the campaign, PLAINTIFF RUIZ came to learn that DEFENDANT MULLIN was sending improper, defamatory and sexually harassing text-messages and messages to other members of BSBRA regarding the elections, April Kunz and PLAINTIFF RUIZ.
35. Specifically, PLAINTIFF RUIZ came to learn that DEFENDANT MULLIN sent text messages to other members which stated in sum and substance, that PLAINTIFFS RUIZ and Assistant Chief Kunz were "*running a cult*" and that PLAINTIFF RUIZ was "***sleeping around with members of BSBRA in order to get more votes.***"
36. DEFENDANT MULLIN told other members of BSBRA that PLAINTIFF RUIZ was having sexual relations with other members of BSBRA in order to negatively influence the elections, as well as PLAINTIFF RUIZ's reputation.
37. After other members advised PLAINTIFF RUIZ of the false and insulting sexual rumors that were being spread throughout BSBRA by DEFENDANT MULLIN, verbally and via written communications, PLAINTIFF RUIZ attempted to address it directly with DEFENDANT MULLIN.
38. On October 18, 2016, PLAINTIFF RUIZ decided to address her concerns directly with DEFENDANT MULLIN because PLAINTIFF knew that any complaints that she would bring to DEFENDANTS FRISINA, RODRIGUEZ and/or CHAPMAN (**hereinafter "DEFENDANT CHIEFS"**) would be futile and ignored.
39. PLAINTIFF RUIZ sought to get proof of DEFENDANT MULLIN'S sexually derogatory rumors and attempted to address DEFENDANT MULLIN directly to make him cease.
40. During this discussion, DEFENDANT MULLIN stated that the other member, who

reported MULLIN's text messages to PLAINTIFF RUIZ, was "*just being a drama queen and any accusations [that Plaintiff RUIZ] brings up to [DEFENDANT CHIEFS] wouldn't be taken seriously.*"

41. Defendant MULLIN was confident that the DEFENDANT CHIEFS would take no action in response to any complaints made by PLAINTIFF RUIZ.

42. A few moments later, DEFENDANT FRISINA walked by PLAINTIFF RUIZ and stated "*Kim watch yourself. I know you're smarter than this*" and "*don't do this.*"

43. DEFENDANT RUIZ understood the DEFENDANT FRISINA was threatening PLAINTIFF RUIZ and telling her to not cause trouble or to escalate her complaints to the heads of the Department.

44. During the same discussion with DEFENDANT MULLIN, DEFENDANT MULLIN began to directly sexually harass PLAINTIFF RUIZ.

45. Specifically, DEFENDANT MULLIN told PLAINTIFF RUIZ that she "*hurt him*" and that he was "*in love with*" her.

46. DEFENDANT MULLIN told PLAINTIFF RUIZ that he "*wanted to prove to [PLAINTIFF RUIZ] that he wasn't the man that everyone was painting him to be*" and that he wanted to "*have some time alone with*" PLAINTIFF RUIZ.

47. DEFENDANT MULLIN told PLAINTIFF that he "*knew just how [PLAINTIFF RUIZ] liked to be stroked,*" that he "*knew that [PLAINTIFF] would enjoy it and would soon grow to like and want him the way he wants [PLAINTIFF].*"

48. PLAINTIFF RUIZ became fearful at this moment because she understood that DEFENDANT MULLIN, who spoke to other female BSBRA members in the past in this manner, was protected by the DEFENDANT CHIEFS.

49. PLAINTIFF RUIZ asked DEFENDANT MULLIN why he spread rumors about

PLAINTIFF RUIZ sleeping with two other BSBRA members.

50. In response, PLAINTIFF MULLIN replied, “*Now thinking about that rumor, it was actually really funny. How was it, did you like it?*”

51. DEFENDANT MULLIN thought that his sexually harassing rumors, as well as PLAINTIFF RUIZ’s concern as a result thereof, were humorous.

52. PLAINTIFF RUIZ told DEFENDANT MULLIN that she was being harassed and bullied by other BSBRA members (hostile work environment) due to his sexual rumors. DEFENDANT MULLIN was unmoved by her concerns.

53. Confused, upset, scared and humiliated by DEFENDANT MULLIN’s callous response, PLAINTIFF RUIZ went to Assistant Chief Kunz to complain.

54. Distraught, PLAINTIFF RUIZ explained that she wanted to talk to Assistant Chief Kunz “unofficially as a friend.”

55. PLAINTIFF RUIZ then told Assistant Chief Kunz what occurred with Defendant MULLIN. PLAINTIFF RUIZ asked Kunz not to share or report her story because PLAINTIFF was fearful and knew that her complaint would be futile based on BSBRA’s response to sexual harassment situations in the past.

56. Assistant Chief Kunz, after hearing what PLAINTIFF RUIZ experienced with DEFENDANT MULLIN, including the sexual harassment and hostile work environment, assured PLAINTIFF RUIZ that everything would be o.k. and implored PLAINTIFF RUIZ to report DEFENDANT MULLIN to BSBRA’s Board of Directors.

57. Assistant Chief Kunz suggested that PLAINTIFF RUIZ report the sexual harassment to the Board, as opposed to DEFENDANT CHIEFS, because PLAINTIFF RUIZ was extremely frightened.

58. PLAINTIFF RUIZ and Assistant Chief Kunz reported DEFENDANT MULLIN’s sexual

harassment and bullying to Board Member Donna Fudge.

59. PLAINTIFF RUIZ expressed to Board Member Fudge that she wanted to keep the matter quiet because she feared retaliation from COLLECTIVE DEFENDANTS for complaining about DEFENDANT MULLIN.
60. Upon information and belief, Assistant Chief Kunz and Donna Fudge – seeing that PLAINTIFF RUIZ was extremely frightened – continued to try to convince PLAINTIFF RUIZ to pursue an official complaint at BSBRA. However, Kunz and Fudge wanted to make sure that PLAINTIFF was comfortable before doing so.
61. On Monday October 25, 2016, a Board hearing took place concerning sexual harassment involving two other BSBRA members (unrelated to PLAINTIFFS herein).
62. During this Board meeting, it was expressed by a participant that the atmosphere at BSBRA is sexually charged and that harassment is tolerated and sometimes encouraged.
63. Assistant Chief Kunz was in agreement, and stated that the “atmosphere” needed to change. During the same discussion, Kunz mentioned that other female members of BSBRA (such as PLAINTIFF RUIZ) were uncomfortable at BSBRA due to its sexually hostile environment.
64. In immediate response, DEFENDANT CHIEF FRISINA verbally attacked Kunz and yelled-out that Kunz “*didn’t know what she was talking about*” and that she was “*making up stories.*”
65. Board Member Donna Fudge had to step-in to defend Kunz against DEFENDANT FRISINA’S attack, but CHIEF FRISINA began to verbally attack Ms. Fudge. Ms. Fudge then asked DEFENDANT CHIEF RODRIGUEZ to step outside of the meeting.
66. When they stepped out of the meeting, Ms. Fudge told CHIEF RODRIGUEZ about the sexual harassment complaint of PLAINTIFF RUIZ.

67. Ms. Fudge then pulled Assistant Chief Kunz out of the meeting to speak with her and DEFENDANT RODRIGUEZ and to explain what she knew about PLAINTIFF RUIZ'S complaint against DEFENDANT MULLIN.
68. At that time, Kunz explained RUIZ'S sexual harassment complaint to DEFENDANT RODRIGUEZ. Kunz relayed RUIZ'S expressed fear of retaliation especially from DEFENDANT CHIEF FRISINA and CHIEF CHAPMAN.
69. Assistant Chief Kunz also explained that RUIZ did not wish to move forward with the claim because she felt no one would believe her.
70. Following this side-meeting between Assistant Chief Kunz, Ms. Fudge and DEFENDANT RODRIGUEZ, DEFENDANT RODRIGUEZ called DEFENDANTS FRISINA AND CHAPMAN into the Board Conference room.
71. Upon information and belief, DEFENDANT RODRIGUEZ shared PLAINTIFF RUIZ'S complaint – as described by Assistant Chief Kunz - with DEFENDANTS FRISINA and CHAPMAN.
72. At that time, DEFENDANT FRISINA was immediately overheard loudly yelling that Kunz and/or PLAINTIFF RUIZ was a “*fucking lying bitch*” and that Chief Kunz “*needed to leave the poor guy [MULLIN] alone.*”
73. DEFENDANT FRISINA'S yelling and comments could be heard through the closed door as Assistant Chief Kunz and other board members sat close by.
74. When PLAINTIFF RUIZ became aware of the meeting, as well as FRISINA'S hostile outburst wherein RUIZ was referred to as a “*fucking lying bitch,*” PLAINTIFF RUIZ became even more frightened and upset.
75. Upon information and belief, following his meeting with Ms. Fudge, DEFENDANT CHIEF RODRIGUEZ went straight to DEFENDANT MULLIN and advised MULLIN

that PLAINTIFF RUIZ was pursuing a sexual harassment complaint against him.

76. DEFENDANT CHIEF RODRIGUEZ - instead of trying to help the victim PLAINTIFF - who was a victimized by DEFENDANT MULLIN, or instead of allowing an investigation to begin - went to the harasser DEFENDANT MULLIN, and warned MULLIN that PLAINTIFF RUIZ was complaining.

77. A day later, on October 26, 2016, PLAINTIFF RUIZ and her mother met with DEFENDANT CHIEF RODRIGUEZ about DEFENDANT MULLIN and his sexual harassment and bullying of PLAINTIFF RUIZ.

78. PLAINTIFF RUIZ asked DEFENDANT RODRIGUEZ why he immediately went to DEFENDANT MULLIN to warn him about her complaint, while not speaking with PLAINTIFF RUIZ for days concerning her allegations.

79. DEFENDANT RODRIGUEZ stated, ***“I contacted MULLIN and told him that you were pursuing an incident involving him and that he should not talk to you or any of the other girls involved. I have to protect him because he has rights too. This is a business and what is most important is that we get an ambulance out on the road.”***

80. DEFENDANT CHIEF RODRIGUEZ only showed concern for the operations of BSBRA, and none for his distraught subordinate RUIZ, who complained of being a victim of sexual harassment and bullying by Defendant MULLIN.

81. PLAINTIFF RUIZ felt discouraged and helpless because DEFENDANT RODRIGUEZ went straight to her harasser (MULLIN) to warn him about PLAINTIFF RUIZ’S complaint.

82. Meanwhile, RODRIGUEZ did not attempt to contact PLAINTIFF RUIZ and PLAINTIFF RUIZ had to set up a meeting with RODRIGUEZ on her own.

83. Nevertheless, no actions – at all – were taken against DEFENDANT MULLIN in

response to their knowledge that DEFENDANT MULLIN sexually harassed PLAINTIFF RUIZ.

84. Once it was revealed to DEFENDANT CHIEFS that Assistant Chief Kunz was involved in assisting PLAINTIFF RUIZ with reporting the incident to a member of the Board, COLLECTIVE DEFENDANT CHIEFS began harassing and bullying Kunz and/or otherwise subjecting Kunz to a hostile work environment.
85. Knowing that DEFENDANT CHIEFS were treating another Assistant Chief with hostility for reporting RUIZ'S complaint to the Board, PLAINTIFF RUIZ became even more frightened.
86. On the same day – October 26, 2016 – a Board meeting was held. During this Board meeting, DEFENDANT FRISINA continued his intimidation campaign against Assistant Chief Kunz and RUIZ.
87. DEFENDANT FRISINA verbally attacked Kunz and Board Member Fudge and stated that they needed to be removed from their positions at BSBRA. DEFENDANT FRISINA would not allow Assistant Chief Kunz or Ms. Fudge to speak and would yell-over and interrupt them whenever they attempted to talk.
88. At one point during the meeting, Assistant Chief Kunz began to cry as a result of the intimidation, abuse, yelling and hostility from DEFENDANT FRISINA. In response, DEFENDANT FRISINA callously yelled, “*stop with the crying April.*”
89. On October 29, 2016, PLAINTIFF RUIZ saw PLAINTIFF JOHN MESSING at the Bay Shore Fire Department house. At that time, PLAINTIFF MESSING was PLAINTIFF RUIZ'S Duty Captain.
90. PLAINTIFF MESSING noticed that PLAINTIFF RUIZ looked upset.
91. At that time, PLAINTIFF RUIZ told PLAINTIFF MESSING about her experience with

DEFENDANT MULLIN as well as what occurred with DEFENDANT CHIEF RODRIGUEZ thereafter.

92. PLAINTIFF MESSING was upset that PLAINTIFF RUIZ made a complaint of sexual harassment and bullying and that the COLLECTIVE DEFENDANTS refused to take any action.

93. PLAINTIFF RUIZ then contacted Assistant Chief Kunz, told Kunz that she was fearful, and asked Kunz for a meeting without the other DEFENDANT CHIEFS present.

94. Based on her knowledge of past incidents, PLAINTIFF RUIZ was fearful that the DEFENDANT CHIEFS were going to retaliate against her for making a complaint against DEFENDANT MULLIN.

95. Assistant Chief Kunz set up a meeting between PLAINTIFF RUIZ and Board Members Laurie Huges and Beth Haubrich.

96. At this meeting, PLAINTIFF RUIZ explained the sexual harassment and hostile work environment, to which she was subjected, by DEFENDANT MULLIN.

97. PLAINTIFF RUIZ told the group about how fearful and belittled she felt as a result of the entire situation. PLAINTIFF RUIZ explained to the group that she did not come forward with a complaint earlier because she knew that COLLECTIVE DEFENDANTS would cover it up – just as they in fact did.

98. On November 7, 2016, a meeting was held between PLAINTIFF RUIZ and all of the CHIEFS of BSBRA – as well as Beth Haubrich.

99. PLAINTIFF RUIZ reiterated her sexual harassment complaint to DEFENDANT CHIEFS.

100. During this meeting, PLAINTIFF RUIZ began crying and told the group – again – how scared and belittled she felt as a result of COLLECTIVE DEFENDANTS actions, or lack thereof.

101. During this meeting, PLAINTIFF RUIZ made a complaint to the CHIEFS about the bullying (hostile work environment) she was experiencing due to MULLIN'S actions and harassment.
102. In response to PLAINTIFF RUIZ'S concerns, DEFENDANT CHIEF FRISINA exclaimed, "*you just have to let it roll off your shoulder. You have to learn to develop thicker skin.*"
103. DEFENDANT CHIEF FRISINA reinforced the concerns of PLAINTIFF RUIZ – that the environment at BSBRA would remain hostile and that the COLLECTIVE DEFENDANTS had no intent to take any action to prevent it.
104. In addition, the DEFENDANT CHIEFS attempted to make PLAINTIFF feel bad about the way she interacted with DEFENDANT MULLIN while he was sexually harassing her. DEFENDANT CHIEFS pointed blame at PLAINTIFF for being the victim of sexual harassment, as if PLAINTIFF caused the harassment.
105. PLAINTIFF RUIZ explained that she stayed and continued to talk to DEFENDANT MULLIN and also allowed DEFENDANT MULLIN to hug her during the discussion, "*because [she] feared for her safety*" and did not want to offend MULLIN when he went to hug her.
106. PLAINTIFF explained that she "*knew what [DEFENDANT MULLIN] did to other members in the past*" and that DEFENDANT MULLIN "*knew where [she] lived, where [she] goes to school, and where [she] worked,*" so she was scared to resist him.
107. COLLECTIVE DEFENDANT CHIEFS continued to make PLAINTIFF feel as though she was to blame for DEFENDANT MULLIN's sexual harassment.
108. DEFENDANT CHIEFS raised no issue or concern about the sexually harassing statements and actions of DEFENDANT MULLIN.

109. At the end of the meeting, DEFENDANT CHIEFS made the determination that PLAINTIFF RUIZ and DEFENDANT MULLIN would work separate tours, and that PLAINTIFF RUIZ would stay out of the BSBRA facility on the days the DEFENDANT MULLIN was working.
110. PLAINTIFF, the victim, who complained about sexual harassment and hostile work environment at BSBRA, was being restricted as if she was at fault.
111. Although PLAINTIFF abided by the restrictions placed on her by COLLECTIVE DEFENDANT CHIEFS, DEFENDANT MULLIN did not.
112. Indeed, DEFENDANT MULLIN would be present in the facility on the days that PLAINTIFF worked, in violation of the agreement.
113. On one occasion, DEFENDANT MULLIN was present in the office on a day that he was not supposed to be there as per the agreement. MULLIN casually sat in the office with his feet up, talking on his cell phone and was not engaged in any official business.
114. Further, and to add insult to injury, DEFENDANT MULLIN would be present in the facility, hanging out, with the DEFENDANT CHIEFS – the same CHIEFS that ordered the agreement.
115. On several occasions, other BSBRA EMTs and members saw DEFENDANT MULLIN in the facility when he was not supposed to be there and called PLAINTIFF RUIZ to warn her.
116. Upon information and belief, many BSBRA members knew of DEFENDANT MULLIN's sexual harassment and bullying of PLAINTIFF RUIZ and also knew of the agreement specifying that they were supposed to be kept separate.
117. Those members who advised PLAINTIFF of MULLIN'S presence were subtly reprimanded or intimidated by the CHIEFS for doing so.

118. As such, the purported agreement determined by the CHIEFS was a nullity and was not meant to be enforced – as to DEFENDANT MULLIN.
119. Further, PLAINTIFF RUIZ worked a Friday tour with her designated crew. During this Friday tour, PLAINTIFF RUIZ is a Crew Chief.
120. Upon information and belief, and upon written statements by several members in PLAINTIFF RUIZ'S Friday crew, DEFENDANT CHIEFS have been telling these members to stay away from PLAINTIFF RUIZ and to find other work tours.
121. Upon information and belief from the "Friday Crew," COLLECTIVE CHIEFS have been trying to get other members of BSBRA to turn on PLAINTIFF and/or to turn against her – as well as Assistant Chief April Kunz.
122. To this day, COLLECTIVE CHIEFS continue to retaliate against PLAINTIFF RUIZ and advance the hostile work environment against her to force her to quit BSBRA.

PLAINTIFF JOHN MESSING

123. At all times relevant, PLAINTIFF MESSING was PLAINTIFF RUIZ'S Captain.
124. On October 29, 2016, PLAINTIFF MESSING noticed that PLAINTIFF RUIZ was upset and that something was wrong.
125. PLAINTIFF MESSING asked PLAINTIFF RUIZ what was bothering her. At that time, PLAINTIFF RUIZ described the sexual harassment and subsequent bullying she was experiencing from DEFENDANT MULLIN.
126. PLAINTIFF MESSING also heard from other members about the incident prior to his discussion with PLAINTIFF RUIZ because the situation became common knowledge in the BSBRA facility.
127. PLAINTIFF MESSING noticed how distraught PLAINTIFF RUIZ was and also noticed how it was negatively and adversely affecting her work at BSBRA.

128. PLAINTIFF MESSING told PLAINTIFF RUIZ that, despite her fear, she needed to make a complaint.
129. In response, PLAINTIFF RUIZ explained to MESSING that she had already complained to the DEFENDANT CHIEFS and that the CHIEFS seemed to be defending DEFENDANT MULLIN and/or were not doing anything.
130. PLAINTIFF MESSING became concerned because PLAINTIFF RUIZ appeared severely stressed over the circumstances and was noticeably distraught daily.
131. Thereafter, on November 5th, 2016, while at BSBRA's annual dinner, PLAINTIFF MESSING noticed the PLAINTIFF RUIZ did not show up for the important event as she normally did in the past.
132. PLAINTIFF MESSING was informed that PLAINTIFF RUIZ did not go to the annual dinner because she was extremely uncomfortable and did not want to be near or around DEFENDANT MULLIN and/or the DEFENDANT CHIEFS.
133. PLAINTIFF MESSING was disappointed because – as PLAINTIFF RUIZ'S Captain – PLAINTIFF MESSING believed that RUIZ worked just as hard, if not harder, than the other BSBRA members and had every right to be at the annual dinner.
134. At that time, PLAINTIFF MESSING decided to go to a Board Member (Matt Phillips) to inform him about RUIZ'S situation. The Board member indicated that he was not aware of the issue and told MESSING that they should go and discuss it with the DEFENDANT CHIEFS.
135. PLAINTIFF MESSING proceeded to an area where the CHIEFS were located and complained about PLAINTIFF RUIZ'S circumstances.
136. When PLAINTIFF MESSING engaged in protected activity and informed the DEFENDANT CHIEFS about PLAINTIFF RUIZ'S sexual harassment situation,

DEFENDANT CHIEFS angrily told MESSING to “*mind [his] business,*” “*this is none of your business,*” and that MESSING should “*keep his comments to [himself].*”

137. COLLECTIVE DEFENDANT CHIEF’S were hostile and dismissive and each had callous attitudes toward PLAINTIFF MESSING’S concerns, as well as the concerns of PLAINTIFF RUIZ.

138. PLAINTIFF MESSING believed that the DEFENDANT CHIEFS would listen to him and take his concerns under consideration.

139. Instead, DEFENDANT CHIEFS were indifferent and became hostile toward PLAINTIFF MESSING. DEFENDANT MESSING was extremely shocked by DEFENDANTS’ reactions.

140. As PLAINTIFF RUIZ’S Captain, and direct supervisor, MESSING demanded to be allowed to make a complaint on her behalf and wanted answers from the DEFENDANT CHIEFS as to why they took no action.

141. COLLECTIVE CHIEFS became even more hostile with MESSING and the discussions became contentious.

142. In response, DEFENDANT CHIEFS told MESSING that he would be “*suspended if [he] did not stop speaking to [them] about the incident.*” When PLAINTIFF MESSING continued, DEFENDANT FRISINA angrily yelled “*you’re suspended!*”

143. DEFENDANT CHIEFS then ordered PLAINTIFF MESSING to leave the annual party and to exit the venue immediately. PLAINTIFF MESSING complied with DEFENDANTS’ demands and exited the event.

144. The next day, November 6, 2016, PLAINTIFF MESSING was told by DEFENDANT FELIX RODRIGUEZ that he needed to “*mind [his] business*” and that MESSING put RODRIGUEZ “*in a bad position.*”

145. DEFENDANT RODRIGUEZ then told PLAINTIFF that he was “*suspended until further notice.*”
146. DEFENDANT CHIEFS accused PLAINTIFF MESSING of engaging in hostile acts against other BSBRA members to justify the suspension – even though the other individuals involved, who were all actively involved and engaged in the same conduct as PLAINTIFF MESSING, were not suspended like MESSING.
147. The fact that the other members involved in the discussion/argument, who actively engaged and were also emotional, were not disciplined like PLAINTIFF MESSING demonstrates that MESSING was suspended for making a complaint for PLAINTIFF RUIZ.
148. The sexual harassment complaint made by PLAINTIFF MESSING, on behalf of PLAINTIFF RUIZ, was the only difference between PLAINTIFF MESSING and the others’ conduct during the meeting.
149. On or about November 28, 2016, COLLECTIVE DEFENDANTS held a hearing regarding PLAINTIFF MESSING’S suspension.
150. At the hearing, DEFENDANT CHIEF FRISINA stated that PLAINTIFF MESSING should not have gotten involved in the sexual harassment complaint made by PLAINTIFF RUIZ.
151. At the hearing, PLAINTIFF MESSING was continually told that he “*should have minded his own business*” and that the situation was not his concern.
152. PLAINTIFF MESSING explained, again, that he was concerned as PLAINTIFF’s Captain about the fact that PLAINTIFF RUIZ was distraught and scared, while COLLECTIVE DEFENDANT CHIEF’s did nothing but protect DEFENDANT MULLIN.
153. COLLECTIVE DEFENDANT CHIEFS continued to make derogatory statements about

- PLAINTIFF RUIZ during the hearing and made it clear that they did not believe her story.
154. COLLECTIVE DEFENDANT CHIEFS made it clear that they supported DEFENDANT MULLIN over PLAINTIFF RUIZ and that MESSING was supporting the wrong person (i.e. Plaintiff RUIZ).
155. Among other things, during this meeting, DEFENDANT CHIEF RODRIGUEZ stated, ***“we are out to get the troublemakers.”***
156. Also during this meeting, a Board Member named Jim Nelson stated that there were ***“cancers”*** in the organization that needed to be removed.
157. PLAINTIFFS RUIZ, MESSING and even Assistant Chief Kunz were being referred to as ***“troublemakers”*** for complaining about unlawful sexual harassment and the hostile work environment at BSBRA and/or for helping PLAINTIFF RUIZ.
158. During the meeting, DEFENDANT CHIEF FRISINA stated, ***“KIM is a liar and she is making all of this up.”***
159. DEFENDANT CHIEF FRISINA also insinuated that ***“someone”*** (i.e. Assistant Chief Kunz) convinced PLAINTIFF RUIZ to make a false sexual harassment complaint against DEFENDANT MULLIN.
160. During the meeting, DEFENDANT RODRIGUEZ exclaimed, ***“if KIM doesn’t like what we are doing, she can leave – the door is right there.”***
161. PLAINTIFF MESSING, as Captain and direct supervisor of PLAINTIFF RUIZ, had a duty and obligation to report the sexual harassment, hostile work environment, and retaliation complaint made by PLAINTIFF RUIZ.
162. Nevertheless, following the hearing, PLAINTIFF MESSING was advised that he was being terminated from BSBRA.
163. PLAINTIFF MESSING was subjected to retaliation, adverse employment action(s),

suspension and termination for making a complaint of harassment for PLAINTIFF RUIZ and/or for attempting to have DEFENDANTS investigate and take action regarding the sexual harassment, hostile work environment and bullying against PLAINTIFF RUIZ.

164. Upon information and belief, if PLAINTIFF MESSING did not report the sexual harassment of PLAINTIFF RUIZ, PLAINTIFF MESSING could have been subjected to disciplinary action.

165. But here, PLAINTIFF MESSING, who was a dedicated volunteer for BSBRA for many years and had no prior negative incidents as a BSBRA member, was terminated for reporting sexual harassment and for supporting RUIZ, who was intimidated and appeared to need help.

166. As a result of PLAINTIFF MESSING's termination from BSBRA, PLAINTIFF MESSING lost income, benefits, fringes, pensions, standing in the community, incurred special damages and suffered other long-term losses.

167. To make matters worse for PLAINTIFF'S, COLLECTIVE DEFENDANT CHIEFS began to treat Assistant Chief Kunz as one the alleged "*troublemakers*" as stated at the suspension/termination hearing of PLAINTIFF MESSING.

168. Upon information and belief, DEFENDANT CHIEFS are now subjecting Assistant Chief Kunz to a hostile work environment for supporting PLAINTIFF RUIZ.

169. Upon information and belief, since Assistant Chief Kunz reported RUIZ'S sexual harassment complaint against Defendant MULLIN, DEFENDANT CHIEFS (particularly Defendants FRISINA and CHAPMAN) interrupted Kunz's diversity training sessions, taunted Kunz in front of other members and disputed Kunz's diversity lessons.

170. For instance, on or about December 27, 2016, while Assistant Chief April Kunz was teaching a diversity training class, DEFENDANT CHIEF FRISINA walked into the

session and began to harass Kunz.

171. During Kunz's diversity training sessions, DEFENDANT CHIEFS FRISINA and CHAPMAN, began to engage in a loud and seemingly "slapstick" humorous debate in front of a class full of subordinate members, while harassing Assistant Chief Kunz about the manner in which she reported PLAINTIFF RUIZ'S sexual harassment situation.
172. Despite the seriousness of the subject(s) being discussed at the diversity training, DEFENDANT CHIEFS FRISINA AND CHAPMAN took the occasion to make the event sarcastically hostile, comedic, and uncomfortable for the instructor April Kunz.
173. Meanwhile, while CHIEF FRISINA and CHAPMAN continued to harass April Kunz, other members within the training session looked on and laughed at the disrespect.
174. This episode caused Assistant Chief Kunz to stop the training sessions and ask DEFENDANT FRISINA to join her outside of the training session in the hallway. While in the hallway, Kunz expressed her concern about the harassment and hostility she faced in front of a class full of members.
175. Consistent with the above-described culture of BSBRA, wherein sexual harassment and bullying are tolerated and not taken seriously, DEFENDANTS FRISINA and CHAPMAN felt that it was acceptable to interrupt diversity training and taunt the instructor (April Kunz) because she assisted PLAINTIFF RUIZ.
176. DEFENDANT CHIEFS also began to retaliate and advocate that Assistant Chief Kunz be removed from her position.
177. DEFENDANT CHIEF FRISINA began to angrily advocate the removal and termination of both April Kunz and Donna Fudge at a Board of Director's meeting – asserting that disciplinary action, including removal and termination – should be taken against Kunz for failing to timely report the matter to the CHIEFS first.

178. In addition, DEFENDANT CHIEFS have been actively attempting to make the BSBRA membership hostile toward Assistant Chief April Kunz and have been influencing members to be disrespectful to Kunz.
179. Indeed, subordinate members of BSBRA have been disrespectful toward their own Assistant Chief and higher-ranking member April Kunz at the direction and with support from DEFENDANT CHIEFS.
180. **Some members of BSBRA have provided statements to support that they witnessed, and were also being asked to take part, in retaliatory actions against April Kunz and RUIZ.**
181. As a direct result, lower ranking members openly disrespected Assistant Chief Kunz with the authority and support of DEFENDANTS.
182. Indeed, DEFENDANT CHIEF FRISINA also began to assert that Board Member Donna Fudge should be removed from the Board for failing to report the sexual harassment complaint of PLAINTIFF RUIZ to the CHIEFS.
183. The fact that a Board member and an Assistant Chief are now being retaliated against for assisting PLAINTIFF RUIZ with her sexual harassment complaint adds to the fear, intimidation and anxiety that PLAINTIFF RUIZ faces daily as a member of BSBRA.
184. PLAINTIFF RUIZ knows that if her Captain PLAINTIFF MESSING was terminated, Assistant Chief Kunz is facing harassment, and even a Board Member (Fudge) is being harassed by DEFENDANT CHIEFS for assisting PLAINTIFF RUIZ with a sexual harassment complaint.
185. Ever since April Kunz reported the concerns of PLAINTIFF RUIZ, COLLECTIVE DEFENDANT CHIEFS have been subjecting Assistant Chief Kunz and Ruiz to a hostile environment permeated with disrespect, ridicule, harassment, threats of adverse actions,

yelling, insults, bullying and intimidation.

186. As a result of COLLECTIVE DEFENDANTS' actions, PLAINTIFFS have been extremely humiliated, degraded, victimized, embarrassed, and emotionally distressed. PLAINTIFFS suffer stress, degradation, fear, anger, emotional distress, special damages and other damages.
187. As a result of the acts and conduct complained of herein, PLAINTIFFS (particularly PLAINTIFF MESSING) suffered loss of income, loss of voluntary employment, incentives, benefits, tax credits, pensions, special damages and other compensation which such volunteer employment entails.
188. COLLECTIVE PLAINTIFFS have also suffered future pecuniary losses, fear, stress, humiliation, intimidation, emotional pain, suffering, inconvenience, loss of enjoyment of life, special damages, etc.
189. COLLECTIVE DEFENDANTS' conduct has been malicious, willful, outrageous, and conducted with full knowledge of the law.
190. As such, PLAINTIFFS demand Punitive Damages as against COLLECTIVE DEFENDANTS, jointly and severally.

**AS A FIRST CAUSE OF ACTION
FOR DISCRIMINATION UNDER TITLE VII
(Against Defendant BAY SHORE – BRIGHTWATERS RESCUE
AMBULANCE, INC.)**

191. Plaintiffs repeat and reallege each and every allegation made in the above paragraphs of this complaint.
192. This claim is authorized and instituted pursuant to the provisions of Title VII of the Civil Rights Act of 1964, 42 U.S.C. Section(s) 2000e *et seq.*, for relief based upon the unlawful employment practices of the above-named Defendants. Plaintiff complains of Defendants' violation of Title VII's prohibition against discrimination in employment

- based, in whole or in part, upon an employee's sex/gender.
193. Defendants engaged in unlawful employment practices prohibited by 42 U.S.C. § 2000e et seq., by discriminating and/or retaliating against Plaintiff RUIZ because of her sex/gender.
194. PLAINTIFF RUIZ was discriminated against based upon her gender in that PLAINTIFF was a victim of sexual harassment and hostile work environment by DEFENDANT MULLIN.
195. PLAINTIFF RUIZ complained to COLLECTIVE DEFENDANTS about the sexual harassment that she was being subjected to by Defendant MULLIN.
196. PLAINTIFF RUIZ was then further subjected to a hostile work environment that was permeated with discriminatory animus, false accusations, ridicule, humiliation, fear, threats of termination and/or removal, scrutiny, intimidation – all in furtherance of COLLECTIVE DEFENDANTS' intent to protect DEFENDANT MULLIN.
197. DEFENDANT CHIEFS blamed PLAINTIFF RUIZ for being sexually harassed by DEFENDANT MULLIN and shamed PLAINTIFF RUIZ for being a victim.
198. Everyone who supported and/or attempted to assist PLAINTIFF RUIZ with her sexual harassment and discrimination complaint against DEFENDANT MULLIN, such as PLAINTIFF MESSING and other members, were victimized, terminated, retaliated against, threatened, made the subject of intimidation, harassment, ridicule, and disdain throughout BSBRA.
199. As a result of his support for PLAINTIFF RUIZ, and in retaliation for insisting that DEFENDANTS take appropriate action and investigate the complaint, PLAINTIFF MESSING was terminated and deprived of his long-standing membership at BSBRA.
200. COLLECTIVE DEFENDANTS had no valid business justification for their actions

against COLLECTIVE PLAINTIFFS.

201. As a result of COLLECTIVE DEFENDANTS' actions, PLAINTIFFS were extremely humiliated, degraded, victimized, embarrassed, and emotionally distressed.
202. As a result of the acts and conduct complained of herein, PLAINTIFFS have suffered loss of income, special damages, loss of benefits, inconvenience and other compensation, which such volunteer employment entails, emotional pain, stress, fear, suffering, inconvenience, loss of enjoyment of life, and other non-pecuniary losses.
203. COLLECTIVE DEFENDANTS' conduct has been malicious, willful, and conducted with full knowledge of the law.

**AS A SECOND CAUSE OF ACTION
FOR RETALIATION UNDER TITLE VII**
*(against Defendant BAY SHORE – BRIGHTWATERS RESCUE
AMBULANCE, INC.,)*

204. Plaintiffs repeat and reallege each and every allegation made in the above paragraphs of this complaint.
205. 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) to . . . 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.”
206. PLAINTIFFS were retaliated against by COLLECTIVE DEFENDANTS for engaging in protected activity.
207. PLAINTIFFS complained to COLLECTIVE DEFENDANTS about sexual harassment and/or attempted to make management aware of the circumstances faced by PLAINTIFF RUIZ.
208. In response, PLAINTIFFS, collectively and individually, were subjected to a hostile work

environment that was permeated with discriminatory ridicule, harassment, intimidation, fear, threats, subjugation, termination/removal, bullying, threats against employment, embarrassment, humiliation, among other things.

209. COLLECTIVE DEFENDANTS blamed PLAINTIFF RUIZ for being sexually harassed and told PLAINTIFF that she could leave if she did not agree with their wrongful shaming.

210. Defendants took no such immediate actions against DEFENDANT MULLIN, the harasser, even though MULLIN violated the law, as well as BSBRA'S Defendants' own written policies.

211. MULLIN was allowed to continue with his employment without change.

212. COLLECTIVE Defendants placed PLAINTIFFS in an awkward, hostile and uncomfortable employment positions as the victim or sexual harassment, as complainants, and/or as persons who attempted to assist the complainant.

213. PLAINTIFF MESSING had a duty to report the sexual harassment complaints made by PLAINTIFF RUIZ.

214. However, PLAINTIFF MESSING was retaliated against, and/or shamed and terminated, for doing so.

215. DEFENDANTS had no good faith justification for any actions taken against any PLAINTIFFS herein.

216. As a result of COLLECTIVE DEFENDANTS' actions, PLAINTIFFS were each extremely humiliated, degraded, victimized, embarrassed, and emotionally distressed.

217. As a result of the acts and conduct complained of herein, PLAINTIFFS have suffered loss of income, special damages, loss of benefits, inconvenience and other compensation, which such volunteer employment entails, emotional pain, stress, fear, suffering, inconvenience, loss of enjoyment of life, and other non-pecuniary losses.

218. COLLECTIVE DEFENDANTS' conduct has been malicious, willful, outrageous, and

conducted with full knowledge of the law.

**AS A THIRD CAUSE OF ACTION FOR DISCRIMINATION
UNDER NEW YORK STATE EXECUTIVE LAW
(Against Defendants BAY SHORE – BRIGHTWATERS RESCUE
AMBULANCE, INC.)**

219. Plaintiff repeats, reiterates and realleges each and every allegation made in the above paragraphs of this Complaint as if more fully set forth herein at length.
220. New York State Executive Law §296 provides that, “1. It shall be an unlawful discriminatory practice: (a) For an employer or licensing agency, because of an individual’s . . . sex, disability . . . familial status ... to discriminate against such individual in compensation or in terms, conditions or privileges of employment.”
221. PLAINTIFF RUIZ was discriminated against based upon her gender in that PLAINTIFF was a victim of sexual harassment and hostile work environment by DEFENDANT MULLIN.
222. PLAINTIFF RUIZ complained to COLLECTIVE DEFENDANTS about the sexual harassment that she was being subjected to by Defendant MULLIN.
223. PLAINTIFF RUIZ was then further subjected to a hostile work environment that was permeated with discriminatory animus, false accusations, ridicule, humiliation, fear, threats of termination and/or removal, scrutiny, intimidation – all in furtherance of COLLECTIVE DEFENDANTS’ intent to protect DEFENDANT MULLIN to the detriment of PLAINTIFF.
224. DEFENDANT CHIEFS blamed PLAINTIFF RUIZ for being sexually harassed by DEFENDANT MULLIN and shamed PLAINTIFF RUIZ for being a victim.
225. Everyone who supported and/or attempted to assist PLAINTIFF RUIZ with her sexual harassment and discrimination complaint against DEFENDANT MULLIN, such as PLAINTIFF MESSING and Assistant Chief Kunz, were victimized, terminated, retaliated against, threatened, made the subject of intimidation, harassment, ridicule, and disdain throughout BSBRA.
226. As a result of his support for PLAINTIFF RUIZ, and in retaliation for insisting that

DEFENDANTS take appropriate action and investigate the complaint, PLAINTIFF MESSING was terminated and deprived of his long-standing membership at BSBRA.

227. COLLECTIVE DEFENDANTS had no valid business justification for their actions against COLLECTIVE PLAINTIFFS.

228. As a result of COLLECTIVE DEFENDANTS' actions, PLAINTIFFS were extremely humiliated, degraded, victimized, embarrassed, and emotionally distressed.

229. As a result of the acts and conduct complained of herein, PLAINTIFFS have suffered loss of income, special damages, loss of benefits, inconvenience and other compensation, which such volunteer employment entails, emotional pain, stress, fear, suffering, inconvenience, loss of enjoyment of life, and other non-pecuniary losses.

**AS A *FOURTH* CAUSE OF ACTION FOR RETALIATION
UNDER NEW YORK STATE EXECUTIVE LAW
(Against Defendant *BAY SHORE – BRIGHTWATERS RESCUE AMBULANCE*)**

230. Plaintiff repeats, reiterates and realleges each and every allegation made in the above paragraphs of this Complaint as if more fully set forth herein at length.

231. New York State Executive Law §296(7) provides that it shall be an unlawful discriminatory practice: "For any person engaged in any activity to which this section applies to retaliate or discriminate against any person because he has opposed any practices forbidden under this article."

232. PLAINTIFFS were retaliated against by COLLECTIVE DEFENDANTS for engaging in protected activity.

233. PLAINTIFFS complained to COLLECTIVE DEFENDANTS about sexual harassment.

234. In response, PLAINTIFFS, collectively and individually, were subjected to a hostile work environment that was permeated with discriminatory ridicule, harassment, intimidation, fear, threats, subjugation, termination/removal, bullying, threats against employment, embarrassment, humiliation, among other things.

235. COLLECTIVE DEFENDANTS blamed PLAINTIFF for being sexually harassed and told PLAINTIFF that she could leave if she did not agree with their wrongful shaming.
236. Defendants took no such immediate actions against DEFENDANT MULLIN, the harasser, even though MULLIN violated the law, as well as BSBRA Defendants' own written policies.
237. COLLECTIVE Defendants placed PLAINTIFFS in an awkward, hostile and uncomfortable employment positions as the victim of sexual harassment, as complainants, and/or as persons who attempted to assist the complainant.
238. PLAINTIFF MESSING had duties to report the sexual harassment complaints made by PLAINTIFF RUIZ.
239. But PLAINTIFFS were retaliated against and/or shamed for doing so.
240. DEFENDANTS had no good faith justification for any actions taken against any PLAINTIFF herein.
241. As a result of COLLECTIVE DEFENDANTS' actions, PLAINTIFFS were each extremely humiliated, degraded, victimized, embarrassed, and emotionally distressed.
242. As a result of the acts and conduct complained of herein, PLAINTIFFS have suffered loss of income, special damages, loss of benefits, inconvenience and other compensation, which such volunteer employment entails, emotional pain, stress, fear, suffering, inconvenience, loss of enjoyment of life, and other non-pecuniary losses.

**AS A FIFTH CAUSE OF ACTION FOR DISCRIMINATION
UNDER NEW YORK STATE EXECUTIVE LAW - AIDER AND ABETTOR LIABILITY**
*(As and Against Individual Defendants CHIEF FELIX RODRIGUEZ, JOSEPH A.
FRISINA, CHARLES CHAPMAN & ALEX MULLIN)*

243. Plaintiff repeats, reiterates and realleges each and every allegation made in the above paragraphs of this Complaint as if more fully set forth herein at length.
244. New York State Executive Law §296(6) provides that it shall be an unlawful discriminatory practice: "For any person to **aid, abet**, incite compel or coerce the doing of any acts forbidden under this article, or attempt to do so."

245. Individual Defendants CHIEF FELIX RODRIGUEZ, JOSEPH A. FRISINA, CHARLES CHAPMAN & ALEX MULLIN engaged in an unlawful discriminatory practice in violation of New York State Executive Law § 296(6) by aiding, abetting, inciting, compelling and coercing the discriminatory and retaliatory conduct.
246. INDIVIDUAL DEFENDANTS utilized their statuses/positions to subject PLAINTIFFS to unlawful discrimination, retaliation and hostile work environment.
247. INDIVIDUAL DEFENDANTS exposed PLAINTIFFS to a hostile work environment that was permeated with discriminatory animus, ridicule, unwanted touching, sexual talk, humiliation, intimidation, bullying, ostracizing, threats, fear, adverse employment actions – all in furtherance of their intent to stifle PLAINTIFF RUIZ's complaint and the retaliate against those who sought to assist PLAINTIFF RUIZ.
248. PLAINTIFF RUIZ complained about the wrongful discriminatory treatment she faced at the hands of DEFENDANT MULLIN.
249. INDIVIDUAL DEFENDANTS, collectively and/or individually then proceeded to retaliate against PLAINTIFFS and/or continued to alter the terms and conditions of their volunteer employments following their knowledge that a complaint was made and/or was attempting to be made.
250. INDIVIDUAL DEFENDANTS lacked good faith business justification for their collective and individual actions against PLAINTIFFS.
251. INDIVIDUAL DEFENDANTS knew, or should have known, that it was improper to retaliate against PLAINTIFFS for engaging in protected activity.
252. As a result of COLLECTIVE DEFENDANTS' actions, PLAINTIFFS were each extremely humiliated, degraded, victimized, embarrassed, and emotionally distressed.
253. As a result of the acts and conduct complained of herein, PLAINTIFFS have suffered loss of income, special damages, loss of benefits, inconvenience and other compensation, which

such volunteer employment entails, emotional pain, stress, fear, suffering, inconvenience, loss of enjoyment of life, and other non-pecuniary.

JURY DEMAND

254. **Plaintiffs request a jury trial on all issues to be tried.**

WHEREFORE, Plaintiff respectfully requests a judgment against Defendants:

- A. Declaring that Defendants engaged in unlawful employment practices prohibited by Title VII, and NYSHRL in that Defendants discriminated against Plaintiff Ruiz on the basis of her sex/gender and retaliated against Plaintiffs for complaining of sexual harassment.
- B. Awarding damages to Plaintiffs for all lost benefits and loss of privileges resulting from Defendants' unlawful discrimination and retaliation and to otherwise make them whole for any losses suffered as a result of such unlawful employment practices;
- C. Awarding Plaintiffs compensatory damages for mental, emotional and physical injury, distress, pain and suffering and injury to his reputation in an amount to be proven;
- D. Awarding Plaintiffs punitive damages;
- E. Awarding Plaintiffs attorneys' fees, costs, and expenses incurred in the prosecution of the action; and
- F. Awarding Plaintiffs such other and further relief as the Court may deem equitable, just and proper to remedy Defendants' unlawful employment practices.

Dated: New York, New York
January 15, 2018

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