

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

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RUBY ANAYA, an individual,	:	
	:	INDEX No. _____
Plaintiff,	:	
vs.	:	SUMMONS
WEWORK COMPANIES, INC., MIGUEL	:	
MCKELVEY, an individual,	:	
	:	
Defendants.	:	
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To the above-named DEFENDANTS WEWORK COMPANIES, INC., MIGUEL
MCKELVEY:

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

The basis of venue is that DEFENDANTS are located in and transact business in this County; and (b) the conduct and acts of DEFENDANTS complained of herein occurred in all or in substantial part in New York County.

Executed at Randolph, New Jersey
Dated: October 11, 2018

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By: 

Seth A. Rafkin

Attorneys for Plaintiffs

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

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RUBY ANAYA, :

Plaintiff, :

vs. :

WEWORK COMPANIES, INC., MIGUEL
MCKELVEY, an individual, :

Defendants. :

INDEX CASE NO.

**COMPLAINT FOR SEXUAL
HARASSMENT, GENDER
DISCRIMINATION, AIDING AND
ABETTING AND RETALIATION**

DEMAND FOR JURY TRIAL

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Plaintiff Ruby Anaya (“Anaya” or “Plaintiff”), by and through her attorneys, Rafkin Esq., PLLC, as and for her complaint against WeWork Companies, Inc. (“WeWork”) and MIGUEL MCKELVEY alleges as follows:

NATURE OF THE ACTION

1. Plaintiff brings this action against WeWork for sexual harassment, gender discrimination and retaliation pursuant to the New York State Human Rights Law (N.Y. Executive Law § 290 et seq.) (“NYSHRL”) and the New York City Human Rights Law (Administrative Code § 8-107 et seq.) (“NYCHRL”) and against Miguel McKelvey for aiding and abetting discrimination under the NYSHRL and NYCHRL.

2. WeWork was Plaintiff’s employer. In the past 12 months, Plaintiff was sexually assaulted *twice* by male WeWork employees. These incidents occurred at WeWork company-wide events known as “Summer Camp” and “Summit.” These events are as notorious as its free-beer-all-day and mandatory happy hour policies. The company spends upwards of \$20 million on these events, which center around partying and reflect the frat-boy culture that starts at the top.

Indeed, WeWork founder Adam Neumann plied Plaintiff with tequila shots during her *interview* with the company.

3. The first time a male employee assaulted Plaintiff was assaulted, he came up from behind her at the Summer Camp event and grabbed her inappropriately. When Plaintiff removed his hand and said to stop, he just smiled at her and walked away.

4. The second assault occurred at the Summit event. Another male WeWork employee grabbed Plaintiff, pulled her to his body, refused to let go, and then forcibly kissed her on the mouth. This time, Plaintiff pushed the male employee off and slapped him. This male employee, too, simply smiled at Plaintiff in response and went on partying.

5. Plaintiff was horrified. She was not alone. Other employees have commented that “it’s only a matter of time until someone gets raped” at one of WeWork’s Summits. Plaintiff immediately reported each incident in detail to Human Resources. In both cases, the company interviewed *no* witnesses other than the male employee in question. In both instances, the male employee professed to be too drunk to remember the incident. And in both cases, the company did, essentially, *nothing*. Neither male employee suffered any tangible employment action. They both still work there and frequent WeWork events and parties.

6. Plaintiff was distraught that no action was taken against the male employee who assaulted her at the Summit incident earlier this year and told WeWork as much. She reached out again to a member of WeWork’s HR team. When that went nowhere, she went directly to WeWork’s Chief People Officer. She also reached out to her direct boss and WeWork co-founder, Defendant Miguel McKelvey.

7. In each instance, her complaints fell on deaf ears. In a stunning example of corporate candor, WeWork’s Human Resources representative told Plaintiff that the male

employee was a “high performer” and the company was not going to fire him. The Chief People officer simply said he was sorry to hear she was upset. Defendant McKelvey never responded.

8. While her two assailants still work at the company Plaintiff, on the other hand, was abruptly terminated on August 3, 2018. She was fired just prior to the Company’s next Summer Camp event, and just prior to a key vesting date of Plaintiff’s stock options. Plaintiff worked for nearly four years for WeWork and never received a negative performance review. In fact, she received a “work excellence” award from the company. However, after bringing her second complaint of sexual harassment to the company’s attention, professing her displeasure at the company’s lack of response, and pushing the company to respond to its acknowledged pay gap between men and women, WeWork suddenly did an about-face. Plaintiff was shut out of work projects, and then with no prior discussion, WeWork told her that she was a poor performer and was being fired that day.

9. In perhaps the most blatant attempt to manufacture a basis to terminate her employment, WeWork surreptitiously photographed Plaintiff having a glass of wine with another co-worker. WeWork held on to the photograph for six weeks and then pointed to it as evidence that Plaintiff was drinking in the middle of the day.

10. This was a blatant attempt to railroad Plaintiff. First, any company that really had a concern would have done the natural, human thing and talked to Plaintiff. WeWork didn’t. Had McKelvey or anyone at WeWork bothered to ask her, they would have learned that a co-worker had asked Plaintiff for advice on work matters and did not want to talk about it at the WeWork offices and asked Plaintiff to go off-site. Eager to help a colleague, as she had done for other female employees, Plaintiff joined her at a restaurant around the block.

11. Second, the idea that having a glass of wine with a co-worker would somehow offend WeWork’s notions is a joke. This is a company that touts its free beer on tap, all day, in

all offices policy as if it was a mission statement. Indeed, in a recent airing of CBS's Sunday Morning WeWork founder Adam Neumann can be heard evangelizing about free beer and WeWork's philosophy to "enjoy" every hour whether at home or at work. Indeed, he concludes his CBS interview by describing WeWork's philosophy that every working hour is "partially play." <https://www.cbs.com/shows/cbs-sunday-morning/video/EdGowTugbemvc8MpkMOxhyMmcPaUo4KJ/a-home-office-away-from-home/>.

12. WeWork's headquarters, where Plaintiff worked, hosts a happy hour every Friday. Employees are all but mandated to attend. It starts at 4pm. Plaintiff's sin of having a glass of wine with a co-worker occurred at 4:30pm.

13. Equally telling, as the news of Plaintiff's sudden termination got out, another WeWork top executive, a Senior Vice President and Global Head, wrote McKelvey complaining about the termination. The executive noted, among other things, that he would have gladly brought Plaintiff on to his team.

PARTIES

14. Plaintiff is a 33 year old female who lives and works in New York City. She began working for WeWork in of 2014. Later, she was encouraged by co-founder Miguel McKelvey to apply for a new role as Director of Culture at WeWork.

15. Defendant WeWork is multi-national corporation providing shared office space and related services to business and individuals around the world. The company currently employs over 5,000 employees and is worth an estimated \$20 billion. WeWork is headquartered in New York City, where it maintains its executive offices, and incorporated in Delaware. During all relevant times, WeWork was Plaintiff's employer within the meaning of all applicable statutes.

16. Defendant McKelvey is the co-founder of WeWork and was Plaintiff's immediate supervisor. He has a substantial ownership interest in the company. He has the authority to and

did hire and fire employees, as well as supervise and control employee conditions of employment. McKelvey is an “employer” within the meaning of New York Executive Law § 296 (1). McKelvey exercised managerial and supervisory authority within the meaning of the New York City Human Rights Law section 8-107.

JURISDICTION AND VENUE

17. This Court has jurisdiction over this matter and venue is proper in this County because Defendant WeWork regularly transacts business in this County and the events giving rise to the claims occurred in this County and were engaged in by Defendants.

ADMINISTRATIVE PROCEDURES

18. Following commencement of this action, a copy of this Complaint will be served both on the New York City Commission on Human Rights and the Office of the Corporation Counsel of the City of New York, thereby satisfying the notice requirements of the New York City Administrative Code.

19. Any and all other prerequisites to the filing of this suit have been met.

FACTS COMMON TO ALL COUNTS

Plaintiff's Work Performance

20. WeWork is large corporation providing shared office space and related services to business and individuals alike. WeWork was cofounded in 2010 by Defendant Miguel McKelvey and Adam Neumann. The company has experienced massive growth in the last four years, currently employing over 5,000 and enjoying a reported estimated valuation of \$20 billion.

21. Plaintiff contributed to that growth. For the first three years of her employment, Plaintiff worked in the Technology (then called “Digital”) department as a director of Product Management. She was one of the first Product Managers to join the company. Despite an incredibly stressful environment and reporting to no less than five different bosses in three years

in that department, Plaintiff excelled professionally. She received two raises and excellent performance reviews.

22. In her three years in the role, some of her accomplishments included:
- a. Growing the WeWork Apps from supporting 15,000 members to 150,000 members over three years.
 - b. Relaunching the Member Network website with new skin on new tech stack in 2014.
 - c. Contributing to the launch of the Commons Membership in 2015, and continued to help iterate on this membership throughout the year until the formation of a team dedicated to this effort.
 - d. Contributing to the restructure of the Digital department.
 - e. Designing a revamp of the Product Management Interview Process in 2015 in connection with a rapid hiring schedule.
 - f. Integrating key third party services into WeWork apps, e.g. MyCheck & Delivery.com.
 - g. Launching the groups feature.
 - h. Launching significant updates across all platforms throughout 2015, including Matchmaker feature.
 - i. Launching feature to highlight WeWork members and WeWork events on TV displays across all buildings in 2016
 - j. Launching the WeLive iOS app in 2016, allowing WeLive members to manage their membership and communicate with their neighbors.
 - k. Launching the redesign of iOS and Android mobile apps in 2016.
 - l. Launching the Private Rooms feature in 2017, supporting Enterprise members by customizing their experience for their needs.
 - m. Launching the WeWork app in China in 2016.
 - n. Leading the translation of the WeWork app into over 10 languages across 2016 - 2017.
 - o. Revamping the WeWork Member Network Onboarding Flow.
 - p. Managing a team of 20+ high performing engineers.
 - q. Managing the modularization of the WeWork App across three platforms.

23. In January of 2016, Plaintiff received a peer-nominated Excellence Award for high performance.

24. In the fall of 2017, Plaintiff applied for and received the role of Director of Culture, moving from a product management role to the Culture Team – a team focused on the needs and desires of WeWork employees and cultivating the company’s internal culture. In that role her high performance continued. Among her accomplishments:

- a. Designed and developed WeWork's first Diversity & Inclusion Strategy across the Culture OS.
- b. Contributed to the launch of the Little Things initiative.
- c. Raising WeWork's gender pay gap as an issue to be rectified.
- d. Core contributor in developing the new Employee Experience Survey aimed at understanding employee sentiment across all areas of the company and identify and address any diversity and inclusion concerns.
- e. Presenting at All Company on Employee Community Groups, as well as at our West Coast Town Hall.
- f. Founded the first Employee Community Group and thereafter helped launch and numerous ones including "Parents of We" and "We for Survivors" and mentored employees in those groups.
- g. Helped run six Diversity Focus Groups.
- h. Core contributor to Summit 2018, including developing and curating content, presenting concepts to executive team, coordinating panels and speakers, and managing execution of Summit Recognition 2018.
- i. Core contributor to Summer Camp 2018 including developing all initial content concepts and subsequent updates (over 30), soliciting and applying employee feedback from prior Summits regarding diversity and inclusion; leading presentations to all new business lines; composing and presenting executive summary in lead up to Summer Camp; leading speaker preparation meetings with all speakers; and reviewing and providing detailed feedback on all speaker presentations (over 20) to help them be successful in their presentations.
- j. Started and ran monthly programming Women of WeWork from October 2016 - August 2018 - twelve events that had attendees of up to 100 employees, investing in their professional development.
- k. Mentored a refugee employee as part of the Inclusion program.

25. Throughout her nearly four years of employment, Plaintiff received only positive performance reviews. Indeed, until the day she was fired, she received almost exclusively positive feedback on her work efforts and performance. As further described below, her direct boss, McKelvey, never gave her any negative feedback whatsoever until the day her fired her.

Sexual Assaults on Plaintiff

26. At the January 2018 Summit held in New York City, Plaintiff presented the company's Recognition Awards for the previous year. After exiting the stage, and while Plaintiff was trying to navigate the large and alcohol-infused crowd, Plaintiff caught one of her heels and stumbled. To steady herself she put a hand on a man's shoulder, which she immediately removed and apologized, explaining she had almost tripped. The male employee grabbed her waist and

pulled her body towards him. Plaintiff tried pulling away from, but the male employee would not let go and pulled her closer still. He then forcibly kissed her, thrust his tongue in her mouth and refused to release her. Finally, Plaintiff was able to push him off her and slapped him. He just smiled at her.

27. Plaintiff was distraught. She found her friends in the room (all coworkers) and told them what happened. The next day Plaintiff reported the incident in full detail to Human Resources. Plaintiff also identified the man (she had not previously met him) and sent his ID to Terry Wallace and Julia Blickenstaff in Human Resources. The following week, Plaintiff met with Mr. Wallace in person, re-telling the incident. Mr. Wallace indicated the company would investigate.

28. A month passed and Plaintiff heard nothing. Plaintiff reached out to Mr. Wallace to find out the status of the investigation. Mr. Wallace simply responded that they had “closed out” the matter. At a follow up meeting with Mr. Wallace, he informed Plaintiff that the company had interviewed the employee who said he had “no recollection” of the incident and that he “would have remembered if he had been slapped.” (In other words, sexually forcing himself on an unsuspecting coworker would be unremarkable but being slapped he would remember.) Mr. Wallace also saw fit to inform Plaintiff that the male employee was a “high performer,” whatever relevance that was supposed to hold.

29. Plaintiff was beside herself. She asked Mr. Wallace what it would have taken for the company to believe her and take this seriously? She reminded him that, as Plaintiff had told him before, she had immediately told other coworkers what happened right after the incident. Mr. Wallace responded that there was no need to interview anyone else, and that whatever anyone else said would just be “hearsay.” After hearing that a male employee who assaulted her was being let off the hook by simply saying “I didn’t do it,” Plaintiff broke down in tears.

30. Plaintiff then sent a text message to her supervisor, Defendant McKelvey as well as the company's Chief People Officer indicating her distress with the result, that she would need to take some time to collect herself outside of the office. Among other things, she felt unsafe and unsupported by the executives at WeWork. McKelvey never responded or otherwise acknowledged her communication. The Chief People Officer texted back five hours later only that he was "Sorry to hear that."

31. WeWork took no action whatsoever against the male employee and he still works there today.

32. At the previous Summer Camp event in August of 2017, Plaintiff experienced a similar incident. Again in a crowd of WeWork employees at an event, a male employee grabbed Plaintiff from behind in a sexual manner. Plaintiff turned, removed his hands, and told him in no uncertain terms he was not permitted to touch her like that. The employee just smiled and walked away. Plaintiff reported the incident the following day to Human Resources.

33. When questioned by Human Resources, the male employee's response was that he was black-out drunk and had no recollection of the incident. WeWork did not interview anyone who witnessed the event. HR reported to Plaintiff that the male employee would be taking a sexual harassment prevention course. The company took no disciplinary action against the male employee. He still works there today.

34. At WeWork's first Summit in 2015, the company paid the hip-hop artist Ja Rule to play at one of its company-sponsored after-parties. Two male members of Ja Rule's entourage grabbed Plaintiff and forcibly held her against their bodies at the party, in full view of WeWork's cofounder Neumann, who had to come to Plaintiff's aid to allow her to escape from them. Neumann never reported the incident or took any action whatsoever to prevent future harassment of that nature at WeWork parties.

35. The sexual harassment and assaults of Plaintiff did not happen in a vacuum. They are product in part of the entitled, frat-boy culture that permeates WeWork from the top down. During Plaintiff's interview at WeWork with co-founder Adam Neumann, he asked Plaintiff whether she drank tequila. When plaintiff said she did, he poured her shots of tequila during the interview. The company prides itself on stocking free beer for employees and clients at all locations. The New York office has a mandated happy hour for employees every Friday. And company managers and executives heap immense pressure on employees to attend after-work events and places a premium on employees' participation in the parties that WeWork sponsors.

36. The Summit and Summer Camp events, described above, are the culmination of this frat boy culture. The company spends upwards of \$20 million per Summit, in what amounts to a huge, three-day, alcohol- and drug-laden party for all employees of the company. Attendance is mandatory. The amount WeWork spends per year on sexual harassment prevention training is but a small fraction of what it spends per year on alcohol for employee parties. Under such leadership, it is hardly a surprise that more than one person in WeWork's New York office has commented to Plaintiff literally that "it's only a matter of time until someone gets raped" at one of WeWork's Summits.

The Events Leading up to Plaintiff's Termination

37. As noted above, Plaintiff was sexually assaulted again, and brought it to WeWork's attention, in early 2018. In March of 2018, she learned the company was taking no action against the second male employee who assaulted her, and voiced her disagreement and distress over WeWork's decision. Among other things, Plaintiff would be expected to attend the summer 2018 Summit with two men who had brazenly sexually harassed her and who suffered no ill consequences as a result.

38. In April of 2018, it came to Plaintiff's attention that women at WeWork were concerned that they were not receiving equal pay to men. Plaintiff escalated the concerns to company executives and participated in meetings regarding equal pay issues. Based on data gathered by WeWork's People Analytics team, WeWork determined that it indeed paid women less than men; however, with no plan to presently address the issue WeWork chose not to publicize its findings to employees. Plaintiff continued to press the issue.

39. In May 2018, Defendant McKelvey gave a videotaped presentation to the entire company about the importance of providing feedback. In that presentation McKelvey emphasized, among other things, the critical importance of ritualized feedback for WeWork's culture and collective success. He stressed the importance every employee providing feedback to those around him. McKelvey reiterated his feedback message again during a company-wide meeting in July of 2018, saying that 5% of team members have not given feedback, and that it was imperative that 100% of people give feedback.

40. McKelvey's words struck Plaintiff as hypocritical - in the entire time Plaintiff had worked with McKelvey, he had never provided any feedback, verbal or written, to Plaintiff. This is true despite that they worked together for four years and he was for a time her direct boss. Indeed, he never so much as asked Plaintiff how she was doing, despite his knowledge that Plaintiff was going through a difficult divorce and supporting her mother and brother at the same time.

41. Accordingly, Plaintiff also sought and scheduled a 1:1 meeting with McKelvey, seeking the feedback touted as so important but never provided. It was *Plaintiff* who initiated the meeting on August 3, 2018. Plaintiff also scheduled a meeting with Anita Shannon, Director of Cultural Operations, to voice her concerns about McKelvey's lack of feedback. Ms. Shannon told Plaintiff that she had never heard any negative feedback about Plaintiff from McKelvey.

42. When she arrived at the meeting on August 3, unbeknownst to Plaintiff, McKelvey was joined by a representative from Human Resources. McKelvey told Plaintiff that she had “not been showing up for her team” and that she was terminated immediately. They shut off her email access and walked her out that day.

43. The timing of Plaintiff’s termination was no accident. As detailed above, Plaintiff was twice assaulted and twice reported the male employees that sexually assaulted and harassed her at the previous two Summits. August 3rd was just before the Company’s 2018 Summer Camp event, and just before Plaintiff was to vest in another tranche of her stock options – options that have increased tremendously in value since she began working.

44. Further, it became clear that WeWork and McKelvey had been planning to terminate her. Among other things, WeWork surreptitiously photographed Plaintiff having a glass of wine with another co-worker. WeWork held on to the photograph for six weeks and then purported to rely on it as “evidence” during the “review cycle” as evidence that Plaintiff was drinking in the middle of the day.

45. This was a blatant attempt to railroad Plaintiff. First, any company that really had a concern would not take a secret photo of a colleague. It would do the natural, human thing and talked to Plaintiff. WeWork didn’t. Had McKelvey or anyone at WeWork bothered to ask her, they would have learned that a co-worker had asked Plaintiff for advice on work matters and did not want to talk about it at the WeWork offices and asked Plaintiff to go off-site. Eager to help a colleague, as she had done for other female employees, Plaintiff joined her at a restaurant around the block.

46. Second, the idea that having a glass of wine with a co-worker would somehow offend WeWork’s notions is a joke. This is a company that touts its free beer on tap all day in all offices policy as if it was a divine mission. In a recent airing of CBS’s Sunday Morning WeWork

founder Adam Neumann can be heard evangelizing about free beer and WeWork's philosophy to "enjoy" every hour whether at home or at work. Indeed, Neumann's CBS interview concludes with him describing WeWork's philosophy that every working hour is "partially play."

<https://www.cbs.com/shows/cbs-sunday->

[morning/video/EdGowTugbemvc8MpkMOxhyMmcPaUo4KJ/a-home-office-away-from-home/](https://www.cbs.com/shows/cbs-sunday-morning/video/EdGowTugbemvc8MpkMOxhyMmcPaUo4KJ/a-home-office-away-from-home/).

47. WeWork's headquarters, where Plaintiff worked, hosts a happy hour every Friday. Employees are all but mandated to attend. It starts at 4pm. Plaintiff's sin of having a glass of wine with a co-worker occurred at 4:30pm.

48. Equally telling, as the news of Plaintiff's sudden termination got out, another WeWork top executive, a Senior Vice President and Global Head, wrote McKelvey complaining about the termination. The executive noted, among other things, that he would have gladly brought Plaintiff on to his team.

COUNT I
[AGAINST WEWORK]
SEXUAL HARASSMENT IN VIOLATION OF THE NEW YORK STATE HUMAN RIGHTS LAW, AND
THE NEW YORK CITY HUMAN RIGHTS LAW

49. Plaintiff hereby incorporates by reference paragraphs 1 through 48 as though fully set forth herein.

50. Plaintiff is a female.

51. Plaintiff was sexually harassed and physically, sexually assaulted and battered by male WeWork employees, and contractors, at WeWork work events. The male employees' conduct was unwelcome and based on sex.

52. The sexual harassment and assault of Plaintiff was severe and altered the terms and conditions of Plaintiff's employment.

53. Plaintiff perceived her working environment to be hostile or abusive. A reasonable person would consider Plaintiff's working environment to be hostile or abusive.

54. WeWork is liable for the sexual harassment and assault perpetrated on Plaintiff because it knew of such harassment (as Plaintiff directly reported it) and failed to take remedial action. Among other things, they failed to take preventative and corrective measures to address the sexual harassment of Plaintiff. While two of Plaintiff's perpetrators still work at WeWork, Plaintiff was abruptly fired from her employment.

55. WeWork's conduct was engaged in with malice or reckless disregard for Plaintiff's rights. Accordingly, punitive damages are warranted.

56. As a result of WeWork's conduct, Plaintiff has suffered and is entitled to recover damages, including lost back wages and benefits, including the value of stock options, lost future earnings and benefits, including the value of stock options, compensatory damages for emotional distress, punitive damages, and attorneys' fees and costs.

COUNT II
[AGAINST WEWORK]
RETALIATION IN VIOLATION OF THE NEW YORK HUMAN RIGHTS LAW,
AND THE NEW YORK CITY HUMAN RIGHTS LAW

57. Plaintiff hereby incorporates by reference paragraphs 1 through 56 as though fully set forth herein.

58. Plaintiff engaged in protected activity by, inter alia, complaining to WeWork's Human Resources about the sexual harassment she experienced as well as a gender pay gap as set forth above.

59. WeWork was aware of such protected activity because Plaintiff directly complained to WeWork Human Resources more than once.

60. Because of Plaintiff's protected activity, WeWork took adverse employment actions against her, namely, terminating her employment.

61. Plaintiff suffered emotional distress and humiliation as a result of Defendants' conduct. Defendants' conduct was engaged in with malice or reckless disregard for Plaintiff's rights. Accordingly, punitive damages are warranted.

62. As a result of Defendants' conduct, Plaintiff has suffered and is entitled to recover damages, including lost back wages and benefits, including the value of stock options, lost future earnings and benefits, including the value of stock options, compensatory damages for emotional distress, punitive damages, and attorneys' fees and costs.

**COUNT III
[AGAINST WEWORK]
GENDER DISCRIMINATION
PURSUANT TO THE NEW YORK STATE HUMAN RIGHTS LAW AND NEW YORK CITY HUMAN
RIGHTS LAW**

63. Plaintiff hereby incorporates by reference paragraphs 1 through 62 as though fully set forth herein.

64. Plaintiff is a member of a protected class (female).

65. Plaintiff was qualified for her job and performing it satisfactorily. Indeed, she never received a negative performance review and was recognized for a Work Excellence Award by WeWork in 2016.

66. Plaintiff suffered an adverse employment action, i.e., being fired.

67. Plaintiff's gender was a motivating factor in Defendant WeWork's adverse actions against Plaintiff.

68. Defendant's conduct was engaged in with malice or reckless disregard for Plaintiff's rights. Accordingly, punitive damages are warranted.

69. As a result of Defendant WeWork's conduct, Plaintiff has suffered and is entitled to recover damages, including the value of lost back wages and benefits, including the value of

stock options, lost future earnings and benefits, including the value of stock options, compensatory damages for emotional distress, punitive damages, and attorneys' fees and costs.

COUNT IV
AIDING AND ABETTING GENDER DISCRIMINATION
IN VIOLATION OF THE NEW YORK HUMAN RIGHTS LAW N.Y. EXEC. LAW § 296(6)
AND NEW YORK CITY HUMAN RIGHTS LAW
[AGAINST MCKELVEY]

70. Plaintiff hereby incorporates by reference paragraphs 1 through 69 as though fully set forth herein.

71. McKelvey was Plaintiff's employer within the meaning of the New York State Human Rights Law and New York City Human Rights Law. Among other things, McKelvey had the authority to hire and fire employees. McKelvey aided, abetted, incited, coerced and/or compelled gender discrimination against Plaintiff as more fully set forth above.

72. McKelvey's conduct was engaged in with malice or reckless disregard for Plaintiff's rights. Accordingly, punitive damages are warranted

73. As a result of Defendant McKelvey's conduct, Plaintiff has suffered and is entitled to recover damages, including the value of lost back wages and benefits, including the value of stock options, lost future earnings and benefits, including the value of stock options, compensatory damages for emotional distress, punitive damages, and attorneys' fees and costs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff hereby prays for judgment against Defendants on all causes of action and for recovery as follows:

- a. Economic damages for past lost wages and benefits (including the value of stock options) and future lost wages and benefits (including the value of stock options) in an amount to be proven at trial;
- b. Liquidated damages pursuant to statute;

- c. Damages for emotional distress and humiliation in an amount to be proven at trial;
- d. Punitive damages in an amount to be proven at trial;
- e. Prejudgment interest;
- f. Attorneys' fees and costs pursuant to statute; and
- g. For such other relief as the Court may deem just and proper.

JURY DEMAND

Plaintiff demands a trial by jury of all issues triable by jury in this action.

Executed at Randolph, New Jersey.

Dated: October 11, 2018

RAFKIN ESQ.
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RANDOLPH, NJ 07869

By: 
Seth A. Rafkin (5026554)

Attorneys for Plaintiff Ruby Anaya