

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

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SHERMIN SHAKIRI,

Plaintiff,

Index No.

SUMMONS

-against-

**SUBIN ASSOCIATES LLP, ARNOLD BAUM,
KATHERINE JIMENEZ and
PAULA LEONE, individually**

Defendants.

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To the above-named Defendants:

PLEASE TAKE NOTICE THAT YOU ARE HEREBY SUMMONED to answer or otherwise respond to the Complaint filed in this action within 20 days after the service of this Summons (not counting the day of service itself).

YOU ARE HEREBY NOTIFIED THAT, should you fail to respond to the Complaint, a judgment will be entered against you by default for the relief demanded below.

Venue: Plaintiff designates New York County as the place of trial.

Dated: February 14, 2019
New York, NY

s/
Vincent E. Bauer
Law Offices of Vincent E. Bauer
112 Madison Avenue, 5th floor
New York, NY 10016
Tel: (212) 575-1517

Counsel for Plaintiff

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

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SHERMIN SHAKIRI,

Plaintiff,

Index No.

-against-

COMPLAINT

**SUBIN ASSOCIATES LLP, ARNOLD BAUM,
KATHERINE JIMENEZ and
PAULA LEONE, individually**

Defendants.

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Plaintiff Shermin Shakiri ("Plaintiff" or "Shakiri") by and through her attorneys, The Law Offices of Vincent E. Bauer, as and for her Complaint, alleges as follows:

1. This is an action brought to redress: national origin harassment; sexual harassment; and retaliation against Plaintiff by Subin Associates LLP, Arnold Baum, Katherine Jimenez and Paula Leone (collectively "Defendants").

PARTIES, JURISDICTION AND VENUE

2. Plaintiff resides in Kings County, New York.
3. Defendant Subin Associates LLP ("Subin") is a New York corporation with a principal place of business in New York County, New York.
4. Defendant Arnold Baum ("Defendant Baum") is employed as the Chief Operating Officer at Subin, in its New York City office.
5. Defendant Katherine Jimenez ("Defendant Jimenez") is employed as a legal assistant in Subin's New York City office.

6. Defendant Paula Leone ("Defendant Leone") is employed as a secretary in Subin's New York City office.
7. The jurisdiction of this Court is predicated upon New York Civil Practice Law and Rules Sections 301 and 302. Venue is properly laid in New York County, which is the county in which Plaintiff was employed.

FACTUAL BACKGROUND

8. According to its website, Subin is a "personal injury law practice."
9. On November 1, 2016, Subin hired Plaintiff as a supervising senior paralegal.
10. Beginning in December 2016, Plaintiff was intimidated and harassed by individuals employed at Subin, including Jimenez and Leone.
11. For example, from the outset of her employment, Plaintiff was almost daily called either "immigrant" or "stupid immigrant" by Jimenez and/or Leone.
12. From the outset of her employment, Plaintiff was frequently called a "nasty bitch" by Defendants Jimenez and Leone.
13. On approximately four occasions, when Plaintiff arrived at the Subin offices wearing a nice outfit, Defendant Leone would loudly comment "what kind of Muslim is she?"
14. Plaintiff repeatedly reported the conduct of Jimenez and Leone to Subin Human Resources, Subin management, and Subin's Managing Partner either orally or via e-mail. To Plaintiff's knowledge, no action was taken against Defendants Jimenez or Leone, and their conduct continued unabated.
15. In October 2017, Subin hired Defendant Baum as its Chief Operating Officer.
16. From the outset of his employment, Defendant Baum also harassed Plaintiff because of her religious faith. For example, Defendant Baum found out Plaintiff was Muslim after firm

employees returned to the office after the holidays, when he asked her what she had done for Christmas. She told him that her family did not celebrate Christmas, since they are Muslim. Defendant Baum frowned and said "my people and your people in Israel do not get along."

17. On at least five occasions, Defendant Baum and Defendant Leone engaged in loud conversations about Muslim terrorism ruining the world. Plaintiff sat between those two, and those discussions were loudly held in Plaintiff's presence.
18. Additionally, when the subject of any act of terrorism arose, Defendant Baum referred to the terrorists as "Shermin's People". When discussing past acts of violence, such as when the eight Argentinian tourists were run over by a van near the World Trade Center in October 2017, or when the Vegas Music Festival shooting took place, Defendant Baum routinely said "I bet a Muslim is behind these acts."
19. On several occasions, Plaintiff heard Defendant Baum, in his usual loud voice, stating that, instead of Trump concentrating on the Mexican border, he should concentrate on deporting and not allowing entry to Muslim immigrants or visitors.
20. Defendant Baum also made it a point to routinely say in Plaintiff's presence that Jews were the best people in the world. He also made a huge deal of Jewish holidays upon his employment at Subin Associates, for example commencing a Hanukah candle ceremony in the office every night of the holiday, and inviting employees.
21. Plaintiff told Human Resources and Management about these comments at least four separate times, all of which reports which were laughed off as jokes.
22. Defendant Baum also sexually harassed Plaintiff. In that regard, shortly after he was hired, Defendant Baum began making strange, inappropriate comments to female employees.

Beginning in November 2017, Plaintiff was subjected to such comments by Defendant Baum.

23. Specifically, Defendant Baum repeatedly referred to Plaintiff as “babe” when he was Plaintiff’s immediate superior and manager. This practice began immediately upon Defendant Baum becoming Plaintiff’s immediate supervisor. Defendant Baum made that comment to Plaintiff approximately 20 times in the course of being Plaintiff’s immediate superior and manager.
24. Defendant Baum would also make other inappropriate comments to Plaintiff, and would ask Plaintiff personal questions about her personal life. For example, Defendant Baum would frequently compliment Plaintiff’s outfits, and tell her that she looked “beautiful.”
25. Another time, Defendant Baum asked the Plaintiff if she was Russian, because he loves Russian women.
26. From the outset of his employment, Defendant Baum’s desk directly faced Plaintiff’s seat, and, almost daily, said out loud what an “amazing view” he had and that he had “the best seat in the house.”
27. Additionally, on approximately four occasions, Defendant Baum told Plaintiff he loved her suits and that she should wear them more often as they accentuated her backside.
28. On December 21, 2017, at the Subin holiday party, Defendant Baum was sitting at the same table with the Plaintiff and told Plaintiff that the dimmed lights felt “romantic.”
29. That same night, Defendant Baum once again told Plaintiff how stunning she was, and said that she looked like a “Rockette” in her amazing holiday outfit.

30. That same night, Defendant Baum also pretended he was putting his cell phone in his pocket, and proceeded to touch Plaintiff's leg, put his hand on her knee, and rested his hand there while asking her what type of drink she was drinking.
31. Plaintiff, who was extremely uncomfortable, immediately took her party guest, who was sitting across the table from Plaintiff, went to the other side of the party, and did not return to her table.
32. Plaintiff was initially in shock from the incident. After the party, Plaintiff told her guest what happened that evening and broke down crying. Plaintiff also began to replay the incident in her head again and again.
33. The following week, Plaintiff orally reported the incidents from the holiday party to Subin human resources and management. Plaintiff further informed human resources and general management that she did not feel comfortable working with Defendant Baum.
34. Human resources and general management laughed off Plaintiff's complaints, saying that Defendant Baum was older and probably just joking.
35. The foregoing conduct was part of a pattern and practice of harassment by Defendant Baum, which was knowingly tolerated by Defendant Subin. For example, between November 2017 and August 2018, Defendant Baum hired four tall, attractive, Russian and/or Slavic women as firm paralegals.
36. In January 2018, after Plaintiff failed to entertain Defendant Baum's comments, and avoided him repeatedly, and after Defendant Baum learned that Plaintiff was Muslim, Defendant Baum started to grow angry with Plaintiff.
37. On or about April 20, 2018, the Defendant Baum began to question Plaintiff

loudly and aggressively about her work assignments in front of other Subin employees, including Defendants Jimenez and Leone. Plaintiff was mortified and humiliated by this very public interrogation.

38. Plaintiff calmly and respectfully proved to Defendant Baum that his accusations were incorrect, and that she had indeed completed all her assigned tasks. Plaintiff was humiliated by Defendant Baum's treatment of and tone taken towards her in front of her co-workers.
39. When Plaintiff turned around, she saw that her interaction with Defendant Baum was being video recorded by Defendants Jimenez and Leone.
40. Plaintiff went directly to the owner of the Subin firm, Herbert Subin, and complained of Defendant Baum verbally attacking her, and Defendants Jimenez and Leone video-recording her. The owner did not even move from his seat to take action.
41. Plaintiff then called the New York City Police Department to file a formal harassment complaint against Defendants Jimenez and Leone.
42. Two officers from the New York City Police Department responded, and Plaintiff made a formal written complaint for harassment and violation of privacy against Defendants Jimenez and Leone. Plaintiff advised Defendant Subin's partners, managers and members of Human Resources of the same via e-mail immediately after.
43. Plaintiff was then telephoned on her private cellular phone by Subin managing partner, Gregory Cerchione. Plaintiff and Mr. Cerchione had two or three lengthy conversations, during which she complained about Defendants Jimenez and Leone once more, as well as the prior sexual harassment and aggressive attitude of Defendant Baum.

44. Plaintiff was told to take a firm laptop and work from home. She was told not to put anything in writing regarding her complaints of harassment and retaliation, and that Mr. Cerchione would meet with her that Monday, April 24, 2018, to sort the situation out.
45. On April 24, 2018 the Plaintiff appeared for a meeting with Mr. Cerchione. She was told that she would continue as an employee of Subin and work remotely only. She was further told that she was not to have any contact with anyone in the firm, and that she was not allowed to set foot in the firm offices. The rationale provided to Plaintiff for those changes was that the firm wanted to "protect" Plaintiff from Defendants Baum, Jimenez and Leone.
46. Thereafter, Plaintiff worked from her home. Plaintiff had to have a messenger deliver work to and from her home.
47. Plaintiff had meetings thereafter very sporadically with employees from the Subin firm. When she appeared in the Subin offices, was told that she was not allowed to enter or even use the bathroom. She was treated differently, and made to sit in reception to wait for any meetings, and would have such meetings in a general conference room in the reception area.
48. In contrast, Defendants Jimenez and Leone continue to be employed Subin in the same positions they held prior to the April 20, 2018 incident.
49. Defendant Baum also continues to be employed by Subin in the same position he held prior to the December 21, 2017 and April 20, 2018 incidents.
50. On information and belief, Defendants Jimenez and Leone have not been disciplined or suffered adverse employment measures as a result of their harassment of Plaintiff. On information and belief, Defendants Jimenez and Leone continue to receive at least the same salary and benefits that they did prior to the April 20, 2018 incident.
51. On information and belief, Defendant Baum has not been disciplined or suffered

adverse employment measures as a result of his harassment of Plaintiff. On information and belief, Defendant Baum continues to receive at least the same salary and benefits that he did prior to the December 21, 2017 and April 20, 2018 incidents.

52. Indicative of the fact that Defendant Baum was not disciplined was that a) was continuously on top of Plaintiff with regard to her work assignments and attempting hard to find something wrong with Plaintiff's work; and; b) would regularly taunt Plaintiff through e-mail after the incident in question. In short, Defendant Baum wanted Plaintiff to know he was "untouchable."
53. Defendant Baum continuously stalked the Plaintiff online via her "Linkedin" profile prior to her termination and post termination.
54. The Defendant Baum, continuously closely monitored and micro-managed Plaintiff's assignments and questioned her for every small thing he though he may have found to get Plaintiff into trouble. Plaintiff provided completed assignments continuously along with spread sheets as per the request of Defendant Baum.
55. On December 4, 2018, Defendant Baum wrongfully terminated Plaintiff's employment with Defendant Subin. Defendant Baum and Defendant Subin were aware at the time of Plaintiff's termination that Plaintiff had been diagnosed with cancer and was scheduled for surgery on December 21, 2018.
56. Plaintiff has suffered emotional and physical injuries stemming from Defendants' actions.
57. These injuries include but are not limited to: suffering from post-traumatic stress disorder; excessive sleeping; feeling easily fatigued and generally lacking energy; and not doing the things she used to enjoy. Plaintiff also suffers from anxiety that in turn causes her to be

nauseous. Plaintiff suffers from low self-esteem and self-consciousness. Plaintiff suffers from substantial weight gain since April 20, 2018.

**FIRST CAUSE OF ACTION
NATIONAL ORIGIN AND RELIGIOUS HARASSMENT
AGAINST DEFENDANTS SUBIN, JIMENEZ, BAUM AND LEONE**

58. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 57 of the Complaint as though fully set forth herein.
59. The conduct of Defendants Baum, Jimenez and Leone, as described above, all of which was unwelcome, constituted hostile environment national origin and/ or religious harassment, in violation of the New York Human Rights Law, as contained in the Executive Law of the State of New York, and the New York City Administrative Code.
60. As a direct and proximate result of the unlawful practices by Defendants, Plaintiff has suffered and continues to suffer economic damages, as well as emotional pain and suffering. By reason of the foregoing, Plaintiff is entitled to recover damages from Defendants.

**SECOND CAUSE OF ACTION
SEXUAL HARASSMENT
AGAINST DEFENDANTS SUBIN AND BAUM**

61. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 60 of the Complaint as though fully set forth herein.
62. The conduct of Defendant Baum, as described above, all of which was unwelcome, constituted hostile environment sexual harassment in violation of the New York Human Rights Law, as contained in the Executive Law of the State of New York, and the New York City Administrative Code.
63. As a direct and proximate result of the unlawful practices by Defendants,

Plaintiff has suffered and continues to suffer economic damages, as well as emotional pain and suffering. By reason of the foregoing, Plaintiff is entitled to recover damages from Defendants.

**THIRD CAUSE OF ACTION
UNLAWFUL RETALIATION
AGAINST DEFENDANTS SUBIN AND BAUM**

64. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 63 of the Complaint as though fully set forth herein.
65. The conduct of Defendants, as described above, all of which was unwelcome, constituted unlawful retaliation against Plaintiff for reporting and opposing hostile environment sexual harassment, religious harassment and national origin harassment, in violation of the New York Human Rights Law, as contained in the Executive Law of the State of New York, and the New York City Administrative Code.
66. As a direct and proximate result of the unlawful practices by Defendants, Plaintiff has suffered and continues to suffer economic damages, as well as emotional pain and suffering. By reason of the foregoing, Plaintiff is entitled to recover damages from Defendants.

WHEREFORE, Plaintiff demands judgment:

- a) For economic, compensatory, liquidated and punitive damages in an amount to be determined at trial;
- b) Attorneys' fees and costs, in an amount to be determined at trial; and
- c) For such other and further relief as the Court deems proper, together with the costs and disbursements of this action.

A jury trial of this action is hereby demanded.

Dated: February 14, 2019
New York, New York

Law Offices of Vincent E. Bauer

/s/ Vincent Bauer
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