

**NEW YORK STATE SUPREME COURT
BRONX COUNTY**

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SALLY WILLIAMS,

Index No.: 819295/2023E

Plaintiff,

REDACTED COMPLAINT

-against-

JURY TRIAL DEMANDED

MONTEFIORE MEDICAL CENTER, WOJCIECH
RYMAROWICZ, SHALESIA SOOKRA, and
JEFFREY WEISS.

Defendants.

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Plaintiff Sally Williams, by her attorneys Filippatos PLLC, hereby alleges against Defendants Montefiore Medical Center ("Montefiore" or the "Hospital"), Wojciech Rymarowicz, Shalesia Sookra, and Jeffrey Weiss (together, the "Individual Defendants," and with Montefiore, "Defendants") as follows:

NATURE OF THE CASE

1. This is a case about how an exceptionally hard-working female Occupational Therapist in the field of rehabilitative medicine who had been working at Montefiore Hospital for *15 years* was abruptly suspended and fired after refusing her boss's offer of "a ride home."

2. In fact, when Montefiore learned that Plaintiff was being sexually harassed by her boss who suspended and fired her because she denied his advances, it not only turned a blind eye to the devastation Plaintiff was facing but punished her for engaging in protected activity by ratifying the unlawful termination of her employment.

3. As a result of Defendants' unlawful conduct alleged herein, Plaintiff brings this action against Montefiore, her boss Wojciech Rymarowicz, Employee & Labor Relations Manager Shalesia Sookra, and Vice President of Medical Affairs Jeffrey Weiss for violating the New York State Human Rights Law, New York State Executive Law, §§296, et seq. (the "NYSHRL"), and the New York City Human Rights Law, New York City Administrative Code §§8-107, et. seq.

(the "NYCHRL").

PARTIES, JURISDICTION, AND VENUE

4. Plaintiff was an adult resident of the State of New York, Bronx County.

5. At all times relevant hereto, Plaintiff was an "employee" of Defendant Montefiore under all relevant statutes herein.

6. At all times relevant hereto, Defendant Montefiore was and is a domestic non-profit organization duly existing pursuant to, and by virtue of, the laws of New York and maintains a principal place of business located at 111 E. 210th Street, Bronx, NY 10467.

7. Upon information and belief, at all times relevant hereto, Defendant Rymarowicz was and is an individual residing in the State of New York and employee of Montefiore, holding the position of "Director of Rehabilitative Services for Home Care." At all relevant times hereto, Defendant Rymarowicz had the authority to hire, terminate, and affect the terms and conditions of Plaintiff's employment or to otherwise influence the decision-making regarding same such that he also was Plaintiff's "employer" under all relevant statutes alleged herein.

8. Upon information and belief, at all times relevant hereto, Defendant Sookra was and is an individual residing in the State of New York and employee of Montefiore, holding the position of "Employee & Labor Relations Manager." At all relevant times hereto, Defendant Sookra had the authority to hire, terminate, and affect the terms and conditions of Plaintiff's employment or to otherwise influence the decision-making regarding same such that she also was Plaintiff's "employer" under all relevant statutes alleged herein.

9. Upon information and belief, at all times relevant hereto, Defendant Weiss was and is an individual residing in the State of New York and employee of Defendant Montefiore, holding the position of "Vice President of Medical Affairs." At all relevant times hereto, Defendant Weiss had the authority to hire, terminate, and affect the terms and conditions of Plaintiff's employment

or to otherwise influence the decision-making regarding same such that he also was Plaintiff's "employer" under all relevant statutes alleged herein.

10. This Court has subject matter jurisdiction over this matter pursuant to N.Y. Const., art. VI, § 7(a).

11. Venue is proper in this Court because one or more of the Defendants reside in this jurisdiction, and the events giving rise to Plaintiff's claims herein occurred in this jurisdiction.

FACTUAL ALLEGATIONS

A. Plaintiff's Successful Career at Montefiore

12. Plaintiff is a Master-level Occupational Therapist in the field of rehabilitative medicine, practicing for 23 consecutive years. Plaintiff is licensed in New York, New Jersey, and Florida.

13. Plaintiff graduated with a Bachelor of Science in Public Relations degree from the University of Miami in 1993, and then from Nova Southeastern University with a Master of Science in Occupational Therapy degree in 1999. She also then received her Hand & Upper Quarter Rehabilitation Certification from Drexel University in 2015.

14. Prior to joining Montefiore, Plaintiff accrued over eight years of experience in Occupational Therapy.

15. Plaintiff joined Montefiore as an Occupational Therapist on or about January 1, 2005.

16. At Montefiore, Plaintiff started as a full-time Occupational Therapist at the Moses Campus and later placed at Montefiore Home Care as a Service Occupational Therapist. By July 2019, Plaintiff was a full-time Senior Occupational Therapist at Montefiore.

17. Throughout Plaintiff's tenure at Montefiore, she also contemporaneously practiced at the New York Presbyterian Hospital and Physical Medicine & Rehabilitation.

18. At Montefiore, Plaintiff assisted clients by devising occupational treatment plans and worked tirelessly throughout the pandemic, serving 50 home care patients with COVID-19.

19. Plaintiff consistently received positive reviews. In her 2015 and 2016 performance reviews for instance, Defendant Rymarowicz wrote that Plaintiff had “no major issues” with her performance and that “it [was his] pleasure to work with [Plaintiff].” Plaintiff also received very high ratings in “Ethics and Compliance” category during those years.

20. In 2022, Plaintiff received a commendation for “grateful recognition of 15 years of loyal and devoted service.”

21. In sum, throughout her 15 years at Montefiore, Plaintiff had no notable blemish on her record and consistently exceeded expectations.

B. Plaintiff is Sexually Harassed by Defendant Rymarowicz and Then Subjected to a Hostile Work Environment and Retaliated Against for Refusing His Unwanted Advances

22. Plaintiff joined Montefiore Home Care in January 2010. Defendant Rymarowicz became her supervisor.

23. On or about January 2010, Defendant Rymarowicz held an onboarding meeting with Plaintiff in his office. At the end of the meeting, Defendant Rymarowicz began to act inappropriately. He approached Plaintiff and, to her shock and great discomfort, put his arm around her shoulders and held her close. He then offered her a ride home, stating: “It’s cold, and you don’t have your car.” Plaintiff emphatically declined his offer, yet Defendant Rymarowicz persisted. Plaintiff again declined.

24. After this shocking event, Plaintiff thought about reporting Defendant Rymarowicz’s conduct but decided against it after a coworker made her aware of Defendant Rymarowicz’s vindictive history.

25. A few years passed, and Defendant Rymarowicz did not make any similar

unwanted advances. However, this all changed in April 2022, when Defendant Rymarowicz again approached Plaintiff while she was alone to “offer her a ride.” This occurred in the parking lot of Montefiore Home Care, at around 4:00 pm.

26. Plaintiff had gone to Montefiore Home Care to pick up work supplies and was approached by Defendant Rymarowicz as she walked into the building through the parking garage. Defendant Rymarowicz asked her what she was doing there. Plaintiff told him that she was there to pick up supplies and would then go home by bus. Defendant Rymarowicz responded: “Let me drive you. I’ll wait for you here.” This stalking behavior immediately made Plaintiff feel uncomfortable and triggered disturbing memories of the prior incident of sexual harassment she had endured from Defendant Rymarowicz back in 2010. Plaintiff responded that it would take her a while to return since she also had to complete documentation, hoping this would defuse the situation. Defendant Rymarowicz responded with a look of disdain: “Alright.”

27. Almost immediately after she once again rejected Defendant Rymarowicz’s unwanted advances, Plaintiff’s work environment noticeably worsened. Defendant Rymarowicz began to shun, demean, and belittle her in front of colleagues. Defendant Rymarowicz also made various disparaging remarks in staff meetings, where approximately 40 of Plaintiff’s colleagues were in attendance. He would make inappropriate and demeaning remarks such as: “Nice of you to join us, Sally”; “Oh Sally, nice of you to show up”; and “Why don’t I ever see you” falsely implying that Plaintiff was shirking her work. This suddenly negative treatment humiliated Plaintiff and baffled her as she was not performing her job any differently than she had been before the second sexually harassing incident.

28. On July 11, 2022, Plaintiff was scheduled to return to work after a vacation. On that morning, Plaintiff contacted Montefiore’s rehabilitation scheduler, Sarah Rodriguez-Otto, to ask why Montefiore had not assigned her any patients. Ms. Rodriguez-Otto responded that

Defendant Rymarowicz tried to call Plaintiff while she was on vacation – a camping trip – and since Plaintiff did not answer or return his calls, Montefiore decided to suspend her without pay indefinitely without notice or the opportunity to plead her case.

29. The same day, Plaintiff received an email from Defendant Rymarowicz informing her that she was being suspended without pay until further notice. Incredibly, he provided no reason whatsoever for the suspension, leaving a perplexed Plaintiff to ponder what she could have done wrong, particularly given that she had never had any performance or misconduct issues throughout her long tenure at the Hospital. Defendant Rymarowicz informed Plaintiff of a meeting to “discuss” the reasons for the suspension on July 13, 2022, and was told to bring union representation.

30. Plaintiff called Defendant Rymarowicz later that day to find out what the reason was for her suspension. Defendant Rymarowicz screamed at her and told her that she needed to attend the “fact-finding” meeting on July 13, 2022, with a union representative. Defendant Rymarowicz still refused to tell Plaintiff the reason for her suspension.

31. On July 12, 2022, Defendant Rymarowicz sent another email to Plaintiff threatening her that: “If you refuse to meet, we will base our conclusions on the information available without meeting and hearing from you.” He also told her that she could bring a union representative to the meeting but not an attorney.

32. Plaintiff immediately replied that she would agree to meet and identified her union representative as Zenaida Colon. The “fact-finding” meeting was scheduled to take place in the afternoon of July 13, 2022, with Plaintiff still completely in the dark about why she had suddenly been suspended without pay.

33. On the day of the meeting, Plaintiff was under so much emotional distress that she collapsed while waiting for an elevator on the way to the meeting and had chest pains. Plaintiff’s

husband rushed her to Montefiore's Emergency Room, where she was diagnosed with high blood pressure and chest pain and told to follow up with a cardiologist. Due to this unfortunate event, the "fact-finding" meeting was rescheduled for July 19, 2022.

34. On July 19, 2022, the "fact-finding" meeting took place, and Plaintiff was finally informed of the reason for her suspension. It was supposedly because of her interactions with a patient [REDACTED], whom Plaintiff could not recall having treated. Without being able to remember the patient, Plaintiff was unable to plead her case and, of course, had no way to prepare for the meeting since she had been given no prior information.

35. When she arrived home, Plaintiff looked up the patient and finally remembered that she had made an accidental mistake during her treatment, which took place back on June 23, 2022, two days before Plaintiff's began her vacation. Plaintiff had traveled to the patient's home that day to conduct an initial evaluation. She was welcomed into the home by the patient's daughter-in-law, who was an experienced medical professional, a hospice nurse, and the patient's health care proxy.

36. Plaintiff was told that the patient was in end-stage cancer treatment, had a history of aggression/frustration with home care medical providers, and needed his daughter-in-law to answer all medical questions.

37. Plaintiff was told that the patient should be "right back" and agreed to wait.

38. While waiting, Plaintiff was told more information about the patient and learned that the patient had his vital signs monitored an hour before Plaintiff's arrival. Plaintiff reviewed the documentation denoting the prior vital sign monitoring so that she could make a comparison once she got to see the patient.

39. To save time, the patient's daughter-in-law, who was also his proxy, signed Plaintiff's Occupational Therapy initial evaluation before the patient returned home to expedite Plaintiff's already long visit.

40. When Plaintiff noticed it was getting late and the patient had not returned home, she politely excused herself to travel to see the next patient. Plaintiff patiently waited as long as possible until it was clear that the patient was taking much longer than expected to return home.

41. That evening, after a long day of work, Plaintiff completed her documentation for the day as normal. Unfortunately, Plaintiff was so tired that she forgot that the patient was not present at the initial evaluation and **mistakenly** submitted the patient's incomplete initial evaluation. This caused a billing error that was caught by the Hospital two days later. The patient was not billed for the session.

42. After the COVID-19 pandemic began, through when this incident occurred, Montefiore had only five Homecare Occupational Therapists (after previously having 10) who were responsible for 24 Bronx zip codes and seven Westchester County zip codes. Plaintiff herself was responsible for nine zip codes and had to cover other Occupational Therapists when they were unavailable. Needless to say, it was no secret that Plaintiff was severely overworked during this time period, which certainly contributed to the unfortunate error she made.

C. Plaintiff is Unlawfully Fired Because She Rejected Defendant Rymarowicz's Unwanted Sexual Advance

43. On July 27, 2022, Plaintiff was fired by Montefiore during a meeting with Keith Johnson and Melissa McDaniel, two union representatives, and Maura Viera, the Director of Management for Montefiore Home Care. Plaintiff had no opportunity between the moment she was suspended to when she was notified of her firing to her case to plead her case with her original union representative, Ms. Colon.

44. Plaintiff was purportedly fired for allegedly falsifying a record in violation of Montefiore policy, even though she was, at worst, inconsequentially negligent.

45. Specifically, Montefiore's Administrative Policy and Procedure JE16.1 provides that: "fraud is *intentional* deception or misrepresentation that an individual knows to be false, and that the individual makes knowing that it could result in an unauthorized benefit to himself/herself or some other person." (emphasis added). The policy also states: "No associate, nor any other person performing services on behalf of MMC, shall *willfully or knowingly* make any false, inaccurate or materially incomplete entries in any book or record." (emphasis added). Plaintiff's error was nowhere near "intentional," "willful," or "knowing."

46. Moreover, Montefiore Home Care's Policy related to False Documentation states, in pertinent part: "If any document is considered potentially dishonest, the following procedure is followed: 1) the situation will be reported immediately to the Manager/Director of the Department; 2) An investigation by the Director of Quality Management for Montefiore Home Care (MHC) will take place to discern if the documentation is false, 3) Findings will be presented to MHC Leadership for further determination and escalation."

47. Defendant Weiss has endorsed "a Just Culture Tool," widely utilized at Montefiore to determine genuine, accidental mistakes in the medical workplace.¹ Under a Just Culture Tool guideline, it is apparent that Ms. Williams' error is not "reckless behavior," which allows for discipline; instead, it falls into the "human error" category, which punishment is to "console."²

¹ See Montefiore Health System, *Just Culture: Montefiore is Doing More to Identify Systems Issues, Learn and Enhance Patient Safety*, YOUTUBE (Jun 14, 2018), <https://www.youtube.com/watch?v=5mR6e-uhR7c/>.

² See NPSF, *A Just Culture Tool*, https://zdogcmd.com/wp-content/uploads/2018/12/Just-Culture-Tool_NPSF-Version_Adelman_9_22_16.pdf/.

Even though Montefiore has repeatedly used a Just Culture tool³, Montefiore conveniently has not used it to analyze her mistake.

48. Montefiore failed to follow its own policies as Defendant Rymarowicz immediately suspended Plaintiff without any proper investigation, nor was there a proper or legitimate investigation conducted before terminating Plaintiff's employment; indeed, she was never even able to plead her side of the story.

49. Plaintiff was fired and suspended pretextually for the "falsification of records," as the real reason was her refusal to accede to Defendant Rymarowicz's unwanted sexual advances.

D. Plaintiff Complains About Her Unlawful Termination and Defendant Rymarowicz's Harassing Conduct to No Avail

50. Plaintiff immediately lodged a grievance through her union, seeking a reevaluation of her firing on the basis that it was carried out in retaliation for her refusal of Defendant Rymarowicz's sexual advances.

51. Plaintiff's grievance hearing was held on September 29, 2022. In attendance were union organizer Keith Johnson, Contract Administrator Melissa McDaniel, Defendant Rymarowicz, Director of Quality and Regulatory Compliance for Home Care Lauren Huber, and Defendant Sookra, who served as the Hearing Officer.

52. Ultimately, on October 7, 2022, Defendant Sookra denied Plaintiff's grievance and reaffirmed the unlawful termination decision. She even denied allowing a "Last Chance Agreement" requested by Plaintiff's union in consideration of Plaintiff's clean record.

53. On October 17, 2022, Plaintiff contacted Defendant Weiss pleading to remedy the unlawful situation, to no avail. Plaintiff indicated that she would be forgiven for her mistake under

³ In a Just Culture Tool video, it tells a testimony about a Montefiore RN, who gave a pregnant woman in labor the wrong medication causing paralysis. The Montefiore RN did not get terminated under a Just Culture Tool.

a Just Culture Tool. Plaintiff made clear that her firing was precipitated by her rejection of Defendant Rymarowicz's unwanted sexual advances: "I am left to wonder if my termination is a vindictive attack for not accepting my supervisor's, W. Rymarowicz, proposition of a ride home." Notably, Plaintiff learned from Ms. Colon that Defendant Rymarowicz had a history of engaging in alleged sexual harassment and that she had represented at least one other employee in a similar case. Montefiore was aware of this sexual harassment incident. Defendant Rymarowicz's conduct was an open secret, as a colleague of Plaintiff had warned her about Defendant Rymarowicz's sexual misconducts, including that "he is vindictive."

54. Shockingly, no investigation was ever conducted into Plaintiff's alarming sexual harassment allegations, in violation of Montefiore's own Anti-Harassment policy.

55. Nevertheless, after sending her email pleading for reconsideration to Defendant Weiss, several Montefiore attorneys, including Christopher S. Panczner, Senior Vice President & Legal Officer, had the audacity to repeatedly contact Plaintiff's husband to ask him: "What angle is Sally taking with this?" It is apparent that Defendant Weiss, having known Plaintiff for years, realized that Plaintiff was unfairly and pretextually terminated and alerted Montefiore's attorneys of the injustice.

56. On September 14, 2023, Plaintiff discovered that Montefiore has filed a complaint with the New York State Education Department regarding her practice as an Occupational Therapist in clear retaliation for Plaintiff's protected activities. Upon knowledge and belief, the complaint was filed in September 2022.

57. On October 4, 2023, Plaintiff was questioned by a New York State Education Department Senior investigator about the honest mistake that got her unlawfully suspended and terminated by Montefiore in a virtual interview via Webex. New York State Education Department's investigation is still ongoing, and Plaintiff may be subject to unimaginable

consequences that could jeopardize Plaintiff's career solely for refusing Defendant Rymarowicz's sexual advances and engaging in protected activities.

58. As a result of Defendants' unlawful actions, Plaintiff has been left devastated, humiliated, and traumatized. Not only was she blatantly sexually harassed by Defendant Rymarowicz, but the Hospital inexplicably refused to protect her, and instead embarked on a crusade of unlawful retaliation culminating in her unlawful firing and complaint to the New York State Education Department.

59. Defendant Rymarowicz's sexual harassment and clear retaliation against Plaintiff should never have happened had the Hospital simply complied with its legal responsibilities to protect its employees and ensure a safe workplace free of sexual harassment.

FIRST CAUSE OF ACTION
DISCRIMINATION UNDER NYSHRL
Against All Defendants

60. Plaintiff repeats and realleges each and every allegation made in the above paragraphs of this Complaint as if fully set forth herein.

61. New York Executive Law § 296 states in pertinent part:

1. It shall be an unlawful discriminatory practice: "(a) For an employer or licensing agency, because of an individual's age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status, or domestic violence victim status, to refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment."

62. Defendants engaged in an unlawful discriminatory practice by discriminating against Plaintiff with respect to the terms and conditions of her employment and by discharging her from employment on the basis of her sex (female) in violation of the New York State Human Rights Law.

63. As a result of the acts and conduct complained of herein, Plaintiff has suffered and will continue to suffer damages including but not limited to economic and pecuniary losses; severe

emotional, psychological and physical stress, distress, anxiety, pain and suffering; the inability to enjoy life's pleasures; and other non-pecuniary losses and special damages.

64. Accordingly, as a result of Defendants' unlawful conduct, Plaintiff has been damaged as set forth herein and is entitled to the maximum compensation available under this law including, but not limited to, punitive damages.

SECOND CAUSE OF ACTION
RETALIATION UNDER NYSHRL
Against All Defendants

65. Plaintiff repeats and realleges each and every allegation made in the above paragraphs of this Complaint as if fully set forth herein.

66. New York State Executive Law § 296(7) provides that it shall be unlawful discriminatory practice: "for any person engaged in any activity to which this section applies to retaliate or discriminate against any person because he or she has opposed any practices forbidden under this article or because he or she has filed a complaint, testified or assisted in any proceeding under this article."

67. Defendants engaged in an unlawful discriminatory practice by retaliating against Plaintiff for refusing Defendant Rymarowicz's sexual advances and engaging in protected activities pursuant to the NYSHRL by unlawfully suspending, terminating Plaintiff's employment and subsequently subjecting her to a disciplinary proceeding.

68. As a result of the acts and conduct complained of herein, Plaintiff has suffered and will continue to suffer damages including but not limited to economic and pecuniary losses; severe emotional, psychological and physical stress, distress, anxiety, pain and suffering; the inability to enjoy life's pleasures; and other non-pecuniary losses and special damages.

69. Accordingly, as a result of the unlawful conduct of Defendants' unlawful conduct, Plaintiff has been damaged as set forth herein and is entitled to the maximum compensation

available under this law, including, but not limited, punitive damages.

THIRD CAUSE OF ACTION
AIDING AND ABETTING UNDER NYSHRL
Against Individual Defendants Only

70. Plaintiff repeats and realleges each and every allegation made in the above paragraphs of this Complaint as if fully set forth herein.

71. 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.”

72. Individual Defendants engaged in unlawful discriminatory and retaliatory practices in violation of New York State Executive Law § 296(6) by aiding, abetting, inciting, compelling, and coercing the discriminatory and retaliatory conduct against Plaintiff.

73. As a result of the acts and conduct complained of herein, Plaintiff has suffered and will continue to suffer damages including but not limited to economic and pecuniary losses; severe emotional, psychological and physical stress, distress, anxiety, pain and suffering; the inability to enjoy life’s pleasures; and other non-pecuniary losses and special damages.

74. Accordingly, as a result of the unlawful conduct of Individual Defendants, Plaintiff has been damaged as set forth herein and is entitled to the maximum compensation available under this law, including, but not limited, punitive damages.

FOURTH CAUSE OF ACTION
DISCRIMINATION UNDER THE NYCHRL
Against All Defendants

75. Plaintiff repeats and realleges each and every allegation made in the above paragraphs of this Complaint as if fully set forth herein.

76. New York City Administrative Code §8-107(1) provides that: “it shall be an unlawful discriminatory practice: (a) For an employer or an employee or agent thereof, because of

the actual or perceived age, race, creed, color, national origin, gender, disability, marital status, sexual orientation, or alienage or citizenship status of any person, to refuse to hire or employ or to bar or to discharge from employment such person or to discriminate against such person in compensation or in terms, conditions, or privileges of employment.”

77. Defendants violated the NYCHRL by discriminating against Plaintiff with respect to the terms and conditions of her employment and discharging her from employment because of her gender (female) in violation of the New York City Human Rights Law.

78. As a result of the acts and conduct complained of herein, Plaintiff has suffered and will continue to suffer damages including but not limited to economic and pecuniary losses; severe emotional, psychological and physical stress, distress, anxiety, pain and suffering; the inability to enjoy life’s pleasures; and other non-pecuniary losses and special damages.

79. Accordingly, as a result of Defendants’ unlawful conduct, Plaintiff has been damaged as set forth herein and is entitled to the maximum compensation available under this law, including, but not limited, punitive damages.

FIFTH CAUSE OF ACTION
RETALIATION UNDER THE NYCHRL
Against All Defendants

80. Plaintiff repeats and realleges each and every allegation made in the above paragraphs of this Complaint as if fully set forth herein.

81. New York City Administrative Code §8-107(7) provides in pertinent part that: “it shall be an unlawful discriminatory practice for any person engaged in any activity to which this chapter applies to retaliate or discriminate in any manner against any person because such person has (i) opposed any practice forbidden under this chapter, (ii) filed a complaint, testified or assisted in any proceeding under this chapter.”

82. Defendants engaged in an unlawful discriminatory practice by retaliating against Plaintiff for refusing Defendant Rymarowicz's unwanted sexual advances and engaging in protected activities pursuant to NYCHRL, by unlawfully suspending, terminating Plaintiff's employment and subsequently subjecting her to a disciplinary proceeding.

83. As a result of the acts and conduct complained of herein, Plaintiff has suffered and will continue to suffer damages including but not limited to economic and pecuniary losses; severe emotional, psychological and physical stress, distress, anxiety, pain and suffering; the inability to enjoy life's pleasures; and other non-pecuniary losses and special damages.

84. Accordingly, as a result of Defendants' unlawful conduct, Plaintiff has been damaged as set forth herein and is entitled to the maximum compensation available under this law, including, but not limited, punitive damages.

SIXTH CAUSE OF ACTION
AIDING AND ABETTING UNDER NYCHRL
Against Individual Defendants Only

85. Plaintiff repeats and realleges each and every allegation made in the above paragraphs of this Complaint as if fully set forth herein.

86. New York City Administrative Code §8-107(6) provides that it shall be unlawful discriminatory practice "for any person to aid, abet, incite, compel or coerce the doing of any of the acts forbidden under this chapter, or attempt to do so."

87. Individual Defendants engaged in unlawful discriminatory and retaliatory practices in violation of New York City Administrative Code § 8-107(b) by aiding, abetting, inciting, compelling, and coercing the discriminatory and retaliatory conduct.

88. As a result of the acts and conduct complained of herein, Plaintiff has suffered and will continue to suffer damages including but not limited to economic and pecuniary losses; severe emotional, psychological and physical stress, distress, anxiety, pain and suffering; the inability to

enjoy life's pleasures; and other non-pecuniary losses and special damages.

89. Accordingly, as a result of the unlawful conduct of Individual Defendants, Plaintiff has been damaged as set forth herein and is entitled to the maximum compensation available under this law, including, but not limited, punitive damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests a judgment against the Defendants:

A. Declaring that Defendants engaged in unlawful employment practices prohibited by the NYSHRL and NYCHRL by discriminating and retaliating against Plaintiff on the basis of her gender/sex (female);

B. Awarding damages to Plaintiff for all lost wages and benefits resulting from Defendants' unlawful discrimination and retaliation and to otherwise make whole for any losses suffered as a result of such unlawful employment practices;

C. Awarding Plaintiff compensatory damages for mental, emotional, and physical injury, distress, pain and suffering and injury to her reputation in an amount to be proven at trial;

D. Awarding Plaintiff punitive damages;

E. Awarding Plaintiff's attorneys' fees, costs, disbursements, and expenses incurred in the prosecution of this action;

F. Awarding Plaintiff such other and further relief as the Court may deem equitable, just, and proper to remedy the Defendants' unlawful employment practices.

JURY DEMAND

Plaintiff hereby demands a trial by jury on all issues of fact and damages stated herein.

Dated: December 4, 2023
White Plains, New York

Respectfully submitted,

FILIPPATOS PLLC

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