

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

Index No.:
Date Filed: October 11, 2024

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KADAJDRA DUCKETT-HOLMES,

Plaintiff designates New York
County as the place of trial.

Plaintiff,

The basis of venue is
Defendants' place of business

-against-

SUMMONS

**PLANNED PARENTHOOD OF GREATER NEW
YORK, INC.,**

WENDY STARK individually,

LORI TRZOP individually,

CHRIS CASTRO GONZALEZ individually,

and TOI EATON individually,

Defendants.

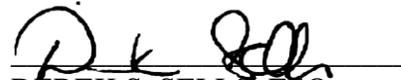
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To the above-named Defendant(s)

You are 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(s) within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete 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.

Dated: New York, New York
October 11, 2024

Yours, etc.



DEREK S. SELLS, ESQ.

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New York, New York 10006
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dsells@cochranfirmny.com

TO:

PLANNED PARENTHOOD OF GREATER NEW YORK, INC,

-via Actual Place of Business-

26 Bleecker St,
New York, NY 10012

WENDY STARK

-via Place of Employment-

PLANNED PARENTHOOD OF GREATER NEW YORK, INC.

26 Bleecker St,
New York, NY 10012

LORI TRZOP

-via Place of Employment-

GUIDEONE INSURANCE

26 Bleecker St,
New York, NY 10012

CHRIS CASTRO GONZALEZ

-via Place of Employment-

GUIDEONE INSURANCE

26 Bleecker St,
New York, NY 10012

TOI EATON

-via Place of Employment-

GUIDEONE INSURANCE

26 Bleecker St,
New York, NY 10012

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

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KADAJDRA DUCKETT-HOLMES ,

Docket No.:

Plaintiff,

-against-

**VERIFIED COMPLAINT
AND JURY TRIAL
DEMAND**

**PLANNED PARENTHOOD OF GREATER NEW YORK, INC.,
WENDY STARK individually,
LORI TRZOP individually,
CHRIS CASTRO GONZALEZ individually,
and TOI EATON individually,**

Filed on: 10/11/2024

Defendants.

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Plaintiff KADAJDRA DUCKETT-HOLMES (hereinafter referred to as “Plaintiff” or “Ms. Duckett-Holmes ”), by and through her undersigned counsel, THE COCHRAN FIRM, as and for Plaintiff’s Verified Complaint in this action against the Defendants **PLANNED PARENTHOOD OF GREATER NEW YORK, INC., WENDY STARK, LORI TRZOP, CHRIS CASTRO GONZALEZ,** and **TOI EATON** hereby alleges as follows:

STATEMENT

Planned Parenthood was founded by Margaret Sanger who was an unabashed racist, eugenics believer and KKK sympathizer. As late as April 2021, Planned Parenthood’s leadership acknowledged that Sanger was coddled by the organization and protected despite her discriminatory animus:

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“Planned Parenthood has failed to own the impact of our founder’s actions. We have defended Sanger as a protector of bodily autonomy and self-determination, while excusing her association with white supremacist groups and eugenics as an unfortunate product of her time.”¹

While this statement was meant to reflect a new beginning for the Planned Parenthood organization as it relates to addressing issues of racial, gender, and disability equality within its own walls, the reality is that Planned Parenthood continues to be run by people who are openly hostile to racial minorities, the disabled, older workers and those who complain about discriminatory practices.

Proof of this reality lies in the lawsuit filed by Nicole Moore, who on October 19, 2022, a year and half after the organization’s acknowledgement of its racist history, alleged that Planned Parenthood continued to discriminate against its African American employees and against those who complained about this racial discrimination. Ms. Moore clearly had insight into this topic as she was the director of Multicultural brand engagement until she was fired for complaining about discriminatory practices within Planned Parenthood. As stated in her complaint:

“When Moore politely spoke up about the inequitable distribution of work, she was falsely accused of being negative, angry, difficult to work with, and chastised for her “tone” – complaints that had no basis in reality but comported with well-trafficked stereotypes about Black women. Planned Parenthood executives then proceeded to thwart Moore’s ideas, sabotage her projects, and subject her to unfounded disciplinary measures that were clearly intended to silence her complaints. The barrage of mistreatment caused Moore to suffer a panic attack so severe that she spent a day in the hospital. After complaining to HR that the disciplinary measures appeared to be retaliation for her complaints of racial inequality at the organization, she was summarily fired.”²

A mere five (5) months later, Mr. Samuel Ricarlos Mitchell, Jr., the Chief Operational

¹ New York Times op ed April 17, 2021, “I’m the Head of Planned Parenthood. We’re Done Making Excuses for our Founder.” Alexis McGill Johnson

² *Moore v. Planned Parenthood Federation of America, et al*, 22-cv-8899, SDNY, Document 1 at paragraph 8.

Officer (“C.O.O.”) and highest ranking African American male in Planned Parenthood of Greater New York’s (“PPGNY”) history, filed suit on March 7, 2023, alleging that he too had been victimized by race, gender, age, and disability discrimination in violation of State and New York City laws. That lawsuit was meant to shine a light on the discriminatory and retaliatory employment practices that permeate the organization and bring justice to Mr. Mitchell for the unrelenting discriminatory practices he had endured. The Defendants, instead of changing their ways, doubled down with their discriminatory and retaliatory practices by segregating Mr. Mitchell away from his colleagues, removing his responsibilities and ultimately terminating him illegally.

Ms. Duckett-Holmes’ unlawful, discriminatory retaliation and constructive termination occurred in the context of this despicably racist and sexist environment just three (3) months following Mr. Mitchell’s lawsuit. Ms. Duckett-Holmes’ verified complaint follows.

NATURE OF THE CLAIMS

This is a civil action for declaratory, injunctive, and equitable relief, as well as monetary damages, to redress Defendants’ unlawful employment practices against Plaintiff, including their discriminatory treatment, harassment, hostile work environment, and unlawful retaliation against the Plaintiff due to her race, color, sex, and gender in violations of the New York State Human Rights Law; New York Executive Law, § 290, *et seq.* (“the Executive Law”); and the NY City Human Rights Law, Administrative Code of the City of New York 8-107 *et seq.* (“NYCHRL”);

Defendants’ conduct is knowing, malicious, willful, and wanton and/or shows a reckless disregard for the Plaintiff. It has caused and continues to cause the Plaintiff to suffer substantial economic and non-economic damages, permanent harm to her professional and personal

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reputations, and severe mental anguish and emotional distress.

JURISDICTION AND VENUE

1. This Court has jurisdiction over this matter because at all times Plaintiff was at all times a resident of New York State.
2. Venue is proper in New York County based upon the fact that the events or omissions which gave rise to the claims asserted herein occurred within New York County.

PARTIES

The Plaintiff

3. Plaintiff is an individual black, African American female who is a resident of the State of New York. Plaintiff is therefore a member of multiple protected classes.

The Defendant Employers

4. At all times material, Defendant **PLANNED PARENTHOOD OF GREATER NEW YORK, INC.** (hereinafter referred to as “**PPGNY**” and/or “**Defendants PPGNY**” and/or “**the Corporate Defendants**”) was, and still is, a domestic not-for-profit corporation, duly organized and existing under and by virtue of the laws of the State of New York with an office located at 26 Bleecker St, New York, NY 10012 (hereinafter referred to as the “**Manhattan location**”).
5. At all times material, **PPGNY** meet the definition of an “employer,” and/or “single employer.”
6. At all times material, **PPGNY** acted, and continues to act, by and through their employees, agents, board members, and servants who were acting in the scope and course of employment, agency, and servitude.

The Individual Defendants

7. At all times material, **PPGNY** employed Defendant **WENDY STARK** (hereinafter referred to as

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“Defendant **STARK**” and/or “**STARK**”) as the **PPGNY** President and CEO.

8. **STARK** held, and still holds, a supervisory position with **PPGNY**, controlling many tangible aspects of Plaintiff’s job duties, including holding the power to control Plaintiff’s work duties, work schedule, and work discipline including termination. **STARK** is an individual, white, Caucasian female.
9. As Plaintiff’s supervisor, **STARK** has also aided and abetted the unlawful conduct described herein.
10. At all times material, **PPGNY** employed Defendant Ms. **LORI TRZOP** (hereinafter referred to as “Defendant **TRZOP**” and/or “**TRZOP**”) as Senior Vice President. **TRZOP** is an individual white, Caucasian female.
11. **TRZOP** held, and still holds, a supervisory position at **PPGNY** controlling many tangible aspects of Plaintiff’s job duties, including holding the power to control Plaintiff’s work, to discipline Plaintiff, and to hire and fire Plaintiff.
12. **TRZOP** was an active participant in the unlawful discrimination, retaliation and otherwise unfair employment decisions and actions taken against Plaintiff.
13. At all times material, **PPGNY** employed Defendant Mr. **CHRIS CASTRO GONZALEZ** (hereinafter referred to as “Defendant **GONZALEZ**” and/or “**GONZALEZ**”) as Director of Human Resources at **PPGNY**. **GONZALEZ** is an individual Hispanic male.
14. **GONZALEZ** held, and still holds, a supervisory position at **PPGNY**, controlling many tangible aspects of Plaintiff’s job duties.
15. **GONZALEZ** was an active participant in the unlawful discrimination, retaliation and otherwise unfair employment decisions and actions taken against Plaintiff.

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16. At all times material, **PPGNY** employed Defendant Ms. **TOI EATON** (hereinafter referred to as “Defendant **EATON**” and/or “**EATON**”) as Vice President of Human Resources at **PPGNY**. **EATON** is an individual Black, African American female.
17. **EATON** held, and still holds, a supervisory position at **PPGNY**, controlling many tangible aspects of Plaintiff’s job duties.
18. **EATON** was an active participant in the unlawful discrimination, retaliation and otherwise unfair employment decisions and actions taken against Plaintiff.
19. **STARK, TRZOP, DEAN, and EATON** are hereinafter collectively referred to as “**the individual PPGNY Defendants**” and/or “**the PPGNY Employees.**”

FACTUAL ALLEGATIONS

20. At all times after June 8, 2023, Plaintiff was and still is a “former employee” of **PPGNY**.
21. On or about September 27, 2021, **PPGNY** hired Plaintiff as Regional Director of Operations (hereinafter referred to as “**RDO**”) based at the Manhattan location.
22. At all times material, Plaintiff was, and still is, qualified for this position as an interim **PPGNY RDO**.
23. At all times herein, Plaintiff was an exemplary employee who did not disobey orders or directives from her superiors.
24. At all times material, Plaintiff performed all duties assigned in a diligent and thorough manner.
25. However, despite her excellent work record and litany of accomplishments, almost immediately after being hired by **PPGNY** Plaintiff was forced by **PPGNY** to endure race, color, and gender discrimination at the highest level.
26. Throughout Plaintiff’s employment, she was subjected to a continuing pattern and practice of discrimination and hostile work environment based upon her race, color, and gender and in

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retaliation for complaining about **PPGNY**'s discriminatory actions and other wrongdoing, and for being absent from work due to valid protected leave under the FMLA.

27. Plaintiff asserts that **PPGNY** engaged, and continues to engage, in a pattern and practice of discrimination against black female employees, African American female employees, and employees who engage in protected conduct on behalf of themselves and other minority employees.
28. By way of example, **PPGNY** required Plaintiff to endure brutal and unsafe working conditions due to her race, color, and gender. Specifically, Plaintiff was forced by her supervisor, Defendant **TRZOP** to work every single day of the months of October and November 2022 without a day off as a charge nurse.
29. **PPGNY**'s requirements in this regard were clearly discriminatory on these bases, because **PPGNY** did not require similarly situated white, Caucasian, or male employees to work slave-like hours doing work that was effectively a demotion.
30. In or around the end of October 2022, Plaintiff engaged in protected conduct by complaining.
31. However, despite Plaintiff's complaint, **PPGNY** failed and/or refused to take any immediate or appropriate corrective action in response, and at no point did they reprimand the **PPGNY** employees and/or **PPGNY** executive board members responsible for the discrimination. The failure to adequately address Plaintiff's complaints emboldened **PPGNY** employees to continue discriminating and retaliating against Plaintiff.
32. In fact, in response to Claimant's complaint, **PPGNY** began a targeted campaign against Claimant in retaliation for this protected conduct, including subjecting her to an increased and disproportionately burdensome workload.

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33. Plaintiff suffered a stress-induced medical event as a result of this retaliatory misconduct that necessitated her taking FMLA leave from work on or about March 27, 2023, to about May 22, 2023, when she returned to work.
34. Following her return, and in violation of the FMLA, Plaintiff was placed in a substantively different role than the one she had prior to her job-protected medical leave, a role that would require significantly more stress and responsibility than the role she worked prior to her leave of absence, with full knowledge on the part of PPGNY personnel including her supervisor **TRZOP**, Defendant **GONZALEZ**, and Defendant **EATON**, of her job-induced, stress-related health problems.
35. Not only was this modification to Plaintiff's working conditions in violation of the FMLA, but it was also discriminatory with respect to her race, color and gender, and retaliatory with respect to her protected conduct in the form of complaints about the discriminatory working conditions, and her absence from work due to valid protected FMLA leave.
36. The new responsibilities being hazardous to her health, on June 6, 2023, Plaintiff was constructively terminated effective July 7, 2023.
37. Two (2) days later, on or about June 8, 2023, **GONZALEZ**, and **EATON**, spoke Plaintiff over Zoom and "released" Plaintiff from her duties with the offer for her to be paid through the end of her notice period provided she signed a fraudulent, illegal separation agreement ("Agreement").
38. While the Agreement in question appears on the surface to comply with General Obligations Law § 5-336 in that it states that Plaintiff had twenty-one (21) days to consider the agreement and required Plaintiff to certify that she had twenty-one (21) days to sign the Agreement, in the immediately following paragraph it states that Plaintiff had to respond within seven (7) days on

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June 15, 2023, which is by its very terms required her to commit fraud in order to comply with the severance agreement.

39. Moreover, the very terms violated General Obligations Law § 5-336 contains an unlawfully broad non-disclosure provision.
40. It is clear that this illegal, highly pressurized, and coercive attempt to have Plaintiff sign a general release is meant to try and minimize **PPGNY**'s exposure to liability from its black, and African American employees for harboring a hostile work environment based on race and color.
41. This adverse employment action was both retaliatory, given its temporal proximity to Plaintiff's protected conduct, but also discriminatory given that **PPGNY** and **PPGNY**'s executive board members do not similarly interfere with the job functions of white, Caucasian, and male board members.
42. Plaintiff asserts that **PPGNY** and **PPGNY**'s board members engaged, and continue to engage, in a pattern and practice of discrimination against black female employees, African American female employees, and other minority employees.
43. While Plaintiff's employment with **PPGNY** was a harrowing, traumatic experience, the events complained of herein do not reflect a unique incident, as rudimentary internet research paints a

similarly³ distressing⁴ picture of discriminatory abuse and misconduct⁵ by **PPGNY**⁶ and those occupying the most powerful positions⁷ within **PPGNY**.

44. The totality of these acts demonstrates a pattern of **PPGNY** failing to prevent or address incidents of discrimination, failing to implement antidiscrimination policies, and failing to adequately train staff concerning civil rights issues, intentionally perpetrated by the **PPGNY** management and executive officers against Plaintiff pursuant to illegally reducing its work force and/or illegally terminating various employees and creating an intimidating, humiliating, hostile and offensive work environment in violation of New York State laws, New York City laws, local statutes, codes, and ordinances.
45. Upon information and belief, **PPGNY** has devised, implemented, and executed a scheme through which they give disparate, preferential treatment and superior benefits to male and white, Caucasian employees, while knowingly and intentionally denying equal treatment and benefits to female and black, African American employees, and employees who exercised their rights to be absent from work due to valid protected FMLA leave, including Plaintiff.
46. Defendants discriminated against and continue to discriminate against Plaintiff on the basis of her race, color, and gender, and because Plaintiff complained or opposed the unlawful conduct of Defendants related to the above protected classes, and because Plaintiff was absent from work due

³Ema O'Connor, 'Employees Are Calling Out Major Reproductive Rights Organizations For Racism And Hypocrisy' available at <https://www.buzzfeednews.com/article/emaconnor/employees-calling-out-reproductive-rights-groups>, accessed September 22, 2022

⁴Esther Wang, "How an Ousted CEO Built a Culture of 'Covert Racism' and Fear at Planned Parenthood's Largest Affiliate", available at <https://jezebel.com/how-an-ousted-ceo-built-a-culture-of-covert-racism-and-1844118541>, accessed July 1, 2022

⁵Carole Novielli, "More Former Planned Parenthood Employees Come Forward With Accusations of Racism", available at <https://www.liveaction.org/news/former-planned-parenthood-employees-accuse-racism/>, accessed September 22, 2022

⁶Dani McClain, "The Racial Reckoning Inside Planned Parenthood", available at <https://www.harpersbazaar.com/Culture/Features/A34742021/Racial-Reckoning-Planned-Parenthood/>, accessed September 22, 2022

⁷Save PPGNY, "Current and Former Planned Parenthood Great Plains Staff Statement On Laura Mcquade. Signatures Are Still Being Collected and The List of Signers Will Be Updated Periodically" available at <https://saveppgny.wordpress.com/ppgp-statement/>, accessed September 22, 2022

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to valid protected FMLA leave. Defendants retaliated against Plaintiff for engaging in protected activity.

47. The above are just some examples of PPGNY's unlawful discrimination of and retaliation against Plaintiff.
48. As a result of PPGNY's unlawful and discriminatory actions, Plaintiff has endured unlawful humiliation resulting in extreme emotional distress, severe depression, extreme anxiety, and physical ailments.
49. As a result of PPGNY's actions, Plaintiff felt extremely humiliated, degraded, victimized, embarrassed, and emotionally distressed.
50. As a result of PPGNY's unlawful and discriminatory actions, Plaintiff has endured financial hardships and irreparable damage to her professional reputation.
51. As a result of the acts and conduct complained of herein, Plaintiff has suffered and will continue to suffer the loss of income, the loss of a salary, bonuses, benefits, and other compensation, which such employment entails. Plaintiff has also suffered pecuniary losses, emotional pain, suffering, inconvenience, loss of enjoyment of life, and other non-pecuniary losses. Plaintiff further claims aggravation, activation, and/or exacerbation of any preexisting condition.
52. Plaintiff claims a continuous practice of discrimination and makes all claims herein under the continuing violations doctrine.

AS A FIRST CAUSE OF ACTION
FOR RACE, COLOR, GENDER/SEX DISCRIMINATION
IN VIOLATION OF THE NY STATE AND THE NY CITY HUMAN RIGHTS LAWS
(AGAINST ALL DEFENDANTS)

53. Plaintiff repeats and re-alleges each and every allegation contained in the above paragraphs of the complaint.

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54. 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 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.”
55. Similarly, New York City’s Human Rights Law prohibits the same and or similar discriminatory practices under the Administrative Code of the City of NY, section 8-107, et. seq.
56. **Defendants** engaged in and are still engaging in unlawful discriminatory practices by fostering, condoning, accepting, ratifying and/or otherwise failing to prevent or to remedy discrimination of Plaintiff thereby discriminating against the Plaintiff because of Plaintiff’s race, color, and sex/gender, as well as creating a hostile work environment based on Plaintiff’s membership in the aforementioned protected classes.
57. As a direct and proximate result of **Defendants’** unlawful and discriminatory conduct in violation of the New York State Executive Law § 296, and New York City’s Human Rights Law Plaintiff suffered, and continues to suffer, monetary and/or economic damages, including, but not limited to, loss of past and future income, compensation, and benefits, for which Plaintiff is entitled to an award of monetary damages and other relief.
58. As a direct and proximate result of Defendants’ unlawful and discriminatory conduct, in violation of the New York State Executive Law § 296 and the Administrative Code of the City of New York section 8-107 et. seq., Plaintiff suffered and continues to suffer severe mental anguish and emotional distress, including but not limited to depression, humiliation, embarrassment, stress and

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anxiety, loss of self-esteem and self-confidence, and emotional pain and suffering, for which Plaintiff is entitled to an award of monetary damages and other relief.

59. Plaintiff hereby makes claims against Defendants under all applicable paragraphs of New York State Executive Law Section 296 and the Administrative Code of the City of New York section 8-107 et. seq.

AS A SECOND CAUSE OF ACTION
FOR RACE, COLOR, GENDER/SEX HARASSMENT
IN VIOLATION OF STATE AND NYC LAW
(AGAINST ALL DEFENDANTS)

60. Plaintiff repeats and re-alleges each and every allegation contained in the above paragraphs of this Complaint.
61. New York State Executive Law § 296 provides that “1. It shall be an unlawful discriminatory practice: (h) For an employer, licensing agency, employment agency or labor organization to subject any individual to harassment because of an individual’s age, race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, marital status, domestic violence victim status, or because the individual has opposed any practices forbidden under this article or because the individual has filed a complaint, testified or assisted in any proceeding under this article, regardless of whether such harassment would be considered severe or pervasive under precedent applied to harassment claims.”
62. Similarly, the New York City Human Rights law prohibits discriminatory conduct against employees by their employers.
63. **Defendants** engaged in an unlawful discriminatory practice by subjecting Plaintiff to inferior terms, conditions, and privileges of employment because of Plaintiff’s race, color, sex, and gender.

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- 64.** As a direct and proximate result of **Defendants'** unlawful and discriminatory conduct in violation of the New York State Executive Law § 296, and New York City Human Rights law Plaintiff suffered, and continues to suffer, monetary and/or economic damages, including, but not limited to, loss of past and future income, compensation, and benefits, for which Plaintiff is entitled to an award of monetary damages and other relief.
- 65.** As a direct and proximate result of **Defendants'** unlawful and discriminatory conduct, in violation of the New York State Executive Law § 296, and New York City Human Rights Law, Plaintiff suffered, and continues to suffer, severe mental anguish and emotional distress, including but not limited to depression, humiliation, embarrassment, stress and anxiety, loss of self-esteem and self-confidence, and emotional pain and suffering, for which Plaintiff is entitled to an award of monetary damages and other relief.
- 66.** Plaintiff hereby makes a claim against Defendants under all applicable paragraphs of New York State Executive Law Section 296 and the Administrative Code of the City of New York section 8-107 et. seq.

AS A THIRD CAUSE OF ACTION
FOR RETALIATION
IN VIOLATION OF STATE AND CITY LAW
(AGAINST ALL DEFENDANTS)

- 67.** Plaintiff repeats and re-alleges each and every allegation contained in the above paragraphs of this Complaint.
- 68.** 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."
- 69.** Similarly, New York City's Human Rights Law prohibit retaliation against those who engage in

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protected activity.

- 70.** **Defendants** engaged in an unlawful discriminatory practice by, *inter alia*, harassing, threatening, humiliating, undermining and otherwise discriminating against Plaintiff with respect to the terms, conditions or privileges of employment because of Plaintiff's opposition to **Defendants'** discriminatory practices towards Plaintiff and other female employees and employees of color and/or Plaintiff's participation in criticizing and lodging complaints about Defendants' discriminatory practices towards Plaintiff and other employees.
- 71.** As a direct and proximate result of **Defendants'** unlawful and retaliatory conduct, in violation of the New York State Executive Law §296(7) and New York City's Human Rights Law Plaintiff suffered, and continues to suffer, monetary and/or economic damages, including, but not limited to, loss of past and future income, compensation and benefits, and a wrongful constructive termination for which Plaintiff is entitled to an award of monetary damages and other relief.
- 72.** As a direct and proximate result of **Defendants'** unlawful and retaliatory conduct, in violation of the New York State Executive Law §296(7), the Administrative Code of the City of New York section 8-107 et. Seq, Plaintiff, suffered, and continues to suffer, severe mental anguish and emotional distress, including but not limited to depression, humiliation, embarrassment, stress and anxiety, loss of self-esteem and self-confidence, and emotional pain and suffering, for which Plaintiff is entitled to an award of monetary damages and other relief.
- 73.** Plaintiff hereby makes a claim against **Defendants** under all applicable paragraphs of New York State Executive Law Section 296, and New York City's Human Rights Law for retaliation.

AS A FOURTH CAUSE OF ACTION
FOR HOSTILE WORK ENVIRONMENT
IN VIOLATION OF NEW YORK STATE AND CITY HUMAN RIGHTS LAWS
(AGAINST ALL DEFENDANTS)

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74. Plaintiff repeats and realleges each and every allegation made in the above paragraphs of this Complaint.
75. A work environment is “hostile” in violation of the NYSHRL when it is “permeated with discriminatory intimidation, ridicule, and insult, that is sufficiently severe or pervasive to alter the conditions of the victim’s employment and create an abusive working environment.” *Rivera v. Rochester Genesee Reg’l Transp. Auth.*, 743 F.3d 11, 20 (2d Cir. 2014).
76. New York City’s Human Rights Law, Administrative Code City of New York, section 8-107, et. seq. prohibits hostile work environments as well.
77. Defendants created, maintained, and subjected Plaintiff to an unlawful hostile work environment in violation of New York State and New York City laws.

AS A FIFTH CAUSE OF ACTION
FOR AIDING & ABETTING
IN VIOLATION OF NYCHRL
(AGAINST THE INDIVIDUAL DEFENDANTS)

78. Plaintiff hereby repeats and realleges each and every allegation hereinabove as if fully set forth herein.
79. Each of the Individual Defendants knowingly and recklessly aided and abetted in the unlawful employment practices, discrimination, and retaliation against Plaintiff in violation of the New York City Human Rights Law.
80. As a direct and proximate result, Plaintiff suffered, and continues to suffer, monetary and/or economic harm for which she is entitled to an award of damages.
81. As a direct and proximate result, Plaintiff suffered, and continues to suffer, severe mental anguish and emotional distress, including but not limited to depression, humiliation, embarrassment, stress

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and anxiety, loss of self-esteem and self-confidence, reputational harm and emotional pain and suffering for which she is entitled to an award of damages.

- 82.** The Individual Defendants' unlawful actions constitute malicious, willful, and wanton violations of the New York City Human Rights Law for which Plaintiff is entitled to an award of punitive damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that the Court enter judgment in his favor and against Defendants, containing the following relief:

- A.** A declaratory judgment that the actions, conduct and practices of Defendants complained of herein violate the laws of the State of New York, and the City of New York;
- B.** An injunction and order permanently restraining Defendants from engaging in such unlawful conduct;
- C.** An award of damages in an amount to be determined at trial, but in any event in excess of the jurisdictional limit of any other court which might otherwise have jurisdiction over this matter, plus prejudgment interest, to compensate Plaintiff for all monetary and/or economic damages, including but not limited to, the loss of past and future income, wages, compensation, seniority, and other benefits of employment;
- D.** An award of damages in an amount to be determined at trial, but in any event in excess of the jurisdictional limit of any other court which might otherwise have jurisdiction over this matter, plus prejudgment interest, to compensate Plaintiff for all non-monetary and/or compensatory damages, including but not limited to, compensation for his severe mental anguish and emotional distress, humiliation, embarrassment, stress and anxiety, loss of self-esteem, self-confidence and personal dignity, emotional pain and suffering and other physical and mental injuries;

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- E. An award of damages for any and all other monetary and/or non-monetary losses suffered by Plaintiff in an amount to be determined at trial, but in any event in excess of the jurisdictional limit of any other court which might otherwise have jurisdiction over this matter, plus prejudgment interest;
- F. An award of punitive damages, in an amount to be determined at trial, but in any event in excess of the jurisdictional limit of any other court which might otherwise have jurisdiction over this matter;
- G. An award of costs that Plaintiffs have incurred in this action, as well as Plaintiff's reasonable attorneys' fees to the fullest extent permitted by law; and
- H. Such other and further relief as the Court may deem just and proper.

WHEREFORE, THE ABOVE BEING CONSIDERED, Plaintiff respectfully prays for the judgment against all Defendants, including compensatory damages, punitive damages against individual Defendants, any and all damages allowed by state and local law including pre-judgment interest, post-judgment interest, and attorney's fees in an aggregate amount well above the jurisdictional amount needed to bring this case to this Court.

JURY DEMAND

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

Dated:

October 11, 2024
New York, New York

Respectfully submitted,

THE COCHRAN FIRM



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VERIFICATION

I, the undersigned, am an attorney admitted to practice in the Courts of the State of New York, and say that:

I am the Chair of THE COCHRAN FIRM, attorney for the plaintiffs. I have read the annexed COMPLAINT and know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters, I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon the following: investigation, interviews with client, records, reports, documents, correspondence, data, memoranda, etc., contained in the file.

The reason I make this verification instead of plaintiffs, is that the plaintiff resides out of the County of New York, wherein I maintain my offices.

I affirm that the foregoing statements are true under the penalties of perjury.

Dated: October 11, 2024
New York, NY

Respectfully submitted,



Derek S. Sells, Esq.

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