

**SUPERIOR COURT J.D. OF  
STAMFORD/NORWALK  
AT STAMFORD/NORWALK**

-----X Case No. FST-CV22-6056206  
BARRY FITZSIMMONS,

**AMENDED COMPLAINT**

Plaintiff,

- against -

CINE MED, INC., and KEVIN MCGOVERN, and MARY  
PANOGRASSO, in their individual and professional capacities,

Defendants.  
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Plaintiff BARRY FITZSIMMONS by his attorneys, FILIPPATOS PLLC, hereby complains of Defendants, upon personal knowledge, as well as information and belief, by alleging and averring as follows:

**NATURE OF THE CASE**

1. This is a case of age before ugly unlawfulness against Defendants CINE MED, INC. (“CINE MED,” or “the Company”), KEVIN MCGOVERN, and MARY PANOGRASSO.

2. Since the 1980’s, CINE MED has been a global healthcare solutions company that provides education and training services. Kevin MCGOVERN is CINE MED’s President. Mary PANOGRASSO is CINE MED’s Director of Marketing & Publishing and Plaintiff’s pseudo supervisor encouraged by MCGOVERN.

3. As detailed below, CINE MED’s conduct towards Plaintiff, Barry Fitzsimmons, not only belies the public image the Company has cultivated as a bastion of collaboration, creativity, and inspiration in the healthcare field, but clearly violates the law as well.

4. This action is brought by Filippatos PLLC on behalf of Mr. Fitzsimmons, an

experienced and skilled professional in Multimedia Creative Production, who is a sexagenarian male seeking to hold Defendants accountable under the federal, state, and local laws that strictly prohibit workplace discrimination or retaliation on the basis of age or gender.

5. Specifically, Mr. Fitzsimmons brings this action alleging that Defendants have violated Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e et seq., (“Title VII”); the Age Discrimination in Employment Act of 1967 (“ADEA”), 29 U.S.C. §§ 621 et seq.; and the Connecticut Fair Employment Practices Act, Conn. General Statutes §§ 46a-51 et seq. (“CFEPA”).

6. Plaintiff seeks damages, as well as injunctive and declaratory relief, to redress the injuries he has suffered – physical, emotional, and pecuniary – as a result of being discriminated and retaliated against by his employer on the basis of his age (60 years), and gender (male).

#### **JURISDICTION, VENUE, AND PROCEDURAL PREREQUISITES**

7. Jurisdiction of this Court is proper under Conn. Gen. Stat. § 51-164s, as the Superior Court is the court of original jurisdiction for all causes of action alleged herein.

8. Venue is proper in this district pursuant to Conn. Gen. Stat. § 51-345 (a)(3)(E), as Plaintiff resides in the town of Norwalk, Connecticut.

9. By Plaintiff: (a) timely filing a Charge of Discrimination with the Equal Employment Opportunity Commission (“EEOC”) on July 28, 2021; (b) receiving a Notice of Right to Sue from the EEOC on January 14, 2022; and (c) receiving a Release of Jurisdiction from CHRO on January 28, 2022, Plaintiff has satisfied all the procedural prerequisites for the timely commencement of the instant action. A copy of the Notice of Right to Sue is annexed hereto as **Exhibit A**. A copy of the Release of Jurisdiction is annexed hereto as **Exhibit B**.

## **THE PARTIES**

10. At all times relevant hereto, Plaintiff has been a resident of the State of Connecticut, County of Fairfield, Town of Norwalk.

11. Plaintiff is a 60-year-old male.

12. At all times relevant hereto, Defendant CINE MED was and is a Connecticut corporation, and maintains its principal place of business at 127 Main Street North, Woodbury, Connecticut, 06798.

13. Upon information and belief, Defendant CINE MED employs approximately 15 or more individuals on a full-time or full-time equivalent basis and thus is subject to all statutes upon which Plaintiff is proceeding herein.

14. At all times relevant hereto, Plaintiff was an employee of Defendant CINE MED as defined under all relevant statutes.

15. Upon information and belief, at all times relevant hereto, Defendant MCGOVERN was and is an individual residing in the State of Connecticut.

16. MCGOVERN is the President of CINE MED, and, as such, at all times relevant hereto, had the authority to hire, terminate, and affect the terms and conditions of Plaintiff's employment or to otherwise influence the decision making regarding the same. Upon information and belief, MCGOVERN is in his early to mid-50s.

17. Upon Information and belief, at all times relevant hereto, Defendant PANOGRASSO was and is an individual residing in the State of Connecticut.

18. PANOGRASSO is the Director of Marketing & Publishing of CINE MED. Under the direction of Defendant MCGOVERN, PANOGRASSO exerted supervisory influence and control over the Plaintiff as an agent of CINE MED. Upon information and belief,

PANOGRASSO is either in her late 40's or early 50's.

## **FACTUAL ALLEGATIONS**

### **I. Plaintiff is Hired by Defendant CINE MED**

19. On or about September 30, 2019, Plaintiff was hired by Defendant CINE MED as Manager of Production at an annual salary of \$90,000. When he was terminated, amid a global pandemic, Plaintiff was earning \$97,500.

20. Upon information and belief, out of a staff of approximately 15, Plaintiff, at the age of 60 – was the oldest employee at Defendant CINE MED.

21. As Manager of Production, Plaintiff reported directly to Defendant MCGOVERN.

22. On September 30, 2019, when he joined Defendant CINE MED as the Manager of Production, Plaintiff assumed the following key functions: overseeing the production and design of e-learning modules, multimedia program, and the entire video production process for graphic medical imagery, clinical and non-clinical medical education, and marketing videos and content.

23. During his first year at the Company, Plaintiff successfully completed several key projects, such as the 12-part Shenandoah University eLearning module on Health Information Technology (HIT), containing 10+ hours of video content; he directed, produced, designed, and edited the Breast Surgery Video Series (extolling the groundbreaking surgical devices BioZorb, LOCator and TRUnode) for Hologic; launched, produced, and edited several ongoing video and podcast projects extolling the Signia bariatric stapler for Medtronic (among other initiatives for said client), plus multiple webinars and corresponding videos releases; as well as several other projects, all of which were enthusiastically received by the clients.

24. Consequently, on October 29, 2020, Plaintiff was rewarded for his hard work and accomplishments at Defendant CINE MED – but only after he pressed Defendant MCGOVERN

– with a title change to the role of Director of Production, Multimedia Content. Plaintiff, however, was given no salary increase along with his promotion.

25. Over the span of 2020, Plaintiff’s production load dramatically increased, including a significant uptick in video deliverables, new webinar hosting responsibilities, and increased client exposure.

26. Unfortunately, while Plaintiff embraced his increased workload and value to the Company’s bottom line with zeal, enthusiasm and skill, other discriminatory forces at Defendant CINE MED were arraying to orchestrate his downfall. Thus, shockingly, within three months of Plaintiff becoming the Director of Production, he was abruptly terminated simply for being an older man.

## **II. Defendant MCGOVERN Forces Plaintiff to Disclose His Age and Then Installs the Younger Defendant PANOGROSSO as His Effective Supervisor**

27. Plaintiff’s commendable assimilation into Defendant CINE MED during his first year of employment abruptly went from smooth to fraught, on or about November 4, 2020, when it became clear that Defendant MCGOVERN – shortly after prying Plaintiff’s age out of him – had arranged for Defendant PANOGROSSO to act, effectively, as Plaintiff’s supervisor.

28. Within weeks of starting at Defendant CINE MED, Plaintiff began to work with Defendant PANOGROSSO as a peer on several projects. While their working relationship was placid at first, it soon grew turbulent because of PANOGROSSO’s persistent method of hectoring Plaintiff to meet her impromptu tight deadlines on projects she brought to him hastily and disorganized, nearly always at the last minute.

29. Whenever he failed to meet her demands, Defendant PANOGROSSO would admonish Plaintiff to change his workflow and/or work faster and with greater precision in the manner she dictated.

30. PANOGRASSO's pedantic micromanagement of Plaintiff, and the loaded code words she used to criticize him, clearly foretold her unlawful ageist animus against him.

31. In late-April 2020, pursuant to Connecticut Governor Ned Lamont's stay-at-home order, Defendant CINE MED closed its offices because of the COVID-19 pandemic. While Plaintiff worked virtually from his home office, PANOGRASSO became even more demanding of him, which caused Plaintiff to complain via email to Defendant MCGOVERN on May 20, 2020, that he and PANOGRASSO were "at odds" because of her tendency to seemingly impulsively drop projects out of the blue on him and impose impossible deadlines for these projects.

32. By mid-July 2020, Defendant CINE MED's offices were once again open. Upon request by Defendant MCGOVERN, Plaintiff returned from the virtual office in his home to regularly report to Defendant CINE MED's headquarters.

33. Upon his return, however, Plaintiff noticed that he was one of the only staff members wearing a mask around the office. This was the genesis of new and significant anxiety in Plaintiff – a concern shared by workers all over the world who feared for their health and that of others by having no choice but to work in proximity to those who refused to wear a mask and/or remain socially distant despite directives from medical and other experts.

34. That Defendant CINE MED, which supposedly is devoted to medical education "to ensure better patient outcomes," would so cavalierly engage in such dangerous practices is suspect, incongruent, and hypocritical to say the least. This startling duplicity was illustrated, and exacerbated, one day when Plaintiff, who was masked, encountered an unmasked Defendant MCGOVERN who snidely commented, "oh you're one of those people."

35. Unfortunately, while Defendant MCGOVERN never responded to Plaintiff's stated concerns, he did become more critical towards him.

36. For example, on July 10, 2020, Defendant MCGOVERN sent a hostile worded email to Plaintiff and one other employee stating: “Either you’re on the team or not. If you are not comfortable with the work. Let me know and we’ll move on.” This comment was in reference to Defendant CINE MED’s new webinar initiative, in which Plaintiff was already taking an active role.

37. Events came to a head on October 13, 2020, when Defendant MCGOVERN stopped by Plaintiff’s office and abruptly and without warning asked, “how old are you?” Flabbergasted, especially as this was the first time Plaintiff had seen Defendant MCGOVERN in more than a week, Plaintiff stared at him slack-jawed, visibly expressing his objection to such a discriminatory question.

38. Seemingly unsatisfied with this uncomfortable silence, Defendant MCGOVERN doubled down and aggressively repeated his question to Plaintiff: “how old are you?”

39. Growing ever more fearful that his age was becoming an impediment to his advancement at Defendant CINE MED, and knowing how unlawful such discrimination was, Plaintiff courageously responded, “you’re not supposed to ask me that.”

40. Obsessed to learn his age at this point, Defendant MCGOVERN barked the offensive question at Plaintiff a third time: “How old are you?”

41. Realizing that he was not going to extricate himself from this abusive inquiry without answering Defendant MCGOVERN, Plaintiff finally said, “I’m 59.”

42. Defendant MCGOVERN then continued with his offensive inquiries, saying “did you ever just snap,” implying that someone at Plaintiff’s advanced age was more likely to “lose it” or “just snap” before finally leaving Plaintiff alone, but only momentarily.

43. Indeed, a few minutes later Defendant MCGOVERN again passed by Plaintiff’s

office and cruelly quipped, “hey 59er.”

44. Upon information and belief, this offensive, hurtful, and unlawful nickname was meant to demean and demoralize Plaintiff. Indeed, this discriminatory exchange with Defendant MCGOVERN left Plaintiff thoroughly dejected and shaken.

**III. Plaintiff Receives a Discriminatory and Retaliatory Written Warning from Defendant MCGOVERN After He Complains About Defendant MCGOVERN’s Ageist Inquiry and PANOGRASSO’s Unfounded Sexists Allegations Against Him**

45. Still committed to his career at Defendant CINE MED, later in October 2020, just weeks after celebrating his first anniversary at the Company, Plaintiff asked Defendant MCGOVERN for an annual performance review.

46. Notwithstanding the increasingly hostile and toxic work environment he was experiencing at Defendant CINE MED, Plaintiff held out hope that his increased workload and client exposure would be recognized by Defendant MCGOVERN in the form of a raise and promotion.

47. While their October 29, 2020, discussion was positive overall and ultimately resulted in a title promotion for Plaintiff, Defendant MCGOVERN did not miss the opportunity to repeat the ageist trope Defendant PANOGRASSO had expressed that Plaintiff was too slow in completing projects and should use “less-senior” (a thinly veiled code word for “younger”) freelancers to get his work done faster.

48. At the conclusion of this meeting, Plaintiff and Defendant MCGOVERN agreed as follows:

- Plaintiff would work under a new title: Director of Production - Multimedia Content;
- Plaintiff’s annual commuter expenses (of approximately \$7,500) would be accounted for as taxable salary (still submitted via expense report) instead of being reimbursed via traditional, untaxed expense reports; accordingly, his total salary would be raised to \$97,500;



- Plaintiff's paid vacation would be set at three weeks annually;
- Plaintiff would continue to work primarily (though not exclusively) in Defendant CINE MED's office space, and work one day per week from home per his original September 2019 employment agreement.

49. Then, on the fateful day of November 5, 2020, Defendant PANOGRASSO called a morning in-office meeting to discuss two new e-learning modules for a key client, using "SCORM (Shareable Content Objective Reference Model) Learning Management Software." Plaintiff had been growing increasingly familiar with this software, having already successfully completed a vast e-learning video module for a large university client. He also more recently oversaw the completion of his first SCORM e-learning module, which was made with SCORM LMS production software.

50. Plaintiff arrived at this meeting wearing a mask, but quickly realized he was the only one doing so. In attendance at this meeting, along with Plaintiff and Defendant PANOGRASSO, were Defendant MCGOVERN and Cheryl Way, Defendant CINE MED's Office Manager. Being the only masked person in the small room measuring roughly 15' x 8' with no windows put Plaintiff immediately on edge.

51. The meeting took roughly an hour, during which time Defendant PANOGRASSO stated a desire to "up the level of production" by using video where the Company would historically work primarily with still photos as visual elements. While this approach would surely drive-up production costs, Defendant PANOGRASSO asserted that it would be an opportunity for Plaintiff to demonstrate his ability to effectively and efficiently "spread his wings."

52. While Defendant MCGOVERN interjected a comment questioning the necessity of video production for existing clients who were perfectly happy with still photos, he did not effectively push back on what Plaintiff perceived as a public power play by Defendant

PANOGRASSO to gain dominion over him and his job responsibilities by installing herself as the arbiter of his success.

53. Worried that there was a coordinated effort afoot from Defendants MCGOVERN and PANOGRASSO to diminish and subordinate him notwithstanding his recent titular promotion, Plaintiff remained largely silent throughout the meeting. Then, as if on cue, Defendant MCGOVERN got up and abruptly left the meeting just as Defendant PANOGRASSO was bringing it to a close.

54. Plaintiff's suspicion about the nature of the meeting was quickly borne out, when – upon his rising to leave – Defendant PANOGRASSO asked him to stay behind and shut the door so they could speak privately. Plaintiff complied hesitantly but left the door ajar to be safe.

55. Defendant PANOGRASSO's stated purpose was to seek resolution regarding certain disagreements the two had in working together on a previous "SCORM module," which had been completed only a few days earlier after weeks of pre-production, production, and revision from August through October 2020.

56. What actually occurred, however, was another ageist hectoring by Defendant PANOGRASSO against Plaintiff, one that bordered on assault.

57. While Plaintiff repeatedly tried to defuse the situation by stating to Defendant PANOGRASSO that further discussion concerning something about which they had disagreed as co-workers and professionals in the past would be "unproductive," Defendant PANOGRASSO seemed driven to confront Plaintiff over what had previously occurred between them.

58. Thus, Defendant PANOGRASSO pressed Plaintiff again and again by asserting that he should have "studied the voice-over narration records ahead of time" before he sent them off to be incorporated by the SCORM designer/producer into the presentation. Plaintiff retained

his composure and politely but firmly responded to Defendant PANOGRASSO that he had his own “process,” which she should respect as his colleague and peer.

59. Yet, Defendant PANOGRASSO remained unrelenting, repeatedly questioning Plaintiff’s decisions, as well as accusing him of shirking his duties and responsibilities. Simply put, Defendant PANOGRASSO was insistent that Plaintiff admit that he was “wrong” and that she was “right.”

60. Finally, after about seven minutes of this onslaught, with Defendant PANOGRASSO refusing to allow Plaintiff to leave the conference room without admitting fault, Plaintiff declared forcefully but respectfully (and in an even voice): “I don’t report to you, Mary, I report to [Defendant MCGOVERN]. Ultimately, I’m going to do what he wants me to do. Your suggestions are just that – suggestions.”

61. This comment seemingly enraged Defendant PANOGRASSO, who retorted sharply that Plaintiff was being insubordinate simply because she was a woman, and that Plaintiff had no problem “taking orders” from Mike Cohen, Head of Sales.

62. Of course, Plaintiff found this comment to be deeply offensive, and responded point blank to Defendant PANOGRASSO: “I certainly am not sexist,” clearly objecting to her having baselessly accused him of treating her differently than his male colleagues.

63. Three days later, on November 8, 2020, without bothering to hear Plaintiff’s side of the story, Defendant MCGOVERN issued a scathing reprimand to Plaintiff, via email, for what Defendant MCGOVERN deemed to be insubordinate behavior towards Defendant PANOGRASSO. It thus became clear that Defendant MCGOVERN’s earlier assent to Plaintiff’s request to have his title upgraded to that of Director was only an attempt to placate Plaintiff.

64. Indeed, soon after Defendant MCGOVERN forcibly cajoled Plaintiff to reveal his

age – and in response to which Plaintiff engaged in protected activity by protesting this unlawful questioning – Defendant MCGOVERN, with the assistance of and/or in concert with Defendant PANOGRASSO, had effectively demoted Plaintiff and put him under the aegis of Defendant PANOGRASSO, who obviously harbored both ageist and sexist animus against Plaintiff.

65. Specifically, Defendant PANOGRASSO thought Plaintiff was “slow,” “inefficient,” and “set in his ways” – clearly ageist code words and phrases – and “sexist” for simply doing what he believed to be his job – i.e., following the directions of Mr. McGovern instead of hers.

66. A few days later, per Defendant MCGOVERN’s request, Plaintiff met with him in person to offer his version of what had occurred in the conference room with Defendant PANAGROSSO.

67. Defendant MCGOVERN first explained, rather crudely and dismissively, that he had left the meeting abruptly because he “had to take a shit.”

68. Plaintiff then expressed his wish that Defendant MCGOVERN had remained to witness Defendant PANOGRASSO’s persistently offensive conduct and seeming desire for control over him. Defendant MCGOVERN acknowledged that Defendant PANOGRASSO could sometimes be controlling and, as he plainly stated, “a pain in the ass.”

#### **IV. Defendant CINE MED Unlawfully and Retaliatorily Terminates Plaintiff’s Employment**

69. Within a few weeks of the conference room incident involving Defendant PANOGRASSO, Defendant MCGOVERN stopped coming into Defendant CINE MED’S office completely, while Defendant PANOGRASSO disengaged herself entirely from Plaintiff’s workflow.

70. While he felt increasingly isolated, Plaintiff remained hopeful that the worst was

over and that he would be allowed to perform his job in a work environment that was no longer hostile, free from any further discrimination or retaliation.

71. However, on February 17, 2020, Plaintiff's hopes were ruthlessly dashed, and his once-promising career lay in shambles. On that day, while working from home, Plaintiff received an email from Defendant MCGOVERN – with whom he had not had any contact for well over a month – stating that they needed to schedule a call immediately.

72. When they spoke a short while later, Defendant MCGOVERN bluntly informed Plaintiff that he was firing him, effective immediately.

73. Defendant MCGOVERN explained that he could get someone who was “less experienced” but “more tech-oriented” (code words for “younger”) for a “much lower salary” to perform Plaintiff's job functions.

74. As Plaintiff made a desperate attempt to save his job by trying to reason with Defendant MCGOVERN, CINE MED's President blurted out yet another expression of ageist animus. Specifically, Defendant MCGOVERN stated that he was “tired of carrying his employees and their families” – explicitly including Plaintiff and his family in the mix – by “having the responsibility for their well-being,” and that he was “passing that obligation back onto ... [Plaintiff] where it belonged.”

75. Demoralized and deflated, Plaintiff hung up the phone knowing that he had just been the victim of a discriminatory and retaliatory termination based on his age and gender.

76. Mere hours later, Plaintiff discovered that Defendant CINE MED had abruptly deactivated his Company email address as well as changed the password on the Company's cloud storage account, which cut him off from all the finished work he had created for Defendant CINE MED.

77. Moreover, the Company immediately canceled Plaintiff's Adobe Creative Cloud account, which deprived him of access to any ongoing Company "edit projects" that had involved him.

78. Thus, Plaintiff was left with no way to produce a "demo reel" (i.e., a video portfolio) of the work he had created over the prior 16 months for prospective employers.

79. Plaintiff was gob smacked, blindsided, and left destitute, having been treated like a stranger and with utter disregard by the employer he had faithfully served for more than a year. Plaintiff had been afforded no warning, no indication of any performance deficiencies, and no opportunity to be placed on a performance improvement plan – nor even the slightest suggestion that one was in order – before he was cruelly and summarily terminated.

80. It should go without saying that the ruthless discrimination and retaliation he suffered at Defendant CINE MED has rendered Plaintiff distraught and crest fallen.

81. Indeed, Plaintiff's emotional distress is clear and cognizable given the reality that Defendant CINE MED has allowed Defendants MCGOVERN and PANOGRASSO to press their unlawful campaign against him without repercussion, while ignoring its legal obligation to seriously investigate Plaintiff's complaints of discrimination and retaliation in the workplace.

**V. Damages Caused by Defendants' Unlawful Discrimination and Retaliation**

82. As a result of the wanton discrimination and retaliation he has experienced while employed by and at the hands of Defendant CINE MED, Plaintiff has suffered depression and anxiety relating to his treatment by Defendants.

83. Additionally, Plaintiff's friends and family have noticed a change in Plaintiff's usual upbeat, bubbly personality and have told him they do not recognize him anymore.

84. Plaintiff's contract has also been terminated prior to the expiration of its term as a

result of unlawful discrimination and retaliation.

85. As a result of Defendants' unlawful actions, Plaintiff feels extremely degraded, victimized, embarrassed, and emotionally distressed.

**FIRST CAUSE OF ACTION**  
**Discrimination in Violation of the ADEA**  
*Against Defendant Cine Med*

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

87. Defendant CINE MED engaged in unlawful employment practices prohibited by 29 U.S.C § 621 et seq., by discriminating against Plaintiff because of his age (60).

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 (past and future) – such as income, salary, benefits, bonuses, commission, and other compensation that his employment entailed; 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 Defendant CINE MED, Plaintiff has been damaged as set forth herein and is entitled to the maximum compensation available to him under this law.

**SECOND CAUSE OF ACTION**  
**Retaliation in Violation of the ADEA**  
*Against Defendant Cine Med*

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

91. Defendant CINE MED engaged in unlawful employment practices prohibited by

29 U.S.C § 621 et seq., by retaliating against Plaintiff because of his protected activities, namely for complaining about age discrimination.

92. 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 (past and future) – such as income, salary, benefits, bonuses, commission, and other compensation that his employment entailed; 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.

93. Accordingly, as a result of the unlawful conduct of Defendant CINE MED, Plaintiff has been damaged as set forth herein and is entitled to the maximum compensation available to him under this law.

**THIRD CAUSE OF ACTION**  
**Discrimination in Violation of Title VII**  
***Against Defendant Cine Med***

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

95. Defendant CINE MED engaged in unlawful employment practices prohibited by 42. U.S.C. §§ 2000e, et seq., by discriminating against Plaintiff because of his gender (male).

96. 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 (past and future) – such as income, salary, benefits, bonuses, commission, and other compensation that his employment entailed; 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.



97. Accordingly, as a result of the unlawful conduct of Defendant CINE MED, Plaintiff has been damaged as set forth herein and is entitled to the maximum compensation available to him under this law.

**FOURTH CAUSE OF ACTION**  
**Retaliation in Violation of Title VII**  
*Against Defendant Cine Med*

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

99. Defendant CINE MED engaged in unlawful employment practices prohibited by 42. U.S.C. §§ 2000e, et seq., by retaliating against Plaintiff because of his protected activity, namely for complaining about gender discrimination.

100. 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 (past and future) – such as income, salary, benefits, bonuses, commission, and other compensation that his employment entailed; 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.

101. Accordingly, as a result of the unlawful conduct of Defendant CINE MED, Plaintiff has been damaged as set forth herein and is entitled to the maximum compensation available to him under this law.

**FIFTH CAUSE OF ACTION**  
**Age Discrimination in Violation of CFEPA**  
*Against Defendant Cine Med*

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

103. Connecticut Fair Employment Practices Act, Conn. General Statutes §§ 46a-60(b) provides that: It shall be a discriminatory practice in violation of this section:

For an employer, by the employer or the employer's agent, except in the case of a bona fide occupational qualification or need, to refuse to hire or employ or to bar or to discharge from employment any individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment because of the individual's race, color, religious creed, age, sex, gender identity or expression, marital status, national origin, ancestry, present or past history of mental disability, intellectual disability, learning disability or physical disability, including, but not limited to, blindness.

104. Defendant CINE MED engaged in an unlawful discriminatory practice by discriminating against Plaintiff because of his age (60).

105. As a result of the acts and conduct complained of herein, many of which occurred in Connecticut, Plaintiff has suffered and will continue to suffer damages including but not limited to economic and pecuniary losses (past and future) – such as income, salary, benefits, bonuses, commission, and other compensation that his employment entailed; 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.

106. Accordingly, as a result of Defendant CINE MED's unlawful conduct, Plaintiff has been damaged as set forth herein and is entitled to the maximum compensation available under this law.

**SIXTH CAUSE OF ACTION**  
**Gender Discrimination in Violation of CFEPA**  
***Against Defendant Cine Med***

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

108. Connecticut Fair Employment Practices Act, Conn. General Statutes §§ 46a-60(b) provides that: It shall be a discriminatory practice in violation of this section:

For an employer, by the employer or the employer's agent, except in the case of a bona fide occupational qualification or need, to refuse to hire or employ or to bar or to discharge from employment any individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment because of the individual's race, color, religious creed, age, sex, gender identity or expression, marital status, national origin, ancestry, present or past history of mental disability, intellectual disability, learning disability or physical disability, including, but not limited to, blindness.

109. Defendant CINE MED engaged in an unlawful discriminatory practice by discriminating against Plaintiff because of his gender (male).

110. As a result of the acts and conduct complained of herein, many of which occurred in Connecticut, Plaintiff has suffered and will continue to suffer damages including but not limited to economic and pecuniary losses (past and future) – such as income, salary, benefits, bonuses, commission, and other compensation that his employment entailed; 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.

111. Accordingly, as a result of Defendant CINE MED's unlawful conduct, Plaintiff has been damaged as set forth herein and is entitled to the maximum compensation available under this law.

**SEVENTH CAUSE OF ACTION**  
**Aiding and Abetting Age Discrimination in Violation of CFEPA**  
***Against Defendant McGovern***

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

113. Connecticut Fair Employment Practices Act, Conn. General Statutes §§ 46a-60(b)(5) provides that, it shall be a discriminatory practice in violation of this section:

For any person, whether an employer or an employee or not, to aid, abet, incite, compel or coerce the doing of any act declared to be a discriminatory employment practice or to attempt to do so.

114. As described herein, Defendant MCGOVERN engaged in an unlawful discriminatory practice by aiding and abetting discrimination against Plaintiff because of his age (60).

115. As a result of the acts and conduct complained of herein, many of which occurred in Connecticut, Plaintiff has suffered and will continue to suffer damages including but not limited to economic and pecuniary losses (past and future) – such as income, salary, benefits, bonuses, commission, and other compensation that his employment entailed; 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.

116. Accordingly, as a result of the unlawful conduct of Defendant MCGOVERN, Plaintiff has been damaged as set forth herein and is entitled to the maximum compensation available to him under this law.

**EIGHTH CAUSE OF ACTION**  
**Aiding and Abetting Age Discrimination in Violation CFEPA**  
***Against Defendant Panograsso***

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

118. Connecticut Fair Employment Practices Act, Conn. General Statutes §§ 46a-60(b)(5) provides that, it shall be a discriminatory practice in violation of this section:

For any person, whether an employer or an employee or not, to aid, abet, incite, compel or coerce the doing of any act declared to be a discriminatory employment practice or to attempt to do so.

119. As described herein, Defendant PANOGROSSO engaged in an unlawful discriminatory practice by aiding and abetting discrimination against Plaintiff because of his age (60).

120. As a result of the acts and conduct complained of herein, many of which occurred in Connecticut, Plaintiff has suffered and will continue to suffer damages including but not limited to economic and pecuniary losses (past and future) – such as income, salary, benefits, bonuses, commission, and other compensation that his employment entailed; 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.

121. Accordingly, as a result of the unlawful conduct of Defendant PANOGROSSO, Plaintiff has been damaged as set forth herein and is entitled to the maximum compensation available to him under this law.

**NINTH CAUSE OF ACTION**  
**Aiding and Abetting Gender Discrimination in Violation of CFEPA**  
***Against Defendant McGovern***

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

123. Connecticut Fair Employment Practices Act, Conn. General Statutes §§ 46a-60(b)(5) provides that, it shall be a discriminatory practice in violation of this section:

For any person, whether an employer or an employee or not, to aid, abet, incite, compel or coerce the doing of any act declared to be a discriminatory employment practice or to attempt to do so.

124. As described herein, Defendant MCGOVERN engaged in an unlawful discriminatory practice by aiding and abetting discrimination against Plaintiff because of his gender (male).

125. As a result of the acts and conduct complained of herein, many of which occurred in Connecticut, Plaintiff has suffered and will continue to suffer damages including but not limited to economic and pecuniary losses (past and future) – such as income, salary, benefits, bonuses,

commission, and other compensation that his employment entailed; 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.

126. Accordingly, as a result of the unlawful conduct of Defendant MCGOVERN, Plaintiff has been damaged as set forth herein and is entitled to the maximum compensation available to him under this law.

**TENTH CAUSE OF ACTION**  
**Aiding and Abetting Gender Discrimination in Violation CFEPA**  
***Against Defendant Panograsso***

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

128. Connecticut Fair Employment Practices Act, Conn. General Statutes §§ 46a-60(b)(5) provides that, it shall be a discriminatory practice in violation of this section:

For any person, whether an employer or an employee or not, to aid, abet, incite, compel or coerce the doing of any act declared to be a discriminatory employment practice or to attempt to do so.

129. As described herein, Defendant PANOGROSSO engaged in an unlawful discriminatory practice by aiding and abetting discrimination against Plaintiff because of his gender (male).

130. As a result of the acts and conduct complained of herein, many of which occurred in Connecticut, Plaintiff has suffered and will continue to suffer damages including but not limited to economic and pecuniary losses (past and future) – such as income, salary, benefits, bonuses, commission, and other compensation that his employment entailed; 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.

131. Accordingly, as a result of the unlawful conduct of Defendant PANOGROSSO, Plaintiff has been damaged as set forth herein and is entitled to the maximum compensation available to him under this law.

**ELEVENTH CAUSE OF ACTION**  
**Retaliation in Violation of CFEPA (Age Discrimination)**  
*Against Defendant Cine Med*

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

133. Connecticut Fair Employment Practices Act, Conn. General Statutes §§ 46a-60(b)(4) provides that it shall be a discriminatory practice in violation of this section:

For any person, employer, labor organization or employment agency to discharge, expel or otherwise discriminate against any person because such person has opposed any discriminatory employment practice or because such person has filed a complaint or testified or assisted in any proceeding under section 46a-82, 46a-83 or 46a-84;

134. As alleged herein, Defendant CINE MED unlawfully retaliated against Plaintiff for opposing practices forbidden under the Connecticut Fair Employment Practices Act, specifically age discrimination.

135. As a result of the acts and conduct complained of herein, many of which occurred in Connecticut, Plaintiff has suffered and will continue to suffer damages including but not limited to economic and pecuniary losses (past and future) – such as income, salary, benefits, bonuses, commission, and other compensation that his employment entailed; 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.

136. Accordingly, as a result of Defendant CINE MED's unlawful retaliatory conduct, Plaintiff has been damaged as set forth herein and is entitled to the maximum compensation available under this law.

**TWELFTH CAUSE OF ACTION**  
**Retaliation in Violation of CFEPA (Age Discrimination)**  
***Against Defendant McGovern***

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

138. Connecticut Fair Employment Practices Act, Conn. General Statutes §§ 46a-60(b)(4) provides that it shall be a discriminatory practice in violation of this section:

For any person, employer, labor organization or employment agency to discharge, expel or otherwise discriminate against any person because such person has opposed any discriminatory employment practice or because such person has filed a complaint or testified or assisted in any proceeding under section 46a-82, 46a-83 or 46a-84;

139. As alleged herein, Defendant MCGOVERN unlawfully retaliated against Plaintiff for opposing practices forbidden under the Connecticut Fair Employment Practices Act, specifically age discrimination.

140. As a result of the acts and conduct complained of herein, many of which occurred in Connecticut, Plaintiff has suffered and will continue to suffer damages including but not limited to economic and pecuniary losses (past and future) – such as income, salary, benefits, bonuses, commission, and other compensation that his employment entailed; 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.

141. Accordingly, as a result of Defendant MCGOVERN's unlawful retaliatory conduct, Plaintiff has been damaged as set forth herein and is entitled to the maximum compensation available under this law.

**THIRTEENTH CAUSE OF ACTION**  
**Retaliation in Violation of CFEPA (Age Discrimination)**  
***Against Defendant Panograsso***

142. Plaintiff repeats and realleges each and every allegation made in the above



paragraphs of this Complaint as if fully set forth herein.

143. Connecticut Fair Employment Practices Act, Conn. General Statutes §§ 46a-60(b)(4) provides that it shall be a discriminatory practice in violation of this section:

For any person, employer, labor organization or employment agency to discharge, expel or otherwise discriminate against any person because such person has opposed any discriminatory employment practice or because such person has filed a complaint or testified or assisted in any proceeding under section 46a-82, 46a-83 or 46a-84;

144. As alleged herein, Defendant PANOGROSSO unlawfully retaliated against Plaintiff for opposing practices forbidden under the Connecticut Fair Employment Practices Act, specifically age discrimination.

145. As a result of the acts and conduct complained of herein, many of which occurred in Connecticut, Plaintiff has suffered and will continue to suffer damages including but not limited to economic and pecuniary losses (past and future) – such as income, salary, benefits, bonuses, commission, and other compensation that his employment entailed; 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.

146. Accordingly, as a result of Defendant PANOGROSSO's unlawful retaliatory conduct, Plaintiff has been damaged as set forth herein and is entitled to the maximum compensation available under this law.

**FOURTEENTH CAUSE OF ACTION**  
**Retaliation in Violation of CFEPA (Gender Discrimination)**  
*Against Defendant Cine Med*

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

148. Connecticut Fair Employment Practices Act, Conn. General Statutes §§ 46a-60(b)(4) provides that it shall be a discriminatory practice in violation of this section:

For any person, employer, labor organization or employment agency to discharge, expel or otherwise discriminate against any person because such person has opposed any discriminatory employment practice or because such person has filed a complaint or testified or assisted in any proceeding under section 46a-82, 46a-83 or 46a-84;

149. As alleged herein, Defendant CINE MED unlawfully retaliated against Plaintiff for opposing practices forbidden under the Connecticut Fair Employment Practices Act, specifically gender discrimination.

150. As a result of the acts and conduct complained of herein, many of which occurred in Connecticut, Plaintiff has suffered and will continue to suffer damages including but not limited to economic and pecuniary losses (past and future) – such as income, salary, benefits, bonuses, commission, and other compensation that his employment entailed; 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.

151. Accordingly, as a result of Defendant CINE MED's unlawful retaliatory conduct, Plaintiff has been damaged as set forth herein and is entitled to the maximum compensation available under this law.

**FIFTEENTH CAUSE OF ACTION**  
**Retaliation in Violation of CFEPA (Gender Discrimination)**  
***Against Defendant McGovern***

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

153. Connecticut Fair Employment Practices Act, Conn. General Statutes §§ 46a-60(b)(4) provides that it shall be a discriminatory practice in violation of this section:

For any person, employer, labor organization or employment agency to discharge, expel or otherwise discriminate against any person because such person has opposed any discriminatory employment practice or because such person has filed a complaint or testified or assisted in any proceeding under section 46a-82, 46a-83 or 46a-84;

154. As alleged herein, Defendant MCGOVERN unlawfully retaliated against Plaintiff for opposing practices forbidden under the Connecticut Fair Employment Practices Act, specifically gender discrimination.

155. As a result of the acts and conduct complained of herein, many of which occurred in Connecticut, Plaintiff has suffered and will continue to suffer damages including but not limited to economic and pecuniary losses (past and future) – such as income, salary, benefits, bonuses, commission, and other compensation that his employment entailed; 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.

156. Accordingly, as a result of Defendant MCGOVERN's unlawful retaliatory conduct, Plaintiff has been damaged as set forth herein and is entitled to the maximum compensation available under this law.

**SIXTEENTH CAUSE OF ACTION**  
**Retaliation in Violation of CFEPA (Gender Discrimination)**  
***Against Defendant Panograsso***

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

158. Connecticut Fair Employment Practices Act, Conn. General Statutes §§ 46a-60(b)(4) provides that it shall be a discriminatory practice in violation of this section:

For any person, employer, labor organization or employment agency to discharge, expel or otherwise discriminate against any person because such person has opposed any discriminatory employment practice or because such person has filed a complaint or testified or assisted in any proceeding under section 46a-82, 46a-83 or 46a-84;

159. As alleged herein, Defendant PANOGROSSO unlawfully retaliated against Plaintiff for opposing practices forbidden under the Connecticut Fair Employment Practices Act, specifically gender discrimination.

160. As a result of the acts and conduct complained of herein, many of which occurred in Connecticut, Plaintiff has suffered and will continue to suffer damages including but not limited to economic and pecuniary losses (past and future) – such as income, salary, benefits, bonuses, commission, and other compensation that his employment entailed; 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.

161. Accordingly, as a result of Defendant PANOGROSSO’s unlawful retaliatory conduct, Plaintiff has been damaged as set forth herein and is entitled to the maximum compensation available under this law.

### **PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff respectfully requests a judgment against the Defendants:

A. Declaring that Defendants engaged in, and enjoining Defendants from continuing to engage in, unlawful employment practices alleged herein prohibited by Title VII, the ADEA, and CFEPA;

B. Awarding economic damages to Plaintiff resulting from Defendants’ unlawful discrimination and retaliation and to otherwise make him 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 his reputation in an amount to be proven at trial;

D. Awarding Plaintiff punitive damages;

E. Awarding Plaintiff liquidated damages;

F. Awarding Plaintiff attorneys’ fees, costs, disbursements, and expenses incurred in the prosecution of this action;

G. Awarding Plaintiff pre-judgment and post-judgment interest at the applicable rates;  
and

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

**DEMAND FOR JURY TRIAL**

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

Dated: August 3, 2022  
White Plains, New York

Parisis G. Filippatos (Juris # 405130)  
Tanvir H. Rahman (pending admission  
*pro hoc vice*)

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By: /s/ Parisis G. Filippatos  
Parisis G. Filippatos (Juris # 405130)

**CERTIFICATION OF SERVICE**

I certify that a copy of this document was or will immediately be mailed or delivered electronically or non-electronically on this 3<sup>rd</sup> day of August, 2022 to all attorneys and self-represented parties of record and that written consent for electronic delivery was received from all attorneys and self-represented parties of record who received or will immediately be receiving electronic delivery.

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Christy E. Jachimowski  
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Ken.Walton@lewisbrisbois.com  
(Counsel for Defendants Cine Med, Kevin McGovern, Mary Panograsso)

/s/ Parisis G. Filippatos  
Parisis G. Filippatos (Juris # 405130)