

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

-----X No.:
RICHARD DOUGLAS

Plaintiff,

COMPLAINT

-against-

JURY TRIAL DEMANDED

AVENUE TECHNOLOGIES & COMMODITIES,
INC., and DWYANE HALL;

Defendants.

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Plaintiff Richard Douglas, by his attorneys, Filippatos PLLC, hereby alleges against Defendants Avenue Technologies and Commodities, Inc. (“AVTC” or the “Company”) and Dwyane Hall (“Individual Defendant”) as follows:

NATURE OF THE CASE

1. This is a case about how a well-respected Senior Network Engineer was belittled, humiliated, sabotaged, and toyed around with by Defendants only because of his age and disabilities to the point of being unlawfully fired while battling a lifelong heart disease and with no other job prospects, effectively ending his career in engineering.

2. As a result of Defendants’ unlawful conduct, Plaintiff brings this action against his former employer, AVTC, and his former supervisor, Dwyane Hall, on the basis of discrimination based on his age (47), protected leave status, and disabilities (“heart disease” and “dry eye syndrome”) in violation of the Americans with Disabilities Act of 1990 (“ADA”), 42. U.S.C. §§ 12101, *et. seq.*, as amended by the ADA Amendments of 2008, Pub. L. No. 110-325 (“ADAA”); the Family and Medical Leave Act of 1993 (“FMLA”), 29 U.S.C. §§ 2601 *et seq.*, as amended by the Families First Coronavirus Response Act of 2020, Pub. L. No. §§ 116-127 (“FFCRA”); the Age Discrimination in Employment Act of 1967 (“ADEA”), 29 U.S.C. §§ 621 *et seq.*, and the New Jersey Law Against Discrimination of 1945 (“NJLAD”), as amended and codified, §§ 10:5-

1 *et seq.*

3. 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 disabilities, age, and protected leave status.

PARTIES, JURISDICTION, VENUE, AND ADMINISTRATIVE PREREQUISITES

4. At all times relevant hereto, Plaintiff was and is a resident of the State of New Jersey, County of Camden.

5. Plaintiff is a 47-year male that suffers from heart disease and dry eye syndrome, also known as *keratoconjunctivitis sicca*.

6. At all times relevant hereto, Plaintiff was an employee of Defendant AVTC.

7. At all times relevant hereto, Defendant AVTC was and is a domestic for-profit corporation maintaining its principal place of business at 222 East Grand Avenue, Suite 310 Ponca City, OK 74601.

8. Upon information and belief, Defendant AVTC employs at least 15 individuals on a full-time or full-time equivalent basis and thus is subject to all statutes upon which Plaintiff is proceeding herein.

9. At all times relevant hereto, Defendant Hall, who is a member of the U.S. Navy, exercised supervisory authority over Plaintiff, although he was not an employee of Defendant AVTC.

10. Upon information and belief, at times relevant hereto, Defendant Hall was and is an individual residing in the State of Philadelphia, and 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.

11. This Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. §1331.

12. This Court has supplemental jurisdiction over the claims that Plaintiff has brought under state law pursuant to 28 U.S.C. § 1367.

13. Venue is proper in this district, pursuant to 28 U.S.C. § 1391(b)(2), as a substantial part of the acts complained of herein occurred therein.

14. Defendants have sufficient minimum contacts with New Jersey for this Court to exercise personal jurisdiction as AVTC hired workers, including Plaintiff, who were from New Jersey, interviewed Plaintiff for his role in person in New Jersey, and interacted with Plaintiff while he was in New Jersey regularly through phone calls, emails, and messages at all relevant points throughout Plaintiff's employment. Plaintiff even worked for Defendants from New Jersey for an extended period of time. Defendants purposefully availed themselves to the courts within the State of New Jersey. Importantly, Plaintiff's claims also arise from Defendants' activities in the State of New Jersey, to wit, Plaintiff was discriminated against, retaliated against, and unlawfully terminated while Plaintiff worked from home from New Jersey and was on FMLA leave.

15. By: (a) timely filing a Charge of Discrimination with Equal Employment Opportunity Commission ("EEOC") on May 31, 2022; (b) receiving a Notice of Right to Sue from EEOC on June 14, 2023, after the passage of 180 days; and (c) commencing this action within 90 days of the issuance of the Notice of Right to Sue by the EEOC, Plaintiff has satisfied all procedural prerequisites for the commencement of the instant action.

FACTUAL ALLEGATIONS

I. Plaintiff Experiences Discriminatory Treatment Soon After Being Hired by AVTC

16. Plaintiff joined AVTC in August 2020 as a Senior Network Engineer. Although Plaintiff was hired by AVTC, the department within which he was assigned was subcontracted out to a company called EHS Technologies (“EHS Tech”), which, in turn, was subcontracted out to the United States Navy (“U.S. Navy”).

17. Immediately upon starting his new position, Plaintiff assumed responsibility for the following key functions: creating technical guidelines to maintain compliance with established protocols and regulations and securing Philadelphia’s U.S. Navy Yard’s network; troubleshooting daily network issues and network traffic inflow congestion; and providing other technical support at Philadelphia’s U.S. Navy Yard.

18. Defendant Hall, a member of the U.S. Navy, was Plaintiff’s supervisor at all relevant times. The department within which Plaintiff worked at AVTC was subcontracted to EHS Tech, which in turn, was subcontracted out to the U.S. Navy. Throughout all relevant times, Plaintiff worked under Defendant Hall’s supervision.

19. Shortly after joining AVTC, it became apparent that the Company was poorly organized. Specifically, Plaintiff’s performance expectations were not clearly conveyed, and Plaintiff’s supervisor, Defendant Hall, hardly communicated with him.

20. In short order, Defendant Hall’s discriminatory animus towards Plaintiff became obvious. Defendant Hall consistently belittled, humiliated, sabotaged, and ignored Plaintiff solely because he was older and deemed another younger – even if far less qualified – person more equipped for the position.

21. For example, while Plaintiff (who was 45 years old at the time) repeatedly requested to meet with Defendant Hall (who was in his 30s) to discuss expectations and responsibilities, Defendant Hall simply disregarded and ignored these requests.

22. Even more troubling, Defendant Hall made baseless complaints about Plaintiff needing to “work harder,” despite never answering any of Plaintiff’s questions about what work he was supposed to prioritize.

23. Further, Defendant Hall doubled down on his discriminatory behavior by shockingly admitting to Plaintiff on several occasions: “You want to meet with me, but I don’t want to meet with you.” True to his words, Defendant Hall failed to show up for meetings Plaintiff scheduled on January 1, 2021, February 15, 2021, and April 5, 2021.

24. Defendant Hall even admitted to Plaintiff that he wanted a friend – who is believed to have been significantly younger than Plaintiff and far less qualified – to replace Plaintiff, whom Defendant Hall characterized as “expendable.”

25. After Defendant Hall’s friend was eventually hired, Mr. Hall humiliatingly sent text messages to Plaintiff and other employees expressing how excited he was “now [that] we have a real Tech working for us.”

26. Plaintiff repeatedly attempted to clarify with Defendant Hall what his role and responsibilities were on numerous occasions, to no avail. Instead, Defendant Hall continued his unlawful campaign of discrimination and harassment against Plaintiff and proceeded to falsely complain on a near weekly basis that Plaintiff lacked technical skills, which was not more than a dog whistle for ageism.

27. Then, during a May 2021 meeting, Defendant Hall yelled and cursed out Plaintiff in front of his coworkers and reiterated that he did not care if Plaintiff was fired. This was

extremely humiliating to Plaintiff, who felt extreme anxiety at the thought that his position at AVTC might be in jeopardy because of his age and through no fault of his own.

28. Thereafter, in June 2021, Defendant Hall assigned a project to Plaintiff and a coworker but failed to correctly explain what work was supposed to be completed. Defendant Hall refused to clarify the mistake, ignoring several calls and emails from Plaintiff. It was clear that Defendant Hall was setting Plaintiff up for failure.

29. To make matters worse, Defendant Hall reprimanded Plaintiff for completing the project incorrectly. When Plaintiff asked Defendant Hall why he had failed to respond to his many calls and emails, Defendant Hall aggressively (and nonsensically) replied that he was the boss, and that Plaintiff was to answer to him and not the other way around.

30. Sensing Defendant Hall's hostility towards him, Plaintiff made Defendant Hall aware that he felt Defendant Hall was targeting and bullying him.

31. Subsequently, Joseph Bus, an EHS Tech recruiter, and Kurt Weiss, an AVTC recruiter, met with Plaintiff and Defendant Hall. During the meeting, Defendant Hall brushed off Plaintiff's disparate treatment allegations and denied that he was bullying Plaintiff.

32. Moreover, Plaintiff disclosed that he suffered from a medical condition that caused his eyes to often become dry and watery when looking at a computer screen for long periods of time.¹ Although the Company assured Plaintiff that it would accommodate his eye condition by providing him with a blue light screen protector, no screen protector was ever provided.

33. In addition, no remedial measures were taken in response to Plaintiff's complaints against Defendant Hall, nor was Defendant Hall ever reprimanded for his clearly discriminatory conduct.

¹ Plaintiff is currently receiving treatment for his eye condition under his doctor's care.

II. After Berating and Humiliating Plaintiff During a Phone Call, Defendant Hall Learns that Plaintiff Suffers From Heart Disease and Ramps Up His Discriminatory Behavior After Plaintiff Requests a Reasonable Accommodation and FMLA Leave

34. In July 2021, Plaintiff and Defendant Hall met to supposedly discuss ongoing projects assigned to Plaintiff, but Defendant Hall failed to offer any constructive recommendations and instead only yelled at and berated Plaintiff for no reason whatsoever. Defendant Hall's aggressive and discriminatory behavior towards Plaintiff was so egregious that, following the meeting, Plaintiff abruptly became ill, and began feeling very stressed, depressed, and anxious to the point where his eyes started to tear uncontrollably, causing him to be unable to see clearly.

35. As a direct result of Defendant Hall's shocking treatment of Plaintiff, Plaintiff inadvertently sent an email to the wrong recipient because he could not see properly.² True to form, Defendant Hall exploited this mistake (that his own misconduct caused) to further berate and humiliate Plaintiff. Defendant Hall even took this opportunity to force Plaintiff to take a class on workplace etiquette, even though other employees were not required to take this course when they made mistakes.

36. Then, in late-July 2021, Plaintiff was hospitalized with heart failure. Plaintiff notified AVTC of his disability (heart failure) and requested to work from home. While Defendant Hall approved Plaintiff's reasonable accommodation request, he nevertheless refused to give Plaintiff any new work assignments as retaliation for making the request.

37. A few days later, Defendant Hall aggressively questioned Plaintiff as to why he had not logged any work hours for the preceding three days. Plaintiff was caught off guard by Defendant Hall's aggressive demeanor and abrupt questioning and needed a moment to gather his thoughts and remember what work he had completed in the prior three days. Plaintiff,

² Had AVTC given Plaintiff a blue light protection screen as promised, this error likely would have been avoided.

understandably, could not immediately recall every specific thing he had done the past three days, which inspired Defendant Hall to continue to yell at and berate him.

38. As it turned out, Plaintiff was not even scheduled to work those prior three days which were previously scheduled days off. When Defendant Hall was confronted with this information, he abruptly hung up the phone.

39. Understandably, Defendant Hall's continuous retaliatory and harassing conduct left Plaintiff feeling extremely distressed, depressed, anxious, and worried about his future at AVTC. The stress caused by Defendant Hall was so overwhelming that Plaintiff's heart began to race uncontrollably, requiring Plaintiff to take a medical leave from work. However, neither Defendant Hall nor anyone from AVTC ever informed Plaintiff that he was eligible for FMLA-protected leave or instructed him about his rights under the FMLA.

40. Subsequently, on or around August 2, 2021, Plaintiff requested another reasonable accommodation to work from home due to his medical conditions (heart failure /anxiety/depression). However, not long thereafter, Defendant Hall ramped up his discriminatory and retaliatory campaign against Plaintiff. Specifically, on August 5, 2021, Defendant Hall called Plaintiff and – yet again – began yelling and berating him for not working fast enough. As one would expect, this harrowing exchange left Plaintiff feeling extremely unwell, and his heart began to race uncontrollably yet again.

41. Following the phone call, Plaintiff sent a text message to Defendant Hall reminding him that he suffered from heart failure and – at wits' end – implored Defendant Hall to take his disabilities into consideration: "You can't even have a little patience with me[?] I'm not as fast as you are."

42. Nevertheless, in a flagrant retaliatory act, Defendant Hall responded by telling Plaintiff that he would cease assigning him *any* further work assignments.

III. The Company Terminates Plaintiff's Employment After He Makes Protected Complaints For Which it Fails to Investigate or Take Remedial Action

43. Immediately following this disturbing exchange, Plaintiff contacted Lacy Taylor Johns, a Human Resources ("HR") representative for AVTC to complain about Defendant Hall's discriminatory conduct towards him and its negative impact on his health.

44. Shockingly, instead of notifying Plaintiff of his FMLA rights (yet again) or assuring him that AVTC was taking his complaints seriously and would launch an investigation, Ms. Taylor-Johns urged Plaintiff to go on short-term disability.

45. Plaintiff eventually went on FMLA-protected leave on August 5, 2021.

46. Then, in October 2021, while still on FMLA-protected leave, Mr. Weiss contacted Plaintiff asking him to return his work-issued laptop and workplace badge. Mr. Weiss also urged Plaintiff to apply for unemployment insurance because it "would be better for ... [him]." Shortly thereafter, Plaintiff's access to his work email account was cut off without any notice or explanation whatsoever.

47. In other words, AVTC had decided to terminate Plaintiff's employment while he was on FMLA leave without explanation or warning.

48. However, after Plaintiff notified AVTC through counsel on February 10, 2022, that he intended to pursue employment-based claims against the Company, AVTC tried to walk back its unlawful decision to terminate Plaintiff's employment in a February 14, 2022, letter claiming that Plaintiff's "assignment is still active and awaiting [his] return to work."

49. AVTC's haphazard attempt to contact Plaintiff after learning that he had retained counsel was clearly pretextual. It is unquestionable that AVTC had terminated Plaintiff's employment by then. AVTC had requested the return of Plaintiff's company-issued laptop, urged him to apply for unemployment insurance, and abruptly shut off his access to his work email.

50. In this regard, AVTC's February 14, 2022, letter claiming that Plaintiff's assignment was still active, its subsequent February 19, 2022 correspondence attaching Plaintiff's health insurance card, and the February 28, 2022 and March 2, 2022 emails to Plaintiff requesting an update on an alleged package Plaintiff had received, are all comically pretextual, and, most importantly, were sent in bad faith.

51. Furthermore, in its September 9, 2022, Position Statement submitted to the EEOC in response to Plaintiff's Charge of Discrimination, AVTC claimed that Plaintiff would be allowed to return to work once he was medically capable. At that time, Plaintiff was undergoing treatment for his heart disease. Although his heart disease is a lifelong condition requiring him to be careful and not exert himself too much, Plaintiff was considered medically capable to work again a few months later. Plaintiff's job at AVTC could be performed remotely and would not require physical exertion.

52. Plaintiff received a letter from his insurance company stating that his disability leave is scheduled to end in November 2023. Unsurprisingly, AVTC never followed up or contacted Plaintiff again. Rather, its March 2, 2022, email to Plaintiff was AVTC's last attempt to contact him, further demonstrating that Plaintiff was indeed fired, and to claim otherwise would be pretextual and false. Plaintiff even returned the Company-issued laptop and badge in March 2023, but received no response from AVTC or indication that the Company expected him to return to work. AVTC also never contacted Plaintiff regarding his security clearance, which expires in August 2023, and which AVTC needs to renew for Plaintiff to return to work. The renewal process takes about six months to a year.

53. Despite his determination to remain optimistic about and committed to his career at AVTC, the ruthless discrimination and retaliation Plaintiff has suffered has rendered him distraught and crestfallen. Plaintiff's emotional distress is clear and cognizable given the reality

that AVTC allowed Defendant Hall to press his unlawful discriminatory campaign against Plaintiff without repercussion, while ignoring its obligations to seriously investigate Plaintiff's complaints of discrimination and retaliation based on his disability and age.

54. Plaintiff was blindsided and left destitute merely for informing his supervisor and employer of his disability. Plaintiff was afforded no warning or indication of any performance deficiency, nor the opportunity to be placed on a performance improvement plan (and there was never the slightest suggestion that one was in order) before he was cruelly and summarily fired after requesting a reasonable accommodation and FMLA-protected leave.

55. Since being fired on August 5, 2021, Plaintiff has had to rely on partial disability benefits and on income from performing odd jobs for his brother's business. To add insult to injury, Plaintiff was unable to receive unemployment benefits due to AVTC's disability insurance policy.

56. Plaintiff, a successful Senior Network Engineer who once had a thriving career, has undeniably suffered grave humiliation, degradation, severe emotional and physical issues, and financial strife for nearly two years all due to the discriminatory and retaliatory actions of Defendants. Plaintiff has yet to receive another employment opportunity similar or comparable to his position at Defendant AVTC.

FIRST CAUSE OF ACTION
DISCRIMINATION UNDER ADA
Against Defendant AVTC

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

58. Based on the facts alleged herein, Defendant AVTC engaged in unlawful employment practices prohibited by ADA by discriminating against Plaintiff on the basis of his disabilities and failing to provide the requested reasonable accommodations.

59. 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.

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

SECOND CAUSE OF ACTION
RETALIATION UNDER ADA
Against Defendant AVTC

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

62. Based on the facts alleged herein, Defendant AVTC engaged in retaliation as prohibited by ADA by taking adverse actions against Plaintiff for engaging in protected activities, such as complaining about discrimination and retaliation based on his disabilities and requesting reasonable accommodations.

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 the unlawful conduct of Defendant AVTC set forth herein, Plaintiff has been damaged and is entitled to the maximum compensation available to him under this law, including, but not limited to, liquidated damages.

THIRD CAUSE OF ACTION
INTERFERENCE AND RETALIATION UNDER THE FMLA
Against Defendant AVTC

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

66. Section 2612(a)(D) of the Family Medical Leave Act states in pertinent part: “an eligible employee shall be entitled to a total of 12 workweeks of leave during any 12-month period ... Because of a serious health condition that makes the employee unable to perform the functions of the position of such employee.”

67. Section 2615(a) of the Family Medical Leave Act states in pertinent part:

Interference with rights.

- (1) Exercise of rights. It shall be unlawful for any employer to interfere, restrain, or deny the exercise of or the attempt to exercise, any right provided under this subchapter.
- (2) Discrimination. It shall be unlawful for any employer to discharge or in any other manner discriminate against any individual for opposing any practice made unlawful by this subchapter.

68. Defendant AVTC and Plaintiff are subject to the FMLA, respectively, as a covered employer and eligible employee.

69. Defendant AVTC interfered with Plaintiff's rights under the FMLA by failing to inform that Plaintiff is eligible for an FMLA leave and educate him of his rights under FMLA.

70. Defendant AVTC discriminated and retaliated against Plaintiff for requesting and taking a protected leave under the FMLA by discriminating against him in the terms and conditions of his employment and ultimately terminating his employment.

71. Accordingly, as a result of the unlawful conduct of Defendant AVTC set forth herein, Plaintiff has been damaged and is entitled to the maximum compensation available to him under this law, including, but not limited to, liquidated damages.

FOURTH CAUSE OF ACTION
DISCRIMINATION UNDER ADEA
Against Defendant AVTC

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

73. Based on the facts alleged herein, Defendant AVTC engaged in unlawful employment practices prohibited by ADEA by discriminating against Plaintiff because of his age.

74. 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.

75. Accordingly, as a result of the unlawful conduct of Defendant AVTC set forth herein, Plaintiff has been damaged and is entitled to the maximum compensation available to him under this law, including, but not limited to, liquidated damages.

FIFTH CAUSE OF ACTION
RETALIATION UNDER ADEA
Against Defendant AVTC

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

77. Based on the facts alleged herein, Defendant AVTC engaged in unlawful employment practices prohibited by the ADEA by retaliating against Plaintiff for engaging in protected activity, such as complaining about the age discrimination and retaliation he faced at the Company.

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 the unlawful conduct of Defendant AVTC set forth herein, Plaintiff has been damaged and is entitled to the maximum compensation available to him under this law, including, but not limited to, liquidated damages.

SIXTH CAUSE OF ACTION
DISCRIMINATION UNDER NJLAD
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. The New Jersey Law Against Discrimination, N.J. Stat. Ann. §10:5-12(a) provides in pertinent part that it shall be unlawful employment practice: "For an employer, because of ... age, disability ..., to discharge or require to retire from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment..."

82. Defendants engaged in unlawful discriminatory practices by discriminating against Plaintiff on the basis of his age (47) and disabilities.

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 the unlawful conduct of Defendants set forth herein, Plaintiff has been damaged and is entitled to the maximum compensation available to him under this law, including, but not limited to, liquidated damages.

SEVENTH CAUSE OF ACTION
RETALIATION UNDER NJLAD
Against All Defendants

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

86. NJ LAD, N.J. Stat. Ann. §10:5-12(d) provides in pertinent part that it shall be unlawful employment practice: “For any person to take reprisals against any person because that person has opposed any practices or acts forbidden under this act or because that person has sought legal advice regarding rights under this act, shared relevant information with legal counsel, shared information with a governmental entity, or filed a complaint...”

87. Defendants engaged in the unlawful discriminatory practice of retaliating against Plaintiff for complaining about discrimination and retaliation based on his disabilities and age by unlawfully terminating him.

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 Defendants set forth herein, Plaintiff has been damaged and is entitled to the maximum compensation available to him under this law, including, but not limited to, liquidated damages.

EIGHTH CAUSE OF ACTION
AIDING AND ABETTING UNDER NJLAD
Against Individual Defendant

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

91. NJ LAD, N.J. Stat. Ann. §10:5-12(e) provides that it shall be unlawful employment

practice: “For any person, whether an employer or an employee or not, to aid, abet, incite, compel or coerce the doing of any of the acts forbidden under this act, or to attempt to do so.”

92. Individual Defendant engaged in unlawful discriminatory and retaliatory practices in violation of NJ LAD, N.J. Stat. Ann. §10:5-12(e) by aiding, abetting, inciting, compelling, and coercing the discriminatory and retaliatory conduct against Plaintiff.

93. 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.

94. Accordingly, as a result of the unlawful conduct of Individual Defendant set forth herein, Plaintiff has been damaged and is entitled to the maximum compensation available to him under this law, including, but not limited to, liquidated 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 Americans with Disabilities Act of 1990 (“ADA”), 42. U.S.C. §§ 12101, *et. seq.*, as amended by the ADA Amendments of 2008, Pub. L. No. 110-325 (“ADAA”); the Family and Medical Leave Act of 1993 (“FMLA”), 29 U.S.C. §§ 2601 *et seq.*, as amended by the Families First Coronavirus Response Act of 2020, Pub. L. No. §§ 116-127 (“FFCRA”); the Age Discrimination in Employment Act of 1967 (“ADEA”), 29 U.S.C. §§ 621 *et seq.*, and the New Jersey Law Against Discrimination of 1945 (“NJLAD”), as amended and codified, §§ 10:5-1 *et seq.* by discriminating and retaliating against Plaintiff on the basis of his age, disabilities, and protected leave status;

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 his reputation in an amount to be proven at trial;

D. Awarding Plaintiff liquidated damages;

E. Awarding Plaintiff punitive damages;

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

G. 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: August 4, 2023
White Plains, New York

Respectfully submitted,

FILIPPATOS PLLC

By: 

Tanvir H. Rahman
199 Main Street, Suite 800
White Plains, New York 10022
T. F: 914. 984.1111 x 500
trahman@filippatoslaw.com
Counsel for Plaintiff