

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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PAUL GIBSON,

Case No.:

Plaintiff,

COMPLAINT

-against-

JURY TRIAL DEMANDED

THE CITY OF NEW YORK, KIRK CHIN; PAMELA
JONES; DEBORAH KNIGHT; NILSA LOPEZ;
ADRIENNE R. HARRIS; FELIX RODRIGUEZ;
EURYDICE GASKINS; INEZ RHONDA JENKINS;
and GLENDA LEE,

Defendants.

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Plaintiff Paul Gibson, by his attorneys, Filippatos PLLC, hereby alleges against Defendants the City of New York (the "City"), Kirk Chin, Pamela Jones, Deborah Knight, Nilsa Lopez, Adrienne R. Harris, Felix Rodriguez, Eurydice Gaskins, Inez Rhonda Jenkins, Glenda Lee (together, the "Individual Defendants") as follows:

NATURE OF THE CASE

1. This is a case about an African American man named Paul Gibson who, while working for the City of New York to whom he devoted 26 years of service, was villainized, retaliated against, and subjected to a hostile work environment to the point of no return for reporting vile racist comments that he had to endure at the hands of his direct supervisor – words such as “African American Monkey,” and “I do not like African Americans.” Sadly, the City did absolutely nothing to assist Mr. Gibson or better his work environment in any meaningful way, even after the Equal Employment Office Commission (“EEOC”) found that there was “probable cause” that Mr. Gibson was subjected to discrimination at work.

2. Rather, Mr. Gibson was repeatedly and unambiguously told by multiple supervisors that his decision to engage in protected activity by reporting the discriminatory and retaliatory conduct was the very reason for the ever-increasing hostile work environment to which he was relentlessly subjected.

3. The discrimination, retaliation, and racial hostility bled not just into Mr. Gibson ability to perform his job and succeed, but his physical health and well-being, leading to his constructive discharge in October 2023.

4. As a result of Defendants' unlawful conduct, Plaintiff hereby brings this action to obtain redress from Defendants for violating his civil rights under Title VII of the Civil Rights Act of 1964, 42 USC §§ 2000e *et seq.*, ("Title VII"); Section 1981 of the Civil Rights Act of 1866, 42 USC § 1981 ("§ 1981"); the New York State Human Rights Law, New York State Executive Law, §§ 296 *et seq.* ("NYSHRL"); and the New York City Human Rights Law, Administrative Code §§ 8-107, *et seq.* ("NYCHRL").

PARTIES, JURISDICTION, VENUE, AND ADMINISTRATIVE PREREQUISITES

5. At all times relevant hereto, Plaintiff was and is a resident of the State of New York, County of New York.

6. At all times relevant hereto, Plaintiff was and is an African American man.

7. At all times relevant hereto, Plaintiff was an employee of the City of the New York.

8. At all times relevant hereto, Plaintiff worked at the New York City Human Resources Administration ("HRA").

9. At all times material, the City of New York is and was a domestic government agency engaged in business in the state of New York. The entity in which Plaintiff worked on

behalf of the City, the HRA , had a principal place of business at 132 West 125th Street, New York, New York 10027.

10. Upon information and belief, the City employs over 300,000 individuals on a full-time or full-time equivalent basis and thus is subject to all statutes upon which Plaintiff is proceeding herein.

11. Upon information and belief, at all times relevant hereto, Defendant Kirk Chin was and is an individual residing in the State of New York, as well as an employee of the City and HRA, holding a position of "Supervisor Level 1," and had the authority to affect the terms and conditions of Plaintiff's employment or to otherwise influence the decision making regarding same.

12. Upon information and belief, at all times relevant hereto, Defendant Pamela Jones was and is an individual residing in the State of New York, as well as an employee of the City and HRA, holding the position of "Supervisor Level 3," and had the authority to affect the terms and conditions of Plaintiff's employment or to otherwise influence the decision making regarding same.

13. Upon information and belief, at all times relevant hereto, Defendant Deborah Knight was and is an individual residing in the State of New York, as well was an employee of the City and HRA, holding the position of "Director," and had the authority to affect the terms and conditions of Plaintiff's employment or to otherwise influence the decision making regarding same.

14. Upon information and belief, at all times relevant hereto, Defendant Nilsa Lopez was and is an individual residing in the State of New York, as well was an employee of the City and HRA, holding the position of "Executive Director," and had the authority to affect the terms and conditions of Plaintiff's employment or to otherwise influence the decision making regarding same.

15. Upon information and belief, at all times relevant hereto, Defendant Adrienne R. Harris was and is an individual residing in the State of New York, as well as an employee of the City and HRA, holding the position of "Supervisor Level 1," and had the authority to affect the terms and conditions of Plaintiff's employment or to otherwise influence the decision making regarding same.

16. Upon information and belief, at all times relevant hereto, Defendant Felix Rodriguez was and is an individual residing in the State of New York, as well as an employee of the City and HRA, holding the position of "Director of Manhattan Casa North," and had the authority to affect the terms and conditions of Plaintiff's employment or to otherwise influence the decision making regarding same.

17. Upon information and belief, at all times relevant hereto, Defendant Eurydice Gaskins was and is an individual residing in the State of New York, as well as an employee of the City and HRA, holding the position of "Supervisor," and had the authority to affect the terms and conditions of Plaintiff's employment or to otherwise influence the decision making regarding same.

18. Upon information and belief, at all times relevant hereto, Defendant Inez Rhonda Jenkins was and is an individual residing in the State of New York, as well was and is an employee of the City and HRA, holding the position of "Deputy Regional Manager," and had the authority to affect the terms and conditions of Plaintiff's employment or to otherwise influence the decision making regarding same.

19. Upon information and belief, at all times relevant hereto, Defendant Glenda Lee was and is an individual residing in the State of New Jersey as well as an employee of the City and HRA, holding the position of "Supervisor III," and had the authority to affect the terms and

conditions of Plaintiff's employment or to otherwise influence the decision making regarding same

20. This Court has subject matter jurisdiction over this matter pursuant to 28 USC §1331.

21. This Court has supplemental jurisdiction over the claims that Plaintiff has brought under state law pursuant to 28 USC § 1367.

22. Venue is proper in this district, pursuant to 28 U.S.C. §1391(b), as one or more Defendants reside in the District of New York, and a substantial part of the acts complained of occurred therein.

23. By: (a) filing a Charge of Discrimination with the Equal Employment Opportunity Commission ("EEOC"); (b) filing a Notice of Claim on September 1, 2023, and waiting 30 days prior to commencing this suit; (c) receiving a Notice of Right to Sue from the EEOC on August 23, 2023; and (d) commencing this action within 90 days of the issuance of the Notice of Right to Sue by the EEOC, Plaintiff has satisfied all procedural and/or administrative prerequisites for the commencement of the instant action.

FACTUAL ALLEGATIONS

A. Plaintiff Achieves Long-Standing Success at the City's HRA Division

24. In or about October 1997, the City of New York hired Plaintiff as a Case Manager for the Community Alternative Systems Agency program ("CASA") of the City's Human Resources Administration ("HRA") division.

25. Plaintiff provided assistance to low-income individuals for the 26 years until his October 2023 constructive discharge. Through his dedicated service, Plaintiff has been able to serve the community and make a positive impact. Over time, Plaintiff formed a strong bond with multiple clients who became like family, having been aided by Plaintiff for at least 20 years.

26. Plaintiff demonstrated unwavering commitment to his responsibilities, consistently performing at an exceptional level. Plaintiff wholeheartedly committed himself to both professional and personal development, consistently improving and setting himself apart as an outstanding employee.

27. Plaintiff proved to be an exceptional employee who displayed remarkable performance and dedication across all the multiple offices to which he was assigned. Prior to Defendant Chin taking over as his supervisor, Plaintiff had an unblemished record and had not received any write-ups or complaints regarding his performance.

B. Plaintiff was Assigned to a New Supervisor within HRA and Was Immediately Subjected to Disparaging and Discriminatory Treatment

28. Following Plaintiff's outstanding performance between 1997-2020, Plaintiff was assigned a new supervisor named Kirk Chin, following the retirement of his long-time supervisor, Jacqueline Dorville.

29. Unfortunately, Plaintiff and other African American employees who worked in Plaintiff's group, abruptly found themselves under far worse terms and conditions of employment under Defendant Chin's supervision.

30. Defendant Chin, who is of Jamaican descent, targeted African American employees. For instance, in May 2020, Defendant Chin unambiguously alerted Plaintiff that he did not want African Americans to work in his office and that he would make sure to remove them from his team.

31. Defendant Chin consistently engaged in racially derogatory behavior against African Americans, in particular Plaintiff. Defendant Chin specifically targeted Plaintiff, the only African American man on his team, because he apparently had an unfounded belief that African

American men were inferior to him. Defendant Chin used derogatory terms such as “**stupid**,” and “**lazy**” when referring to African Americans, including Plaintiff.

32. Outrageously, on two separate occasions in 2022, Defendant Chin went so far as to direct a despicable racial slur towards Plaintiff, referring to him as an “**African American monkey**.”

33. In addition to these vile, racist comments, Plaintiff experienced disparate treatment at work when compared to his non-Black coworkers under Defendant Chin.

34. Indeed, after working for over 20 years in his field, Plaintiff never experienced anything like what Defendant Chin did to him. After many field visits, Defendant Chin would relentlessly question Plaintiff about every minute detail of the home he visited, asking about things completely irrelevant to the job, such what the color of the coach at the home was. Defendant Chin would chastise Mr. Gibson if he did not know these minute, irrelevant details and wrote him up for bad performance. On the other hand, employees who were from the Caribbean Islands and/or Hispanic were immune from Defendant Chin’s invasive interrogations.

35. On multiple occasions, Defendant Chin openly admitted to Plaintiff that he gave preferential treatment to Hispanic employees. For instance, in 2020, Defendant Chin permitted a Hispanic male employee to wear sweatpants and sneakers to work, while unreasonably denying Plaintiff’s request to simply wear jeans to work on days with no expectation of making field visits.

36. Astonishingly, when Plaintiff questioned this blatant unequal treatment, Defendant Chin brazenly revealed, and made no effort to hide, his racial and national origin bias by stating, “**It’s because I favor Spanish people**.”

37. Defendant Chin also regularly refused to sign Plaintiff’s timesheets for no legitimate reason. These field sheets were significant as they served as tangible proof of an

employee's active engagement in their job duties and played a critical role in facilitating the accurate completion of timesheets, thereby ensuring fair and accurate compensation.

38. By refusing to sign these field sheets, Defendant Chin not only undermined Plaintiff's ability to demonstrate his diligent work performance, but also hindered his ability to accurately document his work hours. This refusal had significant financial implications for Plaintiff, as it resulted in delayed submission of his timesheets and subsequently delayed payment of his wages.

39. Defendant Chin even transferred Plaintiff and all other African Americans away from his team solely and exclusively because they were African American. By February 2021, Defendant Chin had no African American direct reports. One African American employee was added to his team in March 2021 but as soon as Defendant Chin found out that she was African American, she experienced the same mistreatment that Plaintiff endured within a week of working under him. Defendant Chin became hostile and even engaged in sexually harassing conduct, pushing up against and groping this female African American employee.

40. After living through considerable hardship for a year due to Defendant Chin's racially motivated misconduct, in or about January/February 2021, Plaintiff gathered the strength to report Defendant Chin's actions to Defendant Jones, Defendant Chin's direct supervisor, as well as Defendant Knight and her supervisor, Defendant Lopez. Despite his hopes for a fair resolution, all three individuals disappointingly refused to take any action in response to Plaintiff's protected complaint.

41. Left with no other recourse, Plaintiff escalated his complaints of discrimination to the EEOC in February 2022.

42. After filing his EEOC Charge, Defendant Chin's disparate and appalling treatment of Plaintiff only grew worse, causing Mr. Gibson to lodge another complaint of discrimination, this time to the HRA's Equal Employment Opportunity ("EEO") office in May 2021.

43. Astonishingly, the EEO office's "investigation" into Mr. Gibson's complaints was not completed until June 15, 2022, more than a year later. In its report, the EEO office claimed that it was unable to substantiate Plaintiff's claims. Notably, in August 2022, the EEOC concluded otherwise, finding that there was "probable cause" that Plaintiff was subjected to unlawful discriminatory practices by the City, contradicting the EEO's apparent findings.

44. After the EEOC issued a probable cause finding, the City temporarily removed Defendant Chin from his position, though he was soon reinstated meaning nothing meaningful had occurred to address his unlawful behavior.

C. Despite Making Repeated Complaints About the Discrimination He Faced, the City's Mistreatment Towards Him Only Intensified, and Served as Retaliation for His Protected Activities

45. Unsurprisingly, while the HRA's EEO office and the EEOC's investigations were ongoing, Plaintiff experienced somewhat temporary improvements to the terms and conditions of his employment. However, after the EEO office's investigation concluded in June 2022, Plaintiff's experience worsened.

46. In May 2022, Defendant Harris resumed the role of Plaintiff's supervisor, after she had been removed from the role in 2020 for making threats of physical violence towards him.

47. Defendant Harris made her intention to retaliate against Plaintiff for his decision to engage in protected activities blatantly clear. During a confrontational June 2022 encounter, Defendant Harris directly addressed Mr. Gibson and stated, **"I'm coming for you because of what you did to my brother,"** referring to Defendant Chin.

48. During her tenure as Mr. Gibson's supervisor which lasted until July 2022, Defendant Harris wasted no time in carrying out her ominous threat.

49. Defendant Harris subjected Plaintiff to relentless and retaliatory verbal abuse. Frequently, Defendant Harris would erupt into screaming fits whenever Plaintiff attempted to communicate with her.

50. Apart from the occasions when Defendant Harris directly confronted Plaintiff in order to berate or belittle him, she would consistently avoid him despite being his supervisor. Ms. Harris exhibited a complete disregard for Mr. Gibson's emails to her and requests for in-person meetings. Additionally, whenever Plaintiff attempted to engage her in conversation, Ms. Harris would purposefully turn her back on him and walk away.

51. Just like Defendant Chin, Defendant Harris consistently refused to sign Plaintiff's field sheets. By refusing to sign these field sheets, Defendant Harris too undermined Plaintiff's ability to demonstrate his performance of his job responsibilities and jeopardized his financial well-being by hindering his timely compensation payments.

52. Defendant Harris consistently burdened Plaintiff with a heavier workload than other case managers, deliberately assigning him the most challenging and time-consuming cases.

53. Additionally, Defendant Harris, just like Defendant Chin, would excessively scrutinize his work, impose unnecessary demands for minute details, and arbitrarily reject his work. These demands included requesting irrelevant information, such as whether an elevator was used during field visits, or specific personal details about individuals who had no relevance to Mr. Gibson's job duties. No other case manager was asked for such minute details or criticized in such manner.

54. Plaintiff alerted multiple supervisors about Defendant Harris' discriminatory and retaliatory conduct to no avail.

55. In June 2022, Plaintiff took action against Ms. Harris by reporting her threatening remarks and subsequent discriminatory and retaliatory behavior to her immediate supervisor, Defendant Jones. Unfortunately, Defendant Jones responded dismissively to Mr. Gibson's, shrugging her shoulders at him and refusing to engage in any meaningful discussion about the matter. As one can imagine Defendant Jones' conduct left Plaintiff feeling hopeless, unheard, unsupported, and completely disheartened and isolated.

56. Plaintiff attempted to remedy the situation at work by escalating his complaints about Defendant Harris' misconduct to Defendant Knight. However, supposedly due to her impending transition out of her role, Ms. Knight directed the incoming Director, Defendant Rodriguez, to handle the issue.

57. When Plaintiff expressed his concerns to Defendant Rodriguez, he merely walked away, failing to address Plaintiff's valid concerns at all. As shown *infra*, Defendant Rodriguez soon would become one of Plaintiff's worst harassers.

58. Exasperated, Plaintiff turned to his union representative, Pauline Moore, for help. Ms. Moore arranged a meeting with Plaintiff, Defendant Harris, Defendant Knight, and Defendant Rodriguez. Although the purpose of the meeting was to address Plaintiff's concerns, the meeting was immediately hijacked by Defendant Harris, who, out of nowhere, falsely claimed that she was fearful of Plaintiff.

59. In response, Ms. Moore highlighted the unusual timing of Defendant Harris's mentioning of her apparent fears, raising reasonable doubts about her motives and veracity.

However, despite these concerns, Ms. Moore, Plaintiff, and everyone present in the meeting agreed that it was necessary for Defendant Harris to be removed as Plaintiff's supervisor.

60. It is noteworthy how swiftly the City took action when Defendant Harris raised an unfounded concern about Plaintiff, an African American man, which aligned with the widely held stereotype that Black men are aggressive. On the other hand, whereas Plaintiff had raised legitimate concerns several times, they were continually ignored and brushed aside.

61. Following this meeting, Defendant Harris was replaced by Defendant Gaskins. Unfortunately, shortly after her appointment, starting in July 2022, Defendant Gaskins began to display inappropriate and disrespectful behavior towards Plaintiff as well.

62. On multiple occasions, Defendant Gaskins would gratuitously yell at him for no reason. Alarming, on one occasion, Ms. Gaskins directly told Plaintiff him that **she agreed with the other supervisors who believed that Plaintiff should not have lodged a complaint, referring to his 2021 EEOC complaint.**

63. As mentioned above, in August 2022, the EEOC issued its "probable cause" finding with respect to Plaintiff's EEOC Charge of Discrimination against the City.

D. Plaintiff's Complaints Continue to Fall on Deaf Ears, While the Onslaught of Discrimination and Retaliation Against Him Continues Unabated, Culminating in His October 2023 Constructive Discharge

64. Despite the EEOC's "probable cause" determination against it, the City continued to do nothing to protect Plaintiff or improve his work environment. Rather, Plaintiff continued to face ongoing harassment and discriminatory remarks from supervisors without relent.

65. In clear retaliation for Plaintiff's protected activity, shortly after the EEOC's issued its determination, Defendant Gaskins gave Plaintiff an unnecessary write-up for an innocent mistake.

66. To wit, when Plaintiff arrived at work, he realized that his reading glasses were missing, leaving him struggling to view his computer screen and at risk of further compromising his vision. Recognizing that without his reading glasses, he would not be able to perform his duties, Plaintiff determined that he needed to go home to retrieve them.

67. According to HRA policy at the time, Plaintiff only needed to inform *a* supervisor about his need to leave. There was nothing specified about the method of notification or to whom specifically the notification should be made.

68. Since Defendant Gaskins was not at work that day, Plaintiff approached another supervisor named Luis Diaz to whom he explained his predicament. Mr. Diaz acknowledged the situation and assured Mr. Gibson: “Okay, I’ll notify your supervisor.” Plaintiff then left work to retrieve his glasses.

69. However, the next day, Defendant Gaskins informed Plaintiff that he was being written up for failing to notify her directly. Even though Plaintiff explained he that he had informed Mr. Diaz in her absence, Defendant Gaskins provided different, shifting reasons to support her retaliatory write-up, suggesting Plaintiff should have called or emailed her instead. Notably, Plaintiff did not have Defendant Gaskins’ contact information to reach out to her directly, and, nevertheless, according to HRA policy, he fulfilled his reporting obligations correctly.

70. Despite Plaintiff’s explanation, Defendant Gaskins showed no sympathy and upheld the write-up. When Plaintiff appealed to Defendant Rodriguez, he responded with indifference, cruelly smirking while walking away. Feeling frustrated and without any other recourse, Plaintiff lodged a complaint with his union later that day.

71. Notably, in October 2022, HRA modified its notification policy for leaving work to now mandates that employees personally inform their immediate supervisor if available, and if not, to notify a supervisor on duty and email their immediate supervisor.

72. In September 2022, Defendant Gaskins, in a further attempt to make Plaintiff's life difficult and his work environment hostile, insisted that Plaintiff attend a non-essential meeting during his lunch break.

73. Plaintiff promptly expressed his concern about this and complained about the issue to both Defendant Rodriguez and Daniel Korenstein, a senior legal counsel for the HRA; neither responded to Plaintiff's complaints.

74. Plaintiff then reached out to Defendant Rodriguez to address the unequal treatment he had been experiencing. To his dismay, Defendant Rodriguez, in an astonishingly wicked manner, reiterated that this mistreatment would *continue*. Defendant Rodriguez went so far as to imply that the mistreatment Plaintiff endured should be seen as a consequence for his decision to approach the EEOC and engage in other protected activities. Defendant Rodriguez's statement made abundantly clear that the retaliation Plaintiff was facing would continue indefinitely.

75. Additionally, Defendant Rodriguez suggested that the ongoing retaliation against Plaintiff was intended not only to punish Plaintiff but also to discourage him (and ostensibly other HRA employees) from considering filing a complaint of discrimination, harassment, and/or unlawful retaliation in the future.

76. In December 2022, Defendant Rodriguez again engaged in overt retaliatory behavior against Plaintiff, unjustifiably writing up Plaintiff merely for requesting that a union representative be present during a meeting between him, Defendant Rodriguez, and several other management personnel.

77. When Plaintiff questioned why he was being disciplined for merely exercising his right, Defendant Rodriguez ignored his inquiry and made clear once again that these retaliatory actions would persist.

78. In January 2023, Defendant Rodriguez reinstalled Defendant Harris as Plaintiff's supervisor, even though Plaintiff had repeatedly complained about her hostile behavior towards him.

79. That same month, Plaintiff approached Defendant Rodriguez to discuss his concerns about Defendant Harris's reinstatement as his supervisor. In response, Defendant Rodriguez callously and threateningly asked: "Didn't you file a complaint with the EEOC?" Upon confirming that Plaintiff did indeed file a complaint with the EEOC, Defendant Rodriguez gave an alarming, contemptuous, and blatantly retaliatory reply: **"Everyone knows that you did. You should have never filed a complaint with the EEOC."**

80. Just a few weeks later, in or about February 2023, Defendant Rodriguez, who is Hispanic, made a deeply offensive and racist statement to Plaintiff. He remarked, **"I do not like negro."** This overt act of discrimination and bigotry further exemplified the hostile environment to which Plaintiff was subjected by multiple supervisors, which the City repeatedly allowed to occur without any consequences.

81. Plaintiff reported Defendant Rodriguez's derogatory comments to the HRA's EEO officer, Eric Smalls. However, instead of addressing the serious nature of the complaint, Mr. Smalls merely concluded that the complaint somehow did not fall under the jurisdiction of the EEO and refused to take any corrective action. Instead, Mr. Smalls redirected Plaintiff to report his complaint to Defendant Jenkins.

82. When Plaintiff reported his complaints to Defendant Jenkins, her response was, unfortunately, no different than the responses he had received earlier each time he sought the City's help to address the discrimination, hostile work environment, and retaliation he faced. Defendant Jenkins, unbelievably, suggested that Plaintiff might be the one harassing Defendant Rodriguez and patronizingly told him to focus on his work.

83. Additionally, each time Plaintiff reached out Defendant Jenkins via email regarding other instances of discrimination, she repeatedly brushed aside Plaintiff's concerns, claiming she was too busy to address them, and instructed him to escalate the matter through the "chain of command."

84. However, whenever Plaintiff followed Defendant Jenkins' advice and escalated his concerns up the "chain of command," he encountered a recurring pattern of being ignored and/or not receiving any appropriate response. In such instances, when Plaintiff sought further assistance from Defendant Jenkins to address this lack of responsiveness, she would often simply refuse his request for help or fail to respond to his concerns altogether.

85. In or around March 2023, Plaintiff repeated his earlier request to remove Defendant Harris as his supervisor to Defendant Rodriguez. No action was taken, demonstrating the City's completely disregard for and indifference to the hostile work environment and retaliatory conduct Plaintiff had to endure. Though realizing that nothing was ever going to change, Plaintiff reported his disparate treatment yet again to the EEO and his union representative, Ms. Moore.

86. Later that month, Plaintiff was assigned a new supervisor, Defendant Lee, but the campaign of relentless retaliation continued undeterred. Within the same month, Defendant Lee baselessly submitted a disciplinary referral pertaining to Plaintiff's performance. Defendant Lee

had not even work at Plaintiff's work location before March 2023, making it clear that he was being guided by retaliatory motives and/or directives.

87. Defendant Lee further demonstrated hostility towards Plaintiff by abruptly closing the door to his office in his face and otherwise barring him from access to her office. He was the only report of Ms. Lee's who was denied access to her office, and for no apparent reason. Plaintiff informed Defendant Rodriguez of Defendant's hostility, but he dismissively claimed that Defendant Lee's conduct was "okay."

88. Further, Defendant Lee levied false accusations of poor performance against Plaintiff on cases on which he had not worked, berating and screaming at Plaintiff in front of his colleagues to "fix it," even after he attempted to clarify the situation.

89. Defendant Lee also refused to grant Plaintiff's requests for time off that had already been approved, and when he complained to Defendant Rodriguez about this, he astoundingly advised Plaintiff that she had the authority to do so.

90. A few months later, in or about May 2023, Defendant Rodriguez discriminated and retaliated against Plaintiff once more by refusing to grant Plaintiff's request to move his desk for health reasons and precautions.

91. On that day, one of Plaintiff's colleagues, who sat at an adjacent desk, had been coughing and sneezing for the second consecutive day. Due to Plaintiff's pre-existing lung disease, about which he had previously informed his supervisors, Plaintiff approached Defendant Rodriguez and asked if he could relocate his desk to safeguard his health.

92. Shockingly, Defendant Rodriguez denied Plaintiff's request, citing his previous EEOC complaint as the reason.

93. Faced with this unfair discriminatory and retaliatory action, Plaintiff engaged legal counsel who contacted Defendant Rodriguez. Finally, after his counsel's intervention, the City allowed Plaintiff to move his desk.

94. A few days later, on May 26, 2023, one of Plaintiff's coworkers tested positive for COVID-19. Ironically, and emblematic of Defendant Rodriguez's disparaging treatment towards Plaintiff, and just days after *denying* Plaintiff's request to move desks, Defendant Rodriguez gaslit Plaintiff by circulating an email to the entire staff stressing the importance of adhering to COVID-19 protocols.

95. The following day, on May 27, 2023, Defendant Harris wrote an outrageous email to Plaintiff demanding that he return to his old seat. Defendant Harris' demand was particularly contemptible because the employee who had tested positive for COVID-19 was not the coworker occupying the desk adjacent to Plaintiff, but another employee entirely, meaning that Plaintiff would still be facing a significant health risk. Indeed, the coworker who sat next to Plaintiff was still coughing and sneezing but continued to work in the office, while another colleague who sat near Plaintiff was also coughing incessantly. As a result, Plaintiff had to request the rest of the day off, but his request was spitefully denied by Defendant Harris, who scolded him for asking for the time off. The next day, both coworkers called out sick.

96. Plaintiff continued to endure a workplace permeated with racial discrimination, harassment, hostility based on his race, and egregious retaliation for his engagement in protected activity nearly every day, and to the point of no return, leading to his constructive discharge from his employment on October 28, 2023, involuntarily ending his 26-year career working for the City of New York.

97. Specifically, in September 2023, Plaintiff emailed the HRA's legal counsel, announcing his constructive discharge. In this email, Plaintiff articulated how he could not continue to work for the City or HRA because of the never-ending mistreatment and hostility he endured. To no one's surprise, no action was taken in response to Plaintiff's correspondence.

98. As a result of Defendants' unlawful actions as described herein, Plaintiff has been humiliated and traumatized. Not only was he blatantly discriminated against because of his race, including by being called vile, racist slurs., by multiple supervisors, but the City inexplicably refused to protect him and instead embarked on a campaign of retaliation culminating in his constructive discharge.

99. Despite Plaintiff's determination to remain optimistic about, and committed, to his career at the City, the ruthless discrimination and retaliation he suffered at the City has rendered Plaintiff distraught and crestfallen. Plaintiff's emotional distress is clear and cognizable given that the City allowed its employees to press their unlawful campaign against him without repercussion, while ignoring its legal obligations to seriously investigate Plaintiff's complaints of race discrimination, harassment, and retaliation and take meaningful action.

FIRST CAUSE OF ACTION
DISCRIMINATION AND HOSTILE WORK ENVIRONMENT UNDER TITLE VII
Against the City of New York

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

101. By the actions detailed above, among others, the City discriminated against Plaintiff in violation of Title VII by, *inter alia*, denying him the equal terms and conditions of employment because of his race/national origin (African American) and by allowing Plaintiff to be subjected to discrimination and a hostile work environment.

102. 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, bonuses, 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.

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

SECOND CAUSE OF ACTION
RETALIATION UNDER TITLE VII
Against the City of New York

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

105. By the actions detailed above, among others, the City has retaliated against Plaintiff based on his protected activities in violation of Title VII, including by subjecting him to baseless write-ups and disciplinary referrals, reinstating a former hostile supervisor to be his boss, refusing to provide any accommodation for his worsening health condition, and creating such a hostile work environment, resulting in Plaintiff's constructive discharge.

106. 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, bonuses, 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.

107. Accordingly, as a result of the unlawful conduct of the City set forth herein,

Plaintiff has been damaged and is entitled to the maximum compensation available to him under this law.

THIRD CAUSE OF ACTION
DISCRIMINATION AND HOSTILE WORK ENVIRONMENT UNDER SECTION 1981
Against Defendants

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

109. Pursuant to 42 USC §1981: "All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and should all be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind and to no other."

110. Defendants engaged in unlawful employment practices prohibited by 42 USC §1981 against Plaintiff by denying him the equal terms and conditions of employment, discriminating against him, and subjecting him to a hostile work environment because of his race/national origin (African American).

111. 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.

112. 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.

FOURTH CAUSE OF ACTION
RETALIATION UNDER SECTION 1981
Against Defendants

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

114. As described above, Defendants retaliated and/or discriminated against Plaintiff for engaging in protected activities pursuant to 42 USC § 1981, including by subjecting him to baseless write-ups and disciplinary referrals, reinstating a former hostile supervisor to be his boss, refusing to provide any accommodation for his worsening health condition; and creating such a hostile work environment, among other things, resulting in Plaintiff's constructive discharge.

115. 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.

116. 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.

FIFTH CAUSE OF ACTION
DISCRIMINATION AND HOSTILE WORK ENVIRONMENT UNDER NYSHRL
Against Defendants

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

118. New York 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."

119. By the actions detailed above, among others, Defendants have discriminated against Plaintiff in violation of the NYSHRL by, *inter alia*, denying him the equal terms and conditions of employment, discriminating against him, and subjecting him to a hostile work environment because of his race/national origin (African American).

120. 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.

121. 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.

SIXTH CAUSE OF ACTION
RETALATION UNDER NYSHRL
Against Defendants

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

123. New York Executive Law § 296 provides that:

7. 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 or she has opposed any practices forbidden under this article or because he or she has filed a complaint, testified or assisted in any proceeding under this article.

124. By the actions detailed above, among others, Defendants have retaliated against Plaintiff based on his protected activities in violation of the NYSHRL, by subjecting him to baseless write-ups and disciplinary referrals, reinstating a former hostile supervisor to be his boss, refusing to provide any accommodation for his worsening health condition; and creating such a hostile work environment resulting in Plaintiff's constructive discharge.

125. 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.

126. 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.

SEVENTH CAUSE OF ACTION
ADING AND ABETTING UNDER NYSHRL
Against Individual Defendants

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

128. New York State Executive Law § 296(6) provides that it shall be an unlawful discriminatory practice: "For any person to aid, abet, incite compel or coerce the doing of any acts forbidden under this article, or attempt to do so."

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

130. 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.

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

EIGHTH CAUSE OF ACTION
DISCRIMINATION AND HOSTILE WORK ENVIRONMENT UNDER NYCHRL
Against Defendants

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

133. New York City Administrative Code §8-107(1) provides that it shall be unlawful discriminatory practice: "(a) For an employer or an employee or agent thereof, because of the actual or perceived age, race, creed, color, national origin, gender, disability, marital status, sexual orientation, or alienage or citizenship status of any person, to refuse to hire or employ or to bar or to discharge from employment such person or to discriminate against such person in compensation or in terms, conditions, or privileges of employment."

134. By the actions detailed above, among others, Defendants have discriminated against Plaintiff in violation of the NYCHRL by, *inter alia*, denying him the equal terms and conditions of employment, discriminating against him, and subjecting him to a hostile work environment because of his race/national origin (African American).

135. 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.

136. 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.

NINTH CAUSE OF ACTION
RETALIATION UNDER NYCHRL
Against Defendants

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

138. New York City Administrative Code §8-107(7) provides that it shall be unlawful discriminatory practice for any person engaged in any activity to which this chapter applies to retaliate or discriminate in any manner against any person because such person has (i) opposed any practice forbidden under this chapter, (ii) filed a complaint, testified or assisted in any proceeding under this chapter, (iii) commenced a civil action alleging the commission of an act which would be an unlawful discriminatory practice under this chapter, (iv) assisted the commission or the corporation counsel in an investigation commenced pursuant to this title, (v) requested a reasonable accommodation under this chapter, or ([v]vi) provided any information to the commission pursuant to the terms of a conciliation agreement made pursuant to section 8-115 of this chapter.

139. By the actions detailed above, among others, Defendants have retaliated against Plaintiff based on his protected activities in violation of the NYCHRL, including by subjecting him to baseless write-ups and disciplinary referral, reinstating a former hostile supervisor, refusing to provide any accommodation for his worsening health condition; and creating such a hostile work environment, resulting in Plaintiff's constructive discharge.

140. 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.

141. 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.

TENTH CAUSE OF ACTION
AIDING AND ABETTING UNDER NYCHRL
Against Individual Defendants

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

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

144. Individual Defendants engaged in an unlawful employment practice in violation of New York City Administrative Code §8-107(6) by aiding, abetting, inciting, compelling, or coercing the unlawful discriminatory and retaliatory conduct against Plaintiff described herein.

145. 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.

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

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests a judgment against Defendants:

A. Declaring that Defendants engaged in unlawful employment practices prohibited by Title VII, Section 1981, the NYSHRL, and the NYCHRL in that Defendants unlawfully discriminated and retaliated against Plaintiff on the basis of his race/national origin (African American);

B. Awarding damages to Plaintiff for all lost wages and benefits 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 attorneys' fees, costs, disbursements, and expenses incurred in the prosecution of this action; and

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

JURY DEMAND

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

Dated: November 21, 2023
White Plains, New York

Respectfully submitted,

FILIPPATOS PLLC



By: _____

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