

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**STEPHANIE COBHAM,**

Plaintiff,

– against –

**ACTIVE MANUFACTURING & FULFILLMENT,  
INC., and PAUL SCHMIDT and TSACHI DVORY,  
*individually***

Defendants.

Case No.

**COMPLAINT**

**JURY TRIAL DEMANDED**

Plaintiff STEPHANIE COBHAM hereby alleges the following against Defendants ACTIVE MANUFACTURING & FULFILLMENT, INC. (“AMF” or the “Company”), PAUL SCHMIDT, and TSACHI DVORY in support of her claims of race discrimination and retaliation:

**NATURE OF THE CASE**

1. Defendant Active Manufacturing & Fulfillment, Inc. and its Chief Financial Officer (“CFO”), Paul Schmidt, cruelly targeted, demoted, and ultimately terminated Plaintiff, the only Black woman in a 100-person office, after she complained about race discrimination and the targeted reduction of her salary. Prior to her termination, Plaintiff dedicated almost eight years to the Company, with exemplary performance in a demanding multi-faceted role as an HR Administrator, Payroll Manager, and Bookkeeper.

2. As a result of the Defendants’ unlawful conduct, Plaintiff brings this action against Active Manufacturing & Fulfillment, Inc., its CFO Paul Schmidt, and Partner Tsachi Dvory, asserting discrimination based on her race (Black) and retaliation in violation of Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (amended in 1972, 1978 and by the Civil Rights Act of 1991, Pub. L. No. 102-166) (“Title VII”); the Florida Civil Rights

Act, as codified, Fla. Stat. § 760.10, *et seq.* (“FLCRA”); and the Miami-Dade Human Rights Law, as codified, Miami-Dade County, Florida Code of Ordinances §§11A-10 and 11A-26(1), *et seq.* (“MDHRL”).

3. Plaintiff seeks damages, as well as injunctive and declaratory relief, to redress the injuries she has suffered – physical, emotional, and pecuniary – as a result of being discriminated and retaliated against by Defendants on the basis of her race.

#### **ADMINISTRATIVE REQUIREMENTS**

4. On September 14, 2022, Ms. Cobham filed a Charge of Discrimination against Defendant AMF with the Equal Employment Opportunity Commission (“EEOC”) concerning the allegations of discrimination and retaliation discussed herein.

5. On September 11, 2023, the EEOC issued Ms. Cobham a Notice of Right to Sue.

6. This action is being commenced within 90 days of Ms. Cobham’s receipt of her Notice of Right to Sue.

#### **JURISDICTION AND VENUE**

7. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331 as this action involves federal questions regarding the deprivation of Ms. Cobham’s rights under Title VII. The Court has supplemental jurisdiction over Ms. Cobham’s related claims arising under Florida law pursuant to 28 U.S.C. § 1367(a).

8. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) because: (i) Defendant AMF resides in this district; and (ii) a substantial part of the events or omissions giving rise to this action, including the unlawful employment practices alleged herein, occurred in this district.

### **PARTIES**

9. Plaintiff Stephanie Cobham is the former HR Administrator, Payroll Manager, and Bookkeeper of Defendant AMF.

10. Plaintiff is an adult resident of the State of Florida, County of Broward.

11. At all times relevant hereto, Ms. Cobham qualified as an “employee” under all relevant statutes.

12. Defendant Active Manufacturing & Fulfillment, Inc. was and is a domestic for-profit corporation, incorporated under the laws of the State of Florida.

13. At all times relevant hereto, Defendant AMF maintained a principal place of business located at 3360 NW 110<sup>TH</sup> ST, Miami, FL 33167.

14. At all times relevant hereto, Defendant AMF controlled the terms and conditions of Plaintiff’s employment, qualifying as an “employer” of Plaintiff under all relevant statutes.

15. Upon information and belief, Defendant SCHMIDT is an adult resident of the State of Florida.

16. Upon information and belief, Defendant DVORY is an adult resident of the country of Israel.

17. At all times relevant hereto, Defendants SCHMIDT and DVORY controlled the terms and conditions of Plaintiff’s employment, qualifying as an employer or agent of an employer of Plaintiff under relevant statutes.

### **FACTUAL ALLEGATIONS**

#### **I. PLAINTIFF IS HIRED BY DEFENDANT AMF**

18. Plaintiff was hired as the Company’s HR Administrator, Payroll Manager, and Bookkeeper on or about August 14, 2014; at the time, the Company was doing business as

“Dreams2print.”

19. In July 2018, Plaintiff relocated with the Company from her home in Brooklyn, New York, to the Company’s new area of business in Miami, Florida; within three months of this relocation, the Company’s name was changed to “Miami Screen Print.” The Company name was changed again to “Effective Merch LLC” when Partners Oren Guli, Robert Butters Tsachi Dvory, and then-CEO Michael Azafrani, joined. In 2021, the Company name was finally changed to Active Manufacturing & Fulfillment.

20. When Plaintiff was hired by Defendant AMF, she brought with her over eight years of experience in financial and accounts management. Defendant AMF recognized Plaintiff’s hard work and accomplishments by hiring her at an annual salary of \$65,000.

21. Defendant AMF provided Plaintiff with multiple raises and promotions during her tenure with the Company, including in March 2019, from \$65,000 to \$72,000, and again in February 2021, from \$72,000 to \$77,000.

22. From the time of her hire in August 2014 up through the time of her termination, Plaintiff was the sole Black employee working in the Company’s corporate offices.

**II. BEGINNING IN OCTOBER 2021, PLAINTIFF IS SUBJECTED TO DISCRIMINATORY TREATMENT BY AMF CFO, PAUL SCHMIDT**

23. In October 2021, Defendant Paul Schmidt joined the Company in the role of CFO.

24. Plaintiff began reporting to Mr. Schmidt at that time.

25. Unfortunately, from the time he began working for Defendant AMF, Mr. Schmidt directed discriminatory behavior towards Plaintiff, the corporate office’s sole Black employee.

26. By way of example, Mr. Schmidt would routinely praise non-Black employees, while belittling Plaintiff and subjecting her to harsher performance metrics and criticisms.

27. Moreover, Mr. Schmidt offensively demeaned Plaintiff on the basis of her accent, telling her that she was “babbling” and aggressively mocking her while claiming that he could “not understand [her] English.” Plaintiff was particularly offended and taken aback by Mr. Schmidt’s biased comments, as no one else had ever spoken to her in such a way in the workplace.

28. Despite the negative attitude that Mr. Schmidt directed toward Plaintiff, Plaintiff greeted Mr. Schmidt pleasantly every morning. Tellingly, Mr. Schmidt would ignore Plaintiff’s friendly greetings and never answer her. Yet, Mr. Schmidt routinely walked around the worksite jovially fist-bumping and high-fiving other (non-Black) employees.

29. On or about February 25, 2022, Mr. Schmidt directed particularly demoralizing and demeaning behavior toward Plaintiff, when he used a “shooing” hand gesture to wave Plaintiff away after a meeting, dismissively stating: “I don’t need you.” Plaintiff was shocked and appalled by Mr. Schmidt’s treatment of her, as she had never seen Mr. Schmidt treat any other, non-Black employees in this disrespectful and humiliating manner.

30. In March 2022, while she was in a meeting with Mr. Schmidt and COO/Partner Santiago Cohen, Mr. Schmidt egregiously told Plaintiff that she was “one of the dumbest people in the room.” Moreover, Mr. Schmidt stated that he only trusted Mr. Cohen to input data into QuickBooks – a task Plaintiff was obviously competent in, thereby further demoralizing, demeaning, marginalizing, and publicly discrediting Plaintiff.

31. In June of 2021, the Company cut the salaries of many existing staff, including Plaintiff, and cited the Company’s July 2021 relocation to Miami as the reason. The Company promised employees whose salaries were cut that the Company would restore their higher salaries within three months. Accordingly, Plaintiff’s salary was reduced from \$77,000 to \$72,000 in June 2021. In February 2022 – after Mr. Schmidt became the CFO – *all other relocated employees*

(approximately ten non-Black employees) aside from Plaintiff were restored to their previous, higher salaries. Plaintiff was the only employee not returned to her higher salary.

32. As of February 2022, Plaintiff continued to be paid a reduced salary of \$72,000, while her coworkers were all returned to their previous, higher salaries.

**III. PLAINTIFF MAKES PROTECTED COMPLAINTS OF RACE DISCRIMINATION AND SUFFERS RETALIATION IN RESPONSE**

33. On or about March 25, 2022, Plaintiff complained to Mr. Cohen about Mr. Schmidt's negative, demeaning, and disrespectful attitude towards her.

34. While making her complaints of race discrimination, Plaintiff broke down crying in front of Mr. Cohen. Plaintiff explicitly attributed Mr. Schmidt's disparate and demeaning treatment of her to Mr. Schmidt's discriminatory bias, telling Mr. Cohen that Mr. Schmidt "[doesn't like] Black people."

35. Surprisingly, Mr. Cohen did nothing more than suggest that Plaintiff speak with Mr. Schmidt regarding her concerns once he returned to the office from a vacation.

36. Plaintiff felt scared of Mr. Cohen's suggestion, since she felt that directly accusing her boss of racism would jeopardize her job.

37. Nevertheless, Plaintiff directly raised her complaints with Mr. Schmidt on or about March 28, 2022. Plaintiff approached the conversation with an open mind and was sure to make it clear that she was committed to succeeding at the Company. Unfortunately, Mr. Schmidt was angered by the conversation and began to punish Plaintiff in response.

38. Following Plaintiff's complaints, Mr. Schmidt increased his belittling, demeaning, and isolating treatment of Plaintiff, often interfering with Plaintiff's performance of her job duties. For example, Mr. Schmidt began ignoring Plaintiff's work-related emails, even emails requiring urgent attention. Upon information and belief, Mr. Schmidt did not ever similarly ignore

Plaintiff's non-Black coworkers or employees that did not make complaints of discrimination.

39. On or about April 6, 2022, one of the Company's Israel-based Partners, Defendant Dvory, visited Defendant AMF's Miami Office. On that day, Mr. Dvory approached Plaintiff to ask how she was doing because ex-CFO, Oren Levy, previously informed Mr. Dvory about Mr. Schmidt's mistreatment of Plaintiff.

40. Upset and overcome with emotion at recalling her mistreatment by Mr. Schmidt, Plaintiff began to break down in front of Mr. Dvory. Plaintiff informed Mr. Dvory of her complaints that Mr. Schmidt discriminated against her due to his prejudice against Black people.

41. Mr. Dvory assured Plaintiff that he would speak with Mr. Schmidt about his mistreatment of Plaintiff and look into her complaints of discrimination.

42. Mr. Dvory returned to Israel the next day, and, upon information and belief, never spoke with Mr. Schmidt or otherwise sought to redress Plaintiff's repeated complaints of discrimination.

43. Following Plaintiff's complaints to Mr. Dvory, Mr. Schmidt yet again intensified his demeaning mistreatment of Plaintiff. By way of example, Mr. Schmidt publicly embarrassed Plaintiff by openly berating and belittling her in the middle of the Company warehouse while citing a trivial matter as the reason, that Plaintiff didn't know where a set of keys for a particular trailer was located. As part of his public tirade against Plaintiff, Mr. Schmidt declared that "*effective April 11, 2022, [your] salary will no longer be \$72,000, but \$40,000.*" Mr. Schmidt never decreased the salaries of any of Plaintiff's coworkers in the same manner for far more significant mistakes.

**IV. PLAINTIFF MAKES MORE COMPLAINTS OF DISCRIMINATION AND RETALIATION AND DEFENDANTS SUBJECT HER TO ADDITIONAL UNLAWFUL RETALIATION**

44. Horrified by the recent retaliation that she was subjected to, Plaintiff sent an email to the Partners of Defendant AMF (including Mr. Dvory) on or about April 8, 2022, which stated, *inter alia*: “[t]he past 5 /6 months have left me broken ...[u]nfortunately, it has become unbearable working under [Defendant Schmidt], he mentally and emotionally abuses me...I sat with Mr. Dvory and explained the situation, and unfortunately the minute Mr. Dvory left [Defendant Schmidt] drop[ped] my salary by \$32K dollars.” Plaintiff also stated: “[i]n the last couple of weeks, I’ve had nosebleeds, severe headaches and anxiety attacks knowing that I have to work with [Mr. Schmidt] ...The fact that every single person got their Salary plus back from the cuts that were made 6 months ago, begs to differ why I was the only one not given back their Salary, the only one...”; in her April 8 message, Plaintiff all but begged for the Partners of AMF to intercede against Mr. Schmidt’s discriminatory and abusive behavior toward Plaintiff in the workplace.

45. Unfortunately, however, Plaintiff never received any reply from the Partners or anyone who worked for Defendant AMF.

46. On or about April 13, 2022, Mr. Schmidt – knowing that Plaintiff held a BA in Finance – offensively stated during a Company-wide meeting that “at least now we have someone with an Accounting degree in the company,” regarding an employee who had recently received a degree in Ecuador. Mr. Schmidt’s comment was all-the-more offensive to Plaintiff since it related to an employee Plaintiff had hired approximately two years earlier as an Embroidery Clerk, who at the time did not even have a high-school diploma.

47. Shortly following this, Mr. Schmidt instructed Plaintiff (in her HR capacity) to



award the former Embroidery Clerk an annual salary increase of \$10,200, bringing the former Embroidery Clerk's salary to approximately \$70,000 (\$30,000 more than Plaintiff's compensation).

48. On or about April 20, 2022, Plaintiff approached Mr. Schmidt and once again complained about the drastic reduction in her salary. Mr. Schmidt told Plaintiff that she was "babbling" and offered no response other than to passive-aggressively tell Plaintiff that she should write up an "insubordination letter" for herself (i.e., in her HR capacity). When Plaintiff refused, Mr. Schmidt physically took Plaintiff's office keys away and walked her toward the front door. Mr. Schmidt then told Plaintiff to "get out" and summarily terminated her employment.

49. As further evidence of the Company's disregard for applicable law, on April 29, 2022, Plaintiff received her "final paycheck" from the Company. However, the check was for an amount reflecting only one week's pay, as opposed to the bi-weekly sum Plaintiff was due for her final two weeks of work. On or about August 16, 2022, Hearing Examiner Peter J. Kouchalakos of the Miami-Dade County, Florida Department of Regulatory and Economic Resources entered a Final Wage Theft Order in response to the Company's refusal to properly pay Plaintiff. The order required the Company to pay Plaintiff the wages that they owed her.

**V. DAMAGES CAUSED BY DEFENDANTS' UNLAWFUL DISCRIMINATION AND RETALIATION**

50. Despite her determination to remain optimistic about, and committed to, her career, the plain and ruthless discrimination and retaliation Plaintiff suffered at the hands of Defendants has rendered her distraught and crest fallen. Indeed, Plaintiff's emotional distress is clear and cognizable given the reality that Defendants have pressed an unlawful campaign of discrimination and retaliation against Plaintiff without repercussion, while ignoring their obligations to seriously investigate Plaintiff's repeated complaints of discrimination in the workplace.

51. As a result of the wanton discrimination and retaliation she has experienced while employed by Defendant AMF, Plaintiff has suffered financial loss, stress, headaches, nosebleeds, anxiety, depression, loss of sleep, and lowered confidence and self-esteem. Additionally, Plaintiff's friends and family have noticed a change in Plaintiff's usual upbeat, bubbly personality and have told her they do not recognize her anymore.

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

53. The foregoing facts evidence that Defendants have engaged in unlawful treatment against Plaintiff in the form of a textbook case of discrimination and retaliation on the basis of her color/race (Black/African American), in violation of Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (amended in 1972, 1978 and by the Civil Rights Act of 1991, Pub. L. No. 102-166) ("Title VII"); the Florida Civil Rights Act, as codified, Fla. Stat. § 760.10, *et seq.* ("FLCRA"); and the Miami-Dade Human Rights Law, as codified, Miami-Dade County, Florida Code of Ordinances §§11A-10 and 11A-26(1), *et seq.* ("MDHRL").

**FIRST CAUSE OF ACTION**  
**Discrimination and Harassment in Violation of Title VII**  
***Against Defendant AMF***

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

55. Based on the facts alleged herein, Defendant AMF engaged in unlawful employment practices prohibited by Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (amended in 1972, 1978 and by the Civil Rights Act of 1991, Pub. L. No. 102-166) ("Title VII") by discriminating against Plaintiff on the basis of her race.

56. 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 her 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.

57. Defendants above-described conduct was willful, wanton and malicious.

58. At all relevant times, the Defendants acted with conscious disregard of Plaintiff's rights and with the knowledge of or with reckless disregard for the fact that their conduct was certain to cause injury and/or humiliation to Plaintiff and other similarly situated employees.

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

**SECOND CAUSE OF ACTION**  
**Retaliation in Violation of Title VII**  
***Against Defendant AMF***

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

61. Based on the facts alleged herein, Defendant AMF engaged in unlawful employment practices prohibited by Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (amended in 1972, 1978 and by the Civil Rights Act of 1991, Pub. L. No. 102-166) ("Title VII") by retaliating against Plaintiff for making protected complaint(s) about discrimination on the basis of race.

62. 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 her 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.

63. Defendants above-described conduct was willful, wanton and malicious.

64. At all relevant times, the Defendants acted with conscious disregard of Plaintiff's rights and with the knowledge of or with reckless disregard for the fact that their conduct was certain to cause injury and/or humiliation to Plaintiff and other similarly situated employees.

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

### **THIRD CAUSE OF ACTION**

#### **Discrimination and Harassment in Violation of the Florida Civil Rights Act *Against Defendant AMF***

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

67. Based on the facts alleged herein, Defendant AMF engaged in unlawful employment practices prohibited by the Florida Civil Rights Act, as codified, Fla. Stat. § 760.10, *et seq.* ("FLCRA") by discriminating against Plaintiff on the basis of her race.

68. Florida State Law § 760.10 (1) provides that:

(1) It is an unlawful employment practice for an employer:

(a) To discharge or to fail or refuse to hire any individual, or otherwise to discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, pregnancy, national origin, age, handicap, or marital status.

69. 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 her 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.

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

**FOURTH CAUSE OF ACTION**  
**Retaliation in Violation of the Florida Civil Rights Act**  
***Against Defendant AMF***

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

72. Based on the facts alleged herein, Defendant AMF engaged in unlawful employment practices prohibited by the Florida Civil Rights Act, as codified, Fla. Stat. § 760.10, *et seq.* (“FLCRA”) by retaliating against Plaintiff for complaining about or opposing race discrimination.

73. Florida State Law § 760.10 (7) provides that:

(7) It is an unlawful employment practice for an employer...to discriminate against any person because that person has opposed any practice which is an unlawful employment practice under this section, or because that person has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this section.

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 (past and future) – such as income, salary, bonuses, and other compensation that her 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.

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

**FIFTH CAUSE OF ACTION**  
**Discrimination and Harassment in Violation of the Miami-Dade Human Rights Law**  
***Against Defendant AMF***

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 AMF engaged in an unlawful employment practice under the Miami-Dade Human Rights Law, as codified, Miami-Dade County, Florida Code of Ordinances §11A-26(1), *et seq.* (“MDHRL”) by discriminating against Plaintiff on the basis of her race.

78. Sec. 11A-26(1) of the Miami-Dade County Code of Ordinances provides that:

(1) It shall be unlawful for any employer to engage in any practices described below on account of the race, color, religion, ancestry, sex, pregnancy, national origin, age, disability, marital status, familial status, gender identity, gender expression, sexual orientation, or actual or perceived status as a victim of domestic violence, dating violence or stalking of any individual or any person associated with such individual...

(a) To fail or refuse to hire or to otherwise discriminate against any individual;

79. 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 her 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.

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

**SIXTH CAUSE OF ACTION**  
**Retaliation in Violation of the Miami-Dade Human Rights Law**  
***Against Defendant AMF***

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

82. Based on the facts alleged herein, Defendant AMF engaged in an unlawful employment practice under the Miami-Dade Human Rights Law, as codified, Miami-Dade County, Florida Code of Ordinances § 11A 10-26, *et seq.* (“MDHRL”) by retaliating against Plaintiff for complaining about or opposing race discrimination.

83. Sec. 11A-10 (1) of the Miami-Dade County Code of Ordinances provides that:

It shall be an unlawful practice to:

(1) Retaliate or discriminate in any manner against a person because he or she has opposed a practice declared unlawful by this chapter, or because he or she has supported a person or persons protected by this chapter or because he or she has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding, hearing, or conference conducted under the authority of this chapter.

84. 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 her 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.

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

**SEVENTH CAUSE OF ACTION**  
**Aiding and Abetting in Violation of the Miami-Dade Human Rights Law**  
***Against Individual Defendants***

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

87. Defendants SCHMIDT and DVORY engaged in an unlawful employment practice under the Miami-Dade Human Rights Law, as codified, Miami-Dade County, Florida Code of Ordinances §11A 10-26(1), *et seq.* (“MDHRL”), by aiding and abetting: (i) discrimination against Plaintiff on the basis of her race and (ii) retaliation against Plaintiff after she complained of or opposed race discrimination.

88. Sec. 11A-10 (2) of the Miami-Dade County Code of Ordinances provides that:

It shall be an unlawful practice to:

...(2) Aid, abet, incite, compel or coerce any person to engage in any of the practices prohibited by this chapter or obstruct or prevent any person from complying with the provisions of this chapter.

89. 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 her 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.

90. Accordingly, as a result of the unlawful conduct of Defendants SCHMIDT and



DVORY set forth herein, Plaintiff has been damaged and is entitled to the maximum compensation available to her 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 Defendant AMF engaged in unlawful employment practices prohibited by and in violation of Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (amended in 1972, 1978 and by the Civil Rights Act of 1991, Pub. L. No. 102-166) (“Title VII”); the Florida Civil Rights Act, as codified, Fla. Stat. § 760.10, *et seq.* (“FLCRA”); and the Miami-Dade Human Rights Law, as codified, Miami-Dade County, Florida Code of Ordinances §§ 11A-10 and 11A-26(1), *et seq.* (“MDHRL”).

B. Declaring that Defendants SCHMIDT and DVORY engaged in unlawful employment practices prohibited by and in violation of the Miami-Dade Human Rights Law, as codified, Miami-Dade County, Florida Code of Ordinances §§ 11A 10-26, *et seq.* (“MDHRL”).

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

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

E. Awarding Plaintiff punitive damages;

F. Awarding Plaintiff 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 Defendants' unlawful employment practices.

**JURY DEMAND**

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

Dated: December 8, 2023  
White Plains, New York

Respectfully submitted,

**FILIPPATOS PLLC**

By: 

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Alfredo J. Pelicci  
Florida Bar #1041276

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