

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

-----X Case No.: 7:25-cv-02036-PMH  
TIFFANY WILKERSON,

Plaintiff,

**FIRST AMENDED COMPLAINT**

-against-

**JURY TRIAL DEMANDED**

DUNKEZ PRIVATE HOME CARE, Inc.,  
KATE DUNKEZ (Professional & Individual Capacity),  
HAROLD DUNKEZ (Professional & Individual Capacity),  
and CASEY DUNKEZ (Professional & Individual Capacity),

Defendants.

-----X

Plaintiff Tiffany Wilkerson, by and through their attorneys, Filippatos PLLC, hereby allege against Defendants Dunkez Private Home Care, Inc. (“Dunkez” or the “Agency”) as follows:

**NATURE OF THE CASE**

1. This is a case against Defendants Dunkez Private Home Care, Inc. (“Dunkez”), Kate Dunkez, Harold Dunkez, and Casey Dunkez (hereinafter collectively “Defendants”). This action is brought by Filippatos PLLC on behalf of Plaintiff, Tiffany Wilkerson (“Ms. Wilkerson”), who seeks to hold Defendants accountable under federal law outlawing workplace discrimination or retaliation on the basis of gender/sex, her protected status as a whistleblower, and common law of contract.

2. Specifically, Ms. Wilkerson brings this action alleging that Defendants have violated 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 New York State Human Rights Law, New York State Executive Law, §§ 296 et seq. (“NYSHRL”); the New York City Human Rights Law, Administrative Code §§ 8-107, et seq. (“NYCHRL”); the Federal False Claims Act, 31 U.S.C. §§ 3729 et seq., and specifically the anti-retaliation whistleblower protection provisions therein, 31 U.S.C. § 3730(h) (hereinafter the “FCA”), as well as its New York State analog, the New York False Claims Act, N.Y. State Fin. Law, §§ 187 et seq. (hereinafter the “NYFCA”), and the “spread of hours” and overtime wage orders of the New York Commissioner of Labor codified at N.Y. Comp. Codes Rls. & Regs., Tit. 12, § 146-1.6 (herein the “Spread of Hours/Overtime Wage Order”)

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 her employer on the basis of her gender/sex, her protected status as whistleblower, and breach of contract.

### **JURISDICTION AND VENUE**

4. Jurisdiction of this Court is proper under 28 U.S.C. §§ 1331, 1332, and 1343.

5. The Court has supplemental jurisdiction over Plaintiff’s claims under state and local law pursuant to 28 U.S.C. § 1367(a).

6. Venue is proper in this district, pursuant to 28 U.S.C. § 1391(b), as Dunkez Private Home Care, Inc. (“Dunkez”) resides within the Southern District of New York, and a substantial part of the acts complained of herein occurred therein.

### **ADMINISTRATIVE REQUIREMENTS**

7. Prior to the filing of this action, Plaintiff filed Charges of Discrimination with the Equal Employment Opportunity Commission (“EEOC”) and received a Notice of Right to Sue from the EEOC dated December 11, 2024.

8. Plaintiff initiated this litigation by filing a Complaint on March 11, 2025 [ECF No. 1].

### **PARTIES**

9. Plaintiff Tiffany Wilkerson is an adult resident of the State of New York, Westchester County, and a former employee of Dunkez Private Home Care, Inc.

10. Plaintiff is a 36-year-old woman.

11. At all times relevant hereto, Dunkez Private Home Care, Inc. (“Dunkez”) was and is a domestic business corporation company maintaining its principal place of business at 138 West 3<sup>rd</sup> Street, Mount Vernon, New York 10550.

12. At all times relevant hereto, Kate Dunkez, Harold Dunkez, and Casey Dunkez were employees and/or agents or representatives of Dunkez.

13. Upon information and belief, Defendant Dunkez employs at least 20 individuals on a full-time or full-time equivalent basis and thus is subject to all statutes upon which Plaintiff is proceeding herein.

14. At all times relevant hereto, Plaintiff was an employee of Defendant Dunkez as the Defendants exercised coordinated control over Plaintiff’s terms and conditions of employment.

### **MATERIAL FACTS**

#### **I. Ms. Wilkerson’s Promising Career in the Health Care Field**

15. Ms. Wilkerson joined Dunkez in June 2022, after beginning her career as a personal care aide.

16. Ms. Wilkerson initially joined the health care field in September 2020 as a Personal

Care Aide at Community Home Health Care.

17. As a Personal Care Aide, her responsibilities included mobility support, assisting with maintaining person hygiene by bathing, brushing the individual's hair and teeth and/or applying skin care.

18. Ms. Wilkerson was also responsible for housekeeping duties such as cooking, cleaning, washing clothes and dishes, and running errands.

**II. Ms. Wilkerson is Hired by Dunkez and Immediately Given Home Health Aide Responsibilities and Paid Less than Minimum Wage**

19. When she joined Dunkez as a personal care aide, on June 9, 2022, Ms. Wilkerson assumed the responsibilities mentioned *supra*.

20. Specifically, Ms. Wilkerson was hired by Ms. Dunkez to work with a variety of patients throughout different locations in Westchester County.

21. When she was hired, Ms. Wilkerson made it very clear to Ms. Dunkez that she could not work anywhere other than Westchester County. Ms. Dunkez never expressed any issue with this request.

22. After she was hired, Ms. Wilkerson was instructed by Ms. Dunkez to complete every part of her timesheet in pen, except the area where her name was written.

23. Ms. Dunkez specifically instructed Ms. Wilkerson to write her name in pencil.

24. Ms. Wilkerson was also instructed to complete Home Health Aide duties in addition to her duties as a Personal Care Aide, despite the fact that she was not certified as a Home Health Aide.

25. For example, Ms. Wilkerson was instructed to help her patients exercise, check vital signs, and administer medication.

26. Furthermore, much to her surprise, Ms. Wilkerson was told that the minimum wage for home care aides in New York was \$14.50 per hour.

27. When she questioned Ms. Dunkez, letting her know she believed the minimum wage to be \$15.00, as per New York Public Health Law § 3614-f, Ms. Dunkez blatantly ignored Ms. Wilkerson and, instead, informed her that in addition to her wage being \$14.50, the Agency does not offer paid family leave, sick days, or holiday pay because it was a small company and did not have the funding to do so.

28. Not wanting to ruffle feathers, and hoping to further her career in the healthcare industry, Ms. Wilkerson did as she was told, signing her timesheets in pencil, not knowing if her name would be erased since she was legally not allowed to complete Home Health Aide tasks and getting paid \$14.50 an hour despite the fact that she should have been getting paid at least minimum wage.

29. Given her willingness to learn and her drive to succeed at Dunkez, Ms. Wilkerson was thrilled to be in a position whereby she truly believed she could further her career.

### **III. Shortly After Joining Dunkez, Ms. Wilkerson Suffers from Harassment After Complaining of Sexual Harassment**

30. Ms. Wilkerson's assimilation into the Agency took a turn for the worse soon after her employment began.

31. On June 25, 2022, Ms. Wilkerson was assigned to work for patient David Taweel ("Mr. Taweel") who was an older man who was required to use a wheelchair.

32. Ms. Wilkerson wheeled Mr. Taweel to the bathroom and helped him use the urinal. Mr. Taweel was able to pull his own pants down and did not require Ms. Wilkerson's assistance to do so.

33. As Ms. Wilkerson was standing next to Mr. Taweel, his right hand was on his genitals, and he reached his left hand up and grabbed Ms. Wilkerson's breast.

34. Ms. Wilkerson, shocked, moved Mr. Taweel's hand and asked that he not touch her.

35. Mortified, Ms. Wilkerson immediately sent a text message to Ms. Dunkez stating, "Hey I just wanted to let [you] know that David taweel grabbed my chest area when I was helping him use the urinal."

36. Ms. Dunkez called Ms. Wilkerson stating that she would call Mr. Taweel to find out what happened, insinuating that she did not believe Ms. Wilkerson.

37. About ten minutes later, Ms. Dunkez called Ms. Wilkerson back and informed her that she spoke with Mr. Taweel and he admitted to touching Ms. Wilkerson and he "was sorry."

38. Ms. Wilkerson expressed that she was uncomfortable and that she did not want to continue going to Mr. Taweel's home.

39. Without hesitation, Ms. Dunkez immediately replied that Ms. Wilkerson had no other option but to go back because they had no coverage for Mr. Taweel.

40. Feeling like she had no other option, Ms. Wilkerson reported to Mr. Taweel's home.

41. Approximately one week later, Ms. Wilkerson was at Mr. Taweel's home once again.

42. While she was eating her lunch, Mr. Taweel instructed Ms. Wilkerson to push his wheelchair to his computer room.

43. As Ms. Wilkerson began pushing Mr. Taweel's wheelchair, she began rubbing his head against her chest and breathing heavily.

44. Ms. Wilkerson, unsure about whether Mr. Taweel was in medical distress, asked if he was okay to which he answered that he was.

45. Ms. Wilkerson, baffled by what was happening said, "you rubbed your head against

my chest.” Mr. Taweel brazenly responded, “oh, you didn’t like that.”

46. Ms. Wilkerson, violated and confused, called Ms. Dunkez’s daughter Casey Dunkez (“Casey”) and explained what happened.

47. Casey snapped at Ms. Wilkerson, calling her a liar, and stated that Ms. Wilkerson lied about Mr. Taweel touching her.

48. Ms. Wilkerson, stunned and distressed by being told that she was lying about a traumatic and unlawful experience, confided in her spouse, John Rivera (“Mr. Rivera”) about what she had endured.

49. Outraged, Mr. Rivera called Casey, told her that he did not believe the Agency was taking Ms. Wilkerson’s concerns seriously and asked that she apologize to Ms. Wilkerson, to which Casey refused.

50. Two days later, Ms. Wilkerson saw Ms. Dunkez in person at the Agency’s Mount Vernon office.

51. Ms. Dunkez immediately informed Ms. Wilkerson that she sent a different personal care aide to Mr. Taweel’s home, and he also touched her inappropriately, she didn’t know what was wrong with Mr. Taweel and why he would do that.

52. Instead of admitting that she handled the situation poorly, Casey then marched to Ms. Wilkerson, demanding an apology from Mr. Rivera.

53. Against her better judgment, Ms. Wilkerson told both Casey and Ms. Dunkez that she would ask Mr. Rivera to apologize, just to maintain peace as she was hoping this was the end of the conflict.

**IV. Ms. Wilkerson Suffers Further Retaliation by the Agency in the Form of Reducing her Hours and Job Prospects**

54. In or around mid-July 2022, Ms. Dunkez asked to have a meeting with Ms. Wilkerson wherein she berated her and claimed she had been continually late, despite the fact that none of the patients had complained about Ms. Wilkerson.

55. Calmly, Ms. Wikerson explained that she always arrived at the patient's residences on time but there were times where she needed to wait to be let up to the patient's apartment by the security at the front desk and this was something she had no control over.

56. Ms. Dunkez ignored Ms. Wilkerson and stated that she was cutting Ms. Wilkerson's hours from 38 hours a week to 20 hours a week.

57. It was clear to Ms. Wilkerson that this was retaliation for her complaining about not only Mr. Taweel's treatment of her but also Dunkez's failure to properly address the sexual harassment Ms. Wilkerson had experienced.

58. Ms. Dunkez, who had known Ms. Wilkerson since she was fourteen years old, continued the conversation, barking at Ms. Wilkerson stating that Ms. Wilkerson's mother didn't want any relationship with her because of the way she acted and that she was a disappointment.

59. Ms. Wilkerson responded that they were at work and Ms. Dunkez had no reason to bring up anything related to her personal life.

60. Ms. Dunkez, enraged, concluded her rant by yelling at Ms. Wilkerson, "you're younger than most of my nurses so you should want to work when I offer you cases.

61. Ms. Dunkez also berated Ms. Wilkerson, screaming "You're going to be in the shelter for another ten years because you don't want to work!"

62. Approximately two weeks later, Ms. Dunkez informed Ms. Wilkerson that the Medicare company Kabrini, from which the Agency received their clients, no longer wanted Ms.



Wilkerson on their patients' cases.

63. Ms. Dunkez was not able to provide any documentation or even provide the name of the individual from Kabrini that informed her of this.

64. Ms. Dunkez used this as a reason to further retaliate against Ms. Wilkerson by reducing her hours once again, this time from 20 hours per week to 8 hours per week.

65. Then, the only job the Agency offered Ms. Wilkerson was the opportunity to be an alternative personal care aide for a patient in Mount Vernon if the main personal care aide could not come into work.

**V. The Discrimination and Retaliation Against Ms. Wilkerson Escalates to the Point Where She is Constructively Discharged**

66. On September 26, 2022, Human Resources director and Ms. Dunkez's spouse, Harold Dunkez ("Mr. Dunkez"), offered Ms. Wilkerson a job in Manhattan, New York, despite the fact that Ms. Wilkerson informed the Agency when she began working that she was only able to work in Westchester County.

67. The following day, Ms. Wilkerson was offered a job in Tarrytown, in Westchester County, which she accepted.

68. That very day, after she accepted the job in Tarrytown, Mr. Dunkez called Ms. Wilkerson and told her that she would not be reporting to the job in Tarrytown and instead, it was given to someone else, with no explanation as to the reason.

69. Two days later, on September 29, 2022, Ms. Wilkerson was offered a job in Mount Vernon, and she was told that the job would begin on October 10th. Ms. Wilkerson immediately accepted the job.

70. On October 6, 2022, Ms. Wilkerson filed a police report against Mr. Taweel because of the aforementioned sexual harassment.

71. Almost immediately after she filed the police report, Ms. Wilkerson was informed that the job in Mount Vernon was being taken away from her.

72. Thereafter, Ms. Wilkerson complained to Ms. Dunkez, stating that she believed she was discriminated and retaliated against due to the fact that she reported Mr. Taweel's sexual harassment and complained about Dunkez's failure to properly respond to this harassment.

73. She further complained about the fact that she was being paid less than NY State minimum wage and she stated that she would not take part in any false Medicare or Medicaid claims that the Agency was taking part in as a result of Ms. Dunkez instructing her to hide her I.D. that stated she is a personal care aide, as well as the conducted mentioned *supra*.

74. Despite her determination to remain optimistic about, and committed to, her career at Dunkez, the ruthless discrimination and retaliation she has continued to suffer at the Agency has rendered Ms. Wilkerson distraught and crest fallen.

75. To date, Ms. Wilkerson has not received any new jobs from the agency and while she has not been informed that she has been terminated, she has no choice but to conclude that she has indeed been constructively discharged.

76. Dunkez's lack of communication with Ms. Wilkerson coupled with the fact that the Agency has ignored its obligations to seriously investigate her complaints of discrimination and retaliation and left her in a constant limbo, causing her extreme emotional distress.

77. Furthermore, Dunkez's clearly discriminatory and retaliatory conduct has affected Ms. Wilkerson's ability to obtain long term housing, which has exacerbated her financial and emotional damages.

**FIRST CAUSE OF ACTION**  
**Discrimination under Title VII**

78. Plaintiff repeats and realleges the allegations contained in the foregoing paragraphs of the Complaint as if fully set forth herein.

79. By the actions detailed above, among others, Defendants have discriminated against Plaintiff in violation of the Title VII §§ 2000e by, inter alia, denying her the equal terms and conditions of employment because of her gender (female).

80. As a direct and proximate result of Defendants' unlawful discriminatory conduct in violation of the Title VII §§ 2000e, Plaintiff has suffered, and continues to suffer, monetary and/or economic harm, for which she is entitled to an award of monetary damages and other relief, in addition to reasonable attorneys' fees and expenses.

81. As a direct and proximate result of Defendants' unlawful discriminatory conduct in violation of the Title VII §§ 2000e, Plaintiff has suffered, and continues to suffer, mental anguish and severe emotional distress, for which she is entitled to an award of monetary damages and other relief.

82. Defendants' unlawful and discriminatory actions constitute malicious, willful, and wanton violations of the Title VII §§ 2000e, for which Plaintiff is entitled to punitive damages.

**SECOND CAUSE OF ACTION**  
**Retaliation under Title VII**

83. Plaintiff repeats and realleges the allegations contained in the foregoing paragraphs of the Complaint as if fully set forth herein.

84. By the actions detailed above, among others, Defendants have retaliated against Plaintiff, based on her protected activities in violation of the Title VII §§ 2000e, including, most

recently, terminating Plaintiff's employment.

85. As a direct and proximate result of Defendants' unlawful retaliatory conduct in violation of the Title VII §§ 2000e, Plaintiff has suffered, and continues to suffer, monetary and/or economic harm, for which she is entitled to an award of monetary damages and other relief, in addition to reasonable attorneys' fees and expenses.

86. As a direct and proximate result of Defendants' unlawful retaliation in violation of the Title VII §§ 2000e, Plaintiff has suffered, and continues to suffer, mental anguish and severe emotional distress, for which she is entitled to an award of monetary damages and other relief.

87. Defendants' unlawful and retaliatory actions constitute malicious, willful, and wanton violations of the Title VII §§ 2000e, for which Plaintiff is entitled to punitive damages.

**THIRD CAUSE OF ACTION**  
**Discrimination In Violation of the NYSHRL**

88. Plaintiff repeats and realleges the allegations contained in the foregoing paragraphs of the Complaint as if fully set forth herein.

89. By the actions detailed above, among others, Defendants have discriminated against Plaintiff in violation of the NYSHRL §§ 296 by, inter alia, denying her the equal terms and conditions of employment because of her gender (female).

90. As a direct and proximate result of Defendants' unlawful discriminatory conduct in violation of the NYSHRL §§ 296, Plaintiff has suffered, and continues to suffer, monetary and/or economic harm, for which she is entitled to an award of monetary damages and other relief, in addition to reasonable attorneys' fees and expenses.

91. As a direct and proximate result of Defendants' unlawful discriminatory conduct in violation of the NYSHRL §§ 296, Plaintiff has suffered, and continues to suffer, mental anguish

and severe emotional distress, for which she is entitled to an award of monetary damages and other relief.

92. Defendants' unlawful and discriminatory actions constitute malicious, willful, and wanton violations of the NYSHRL §§ 296, for which Plaintiff is entitled to punitive damages.

**FOURTH CAUSE OF ACTION**  
**Retaliation In Violation of the NYSHRL**

93. Plaintiff repeats and realleges the allegations contained in the foregoing paragraphs of the Complaint as if fully set forth herein.

94. By the actions detailed above, among others, Defendants have retaliated against Plaintiff based on their protected activities in violation of the NYSHRL §§ 296, including, most recently, terminating Plaintiff employment.

95. As a direct and proximate result of Defendants' unlawful retaliatory conduct in violation of the NYSHRL §§ 296, Plaintiff has suffered, and continues to suffer, monetary and/or economic harm, for which she is entitled to an award of monetary damages and other relief, in addition to reasonable attorneys' fees and expenses.

96. As a direct and proximate result of Defendants' unlawful retaliatory conduct in violation of the NYSHRL §§ 296, Plaintiff has suffered, and continues to suffer, mental anguish and severe emotional distress, for which she is entitled to an award of monetary damages and other relief.

97. Defendants' unlawful and retaliatory actions constitute malicious, willful, and wanton violations of the NYSHRL §§ 296, for which Plaintiff is entitled to punitive damages.

**FIFTH CAUSE OF ACTION**  
**Aiding and Abetting in Violation of NYSHRL**  
***Against Individual Defendants Only***

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

99. 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."

100. Individual Defendants, Kate Dunkez, Harold Dunkez, and Casey Dunkez, engaged in an unlawful employment practice in violation of New York State Executive Law § 296(6) by aiding, abetting, inciting, compelling, and coercing the discriminatory conduct against Plaintiff.

101. As a direct and proximate result of Defendants' unlawful conduct in violation of the NYSHRL §§ 296, Plaintiff has suffered, and continues to suffer, monetary and/or economic harm, for which she is entitled to an award of monetary damages and other relief, in addition to reasonable attorneys' fees and expenses.

102. As a direct and proximate result of Defendants' unlawful conduct in violation of the NYSHRL §§ 296, Plaintiff has suffered, and continues to suffer, mental anguish and severe emotional distress, for which she is entitled to an award of monetary damages and other relief.

103. Defendants' unlawful and retaliatory actions constitute malicious, willful, and wanton violations of the NYSHRL §§ 296, for which Plaintiff is entitled to punitive damages.

**SIXTH CAUSE OF ACTION**  
**Discrimination in Violation of the NYCHRL**

104. Plaintiff hereby repeats, reiterates and re-alleges each and every allegation in each of the preceding paragraphs as if fully set forth herein.

105. New York City Administrative Code § 8-107 provides that:

1. It shall be an 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.

106. Based on the events described above, Defendants have discriminated against Plaintiff Wilkerson on the basis of her gender in violation of the NYCHRL §§ 8-107.

107. 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.

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

**SEVENTH CAUSE OF ACTION**  
**Retaliation in Violation of the NYCHRL**

109. Plaintiff hereby repeats, reiterates and re-alleges each and every allegation in each of the preceding paragraphs as if fully set forth herein.

110. Based on the events described above, Defendants have retaliated against Plaintiff Wilkerson based on her protected activities in violation of the NYCHRL §§ 8-107, including, most recently, terminating Plaintiff's employment.

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; 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 Defendants' unlawful conduct, Plaintiff has been damaged as set forth herein and is entitled to the maximum compensation available under the law.

**EIGHTH CAUSE OF ACTION**  
**Aiding and Abetting in Violation of the NYCHRL**  
***Against Individual Defendants Only***

113. Plaintiff hereby repeats, reiterates and re-alleges each and every allegation in each of the preceding paragraphs as if fully set forth herein.

114. 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."

115. 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 discriminatory conduct against Plaintiff.

116. As a direct and proximate result of Defendants' unlawful conduct in violation of the NYCHRL §8-107(6), Plaintiff has suffered, and continues to suffer, monetary and/or economic harm, for which she is entitled to an award of monetary damages and other relief, in addition to reasonable attorneys' fees and expenses.

117. As a direct and proximate result of Defendants' unlawful conduct in violation of the NYCHRL §8-107(6), Plaintiff has suffered, and continues to suffer, mental anguish and severe emotional distress, for which she is entitled to an award of monetary damages and other relief.

118. Defendants' unlawful and retaliatory actions constitute malicious, willful, and



wanton violations of the NYCHRL §8-107(6), for which Plaintiff is entitled to punitive damages.

**NINTH CAUSE OF ACTION**  
**Retaliation In Violation of the Federal False Claim Act**

119. Plaintiff hereby repeats and re-alleges each and every allegation in each of the preceding paragraphs as if fully set forth herein.

120. By the actions detailed above, among others, Defendants have retaliated against Plaintiff based on her protected activities in violation of the FCA, including, most recently, terminating Plaintiff's employment.

121. As a direct and proximate result of Defendants' unlawful retaliatory conduct in violation of the FCA, Plaintiff has suffered, and continue to suffer, monetary and/or economic harm, for which she is entitled to an award of damages, in addition to reasonable attorneys' fees and expenses.

122. As a direct and proximate result of Defendants' unlawful retaliatory conduct in violation of the FCA, Plaintiff has suffered, and continues to suffer, mental anguish and severe emotional distress, for which she is entitled to an award of damages.

123. Defendants' unlawful and retaliatory actions constitute malicious, willful, and wanton violations of the FCA, for which Plaintiff is entitled to an award of punitive damages.

**TENTH CAUSE OF ACTION**  
**Retaliation In Violation of the New York False Claims Act**

124. Plaintiff hereby repeats and re-alleges each and every allegation in each of the preceding paragraphs as if fully set forth herein.

125. By the actions detailed above, among others, Defendants have retaliated against Plaintiff based on her protected activities in violation of the NYFCA §§ 187, including, most

recently, terminating Plaintiff's employment.

126. As a direct and proximate result of Defendants' unlawful retaliatory conduct in violation of the NYFCA §§ 187, Plaintiff has suffered, and continues to suffer, monetary and/or economic harm, for which she is entitled to an award of damages, in addition to reasonable attorneys' fees and expenses.

127. As a direct and proximate result of Defendants' unlawful retaliatory conduct in violation of the NYFCA §§ 187, Plaintiff has suffered, and continues to suffer, mental anguish and severe emotional distress, for which she is entitled to an award of damages.

128. Defendants' unlawful and retaliatory actions constitute malicious, willful, and wanton violations of the NYFCA §§ 187, for which Plaintiff is entitled to an award of punitive damages.

**ELEVENTH CAUSE OF ACTION**  
**Retaliation In Violation of the N.Y. Comp. Codes Rls. & Regs., Tit. 12, § 146-1.6187**

129. Plaintiff hereby repeats and re-alleges each and every allegation in each of the preceding paragraphs as if fully set forth herein.

130. By the actions detailed above, among others, Defendants have retaliated against Plaintiff based on her protected activities in violation of the Spread of Hours/Overtime Wage Order § 146-1.6, including, most recently, terminating Plaintiff's employment.

131. As a direct and proximate result of Defendants' unlawful retaliatory conduct in violation of the Spread of Hours/Overtime Wage Order § 146-1.6, Plaintiff has suffered, and continues to suffer, monetary and/or economic harm, for which she is entitled to an award of damages, in addition to reasonable attorneys' fees and expenses.

132. As a direct and proximate result of Defendants' unlawful retaliatory conduct in

violation of the Spread of Hours/Overtime Wage Order § 146-1.6, Plaintiff has suffered, and continues to suffer, mental anguish and severe emotional distress, for which she is entitled to an award of damages.

133. Defendants' unlawful and retaliatory actions constitute malicious, willful, and wanton violations of the Spread of Hours/Overtime Wage Order § 146-1.6, for which Plaintiff is entitled to an award of punitive damages.

**PRAYER FOR RELIEF**

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

A. Declaring that Defendants engaged in unlawful employment practices prohibited by Title VII, the NYSHRL, the NYCHRL, the FCA”, the NYFCA, and N.Y. Comp. Codes Rls. & Regs., Tit. 12, § 146-1.6.

B. Awarding damages to Plaintiff for all lost wages and benefits resulting from Defendants’ unlawful employment practices, and to otherwise make her 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 her reputation in an amount to be proven;

D. Awarding Plaintiff punitive damages;

E. Awarding Plaintiff liquidated damages;

F. Awarding Plaintiff attorneys’ fees, costs, and expenses incurred in the prosecution of the 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: March 13, 2025  
White Plains, New York

Respectfully submitted,

**FILIPPATOS PLLC**



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