

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

-----X Index No.:

MARY KATE RODRIGUEZ,

Plaintiff,

**COMPLAINT**

-against-

**JURY TRIAL DEMANDED**

TORONTO DOMINION BANK d/b/a TD Bank, RENEE  
DECH, and ANTHONY RIENTE, *in their individual and  
professional capacities,*

Defendants.

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Plaintiff, Mary Kate Rodriguez, by and through her attorneys, Filippatos PLLC, hereby complains of Defendant Toronto Dominion Bank d/b/a TD Bank (“TD” or the “Bank”), Renee Dech and Anthony Riente (together, the “Individual Defendants”) (collectively, “Defendants”), upon personal knowledge, as well as information and belief, by alleging and averring as follows:

**NATURE OF THE CASE**

1. Plaintiff Mary Kate Rodriguez brings this suit against her former employers, TD and the Individual Defendants, to seek redress for disability discrimination, gender-based discrimination, retaliation, and wrongful termination following her protected medical leave in August 2022 and subsequent termination on December 7, 2022. Ms. Rodriguez was employed as a Customer Service Representative at TD’s Port Jervis, New York location from February 2022 until her termination.

2. Despite being a skilled professional with over ten years of customer service experience, Ms. Rodriguez, who suffers from Major Depressive Disorder, Generalized Anxiety Disorder, and Endometriosis, was subjected to discrimination and a hostile work environment by her assistant manager, Renee Dech. Among other things, Ms. Dech made dismissive remarks to

Ms. Rodriguez about non-visible, mental health disabilities, stating that “the only real disabilities” are visible ones and that people claiming mental health disabilities were “lying.”

3. After reporting these hurtful and discriminatory remarks to her store manager, Anthony Riente, and to TD’s Human Resources department (“HR”), the Bank failed to protect her or address her complaints. Instead, Ms. Rodriguez faced immediate retaliation from Ms. Dech, who began harshly singling her out with unfair criticism and verbal attacks. When Ms. Rodriguez reported this retaliation to the Bank, Mr. Riente dismissed her concerns as "high school drama" that happens "when so many women work close together," exhibiting his own bias towards female employees like Ms. Rodriguez.

4. Shortly thereafter, on August 28, 2022, Ms. Rodriguez began a medical leave of absence due to her mental health. Though not eligible for FMLA given the length of her employment, Ms. Rodriguez’s leave was approved under TD’s internal medical accommodation policy. While on approved leave and receiving short-term disability (“STD”) benefits, Ms. Rodriguez was admitted to a psychiatric hospital on November 29, 2022. Despite notifying the Bank of her hospitalization and obtaining pre-approval of her STD benefits through January 19, 2023, Ms. Rodriguez was unceremoniously terminated on December 7, 2022, after being told by TD that her STD benefits had supposedly been exhausted in October 2022.

5. As a result, Ms. Rodriguez brings this action seeking injunctive, declaratory, and monetary relief for Defendants’ violation of her rights under Title VII of the Civil Rights Act of 1964 42 U.S.C. §§ 2000e *et seq.* (“Title VII”), the Americans with Disabilities Act of 1990 (“ADA”), 42 U.S.C. §§ 12101, *et seq.*, as amended by the ADA Amendments Act of 2008, Pub. L. No. 110-325 (“ADAA”), and the New York State Human Rights Law, New York State Executive Law, §§ 296 *et seq.* (“NYSHRL”).

**JURISDICTION, VENUE, AND ADMINISTRATIVE PREREQUISITES**

6. Jurisdiction of this Court is proper under 28 U.S.C. §§ 1331 as Plaintiff alleges claims pursuant to the ADA and Title VII.

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

8. Venue is proper in this Court, pursuant to 28 USC §1391(b)(2), because the events giving rise to Plaintiff's claims herein occurred in this jurisdiction.

9. By: (a) filing a Charge of Discrimination with Equal Employment Opportunity Commission ("EEOC"); (b) receiving a Notice of Right to Sue from EEOC on November 20, 2024; and (c) commencing this action within 90 days of the issuance of the Notice of Right to Sue, Plaintiff has satisfied all procedural/administrative prerequisites for the commencement of the instant action.

**PARTIES**

10. Plaintiff Mary Kate Rodriguez is a United States citizen who is and has been, at all relevant times, a resident of the State of New York, Orange County.

11. At all times relevant hereto, Plaintiff was an employee of Defendant TD.

12. Defendant TD, according to the Federal Financial Institutions Examination Council, is one of the ten largest bank holding companies in the United States.

13. At all times relevant hereto, Defendant TD was and is a domestic for-profit company maintaining its principal place of business located at 1701 Marlton Pike E, Suite 200, Cherry Hill, New Jersey 08003.

14. At all times relevant hereto, and to date, Defendant has owned and operated a bank at 205 East Main Street, Port Jervis, New York 12771 (the "Port Jervis location").

15. Upon information and belief, at all times relevant hereto, Individual Defendant Renee Dech was and is an individual residing in Shohola, Pennsylvania, as well as an employee of TD, holding the position of “Assistant Manager,” and has had the authority to affect the terms and conditions of Plaintiff’s employment or to otherwise influence the decision making regarding the same.

16. Upon information and belief, at all times relevant hereto, Individual Defendant Anthony Riente was and is an individual residing in the State of New York, as well as an employee of TD, holding the position of “Store Manager,” and has had the authority to affect the terms and conditions of Plaintiff’s employment or to otherwise influence the decision making regarding the same.

17. At all times relevant hereto, Plaintiff worked at the Port Jervis location, holding the position of Customer Service Representative (“CSR”).

### **MATERIAL FACTS**

#### **I. Ms. Rodriguez is Hired by TD**

18. Ms. Rodriguez joined TD in February 2022 as a Customer Service Representative already having over ten years of relevant experience.

19. Ms. Rodriguez was responsible for assisting clients and maintaining client relations, administrative support, and ensuring the smooth flow of day-to-day operations.

20. Ms. Rodriguez was hired at an hourly wage of \$19.50, which was raised to \$22.50 an hour by the time of her termination.

#### **II. Ms. Rodriguez’s Suffers From Gender and Disability Based Discrimination and Hostile Work Environment**

21. Ms. Rodriguez’s assimilation into the Bank during her first few months went smoothly; however, things began to change drastically for the worse when Defendant Dech,

Assistant Manager, began interacting with Ms. Rodriguez after Ms. Dech returned from an extended sick leave.

22. Ms. Dech immediately belittled Ms. Rodriguez in front of customers and coworkers and spoke to her in a rude and condescending manner.

23. In May 2022, Ms. Rodriguez disclosed to Tatyana Pardo, a coworker, that she suffered from Major Depressive Disorder (“MDD”), Generalized Anxiety Disorder (“GAD”), and Endometriosis.

24. Ms. Dech overheard this, and immediately inserted herself into the conversation, and shockingly and hurtfully stated that “the only real disabilities” are those that were visible, such as when a person needed a cane to walk.

25. Ms. Dech further stated that she did not believe people who claimed to have non-visibly apparent disabilities.

26. Ms. Dech insultingly told Ms. Rodriguez: “Your generation comes up with a new illness every day. It's not believable. It's all in your head.”

27. Ms. Dech also stated that people who claimed to have mental health-related disabilities were simply “lying.”

28. These outrageously discriminatory remarks were highly distressing to Ms. Rodriguez and flew in the face of TB's written policy of ensuring that seven percent of its new hires were people with disabilities, visible or non-visible.

29. Indeed, during her onboarding at the Bank, Ms. Rodriguez was open about, and informed management of her, disabilities and her employee profile stated as such.

30. Immediately following this conversation, Ms. Rodriguez complained about Ms. Dech's discriminatory and insensitive remarks to Anthony Riente, Store Manager, who advised

Ms. Rodriguez to speak to a Human Resources (“HR”) representative and to do so from her car so Ms. Dech would not hear her.

31. As per Mr. Riente’s guidance, Ms. Rodriguez reached out to a HR representative with a verbatim account of Ms. Dech’s offensive comments about people with mental health disabilities, including about Ms. Rodriguez’s disabilities.

32. The HR representative told Ms. Rodriguez that no employee should have to experience such remarks, especially in light of TD’s hiring quota of persons with disabilities. Moreover, the HR representative stated TD did not permit any employee, let alone a manager, to discriminate against another employee.

33. The HR representative offered Ms. Rodriguez two options: either she could contact Mr. Riente and request that he lead an in-store mediation between Ms. Rodriguez and Ms. Dech, or have HR investigate the issue.

34. Nonetheless, the HR representative stated that, regardless of which option Ms. Rodriguez selected, HR would open an investigation into the matter and would follow up with her throughout the process.

35. Ms. Rodriguez opted for both options presented by HR, hoping that HR would conduct a serious investigation of her complaint and give it the attention and priority it deserved. In the meantime, the HR representative suggested that Ms. Rodriguez meet with Mr. Riente to address the situation.

36. In late May or early June 2022, Mr. Riente convened a meeting between Ms. Rodriguez and Ms. Dech. When Ms. Rodriguez recounted Ms. Dech’s hurtful remarks about mental health and other non-visible disabilities, Ms. Dech was wholly dismissive and lied.

37. Ms. Dech claimed that: “everything is in her [Ms. Rodriguez’s] head.” However,

she seemed to then admit to having made the offensive remarks, saying, in reference to herself, that: “everybody has bad days.”

38. Throughout the meeting, Ms. Rodriguez repeatedly expressed to Mr. Riente how she was uncomfortable with Ms. Dech’s presence and behavior at the meeting.

39. Mr. Riente finally ended the meeting, and Ms. Dech left his office. Ms. Rodriguez remained in the office but was shocked by Mr. Riente’s next words: “This is ridiculous. This is petty office drama. This is what happens when so many women work close together in the workplace; it just ends up as high school drama.”

40. A visibly upset Mr. Riente then scolded Ms. Rodriguez for having gone to HR with her complaint (even though this had been his suggestion originally). He concluded by saying that he would hold a follow-up meeting in a month to determine whether Ms. Rodriguez and Ms. Dech were getting along. However, no such meeting was ever held or even mentioned again.

41. HR, for its part, never once reached out to Ms. Rodriguez about its supposed investigation into Ms. Rodriguez’s discrimination complaint, much less communicate any purported results of such investigation.

42. Indeed, the supposed “investigation” was simply never mentioned again. To Ms. Rodriguez’s knowledge, Ms. Dech was never disciplined for her explicitly discriminatory remarks to Ms. Rodriguez.

43. The Bank was making it clear that it would not be providing Ms. Rodriguez with any protection against Ms. Dech’s discriminatory behavior.

### **III. Ms. Rodriguez Suffers Retaliation For Reporting Discrimination**

44. After the meeting with Mr. Riente, Ms. Dech began to retaliate against Ms. Rodriguez by singling her out with harsh criticism and verbal attacks.

45. In June 2022 Ms. Rodriguez reported this blatant retaliation to Mr. Riente. Mr. Riente, however, refused to listen to Ms. Rodriguez, and impatiently dismissed her concerns as “more high school drama” to which women were prone.

46. With Mr. Riente unwilling to address Ms. Dech’s retaliatory conduct, Ms. Rodriguez complained again to HR, speaking with Assistant VP and HR Advice Partner Laura Gilpatrick.

47. Ms. Rodriguez told Ms. Gilpatrick that Ms. Dech was singling her out for negative treatment ever since Ms. Rodriguez complained about her discriminatory remarks and behavior to HR.

48. Ms. Rodriguez also reported how Mr. Riente dismissed her complaints as female-driven “high school drama.” Ms. Gilpatrick promised that HR would investigate.

49. However, much like the previous instance, Ms. Rodriguez never heard another word about any so-called HR investigation and was never even interviewed about her retaliation complaint.

#### **IV. Ms. Rodriguez Takes Approved Short Term Disability Leave**

50. By August 28, 2022, Ms. Rodriguez’s mental health had deteriorated to such an extent that she needed to take a medical leave of absence, and commenced medical leave on that date. Ms. Rodriguez was not eligible for FMLA leave at the time, but the Bank granted her leave request pursuant to an internal policy called TD Bank Medical Accommodation Leave (“TDMAL”).

51. HR approved Ms. Rodriguez’s leave through October 19, 2022, which was subsequently extended to November 26, 2022, and then to December 2, 2022, as per the advice of Ms. Rodriguez’s medical providers.

52. On November 29, 2022, Ms. Rodriguez had to be admitted to a psychiatric ward for care in connection with her mental illnesses.

53. Upon admission, Ms. Rodriguez's phone was confiscated. Nevertheless, Ms. Rodriguez gained access to a payphone to call Ms. Gilpatrick and left her a detailed message about her whereabouts and even provided a phone number for the pay phone and the phone at the nurse's station. Ms. Rodriguez never heard back from Ms. Gilpatrick.

54. Around this time, Ms. Rodriguez's short-term disability benefits provider notified her that her short-term disability benefits would be extended through December 31, 2022.

55. Accordingly, Ms. Rodriguez reasonably believed that her extension request had not been opposed by TD.

**V. Ms. Rodriguez is Unlawfully Terminated While Undergoing Medical Treatment During Approved Leave**

56. To Ms. Rodriguez's great surprise, however, upon her discharge from the hospital on December 9, 2022, Ms. Rodriguez came home to find a letter dated December 2, 2022, from the Bank (delivered on December 7, 2022) stating that, if she did not reach out to the Bank within two days of receipt of the letter, her employment would be terminated effective December 7, 2022.

57. The letter claimed that Ms. Rodriguez had been out of work since August 31, 2022, and that her STD benefits had exhausted on October 25, 2022.

58. The statement that Ms. Rodriguez's STD benefits had been exhausted by October 25, 2022, was not true. In fact, the STD benefits carrier, The Hartford, wrote to Ms. Rodriguez on December 12, 2022, to confirm that she had been approved for continuing benefits through December 31, 2022.

59. The letter from TD also set forth several dates on which the Bank claimed Ms. Rodriguez's manager had left her messages or sent unanswered texts.

60. However, Ms. Rodriguez never received any such calls or texts during the time period indicated in the letter. Rather, she had taken great pains to notify TD that she needed to extend her leave by leaving multiple voicemails with Ms. Gilpatrick during her admission to the hospital.

61. Despite having just been discharged from the Hospital, Ms. Rodriguez immediately called HR and spoke to Ms. Gilpatrick. Ms. Rodriguez explained how she had been in the hospital and had communicated to the Bank about her need for additional leave.

62. Ms. Gilpatrick insisted that Ms. Rodriguez had been “unresponsive,” but said that she would “look into it.”

63. However, Ms. Rodriguez never heard back from Ms. Gilpatrick, despite Ms. Rodriguez leaving her four messages.

64. Despite her determination to remain optimistic about, and committed to, her career at TD, the ruthless discrimination and retaliation she suffered at the Bank has rendered Ms. Rodriguez distraught and crestfallen.

65. Ms. Rodriguez’s emotional distress is clear and cognizable given the reality that TB allowed Ms. Dech and Mr. Riente to press their unlawful campaign against Ms. Rodriguez without repercussion, while ignoring its obligations to seriously investigate Ms. Rodriguez’s complaints of discrimination and retaliation, afford her the opportunity to obtain reasonable accommodation for her disabilities, and provide her accurate information about (and the full panoply of) the protected leave to which she was entitled under the law.

**FIRST CAUSE OF ACTION**  
**DISCRIMINATION UNDER TITLE VII**  
*Against Defendant TD*

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

67. Defendant TD engaged in unlawful employment practices prohibited by Title VII by discriminating against Plaintiff on the basis of her gender (female).

68. 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), 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.

69. Accordingly, as a result of Defendant TD's unlawful conduct in violation of Title VII, Plaintiff has been damaged as set forth herein and is entitled to the maximum amount of damages available to her under the law.

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

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

71. By the actions detailed above, among others, Defendant TD has retaliated against Plaintiff based on her protected activities in violation of Title VII, including by terminating her employment.

72. 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.

73. Accordingly, as a result of the unlawful conduct of Defendant TD 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, punitive damages.

**THIRD CAUSE OF ACTION**  
**DISCRIMINATION UNDER THE ADA**  
*Against Defendant TD*

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

75. Based on the facts alleged herein, Defendant TD engaged in unlawful employment practices prohibited by the ADA by discriminating against Plaintiff on the basis of her disabilities (major medical depression, anxiety, and endometriosis).

76. 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.

77. Accordingly, as a result of the unlawful conduct of Defendant TD 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, punitive damages.

**FOURTH CAUSE OF ACTION**  
**RETALIATION UNDER ADA**  
*Against Defendant TD*

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

79. Based on the facts alleged herein, Defendant TD engaged in unlawful employment practices prohibited by ADA by retaliating against Plaintiff by subjecting her to unwarranted harsh criticism, verbal attacks, and terminating her unlawfully.

80. 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.

81. Accordingly, as a result of the unlawful conduct of Defendant TD 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, punitive damages.

**FIFTH CAUSE OF ACTION**  
**DISCRIMINATION UNDER THE NYSHRL**  
*Against Defendants*

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

83. New York State Executive Law § 296 states in pertinent part: “It shall be an unlawful discriminatory practice: 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.”

84. Defendants engaged in unlawful discriminatory practice by discriminating against Plaintiff with respect to the terms and conditions of her employment on the basis of her gender (female) and disabilities (major medical depression, anxiety, and endometriosis) in violation of the New York State Human Rights Law.

85. 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.

86. 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 this law including, but not limited to, punitive damages.

**SIXTH CAUSE OF ACTION**  
**RETALIATION UNDER THE NYSHRL**  
*Against Defendants*

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

88. New York State Executive Law § 296 states in pertinent part: "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."

89. As described above, Defendants retaliated and/or discriminated against Plaintiff for engaging in protected activities pursuant to the NYSHRL, by subjecting her to unwarranted harsh criticism, verbal attacks and unlawfully terminating her employment, in violation of the NYSHRL, after she make protected complaints.

90. 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.

91. 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 this law, including, but not limited, punitive damages.

**SEVENTH CAUSE OF ACTION**  
**AIDING AND ABETTING UNDER NYSHRL**  
*Against Individual Defendants Only*

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

93. 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."

94. 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 discriminatory and retaliatory conduct against Plaintiff.

95. 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, 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.

96. 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 her under this law, including, but not limited to, 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 ADA, and the New York State Human Rights Law;
- 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 attorneys' fees, costs, and expenses incurred in the prosecution of the 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: February 7, 2025  
White Plains, New York

**FILIPPATOS PLLC**

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