

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

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ARI ROSSEN,

Case No.:

Plaintiff,

**COMPLAINT**

-against-

**JURY TRIAL DEMANDED**

ST DAVID’S SCHOOL; DAVID O’HALLORAN, in his  
individual and professional capacity; and ALEXIS  
AOYAMA, in her individual and professional capacity,

Defendants.

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Plaintiff Ari Rossen, by his attorneys, Filippatos PLLC, hereby alleges against Defendants St. David’s School ("School"), David O’Halloran, and Alexis Aoyama (together, the "Individual Defendants") as follows:

**NATURE OF THE CASE**

1. Plaintiff is a Jewish and gay man who was employed as full-time Elementary School Music Teacher and Classroom Monitor at St. David’s School from August 31, 2020-April 14, 2021, when his employment was unlawfully terminated after first reporting numerous incidents of antisemitic harassment, sexual harassment, and homophobic harassment from students, and then complaining regarding Defendants’ failure to properly investigate these incidents and/or take action to prevent further misconduct.

2. 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"); 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**

3. During Plaintiff's employment by Defendants, he was a resident of the State of New York, and he is currently a resident of the State of California.

4. At all times relevant hereto, Plaintiff was and is Jewish and gay.

5. At all times relevant hereto, Plaintiff was an employee of St. David's School; working in the State of New York.

6. At all times material, Saint David's School was and is a private school located at 12 East 89<sup>th</sup> Street, New York, NY 10128.

8. Upon information and belief, Saint David's School employs approximately 100 individuals on a full-time or full-time equivalent basis and thus is subject to all statutes upon which Plaintiff is proceeding herein.

9. Upon information and belief, at all times relevant hereto, Defendant David O'Halloran was and is an individual residing in the State of New York, as well as an employee of the School, holding a position of "Headmaster," and had the authority to hire, terminate, and affect the terms and conditions of Plaintiff's employment or to otherwise influence the decision making regarding same.

10. Upon information and belief, at all times relevant hereto, Defendant Alexis Aoyama was and is an individual residing in the State of New York, as well as an employee of the School, holding the position of "Head of Upper School," and had the authority to hire, terminate, and affect the terms and conditions of Plaintiff's employment or to otherwise influence the decision making regarding same.

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

12. Jurisdiction in this Court is also proper under 28 U.S.C. § 1332 as Plaintiff and Defendants are citizens of different States and the amount in controversy exceeds \$75,000.

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

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

15. On or about May 9, 2022, Plaintiff filed a complaint with the New York State Division of Human Rights (“NYSDHR”) regarding Defendant’s discriminatory harassment and retaliatory actions.

16. On or about April 12, 2023, NYSDHR released a Final Determination after investigating Plaintiff’s claims of unlawful discriminatory practices in relation to employment because of creed, sexual orientation, and opposed discrimination/retaliation. **(Exhibit A, NYSDHR Determination).**

17. NYSDHR found that Plaintiff had “probable cause to support the allegations of the complaint” and that “this matter should proceed to public hearing.”

18. On or about January 30, 2025, NYSDHR dismissed Plaintiff’s claim due to the fact that Plaintiff requested to pursue his claims in federal court. **(Exhibit B, NYSDHR Dismissal Order).**

19. On or about February 13, 2025, the U.S. Equal Employment Opportunity Commission (“EEOC”) dismissed Plaintiff’s charge and Plaintiff received Notice of Right to Sue. **(Exhibit C, EEOC Notice of Right to Sue).**

### **FACTUAL ALLEGATIONS**

20. Plaintiff is a Jewish, openly gay man who was employed as an Elementary Music Teacher, Substitute Teacher, and Classroom Monitor at the School between August 31,

2020, and April 16, 2021.

21. On or about April 16, 2021, Plaintiff was unlawfully terminated after first reporting numerous incidents of antisemitic harassment, sexual harassment, and homophobic harassment from students, and then complaining regarding Defendants' failure to properly investigate these incidents and/or take action to prevent further misconduct. On or about March 15, 2021, Plaintiff first began experiencing antisemitic harassment in-person during school hours. This harassment continued throughout the 8<sup>th</sup> Grade History class Plaintiff was teaching and escalated to public areas outside of the classroom throughout the day within earshot of other students and staff. When an athletic coach told the students to stop harassing Plaintiff, the coach was ignored and Plaintiff was forced to leave the area. Mr. Rossen also was harassed via email, when disturbing messages were sent to Plaintiff's private email address from the School's server.

22. Plaintiff reported these discriminatory incidents and behavior to Defendants David O'Halloran and Alexis Aoyama; however, nothing was done to meaningfully address or resolve this misconduct.

23. Instead, after Plaintiff experienced multiple incidents of harassment due to his religion and sexual orientation, and after Plaintiff complained regarding Defendants' failure to properly investigate these incidents and/or take action to prevent further misconduct, Plaintiff's employment was wrongfully discharged on or about April 16, 2021.

24. On or about March 15, 2021, Plaintiff was substitute teaching an 8<sup>th</sup> Grade History class for Mr. Joe Shapiro. Unprompted, student HK began laughing and joking about The Reichstag Fire, a horrific historical event that Adolf Hitler and the Nazi Party used to seize power in Germany- an action that precipitated numerous atrocities during World War II, such as the Holocaust.

25. After other students joined HK, including JH, EO and JT, Plaintiff reminded the students about the Reichstag Fire and its historical implications.

26. However, HK and other students continued to laugh and joke while intentionally mispronouncing Plaintiff's name as "Rozen" instead of "Raw-sen". Plaintiff attempted to correct them, but they continued to mispronounce his name in a way that sounded more Jewish.

27. Plaintiff shared with the students that he had family members who were killed in the Holocaust, but the antisemitic taunts continued.

28. On or about March 16, 2021, Plaintiff received an email on his personal email account from a sender he did not recognize, the greeting of which was, "Hi Mr. Reichstag!" followed by a string of Arabic and Asian characters.

29. Plaintiff then met with Defendant Aoyama about the incident that occurred in the classroom on or about March 15, 2021, and the email he had received on or about March 16, 2021.

30. Defendant Aoyama asked Plaintiff to forward all correspondence to her as soon as possible.

31. Following his meeting with Defendant Aoyama, Plaintiff received a second e-mail from someone using the name "HK" — the same name as the student who had instigated the antisemitic harassment incident on March 15, 2021. This second message contained language referencing the death of a music teacher, which Plaintiff found alarming and disturbing given the recent pattern of targeted harassment. Plaintiff forwarded both the first and second e-mails to Assistant Dean Alexis Aoyama, following her instructions.

32. However, the taunts were not limited to email or an individual classroom.

33. Later in the day on or about March 16, 2021, as Plaintiff was eating lunch, HK and other 8<sup>th</sup> grade students were walking nearby and HK stopped and made a point to

stare at Plaintiff, smirk, say something to his classmates, and laugh.

34. Marcela Gonzalez de Cosio, another teacher at the School, was present during this incident and witnessed it. Ms. Gonzalez De Cosio let Plaintiff know she thought the students' behavior was rude and disrespectful.

35. On or about March 16, 2021, Plaintiff informed Joseph Shapiro, the 8<sup>th</sup> grade history teacher, of what had occurred the past two (2) days.

36. Mr. Shapiro responded by indicating he would escalate the issue to Defendant Aoyama.

37. Shortly after his meeting with Mr. Shapiro, Plaintiff was approached by Dr. Peter King, Chair of the School's Standards Committee, who asked him to recount the original incident and events that followed, which Plaintiff did.

38. For instance, one student, JH, had previously disrupted the same 8<sup>th</sup> Grade History class that Plaintiff was substitute teaching. During this incident, JH openly displayed and boasted about consuming an unregulated energy supplement, then proceeded to remove his shirt in class – behavior that made several students uncomfortable. When Plaintiff reported this incident to Defendant Aoyama, she dismissed it as a "boys will be boys" situation.

39. Plaintiff met with Defendant David O'Halloran, on or about March 17, 2021, on Zoom and recounted the events and names of students involved and Defendant O'Halloran conveyed that the emails had been traced back to the school's servers, but that the actual person who sent the emails could not be confirmed at that time.

40. On or about March 19, 2021, Plaintiff met with Defendant Aoyama over Zoom. She stated that HK served two (2) detentions, and that as part of this was required to write Plaintiff an apology note. Defendant Aoyama went on to say that the 8<sup>th</sup> grade students

would also be writing Plaintiff an apology note; however, she did not mention anything about the other students facing any consequences.

41. Defendant Aoyama then attempted to minimize the seriousness of the antisemitism that Plaintiff was facing when she stated that HK admitted to sending the two (2) disturbing emails but he had insisted it was a “group effort” and that he was “going for a laugh” with his peers, and that there was nothing personal or antisemitic about the behavior.

42. On or about March 20, 2021, Plaintiff met with Dr. Michael Schwartzman, the School Psychologist, and Dr. Schwartzman asked Plaintiff if HK should be expelled. Plaintiff, feeling as if the school was not acknowledging the severity of the situation, replied “yes” and stated that an apology from HK and the class, in addition to a private class discussion, were insufficient to address the antisemitic harassment.

43. On or about April 14, 2021, Plaintiff experienced continuing harassment from the 8<sup>th</sup> grade students as they passed him on the 2<sup>nd</sup> Floor Commons at School. In addition to Plaintiff being harassed due to his religion, now he was also being harassed because of his sexual orientation.

44. Once again Plaintiffs’ last name was intentionally mispronounced to sound more Jewish and at least one student, JH, could be heard mocking an LGBTQIA music video Plaintiff created and recently had shared on the internet. On or about April 15, 2021, Defendant Aoyama requested a meeting with Plaintiff, who was caught off guard as he assumed she had received a prior email he sent her deferring any meetings with Defendant until Plaintiff had secured legal counsel.

45. Defendant Aoyama publicly compelled Plaintiff to speak with her within earshot of students, teachers, and other passersby, disregarding both Plaintiff’s written and verbal requests

to avoid further conversation without legal representation. Fearing professional or personal retaliation, Plaintiff followed Defendant Aoyama to her office, where Plaintiff immediately began to cry and visibly shake. It was clear that Plaintiff was severely distressed, but Defendant Aoyama continued to engage and pressure him into further conversation.

46. On or about April 16, 2021, Plaintiff received an email from Defendant Aoyama addressed to a small group of employees stating that their services were no longer needed due to staff vaccinations.

47. On or about April 17, 2021, Plaintiff met with Dr. King at a cafe near the School. Dr. King apologized for the situation and how it had been handled by the school, also mentioning that, as Chair of the Standards Committee, he had spoken up in favor of more substantial consequences for the students who had targeted Plaintiff, but his requests were overruled at every turn by Defendant O'Halloran.

48. Following the harassment, discrimination, invasion of privacy, and retaliation that Plaintiff was subject to, he sought extensive therapy. Furthermore, Plaintiff was forced to relocate across the country out of fear for his personal safety.

49. Beyond being illegal, the Defendants' behavior—and their continued refusal to take accountability—demonstrates a complete abdication of personal and professional responsibility. Their conduct is fundamentally unethical and unworthy of individuals entrusted with representing an elite educational institution. For years, the Defendants have denied, minimized, and otherwise distorted Plaintiff's very real, lived experience, making it clear that they have no intention of improving the School environment nor their own behavior. Their collective actions have caused lasting harm to him personally, professionally, financially, and psychologically.



50. After an investigation, the Department of Human Rights determined that there was probable cause that unlawful discrimination occurred while Plaintiff was employed by Defendants.

**FIRST CAUSE OF ACTION**  
**DISCRIMINATION UNDER TITLE VII**  
***Against All Defendants***

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

52. By the actions detailed above, among others, the School discriminated against Plaintiff in violation of Title VII by, *inter alia*, denying him the equal terms and conditions of employment because of creed (Jewish) and sexual orientation (gay) and allowing Plaintiff to be subjected to discrimination.

53. 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.

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

**SECOND CAUSE OF ACTION**  
**HOSTILE WORK ENVIRONMENT UNDER TITLE VII**  
***Against All Defendants***

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

56. By the actions detailed above, among others, School discriminated against Plaintiff in violation of Title VII by, *inter alia*, denying him the equal terms and conditions of

employment because of creed (Jewish) and sexual orientation (gay) and allowing Plaintiff to be subjected to a hostile work environment.

57. 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.

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

**THIRD CAUSE OF ACTION**  
**RETALIATION UNDER TITLE VII**

***Against All Defendants***

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

60. By the actions detailed above, among others, School has retaliated against Plaintiff based on his protected activities in violation of Title VII, including by terminating Plaintiff's employment.

61. 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.

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

this law, including, but not limited to, liquidated damages.

**FOURTH CAUSE OF ACTION**  
**DISCRIMINATION UNDER NYSHRL**  
*Against All Defendants*

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

64. 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."

65. 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 and discriminating against him because of his creed (Jewish) and sexual orientation (gay).

66. 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.

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

**FIFTH CAUSE OF ACTION**  
**HOSTILE WORK ENVIRONMENT UNDER NYSHRL**  
***Against All Defendants***

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

69. 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."

70. 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 and subjecting him to a hostile work environment because of his creed (Jewish) and sexual orientation (gay).

71. 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.

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

**SIXTH CAUSE OF ACTION**  
**RETALATION UNDER NYSHRL**  
***Against All Defendants***

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

74. 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.

75. By the actions detailed above, among others, Defendants have retaliated against Plaintiff based on his protected activities in violation of the NYSHRL, including by terminating Plaintiff's employment.

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 (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.

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

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

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

79. 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."

80. 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 conduct against Plaintiff.

81. 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.

82. 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, including, but not limited to, liquidated damages.

**EIGHTH CAUSE OF ACTION**  
**DISCRIMINATION UNDER NYCHRL**  
***Against All Defendants***

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

84. 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."

85. 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 and discriminating against him because of his creed (Jewish) and sexual orientation (gay).

86. 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.

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

**NINTH CAUSE OF ACTION**  
**HOSTILE WORK ENVIRONMENT UNDER NYCHRL**  
***Against All Defendants***

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

89. 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."

90. 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 and subjecting him to a hostile work environment because of his creed (Jewish) and sexual orientation (gay).

91. 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.

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

**TENTH CAUSE OF ACTION**  
**RETALIATION UNDER NYCHRL**  
***Against All Defendants***

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

94. 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.

95. By the actions detailed above, among others, Defendants have retaliated against Plaintiff based on his protected activities in violation of the NYCHRL, including by terminating Plaintiff's employment.

96. 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.

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

**ELEVENTH CAUSE OF ACTION**  
**AIDING AND ABETTING UNDER NYCHRL**  
***Against Individual Defendants Only***

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

99. 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."

100. 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.

101. 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.

102. 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.

**TWELFTH CAUSE OF ACTION**  
**BREACH OF CONTRACT**  
*Against All Defendants*

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

104. The Defendants maintain an Employee Manual of Policies and Procedures that includes a commitment to Anti-Harassment and Discrimination Free Environment.

105. The Employee Manual of Policies and Procedures is a valid and enforceable contract between the Plaintiff, as an employee, and the Defendants, as his employer.

106. Defendants breached their obligations to Plaintiff under the policy and Defendants have damaged Plaintiff as a result of the breach of contract.

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 (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.

108. 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; the NYSHRL; the NYCHRL; in that Defendants discriminated and retaliated against Plaintiff on the basis of his creed (Jewish) and sexual orientation (gay);

B. Awarding damages to Plaintiff for all lost wages and benefits resulting from Defendants' unlawful discrimination 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: May 14, 2025  
New York, New York

Respectfully submitted,

**FILIPPATOS PLLC**



By: \_\_\_\_\_  
Erica T. Healy-Kagan  
425 Madison Ave, Suite 1502  
New York, New York 10017  
T./F: 914.984.1111, Ext 402  
[chealeykagan@filippatoslaw.com](mailto:chealeykagan@filippatoslaw.com)  
*Counsel for Plaintiff*