Portfolio Media. Inc. | 860 Broadway, 6th Floor | New York, NY 10003 | www.law360.com
Phone: +1 646 783 7100 | Fax: +1 646 783 7161 | customerservice@law360.com

More CVS Detectives Say They Were Told To Racially Profile

By **Matthew Bultman**

Law360, New York (March 28, 2016, 8:04 PM ET) -- Nine months after four former store detectives at CVS stores in New York first claimed their bosses told them to target black and Hispanic customers, three others have come forward with similar allegations in separate lawsuits filed Monday in state and federal court.

The lawsuits, two filed in state Supreme Court in the Bronx and another in federal court in Brooklyn, all claim that detectives were asked to racially profile nonwhite shoppers and had to deal with store managers' slurs and other discriminatory language.

One of the lawsuits said loss prevention manager Anthony Salvatore told detectives to "make sure you watch the Spanish because they are thieves and crooks." Salvatore was named as a ringleader of the racial profiling in the previous lawsuit.

Another unnamed supervisor said "all black people steal, you gotta watch them," according to one of the lawsuits filed in state court.

Each of the detectives is represented by David E. Gottlieb and other attorneys at Wigdor LLP, the same firm that launched the first complaint against CVS **last June** on behalf of four former detectives at stores in Queens and Manhattan. Another lawsuit was filed in November, making similar allegations.

"There are now nine CVS store detectives, who worked all across New York and under a variety of different managers, who all confirm that racial profiling and discrimination is a pervasive aspect of CVS's business," Gottlieb said.

A fourth lawsuit was also filed in federal court Monday alleging store detectives were asked to work off-the-clock and were not paid. This one, a potential class action, alleges violations of the Fair Labor Standards Act and state labor laws.

A spokesman for CVS said Monday that the racial profiling lawsuits appear to be little more than rehashed allegations from the earlier complaints, which he said were baseless. To date, the plaintiffs in those cases have yet to support their claims with documentary evidence, he said.

"In fact, we have deposed three of the lead plaintiffs who filed their cases last year and they all testified under oath that they were aware of, and followed, the company's anti-discrimination policies, the spokesman, Michael DeAngelis said. "Moreover, they could not identify a single instance of a CVS customer being racially profiled.

He added it was the Rhode Island-based pharmacy chain's policy to "fully compensate colleagues for all of the hours they work."

Gottlieb said the three detectives in the newest lawsuits alleging discriminatory practices — Frisco Eleson, David Gonzalez and Sheldon Thomas — came forward following news reports of the initial lawsuit. He said the decision to file the suits separately was made largely for procedural reasons.

Like the origional plaintiffs, those in Monday's lawsuits, all of whom are black or Hispanic, said they were asked to follow "utterly despicable and racist directives" and subjected to crude epithets. They are seeking an order that CVS eliminate these purported practices and pay an undetermined amount of damages, among other things.

The scrutiny comes in the wake of Macy's Inc.'s 2014 agreement to **pay $650,000** to settle allegations brought by New York prosecutors over the unlawful profiling of minority customers. The deal followed a similar agreement between New York Attorney General Eric Schneiderman and Barneys New York that saw Barneys pay $525,000.

The plaintiffs are represented by David E. Gottlieb, Michael J. Willemin and Kenneth D. Sommer of Wigdor LLP.

Counsel information for CVS was not immediately available.

The state cases are David Gonzalez v. CVS Pharmacy et al. and Frisco Eleson v. CVS Pharmacy et al., in New York State Supreme Court, Bronx County. The federal cases are Sheldon Thomas v. CVS Pharmacy et al. and Mominna Ansoralli et al. v. CVS Pharmacy Inc., in the U.S. District Court for the Eastern District of New York. Case numbers were not yet available for any of the lawsuits.

--Editing by Patricia K. Cole.

All Content © 2003-2016, Portfolio Media, Inc.