



'Too Cute' Yoga Teacher Can't Sue For Sex Bias, Judge Says

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Law360, New York (May 13, 2016, 9:15 PM ET) -- A Manhattan yoga instructor claiming she was fired by her ex-Playboy Playmate boss for being "too cute" saw her gender discrimination claims tossed, when a New York judge recently found the law did not protect against terminations based on spousal jealousy.

Dilek Edwards had sued Charles Nicolai and his wife, Stephanie Adams, after being abruptly fired in 2013 from her job as a yoga teacher and massage therapist at Wall Street Chiropractic and Wellness. Edwards claims that Adams, a Playboy Playmate in November 1992, was jealous of her working relationship with Nicolai.

While allowing the instructor's defamation claims against the wife to proceed, New York Supreme Court Judge Shlomo Hagler said Wednesday he could not find legal precedent that holds a termination motivated by spousal jealousy would constitute gender or sex discrimination under city or state human rights laws.

Edwards had also claimed discrimination based on "appearance," but the judge said the yoga instructor did not explain what "too cute" was alleged to mean or show it was gender-related. Judge Hagler said courts have not found that someone's appearance can be the basis for a discrimination claims when the conduct was not applied differently to men and women.

"This court is constrained under the law to make a determination that defendants' behavior, no matter how abhorrent, fails to constitute gender discrimination," the judge wrote.

Edwards will still be allowed to proceed with defamation claims against Adams, based on statements her former boss allegedly made to New York City police after Edwards was fired in October 2013.

According to Edwards, Adams falsely told police that she had received threatening phone calls from her former employee, forcing Adams to change the locks at her home and office.

"The allegations regarding Adams' statements to the police are set forth with enough specificity to satisfy the pleading requirements ... for purposes of a motion to dismiss," the judge wrote.

In the lawsuit, Edwards claims Nicolai had regularly praised her performance when she worked at Wall Street Chiropractic and that in June 2013, Nicolai told her that his wife might become jealous because Edwards was “too cute.”

Edwards met Adams only once, and the meeting was cordial, according to the suit. But a few months later, Adams sent the instructor a text message around 1:30 a.m., telling her that “you are NOT welcome at Wall Street Chiropractic, DO NOT ever step foot in there again, and stay the F*** away from my husband and family!!!!!!,” the complaint says.

The next day, Nicolai sent Edwards an email telling her she was fired.

While Edwards contended this amounted to gender discrimination, the couple insisted the city and state laws do not protect employees fired because of jealousy. They **told the court** in February 2014 the suit should therefore be dismissed.

"We are pleased with the judge's well-reasoned opinion and are confident that the remaining cause of action will ultimately be dismissed on summary judgment," the couple's attorney, Douglas H. Wigdor of [Wigdor LLP](#), said Friday.

Edwards' attorney could not immediately be reached for comment.

She is represented by D. Maimon Kirschenbaum of [Joseph & Kirschenbaum LLP](#).

The defendants are represented by Douglas H. Wigdor of Wigdor LLP.

The case is Edwards v. Nicolai et al., case number 160830/2013, in Supreme Court of the State of New York, County of New York.

--Additional reporting by Abigail Rubenstein. Editing by Edrienne Su.