

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

MICKAEL LOUIS,	x	
	:	
Plaintiff,	:	Civil Action No.:
	:	
v.	:	<b>COMPLAINT</b>
	:	
FOREVER 21, INC., PATRICK WALMSLEY and ANDY LIU,	:	<b><u>Jury Trial Demanded</u></b>
	:	
Defendants.	:	
	x	

Plaintiff alleges against Defendants Forever 21, Inc. (“Forever 21”), Patrick Walmsley and Andy Liu (together, “Defendants”) as follows:

**PRELIMINARY STATEMENT**

1. Same-sex sexual harassment, racist nicknames and ridicule, and racial profiling of customers who complain are part of the a daily way of life at the Forever 21 store located at 5301 Kings Plaza, Brooklyn, New York 11234 (the “Store”). Plaintiff Mickael Louis, a Black former Assistant Store Manager, was treated as a sexual object by one of his managers, Defendant Patrick Walmsley, who would barrage him with sexual innuendo and come-ons such as “**I love muscular Black guys like you,**” “**I bet you have a big dick**” and “**I bet you’re packing,**” not to mention show Mr. Louis cell phone videos of him having sex with men and constantly refer to Mr. Louis as “Honey.” But that is just the start.

2. Defendant Andy Liu, the Store Manager, had his own nickname for Mr. Louis: “**Nutella,**” after the chocolate-flavored snack spread. This was Mr. Liu’s offensive way of differentiating Mr. Louis from his White employees. Mr. Liu referred to Mr. Louis and other Black people as “**Ghetto**” and referred to Black customers as “**Your people.**” Mr. Liu also directed Mr. Louis to racially profile customers, saying, “**Look out for the Black people, they**

are going to steal,” commenting that “**Black people come in here with fake gift cards and fake credit cards,**” and on another occasion stating that a Black employee helping a Black customer was, “**probably setting them up so they can steal.**” Mr. Liu ordered Mr. Louis not to have Black employees on the cash register, “**Because they steal.**” Eventually, Mr. Louis could take this harassment and racism no longer, and was forced to leave.

3. This is hardly the first time Mr. Walmsley, Mr. Liu, and the Store have been the subject of accusations regarding egregious discriminatory and retaliatory practices towards minority employees. In April 2015, Alexia Daskalakis filed a federal lawsuit alleging that she was horribly harassed because she is a transgender woman at the Store. See Daskalakis v. Forever 21, Inc., 15-cv-01768 (RRM) (SMG).<sup>1</sup> Ms. Daskalakis’ managers (including Mr. Walmsley and Mr. Liu) told her she was a “**hot mess,**” and “**disgusting,**” that she looked “**offensive,**” that “**in my eyes and in the Company’s eyes, you’re still a male,**” and that “**You’re still a male, so you need to abide by the male dress code.**” Ms. Daskalakis alleged that she was fired after she complained about this mistreatment. Apparently no lesson was learned from that case.

### NATURE OF THE CLAIMS

4. Plaintiff brings this action for monetary damages, as well as for declaratory and injunctive relief, to redress the unlawful discrimination and retaliation committed against him by Defendants in violation of the Section 1981 of the Civil Rights Act of 1866 (“Section 1981”), New York State Human Rights Law, New York Executive Law §§ 290 *et seq.* (“NYSHRL”) and

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<sup>1</sup> See also <http://www.nydailynews.com/new-york/suit-21-bosses-mocked-transition-woman-article-1.2170525>; <http://fortune.com/2015/04/02/forever-21-slapped-with-transgender-discrimination-lawsuit>; <http://www.advocate.com/politics/transgender/2015/04/07/ny-trans-woman-called-disgusting-forever-21-management-files-suit>; <http://www.mirror.co.uk/news/world-news/i-devastated-forever-21-transgender-5448172>.

the New York City Human Rights Law, Administrative Code of the City of New York §§ 8-101 *et seq.* (“NYCHRL”).

### **PROCEDURAL REQUIREMENTS**

5. Following the commencement of this action, a copy of this Complaint will be served on the New York City Commission on Human Rights and the Office of the Corporation Counsel of the City of New York, thereby satisfying the notice requirement of § 8-502 of the NYCHRL.

6. Plaintiff has filed a charge of discrimination with the Equal Employment Opportunity Commission (“EEOC”). Following his receipt of a Notice of Right to Sue, Plaintiff will file and/or seek leave to file an Amended Complaint to include claims under Title VII of the Civil Rights Act of 1964.

7. Any and all other administrative prerequisites have been met.

### **PARTIES**

8. Plaintiff Mickael Louis was employed by Forever 21 from in or around January 2014 through April 2015. At all relevant times, Plaintiff met the definition of an “employee” under all applicable statutes. Mr. Louis is a resident of Kings County, New York.

9. Defendant Patrick Walmsley was, at all relevant times, an employee at Forever 21. Mr. Walmsley directly supervised Mr. Louis and directly participated in the unlawful conduct described herein. As Mr. Louis’ supervisor, Mr. Walmsley had the authority to discipline and terminate him, direct his work activities, assign his job responsibilities, and monitor his performance. At all relevant times, Mr. Walmsley was an “employer” within the meaning of all applicable statutes.

10. Defendant Andy Liu was, at all relevant times, an employee at Forever 21. Mr. Liu directly supervised Mr. Louis and directly participated in the unlawful conduct described herein. As Mr. Louis' supervisor, Mr. Liu had the authority to discipline and terminate him, direct his work activities, assign his job responsibilities, and monitor his performance. At all relevant times, Mr. Liu was an "employer" within the meaning of all applicable statutes.

11. Defendant Forever 21 is a foreign business corporation with its headquarters located at 3880 North Mission Road, Los Angeles, California 90031. At all relevant times, Forever 21 met the definition of an "employer" under all relevant statutes.

### **JURISDICTION AND VENUE**

12. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331 and 1343 as this action involves federal questions regarding the deprivation of Plaintiff's rights under Section 1981, and Mr. Louis' Title VII claims which will be added at a later date. This Court has supplemental subject matter jurisdiction over Plaintiff's related state law claims pursuant to 28 U.S.C. § 1367(a).

13. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) because a substantial part of the events or omissions giving rise to this action, including the unlawful employment practices alleged herein, occurred in this district.

### **FACTUAL ALLEGATIONS**

14. Plaintiff Mickael Louis is a Black former Assistant Store Manager ("ASM") at the Forever 21 Store.

15. As part of Mr. Louis' duties as ASM, he was involved in directing the staff and managing store operations, but he was also tasked with responsibilities related to the Store's loss prevention given that he had a background in loss prevention with his previous employer.

16. For the duration of Mr. Louis' employment at the Store, the Visual Manager was Patrick Walmsley and the Store Manager was Andy Liu, both of whom were his superiors with manager titles.

17. Mr. Walmsley and Mr. Liu created and fostered a racially and sexually hostile and offensive work environment.

18. For instance, but only by way of example, Mr. Walmsley (who is gay) often insinuated that he wanted to have sex with Mr. Louis. On many occasions he said things like, "**I love muscular Black guys like you.**"

19. Mr. Walmsley, without Mr. Louis' request or consent, showed Mr. Louis videos on his cell phone of him having sex with a Black man. He then said, "**This is what I like.**" This happened on multiple occasions.

20. Mr. Walmsley frequently commented about Mr. Louis' penis, including comments such as "**I bet you have a big dick**" and "**I bet you're packing.**"

21. Mr. Walmsley would refer to Mr. Louis as "Honey," even after Mr. Louis told him he did not want to be referred to using that name.

22. But this was only the start of the offensive nicknames. Mr. Liu offensively referred to Mr. Louis as: "**Nutella.**" This is a reference to the chocolate-flavored product and the fact that Mr. Louis is Black. Mr. Liu referred to Mr. Louis as "**Nutella**" on a regular basis as if it were his actual name or nickname, despite Mr. Louis' pleas to stop.

23. On many occasions, Mr. Liu made racist comments about Black customers and other employees. On one occasion, he turned to Mr. Louis after a group of Black customers wearing baggy clothing walked into the Store and said, "**You're Ghetto, these are your people.**"

24. Mr. Liu once referred to another Black employee whose clothing he did not like as looking like she was “**homeless.**”

25. Mr. Liu was aware that Mr. Louis had loss prevention duties at the Store and gave him racist tips and directives to carry out his job. For instance, but only by way of example, Mr. Liu said: “**Look out for the Black people, they are going to steal.**”

26. Mr. Liu also said of Black customers: “**Black people come in here with fake gift cards and fake credit cards.**”

27. On another occasion, Mr. Liu observed a Black sales associate speaking to a Black customer and commented to Mr. Louis that: “**She [the employee] is probably setting them up so they can steal.**”

28. Mr. Liu often told Mr. Louis to minimize the frequency that Black employees worked on the cash register. When Mr. Louis questioned him on the reason, he bluntly stated: “**Because they steal.**”

29. Mr. Liu also refused to give a cashier position to an employee because she is Black, and instead gave the position to a White employee with less experience.

30. The above allegations are only a representative sampling of the sexually hostile and racist work environment created at the Forever 21 Store by Mr. Walmsley and Mr. Liu.

31. Mr. Louis complained to Mr. Liu and Mr. Walmsley about the way he was being treated, but nothing ever changed.

32. For instance, when Mr. Louis complained to Mr. Liu that Mr. Walmsley was sexually harassing him, Mr. Liu would laugh and simply respond: “Well maybe you should take him out.”

33. Mr. Louis complained to Mr. Liu that, “**My name is not Nutella**” and asked him not to refer to him using that term. Mr. Liu responded: “**Well that’s my name for you.**”

34. When Mr. Louis complained to Mr. Walmsley directly to stop harassing him, Mr. Walmsley would laugh, tell Mr. Louis to “**relax,**” ask Mr. Louis “**why are you being so serious?**” or say “**you’re being so sensitive,**” and tell Mr. Louis that he was just “**playing around.**”

35. However, even though Mr. Walmsley knew his conduct bothered Mr. Louis and made him feel uncomfortable and that Mr. Louis did not consider it “playing around,” it continued following these complaints.

36. In fact, the mistreatment only increased over time after Mr. Louis’ many complaints. Mr. Liu and Mr. Walmsley were effectively a duo and each would support, encourage, build upon and acquiesce to the offensive conduct committed by the other.

37. Eventually, the hostile and offensive environment was severe and pervasive and became too unbearable for Mr. Louis to remain. Mr. Louis could no longer allow himself to go to a workplace where he was constantly sexually harassed, discriminated against on account of his race, given racist directives, and where his complaints fell on deaf ears and/or led to retaliation and further mistreatment.

38. Accordingly, on April 3, 2015, Mr. Louis left Forever 21, having been effectively and constructively terminated, given that no reasonable person should be or could be expected to work in that environment.

**FIRST CAUSE OF ACTION**  
**(Discrimination and Harassment in Violation of Section 1981)**  
*As To All Defendants*

39. Plaintiff hereby repeats and realleges each and every allegation as contained in each of the preceding paragraphs as if fully set forth herein.

40. By the actions described above, among others, Defendants have discriminated against Plaintiff on the basis of his race in violation of Section 1981 by denying Plaintiff the same terms and conditions of employment available to other employees, up to and including the hostile and offensive work environment and the constrictive termination of his employment.

41. As a direct and proximate result of Defendants' unlawful discriminatory conduct in violation of Section 1981, Mr. Louis has suffered, and continues to suffer, monetary and/or economic harm, as well as emotional harm and distress, for which he is entitled to an award of monetary damages and other relief.

42. Defendants' unlawful actions were intentional, done with malice and/or showed a deliberate, willful, wanton and reckless indifference to Plaintiff's rights under Section 1981 for which Plaintiff is entitled to an award of punitive damages.

43. Plaintiff is also entitled to an award of attorneys' fees and costs.

**SECOND CAUSE OF ACTION**  
**(Discrimination and Harassment in Violation of the NYSHRL)**  
*As To All Defendants*

44. Plaintiff hereby repeats and realleges each and every allegation as contained in each of the preceding paragraphs as if fully set forth herein.

45. By the actions described above, among others, Defendants have discriminated against Plaintiff on the basis of his gender, sex and/or race in violation of the NYSHRL by denying Plaintiff the same terms and conditions of employment available to other employees, up



to and including the hostile and offensive work environment and the constrictive termination of his employment.

46. As a direct and proximate result of Defendants' unlawful discriminatory conduct in violation of the NYSHRL, Mr. Louis has suffered, and continues to suffer, monetary and/or economic harm, as well as emotional harm and distress, for which he is entitled to an award of monetary damages and other relief.

**THIRD CAUSE OF ACTION**  
**(Discrimination and Harassment in Violation of the NYCHRL)**  
*As To All Defendants*

47. Plaintiff hereby repeats and realleges each and every allegation as contained in each of the preceding paragraphs as if fully set forth herein.

48. By the actions described above, among others, Defendants have discriminated against Plaintiff on the basis of his gender, sex and/or race in violation of the NYCHRL by denying Plaintiff the same terms and conditions of employment available to other employees, up to and including the hostile and offensive work environment and the constrictive termination of his employment.

49. As a direct and proximate result of Defendants' unlawful discriminatory conduct in violation of the NYCHRL, Mr. Louis has suffered, and continues to suffer, monetary and/or economic harm, as well as emotional harm and distress, for which he is entitled to an award of monetary damages and other relief.

50. Defendants' unlawful actions were intentional, done with malice and/or showed a deliberate, willful, wanton and reckless indifference to Plaintiff's rights under the NYCHRL for which Plaintiff is entitled to an award of punitive damages.

51. Plaintiff is also entitled to an award of attorneys' fees and costs.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays that the Court enter judgment in his favor and against Defendant, containing the following relief:

- A. A declaratory judgment that the actions, conduct and practices of Defendants complained of herein violate federal, state and local laws;
- B. An award of damages in an amount to be determined at trial, plus prejudgment interest, to compensate Plaintiff for all monetary and/or economic damages;
- C. An award of damages in an amount to be determined at trial, plus prejudgment interest, to compensate Plaintiff for all non-monetary and/or compensatory damages, including but not limited to, compensation for his emotional harm and distress;
- D. An award of damages to be determined at trial, plus prejudgment interest, to compensate Plaintiff for harm to his professional and personal reputations and loss of career fulfillment;
- E. An award of punitive damages;
- F. An award of costs that Plaintiff has incurred in this action, as well as Plaintiff's reasonable attorneys' fees to the fullest extent permitted by law; and
- G. Such other and further relief as the Court may deem just and proper.

**JURY DEMAND**

Plaintiff hereby demands a trial by jury on all issues of fact and damages stated herein.

Dated: February 11, 2016  
New York, New York

Respectfully submitted,

**WIGDOR LLP**

By: 

David E. Gottlieb

Rita Lenane (*admission pending*)

85 Fifth Avenue  
New York, NY 10003  
Telephone: (212) 257-6800  
Facsimile: (212) 257-6845  
[dgottlieb@wigdorlaw.com](mailto:dgottlieb@wigdorlaw.com)  
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*Counsel for Plaintiff*

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
MICKAEL LOUIS
(b) County of Residence of First Listed Plaintiff KINGS
(c) Attorneys (Firm Name, Address, and Telephone Number)
David E. Gottlieb, Esq. New York, New York 10003
Wigdor LLP (212) 257-6800
85 Fifth Avenue, Fifth Floor

DEFENDANTS
FOREVER 21, INC., PATRICK WALMSLEY and ANDY LIU
County of Residence of First Listed Defendant LOS ANGELES
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.
Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)
1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
PTF DEF
1 1
2 2
3 3
Incorporated or Principal Place of Business In This State
Incorporated and Principal Place of Business In Another State
Foreign Nation
PTF DEF
4 4
5 5
6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)
CONTRACT
110 Insurance
120 Marine
130 Miller Act
140 Negotiable Instrument
150 Recovery of Overpayment & Enforcement of Judgment
151 Medicare Act
152 Recovery of Defaulted Student Loans (Excludes Veterans)
153 Recovery of Overpayment of Veteran's Benefits
160 Stockholders' Suits
190 Other Contract
195 Contract Product Liability
196 Franchise
REAL PROPERTY
210 Land Condemnation
220 Foreclosure
230 Rent Lease & Ejectment
240 Torts to Land
245 Tort Product Liability
290 All Other Real Property
TORTS
PERSONAL INJURY
310 Airplane
315 Airplane Product Liability
320 Assault, Libel & Slander
330 Federal Employers' Liability
340 Marine
345 Marine Product Liability
350 Motor Vehicle
355 Motor Vehicle Product Liability
360 Other Personal Injury
362 Personal Injury - Medical Malpractice
PERSONAL INJURY
365 Personal Injury - Product Liability
367 Health Care/Pharmaceutical Personal Injury Product Liability
368 Asbestos Personal Injury Product Liability
PRISONER PETITIONS
Habeas Corpus:
463 Alien Detainee
510 Motions to Vacate Sentence
530 General
535 Death Penalty
Other:
540 Mandamus & Other
550 Civil Rights
555 Prison Condition
560 Civil Detainee - Conditions of Confinement
FORFEITURE/PENALTY
625 Drug Related Seizure of Property 21 USC 881
690 Other
LABOR
710 Fair Labor Standards Act
720 Labor/Management Relations
740 Railway Labor Act
751 Family and Medical Leave Act
790 Other Labor Litigation
791 Employee Retirement Income Security Act
IMMIGRATION
462 Naturalization Application
465 Other Immigration Actions
BANKRUPTCY
422 Appeal 28 USC 158
423 Withdrawal 28 USC 157
PROPERTY RIGHTS
820 Copyrights
830 Patent
840 Trademark
SOCIAL SECURITY
861 HIA (1395ff)
862 Black Lung (923)
863 DIWC/DIWW (405(g))
864 SSID Title XVI
865 RSI (405(g))
FEDERAL TAX SUITS
870 Taxes (U.S. Plaintiff or Defendant)
871 IRS—Third Party 26 USC 7609
OTHER STATUTES
375 False Claims Act
376 Qui Tam (31 USC 3729(a))
400 State Reapportionment
410 Antitrust
430 Banks and Banking
450 Commerce
460 Deportation
470 Racketeer Influenced and Corrupt Organizations
480 Consumer Credit
490 Cable/Sat TV
850 Securities/Commodities/Exchange
890 Other Statutory Actions
891 Agricultural Acts
893 Environmental Matters
895 Freedom of Information Act
896 Arbitration
899 Administrative Procedure Act/Review or Appeal of Agency Decision
950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)
1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District (specify)
6 Multidistrict Litigation

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Section 1981 of the Civil Rights Act of 1866, 42 U.S.C. § 1981
Brief description of cause:
Unlawful discrimination and retaliation in violation of Section 1981 of the Civil Rights Act of 1866.

VII. REQUESTED IN COMPLAINT:
CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$
CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY
(See instructions): JUDGE DOCKET NUMBER

DATE 02/11/2016 SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY
RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

CERTIFICATION OF ARBITRATION ELIGIBILITY

Local Arbitration Rule 83.10 provides that with certain exceptions, actions seeking money damages only in an amount not in excess of \$150,000, exclusive of interest and costs, are eligible for compulsory arbitration. The amount of damages is presumed to be below the threshold amount unless a certification to the contrary is filed.

I, David E. Gottlieb, counsel for Plaintiff, do hereby certify that the above captioned civil action is ineligible for compulsory arbitration for the following reason(s):

- monetary damages sought are in excess of \$150,000, exclusive of interest and costs,
the complaint seeks injunctive relief,
the matter is otherwise ineligible for the following reason

DISCLOSURE STATEMENT - FEDERAL RULES CIVIL PROCEDURE 7.1

Identify any parent corporation and any publicly held corporation that owns 10% or more of its stocks:

RELATED CASE STATEMENT (Section VIII on the Front of this Form)

Please list all cases that are arguably related pursuant to Division of Business Rule 50.3.1 in Section VIII on the front of this form. Rule 50.3.1 (a) provides that "A civil case is "related" to another civil case for purposes of this guideline when, because of the similarity of facts and legal issues or because the cases arise from the same transactions or events, a substantial saving of judicial resources is likely to result from assigning both cases to the same judge and magistrate judge." Rule 50.3.1 (b) provides that " A civil case shall not be deemed "related" to another civil case merely because the civil case: (A) involves identical legal issues, or (B) involves the same parties." Rule 50.3.1 (c) further provides that "Presumptively, and subject to the power of a judge to determine otherwise pursuant to paragraph (d), civil cases shall not be deemed to be "related" unless both cases are still pending before the court."

NY-E DIVISION OF BUSINESS RULE 50.1(d)(2)

- 1.) Is the civil action being filed in the Eastern District removed from a New York State Court located in Nassau or Suffolk County? No
2.) If you answered "no" above:
a) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in Nassau or Suffolk County? No
b) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in the Eastern District? Yes

If your answer to question 2 (b) is "No," does the defendant (or a majority of the defendants, if there is more than one) reside in Nassau or Suffolk County, or, in an interpleader action, does the claimant (or a majority of the claimants, if there is more than one) reside in Nassau or Suffolk County?

(Note: A corporation shall be considered a resident of the County in which it has the most significant contacts).

BAR ADMISSION

I am currently admitted in the Eastern District of New York and currently a member in good standing of the bar of this court.

- Yes No

Are you currently the subject of any disciplinary action (s) in this or any other state or federal court?

- Yes (If yes, please explain) No

I certify the accuracy of all information provided above.

Signature: [Handwritten Signature]

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of New York

MICKAEL LOUIS,

Plaintiff

v.

FOREVER 21, INC., PATRICK WALMSLEY and  
ANDY LIU,

Defendant

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Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Forever 21, Inc.  
3880 North Mission Road  
Los Angeles, California 90031

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

David E. Gottlieb, Esq.  
Wigdor LLP  
85 Fifth Avenue  
Fifth Floor  
New York, New York 10003

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Clerk or Deputy Clerk

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of New York

MICKAEL LOUIS,

Plaintiff

v.

FOREVER 21, INC., PATRICK WALMSLEY and  
ANDY LIU,

Defendant

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Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Mr. Patrick Walmsley  
Forever 21  
5301 Kings Plaza  
Brooklyn, New York 11234

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

David E. Gottlieb, Esq.  
Wigdor LLP  
85 Fifth Avenue  
Fifth Floor  
New York, New York 10003

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Clerk or Deputy Clerk

AO 440 (Rev. 12/09) Summons in a Civil Action

**UNITED STATES DISTRICT COURT**

for the

Eastern District of New York

MICKAEL LOUIS,

\_\_\_\_\_  
*Plaintiff*

v.

FOREVER 21, INC., PATRICK WALMSLEY and  
ANDY LIU,

\_\_\_\_\_  
*Defendant*

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Civil Action No.

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)* Mr. Andy Liu  
Forever 21  
5301 Kings Plaza  
Brooklyn, New York 11234

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

David E. Gottlieb, Esq.  
Wigdor LLP  
85 Fifth Avenue  
Fifth Floor  
New York, New York 10003

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

*CLERK OF COURT*

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*