

One Kings Lane Workers Allege Pregnancy Bias in New Suit

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By **Amanda Ottaway**

Law360 (August 28, 2020, 3:50 PM EDT) -- Two pregnant employees of interior design brand One Kings Lane were furloughed just weeks before they were set to take approved maternity leave when a private equity firm CSC Generation acquired the company in April, they alleged in a new lawsuit.

According to the suit filed Thursday in Manhattan federal court by marketing director Katherine Marinaro and interior designer Whitney van der Does, the companies and CEO Justin Yoshimura violated the Family and Medical Leave Act and both New York City and state human rights laws when they denied the previously approved leave and furloughed the two successful, third-trimester employees.

The workers opened their complaint by citing Yoshimura's LinkedIn profile, which says that those "easily offended" should not try to connect with him.

"Unfortunately, Mr. Yoshimura's intolerance does not stop there," the employees said.

"Based on the allegations herein, upon information and belief, Mr. Yoshimura and his corporations also 'refrain from connecting' with pregnant employees, in that they do everything in their control to avoid employing women who become pregnant," the employees added.

Marinaro and van der Does, who started at One Kings Lane in 2018 and 2015, respectively, received positive feedback and brought in significant revenue to the company, according to their suit. When CSC announced its acquisition of One Kings Lane on April 10, their jobs and responsibilities did not change, they said, adding they believe the companies operated as a single or joint employer.

Though both employees confirmed with human resources that their previously approved maternity leave would carry over after the acquisition, they were furloughed just one week later without a return-to-work date, they said.

A human resources representative also allegedly told Marinaro that the company wouldn't cover her maternity leave and that she also could not apply for short-term disability because her pregnancy was a "pre-existing condition."

Though the workers had also been planning to use accrued vacation time toward their maternity leave, they were told the accrual clock started over after the acquisition, they said. They were also allegedly told that they couldn't use federally protected leave since they were "new employees of CSC" and had not yet worked enough hours to be eligible.

When CSC eventually shared information about their maternity leave benefits, their hours and pay were reduced, the workers added.

Van der Does gave birth on May 28, and Marinaro followed on June 20, the complaint says. According to their attorneys, as of Thursday, neither had received any maternity leave benefits from their employers, and they are still locked out of their company email accounts.

When the workers got lawyers involved, they were offered their jobs back — but only if they came in the following business day, mere weeks after they had given birth, they said.

The employees' attorneys, Wigdor LLP partner Parisis G. Filippatos and associate Hilary Joy Orzick, said in a joint interview Friday that this latest lawsuit is part of a pattern.

"We, generally speaking, have observed a resurgence of recessionary discrimination," Filippatos said, citing a term coined by their firm to describe an employer using a recession to cover for discrimination against workers. "We see the pandemic often being used as pretext for unlawful discrimination."

Orzick said their clients would like to go back to work but haven't really been offered their full positions back.

"It's seeming more unlikely that opportunity will eventually present itself," she said.

Yoshimura did not immediately respond to a LinkedIn message Friday.

Corporate representatives at One Kings Lane and counsel believed to represent OKL Holdings did not immediately return requests for comment Friday.

The plaintiffs are represented by Hilary Joy Orzick and Parisis G. Filippatos of Wigdor LLP.

Counsel for the defendants was not listed Friday, but service of the complaint was accepted by Brendan T. Killeen and Chelsea L. Conanan of Morgan Lewis on behalf of OKL Holdings, according to Orzick.

The case is Marinaro et al v. CSC Generation Holdings, Inc. et al, case number 1:20-cv-06939, in U.S. District Court for the Southern District of New York.

