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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GERARD GIRALDO,

Plaintiff,

-against-

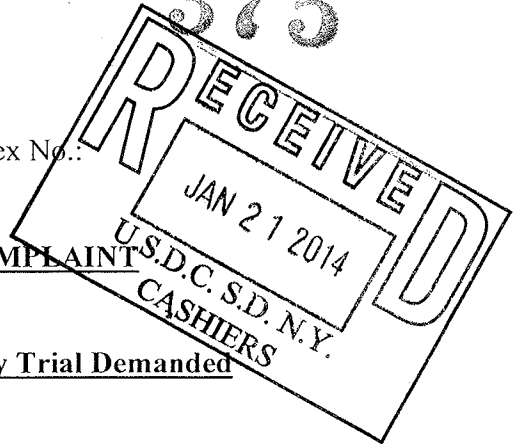
THE CHANGE GROUP NEW YORK, INC.;
SHAHRAZZ HAYAT in his professional and
personal capacities; and VARUN PATEL in his
professional and personal capacities,

Defendants.
----- X

Index No.:

COMPLAINT

Jury Trial Demanded



Plaintiff Gerard Giraldo (“Plaintiff”), by and through his undersigned counsel, Wigdor LLP, as and for his Complaint in this action against Defendants The Change Group New York, Inc. (“The Change Group” or “the Company”), Shahrazz Hayat, and Varun Patel (together, the “Individual Defendants”) (altogether, the “Defendants”) respectfully sets forth and allege as follows:

PRELIMINARY STATEMENT

1. Plaintiff Gerard Giraldo (a former employee of Defendants) is a victim of a completely blatant campaign of unlawful retaliation by Defendants. Amazingly, although direct documentary evidence of retaliatory animus is uncommon in this day of heightened sensitivity to litigation, less than one day after Mr. Giraldo emailed the Company what he believed to be an anonymous complaint of widespread discrimination, sexual harassment and retaliation by management, he received the following blunt response:

Subject: Game Over

Gerard [. . .] IP traced.

2. True to this email, it was “game over” for Mr. Giraldo only three weeks later when he was terminated without notice or reason after he was told on numerous occasions that the Company was gunning for him because it was widely believed that Mr. Giraldo was responsible for the anonymous complaint.

3. This is an action for declaratory, injunctive and equitable relief, as well as monetary damages, to redress Defendants’ unlawful employment practices and retaliation committed against Plaintiff, including Defendants’ discriminatory treatment, harassment and unlawful retaliation against Plaintiff, in violation of Section 1981 of the Civil Rights Act of 1866, 42 U.S.C. § 1981 (“Section 1981”), the New York State Human Rights Law, New York Executive Law §§ 290 *et seq.* (the “NYSHRL”), and the New York City Human Rights Law, New York Administrative Code §§ 8-101 *et seq.* (the “NYCHRL”).

JURISDICTION AND VENUE

4. 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. The Court has supplemental jurisdiction over Plaintiff’s related claims arising under state and local law pursuant to 28 U.S.C. § 1367(a).

5. 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.

PARTIES

6. Plaintiff Gerard Giraldo is a resident of the State of New York, New York County. At all relevant times, as a Sales Consultant, he met the definition of an “employee” under all applicable statutes.

7. Defendant The Change Group is one of the largest currency exchanges in the world. At all relevant times, Defendant The Change Group has had its principal place of business located at 1568 Broadway, New York, New York and regularly transacts business in this district. At all relevant times, Defendant The Change Group has met the definition of an “employer” under all applicable statutes.

8. Defendant Shahrzaz Hayat is the General Manager for the North America Division at The Change Group and currently resides in New York, New York. At all relevant times, he has actively and directly participated in the discrimination, harassment and unlawful retaliation committed against Plaintiff.

9. Defendant Varun Patel is the Operations Manager for the New York Subdivision of the North America Division at The Change Group and currently resides in New York, New York. At all relevant times, he has actively and directly participated in the discrimination, harassment and unlawful retaliation committed against Plaintiff.

PROCEDURAL REQUIREMENTS

10. Shortly after the filing of this Complaint, Mr. Giraldo will file a charge of discrimination, arising out of the facts described herein, with the Equal Employment Opportunity Commission (“EEOC”), alleging violations of Title VII, 42 U.S.C. §§ 2000e *et seq.* (“Title VII”). When the EEOC completes its investigation of the charge and issues Mr. Giraldo a notice of right to sue, Mr. Giraldo will seek leave to amend this Complaint to add claims for Defendants’ violations of Title VII.

11. Pursuant to NYCHRL § 8-502, Mr. Giraldo will serve a copy of this Complaint upon the New York City Commission on Human Rights and the New York City Law Department, Office of the Corporation Counsel, within ten days of its filing, thereby satisfying the notice requirements of that section.

12. Any and all other prerequisites to the filing of this suit have been, and with the filing of the EEOC charge, will be met.

FACTUAL ALLEGATIONS

Background

13. On or about December 19, 2012, Mr. Giraldo began his employment at The Change Group as a Sales Consultant, where he was responsible for the exchange of foreign currency.

14. Mr. Giraldo stood out as one of the top performing Sales Consultants and regularly received praise from his direct supervisors, Team Leaders Martine Juste and John Rogers.

15. Additionally, Mr. Giraldo was consistently successful at charging customers the full 15% commission, despite being permitted at times to drop the commission rate in order to complete transactions.

Sexually, Racially and Ethnically Hostile Work Environment

16. Throughout his employment, Mr. Patel and Mr. Hayat consistently poisoned the office environment by using their positions of authority to sexually harass and demean Mr. Giraldo and other employees, including making endless sexually, racially, and ethnically charged comments.

17. Mr. Hayat made numerous wildly inappropriate and unlawful comments to Mr. Giraldo (who is openly gay) throughout his employment regarding his sexual orientation, such as:

Are you a dominant person in sex? I can tell you're a 'power top'.

You're a power bottom.

Here at The Change Group we're very open...so you can admit [that you're a power bottom].

Did you think the other male coworkers were 'power tops' or 'power bottoms'?

Do you get around a lot?

I can see you're the aggressive type because you're the one who checks out the other guys.

18. These comments were not merely occasional or sporadic, but were part of a consistent, ongoing and pervasively hostile environment and Mr. Giraldo was deeply offended by this conduct.

19. On one occasion, in late summer 2013, Mr. Giraldo was compelled to leave a work-related event well before it ended because of Mr. Hayat's persistent harassing remarks.

20. Moreover, Mr. Patel sexually harassed and embarrassed women – both employees and customers alike.

21. On many occasions, when Mr. Patel noticed a male Sales Consultant engaged in a transaction with an attractive female customer, Mr. Patel would approach the booth and loudly say to the employee (referring to the customer), "She looks really good there." Mr. Patel would then implore his employee to, "Go for it, go for it . . . ask her if she wants to 'hang out.'" Mr. Patel would also yell towards the attractive female customer (in reference to the male Sales

Consultant), “He wants to ask you a question! He wants to ask you out! He wants to show you New York!”

22. Mr. Patel would also openly and regularly direct sexual innuendo towards the Company’s most attractive female Sales Consultants.

23. For instance, whenever Mr. Patel would find an attractive female Sales Consultant’s appearance unkempt, he would insinuate that she had engaged in sexual activity the night before, with sayings such as, “Wild night out?”

24. However, Mr. Patel’s sexual harassment at The Change Group was not limited to words alone. Mr. Patel would creep up behind female employees, and would then proceed to massage and caress them in a sensual manner without their consent.

25. In addition to the pervasive sexually hostile environment fostered by Mr. Patel and directed at Mr. Giraldo and other employees throughout the office, his abuse was also racially and ethnically motivated.

26. For instance, Mr. Patel directed ethnically and racially discriminatory comments towards African American employees, mocking their cultural background and stereotyping African Americans as poor. These comments included, but were not limited to, the following:

You should wipe off your makeup because you look like a clown . . . How could you afford to put makeup on if half of your country is starving?

You must be investing too much in makeup . . . how can you afford to eat?

Are you waiting for a Nigerian prince to ask your hand in marriage?

27. Mr. Patel also posted on Skype, blasting to the Company:

she got herself a fresh Nigerian prince lol...just think of the movie Coming to America.

28. Mr. Patel also regularly directed racially and ethnically offensive comments towards Mr. Giraldo.

29. Mr. Patel often made light of Mr. Giraldo's Latino (specifically, Colombian) ethnicity by making comments such as:

Did you have problems coming through customs . . . because you know that a lot of people who come from Colombia carry cocaine on them.

30. Mr. Patel also denigrated and stereotyped the entire Muslim population, insinuating that all Muslims are potential terrorists.

31. Towards one Muslim employee, Mr. Patel said:

You should abandon all hope of joining the Air Force because Muslims and airports don't mix.

32. This conduct and behavior of Messrs. Hyat and Patel described above constitutes only a portion of the pervasive unlawful, discriminatory environment that permeated The Change Group during Plaintiff's employment.

Mr. Giraldo's Anonymous Complaint

33. On or about October 8, 2013, at 12:13 a.m., Mr. Giraldo anonymously emailed a formal complaint of discrimination and sexual harassment directly to Mr. Sacha Zackariya, the Company's Chief Executive Officer, and other members of Company management.

34. Mr. Giraldo complained of Mr. Patel and Mr. Hayat's discriminatory and sexually harassing conduct towards himself and other employees.

35. Mr. Giraldo complained in this anonymous email of Mr. Patel's sexual harassment, stating that he "frequently makes innuendoes with explicit sexual meaning."

36. Mr. Giraldo complained about Mr. Patel's unwanted sexual comments to male Sales Consultants regarding customers, saying "these improprieties are often extended to the female clientele, with [Mr. Patel] jumping on the microphone and telling an attractive customer, who happens to be a woman, how much the male [S]ales [C]onsultant is dying to ask her out or how he can 'show her around' after said male consultant finishes his shift."

37. Mr. Giraldo complained that Mr. Patel "regularly mak[es] inappropriate contact with . . . the female staff . . . [that] crossed a boundary," and that "the law is being broken."

38. Mr. Giraldo complained about Mr. Patel's ethnically and racially charged comments, stating that he regularly "ridicules [employees] in front of other staff for . . . really personal characteristics."

39. Mr. Giraldo complained that Mr. Patel "frequently brings up stories or jokes that do nothing but reinforce negative stereotypes about people from a particular country or region."

40. Mr. Giraldo complained that "Viran . . . remarks and jokes about [an employee's] religion, once referring to a Muslim employee at [T]he Change Group as a 'terrorist.'"

41. Mr. Giraldo sent the complaint from an anonymous email account that he created specifically because he feared retaliation.

42. In fact, in his email, Mr. Giraldo voiced his concern that speaking up would result in his termination. Mr. Giraldo wrote:

Employees are encouraged to voice their opinions or questions at staff meetings, but when they do, they are squashed and treated as heretics who have no right to speak, comment or question official policies of the Change Group and any sort of doubt or hesitation is treated as though it were the ultimate form of disrespect.

43. Mr. Giraldo explained the reason behind the anonymous nature of the complaint:

I will not reveal my name because I know if I do, I will be fired.

Blatantly Unlawful Retaliation

44. Notwithstanding Mr. Giraldo's attempt at writing an anonymous complaint, Mr. Giraldo's almost eerily prophetic language in his complaint – that “[s]omehow, some way, they will find the way to fire me” – would unfortunately come true.

45. Immediately following the complaint, the Company embarked upon an investigation to confirm their suspicion that Mr. Giraldo was the complaining party.

46. The Company conducted a series of interviews of numerous Sales Consultants, asking the interview subjects questions geared towards finding out the identity of the complaining party, not whether there was any legitimacy to the substance of the complaint.

47. Mr. Giraldo was never interviewed.

48. On or about October 13, 2013, Mr. Rogers conversed with Mr. Giraldo about the complaint and investigation.

49. Mr. Rogers mentioned that the Company's management very badly wanted to retaliate against Mr. Giraldo, as they perceived him to have written the complaint.

50. Mr. Rogers said:

I'm not going to lie to you, a lot of people think it was you . . . and, I can't go into the details because I'm a manager, but they're trying to get you.

51. Mr. Rogers further explained that the anonymous complaint, although initially sent to a select group of high-level managers, had been forwarded via email only approximately one hour after it was originally sent, to a broader group of individuals, including local managers and Sales Consultants.

52. The consensus seemed to grow that the original complainant had been acting with an “accomplice,” since the distribution email originated from a different email address with an unidentified sender.

53. Mr. Rogers mentioned that it was widely believed that Mr. Giraldo’s “accomplice” was his friend, Ashley Bailey, another Sales Consultant.

54. Mr. Rogers explained, “What other two people would do such a thing unless they were close like you and Ashley?”

55. Mr. Giraldo denied the accusation that Ms. Bailey played any part in crafting or sending the complaint.

56. On or about October 19, 2013, in another conversation about the complaint – this time with Patrick Matheis, a Team Leader – Mr. Matheis mentioned to Mr. Giraldo that the complaint really “burned” Mr. Patel since “everything in the email was true.”

57. Mr. Matheis mentioned, “I think it’s you [who wrote the complaint].”

58. On or about November 3, 2013, around 5:00 p.m., Mr. Giraldo was told by a Company employee that “everyone is out to get you.”

59. Later that day, only three weeks after Mr. Giraldo made his complaint, and immediately on the heels of a sham investigation, Mr. Giraldo was fired.

60. Mr. Hayat, in a meeting with Mr. Rogers, summarily terminated Mr. Giraldo’s employment, merely saying, “We want to remind you that The Change Group is an at-will employer, and we are going to exercise our right to fire you.”

61. Mr. Giraldo asked for a reason for his termination.

62. Mr. Hayat only repeated that he was not obligated to give any reason.

63. While Mr. Giraldo was packing his belongings, his friend Ms. Bailey – Mr. Giraldo’s presumed accomplice – was called to meet with Mr. Hayat and Mr. Rogers to be terminated as well.

64. Before that meeting, Mr. Giraldo told Mr. Rogers, “I want to let you know that I did not write that email, but you can tell Shahrazz that I did, so that Ashley does not get fired.”

65. Mr. Rogers stated that he would relay that information to Mr. Hayat.

66. Mr. Rogers then told Mr. Giraldo regarding his termination, “**You might want to seek legal representation; your rights may have been violated.**”

67. After Mr. Giraldo exited the premises, Mr. Hayat and Mr. Rogers met with Ms. Bailey.

68. Mr. Hayat threatened Ms. Bailey, stating, “We have every intention of firing you, but we want a reason not to.”

69. Ms. Bailey started to cry, saying that she did not know why she had to defend herself because she did nothing wrong.

70. Mr. Hayat told Ms. Bailey that she could keep her job.

71. After this meeting, Mr. Rogers told Ms. Bailey:

You have a really good friend in Gerard . . . the only reason you were not fired is because he took the blame for writing the email.

72. Ms. Juste confirmed that Mr. Giraldo’s termination resulted from Mr. Hayat’s perception that Mr. Giraldo was the complainant, saying to Ms. Bailey, “It is silly that they fired Gerard over an email that they didn’t even know he wrote.”

73. Further confirming the retaliatory nature of his termination, Mr. Giraldo noticed that the anonymous email account from which he sent the anonymous complaint received a response later on the day it was sent, which stated:

Game over . . . Gerard, Ashley IP Traced.

74. Upon information and belief, that email was sent by an employee of the Company.

FIRST CAUSE OF ACTION
Retaliation in Violation of Section 1981
(Against All Defendants)

75. Plaintiff hereby repeats, reiterates and re-alleges each and every allegation in each of the preceding paragraphs as if fully set forth herein.

76. Defendants have retaliated against Plaintiff by, *inter alia*, terminating Mr. Giraldo's employment, subjecting him to a hostile work environment, all in retaliation for Mr. Giraldo's opposition to discriminatory practices directed toward, *inter alia*, employees of color.

77. As a direct and proximate result of Defendants' unlawful retaliatory conduct in violation of Section 1981, Plaintiff has suffered, and continues to suffer, monetary and/or economic harm for which he is entitled to an award of monetary damages and other relief.

78. As a direct and proximate result of Defendants' unlawful and retaliatory conduct in violation of Section 1981, Plaintiff has suffered and continues to suffer severe mental anguish and emotional distress, including but not limited to depression, humiliation, embarrassment, stress and anxiety, loss of self-esteem and self-confidence, emotional pain and suffering, as well as physical injury, for which he is entitled to an award of monetary damages and other relief.

79. Defendants' unlawful discriminatory conduct constitutes a willful and wanton violation of Section 1981. The conduct was outrageous and malicious, intended to injure

Plaintiff, and was done with conscious disregard of Plaintiff's civil rights, entitling Plaintiff to an award of punitive damages.

SECOND CAUSE OF ACTION
Retaliation in Violation of New York State Human Rights Law
(Against All Defendants)

80. Plaintiff hereby repeats, reiterates and re-alleges each and every allegation as contained in each of the preceding paragraphs as if fully set forth herein.

81. Defendants have retaliated against Plaintiff by, *inter alia*, terminating Mr. Giraldo's employment, subjecting him to a hostile work environment, all in retaliation for Mr. Giraldo's opposition to discriminatory practices.

82. As a direct and proximate result of Defendants' unlawful retaliatory conduct in violation of the New York State Human Rights Law, Plaintiff has suffered, and continues to suffer monetary and/or economic harm for which he is entitled to an award of monetary damages and other relief.

83. As a direct and proximate result of Defendants' unlawful retaliatory conduct in violation of the New York State Human Rights Law, Plaintiff has suffered, and continues to suffer, severe mental anguish and emotional distress, including, but not limited to, depression, humiliation, embarrassment, stress and anxiety, loss of self-esteem and self-confidence, and emotional pain and suffering, for which he is entitled to an award of monetary damages and other relief.

THIRD CAUSE OF ACTION
Discrimination and Harassment in Violation of New York State Human Rights Law
(Against All Defendants)

84. Plaintiff hereby repeats, reiterates and re-alleges each and every allegation as contained in each of the preceding paragraphs as if fully set forth herein.

85. Defendants have discriminated against Plaintiff on the basis of his sexual orientation, race, and ethnicity in violation of the New York State Human Rights Law by denying to him equal terms and conditions of employment, including, but not limited to, subjecting him to a hostile work environment and disparate working conditions and denying him the opportunity to work in an employment setting free of unlawful discrimination and harassment.

86. Defendants have discriminated against Plaintiff on the basis of his sexual orientation, race, and ethnicity in violation of the New York State Human Rights Law by creating, fostering, condoning, accepting, ratifying and/or otherwise failing to prevent or to remedy a hostile work environment that included, among other things, severe and pervasive discrimination and harassment against Plaintiff as well as severe and pervasive discrimination and harassment against others that created a hostile work environment for Plaintiff.

87. As a direct and proximate result of Defendants' unlawful discriminatory conduct in violation of the New York State Human Rights Law, Plaintiff has suffered, and continues to suffer, monetary and/or economic harm, for which he is entitled to an award of monetary damages and other relief.

88. As a direct and proximate result of Defendants' unlawful discriminatory conduct in violation of the New York State Human Rights Law, Plaintiff has suffered, and continues to suffer, severe mental anguish and emotional distress, including, but not limited to, depression, humiliation, embarrassment, stress and anxiety, loss of self-esteem and self-confidence, and emotional pain and suffering, for which he is entitled to an award of monetary damages and other relief.

FOURTH CAUSE OF ACTION
Aiding and Abetting Violations of New York State Human Rights Law
(Against Defendants Hayat and Patel)

89. Plaintiff hereby repeats, reiterates and re-alleges each and every allegation in the preceding paragraphs as if fully set forth herein.

90. Defendants Hayat and Patel have knowingly or recklessly aided, abetted and directly participated in the unlawful employment practices, discrimination and retaliation perpetrated against Plaintiff by the Defendants in violation of the New York State Human Rights Law.

91. Defendants Hayat and Patel have knowingly and/or recklessly aided and abetted the discrimination against Plaintiff on the basis of, *inter alia*, his sexual orientation, race, and ethnicity and the retaliation against Plaintiff on the basis of his engagement in protected activities and/or the belief and/or perception that he engaged in protected activities, including but not limited to complaints of discrimination.

92. Defendants Hayat and Patel aided and abetted the unlawful conduct of each other, including, but not limited to, the unlawful discriminatory and retaliatory conduct alleged herein.

93. As a direct and proximate result of Defendants Hayat and Patel's unlawful discriminatory and retaliatory conduct in violation of the New York State Human Rights Law, Plaintiff has suffered, and continues to suffer, monetary and/or economic harm for which Plaintiff is entitled to an award of monetary damages and other relief.

94. As a direct and proximate result of Defendants Hayat and Patel's unlawful discriminatory and retaliatory conduct in violation of the New York State Human Rights Law, Plaintiff has suffered, and continues to suffer severe mental anguish and emotional distress for which Plaintiff is entitled to an award of monetary damages and other relief.

FIFTH CAUSE OF ACTION
Retaliation in Violation of New York City Human Rights Law
(Against All Defendants)

95. Plaintiff hereby repeats, reiterates and re-alleges each and every allegation as contained in each of the preceding paragraphs as if fully set forth herein.

96. Defendants have retaliated against Plaintiff by, *inter alia*, terminating Mr. Giraldo's employment, subjecting him to a hostile work environment, all in retaliation for Mr. Giraldo's opposition to discriminatory practices as well as Defendants' belief and/or perception that Ms. Bailey participated in Mr. Giraldo's protected activity.

97. As a direct and proximate result of Defendants' unlawful retaliatory conduct in violation of the New York City Human Rights Law, Plaintiff has suffered, and continues to suffer monetary and/or economic harm for which he is entitled to an award of monetary damages and other relief.

98. As a direct and proximate result of Defendants' unlawful retaliatory conduct in violation of the New York City Human Rights Law, Plaintiff has suffered, and continues to suffer, severe mental anguish and emotional distress, including, but not limited to, depression, humiliation, embarrassment, stress and anxiety, loss of self-esteem and self-confidence, and emotional pain and suffering, for which he is entitled to an award of monetary damages and other relief.

99. Defendants' unlawful retaliatory actions constitute malicious, willful and wanton violations of New York City Human Rights Law for which Plaintiff is entitled to an award of punitive damages.

SIXTH CAUSE OF ACTION

**Discrimination and Harassment in Violation of New York City Human Rights Law
(Against All Defendants)**

100. Plaintiff hereby repeats, reiterates and re-alleges each and every allegation as contained in each of the preceding paragraphs as if fully set forth herein.

101. Defendants have discriminated against Plaintiff on the basis of his sexual orientation, race, and ethnicity in violation of the New York City Human Rights Law by denying to him equal terms and conditions of employment, including, but not limited to, subjecting him to a hostile work environment, disparate working conditions and denying him the opportunity to work in an employment setting free of unlawful discrimination and harassment.

102. Defendants have discriminated against Plaintiff on the basis of his sexual orientation, race, and ethnicity in violation of the New York City Human Rights Law by creating, fostering, condoning, accepting, ratifying and/or otherwise failing to prevent or to remedy a hostile work environment that included, among other things, severe and pervasive discrimination and harassment against Plaintiff as well as severe and pervasive discrimination and harassment against others that created a hostile work environment for Plaintiff.

103. As a direct and proximate result of Defendants' unlawful discriminatory conduct in violation of the New York City Human Rights Law, Plaintiff has suffered, and continues to suffer, monetary and/or economic harm, for which he is entitled to an award of monetary damages and other relief.

104. As a direct and proximate result of Defendants' unlawful discriminatory conduct in violation of the New York City Human Rights Law, Plaintiff has suffered, and continues to suffer, severe mental anguish and emotional distress, including, but not limited to, depression, humiliation, embarrassment, stress and anxiety, loss of self-esteem and self-confidence, and

emotional pain and suffering, for which he is entitled to an award of monetary damages and other relief.

105. Defendants' unlawful discriminatory actions and harassment constitute malicious, willful and wanton violations of New York City Human Rights Law for which Plaintiff is entitled to an award of punitive damages.

SEVENTH CAUSE OF ACTION
Aiding and Abetting Violations of New York City Human Rights Law
(Against Defendants Hayat and Patel)

106. Plaintiff hereby repeats, reiterates and re-alleges each and every allegation in the preceding paragraphs as if fully set forth herein.

107. Defendants Hayat and Patel have knowingly or recklessly aided, abetted and directly participated in the unlawful employment practices, discrimination and retaliation perpetrated against Plaintiff by the Defendants in violation of the New York City Human Rights Law.

108. Defendants Hayat and Patel have knowingly and/or recklessly aided and abetted the discrimination against Plaintiff on the basis of, *inter alia*, his sexual orientation, race, and ethnicity and the retaliation against Plaintiff on the basis of his engagement in protected activities and/or the belief and/or perception that he engaged in protected activities, including but not limited to complaints of discrimination.

109. Defendants Hayat and Patel aided and abetted the unlawful conduct of each other, including, but not limited to, the unlawful discriminatory and retaliatory conduct alleged herein.

110. As a direct and proximate result of Defendants Hayat and Mr. Patel's unlawful discriminatory and retaliatory conduct in violation of the New York City Human Rights Law,

Plaintiff has suffered, and continues to suffer, monetary and/or economic harm for which Plaintiff is entitled to an award of monetary damages and other relief.

111. As a direct and proximate result of Defendants Hayat and Patel's unlawful discriminatory and retaliatory conduct in violation of the New York City Human Rights Law, Plaintiff has suffered, and continues to suffer severe mental anguish and emotional distress for which Plaintiff is entitled to an award of monetary damages and other relief.

112. Defendants unlawful discriminatory actions and harassment constitute malicious, willful and wanton violations of New York City Human Rights Law for which Plaintiff is entitled to an award of punitive damages.

PRAYER FOR RELIEF

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

A. A declaratory judgment that the actions, conduct and practices of Defendants complained of herein violate the laws of the United States, the State of New York, and the City of New York;

B. An injunction and order permanently restraining Defendants from engaging in such unlawful conduct;

C. An order directing Defendants to place Plaintiff in the position he would have occupied but for Defendants' discriminatory and retaliatory treatment and otherwise unlawful conduct, as well as to take such affirmative action as is necessary to ensure that the effects of these unlawful employment practices are eliminated and do not continue to affect his employment and personal life;

D. 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, including but not limited to, the loss of past and future income, wages, compensation, seniority and other benefits of employment;

E. 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 their mental anguish, humiliation, embarrassment, stress and anxiety, emotional pain and suffering, and emotional distress;

F. An award of damages in an amount to be determined at trial, plus prejudgment interest, to compensate Plaintiff for harm to his professional and personal reputation and loss of career fulfillment;

G. An award of damages for any and all other monetary and/or non-monetary losses suffered by Plaintiff in an amount to be determined at trial, plus prejudgment interest;

H. An award of punitive damages;

I. 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

J. 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: New York, New York
January 21, 2014

Respectfully submitted,

WIGDOR LLP

By: 

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