

1.22.2014, 02:30 AM

## Gay employee told 'game over' after reporting discrimination to execs: suit



MARCUS SANTOS/NEW YORK DAILY NEWS

Gerard Giraldo, pictured, has filed a lawsuit in Manhattan Federal Court against his former employer, The Change Group, and two company managers. He is seeking unspecified damages, claiming wrongful retaliation and accusing the managers of making offensive sexual and racial remarks.

The same day Gerard Giraldo emailed what he thought was an anonymous complaint about sexual harassment and racial discrimination by managers to company executives, someone sent him a chilling reply, he claims in a lawsuit filed in New York federal court Tuesday.

"Game Over," the subject line read. "Gerard ... IP traced," it said.

The Oct. 8 return email was also anonymous, but "IP" stands for "Internet Protocol" and implied that Giraldo, 21, had been identified by his computer's web address, he says.

Three weeks later, after two colleagues warned Giraldo about honchos planning to punish him, he was fired, the suit contends.

The Manhattan Federal Court lawsuit names as defendants The Change Group, a currency exchange company in Midtown, and managers Shahrazz Hayat and Varun Patel. It alleges harassment, discrimination and retaliation against Giraldo and others, and seeks unspecified damages.

Gregg Brochin, a lawyer for the company, declined to comment.

"I knew if I complained I would get fired," Giraldo, of Queens, said in an interview.



MARCUS SANTOS/NEW YORK DAILY NEWS

Attorney Doug Wigdor, right, represents Gerard Giraldo, left, in his federal lawsuit against Midtown business The Change Group and company managers Shahrazz Hayat and Varun Patel. They claim Giraldo was intimidated and then fired after complaining about discriminatory comments.

Giraldo says he is unsure whether someone actually traced his complaint.

Either way, the reply was sent "to intimidate," said his lawyer, Douglas Wigdor of Wigdor LLP, noting the lawsuit also seeks the sender's identity.

"We intend on holding The Change Group accountable ... and sending a message to other employers," Wigdor said.

In his suit, Giraldo, who is openly gay, asserts that Hayat teased him about his sexual orientation with comments such as, "I can see you're the aggressive type because you're the one who checks out other guys."

In his emailed complaint, Giraldo accused Patel of making inappropriate contact with female employees. Patel also regularly made racially and ethnically charged remarks — stereotyping African-Americans as poor and once referring to a Muslim employee as a "terrorist," Giraldo wrote.

Patel didn't immediately return a phone call Tuesday. Hayat couldn't be immediately reached.

"You cannot retaliate against an employee who has the courage to complain about widespread discrimination and sexual harassment," Wigdor said.

[dbeekman@nydailynews.com](mailto:dbeekman@nydailynews.com)

Author: **DANIEL BEEKMAN**