

Trans Worker At Forever 21 Called 'Disgusting,' Suit Says

By **Ben James**

Law360, New York (April 02, 2015, 4:33 PM ET) -- A transgender worker slapped clothing retailer [Forever 21 Inc.](#) with a discrimination suit in Brooklyn federal court Wednesday, claiming her transition from male to female triggered mistreatment from a manager who told her she was “disgusting” and “still a male” and that she was fired after complaining.

Alexia — formerly Anthony — Daskalakis was hired as a sales associate at a Brooklyn store in 2011, and was a dedicated worker for about four years, she said in a 15-page complaint alleging discrimination and retaliation. But after she started transitioning to present as a woman in January 2014, she ran into harassment and ridicule, she said.

Supervisor Patrick Walmsley treated the plaintiff with “increasing contempt” after she revealed her transition plans, calling her useless and cursing at her in front of co-workers, according to the lawsuit.

“Throughout the months following the disclosure of her plans to transition, Mr. Walmsley's treatment of Ms. Daskalakis got precipitously worse and more pervasive. Nonetheless, Ms. Daskalakis continued to perform her job at her normal high level, despite the abuse she was now receiving from Mr. Walmsley,” the complaint said.

The complaint also said that on one night in August 2014, the plaintiff and other employees stayed at the store overnight to remodel. It was hot and many of the female workers, as well as the plaintiff, were wearing shorts and crop tops.

Daskalakis was told by Walmsley that district manager Asher Shaheen found the plaintiff's outfit “offensive to him and other employees,” the complaint said. When Daskalakis said she was wearing the same outfit as all the other women Walmsley said Shaheen thought Daskalakis was “disgusting,” the suit alleged.

“Mr. Walmsley also stated that 'Asher doesn't care. You're still a male, so you need to abide by the male dress code' and reiterated that she was 'disgusting,’” according to the plaintiff. When Shaheen visited the store in November a co-worker overheard Shaheen say “What are we going to do with this hot mess?” in reference to Daskalakis, the complaint said.

Daskalakis told Walmsley the next day that Shaheen's comments made her uncomfortable and Walmsley defended the district manager, saying he was used to people being gay but “this is totally different. He's not used to guys becoming girls,” the plaintiff said.

Daskalakis put in a call to Forever 21's human resources department the next day, the complaint said.

Walmsley later told her that “In my eyes and in the company's eyes, you're still a male,” the suit said.

Sometime in December Walmsley's hostility toward the plaintiff boiled over, and he screamed "shut the fuck up" at her and called her "useless," she alleged.

"You used to be a hard worker when you were a guy, but not anymore," Walmsley allegedly said.

Daskalakis was fired in January, marking the culmination of the bias she faced for transitioning to being a female and the retaliatory treatment she was subjected to after complaining about bias, the complaint said.

Wednesday's complaint invokes the New York City Human Rights Law and the New York State Human Rights Law.

Daskalakis plans to add federal Title VII claims after she gets a green light from the U.S. [Equal Employment Opportunity Commission](#).

The New York City Human Rights Law explicitly forbids discrimination based on gender identity, but the state law and Title VII do not. With respect to the state and federal claims, the plaintiff will allege gender bias under a sex-stereotyping theory.

"We hope this case sends a message not only to Forever 21 but to all employers that transgender employees should be treated with the same dignity and respect as everyone else," said [Wigdor LLP's](#) David Gottlieb, an attorney for Daskalakis.

A representative for California-based Forever 21 was not immediately available for comment Thursday.

Daskalakis is represented by David Gottlieb and Brian Bodansky of Wigdor LLP.

The case is Daskalakis v. Forever 21 Inc., case number [1:15-cv-01768](#), in the U.S. District Court for the Eastern District of New York.

--Editing by Mark Lebetkin.