

# Perry Ellis Sued For Anti-Gay, Racist Work Environment

By Aaron Vehling

Law360, New York (October 21, 2015, 5:14 PM ET) -- A gay senior executive of fashion company [Perry Ellis](#) accused the company's chief operating officer of freezing him out of corporate decision-making after he complained about leader's pervasive homophobic and racist actions, according to a suit filed in New York federal court on Wednesday.

Joseph T. Cook, president of the wholesale division of the Perry Ellis International Inc.'s Original Penguin brand, says that he has been purposefully kept out of the operations of his own department after he complained about COO Oscar Feldenkreis' derisive comments, which included admonitions that the company's ads stay free of African-American models or anyone who looked "too gay."

"Mr. Feldenkreis' disdain for homosexuals and African-Americans extends to the company's advertising campaigns," the complaint said. "In fact, his aversion to company advertisements containing African-American models or gay models is well-known throughout the company."

Cook says that Feldenkreis is protected from complaints by family members who hold key roles in the company, such as the head of human resources. Not only has Cook not been properly involved in running his division, but Feldenkreis has also made it difficult for the executive in the industry as a whole, according to the suit.

"Mr. Feldenkreis has undermined Mr. Cook as to individuals the company as well, creating the misimpression that Mr. Cook is unaware of what is happening with his own brand and team," the suit said.

The seven-count suit, which names Feldenkreis and the company as co-defendants, seeks the court's declaration that the actions are illegal under New York state law, a court ban on retaliation against Cook and undetermined monetary damages, among other things.

Perry Ellis attorney Sarir Silver of [Gordon & Rees LLP](#) said in a Wednesday statement that the company promotes equal opportunity and positive work environment and rejects Cook's allegations.

"The company is proud of the fact that it is probably one of the most diverse companies in the apparel business following its multicultural roots, stemming from Puerto Rico and Cuba," Silver said. "Perry Ellis categorically denies any allegations to the contrary. The claims that have been asserted will be vigorously defended against."

Cook, a retail apparel veteran, started at the company in August 2012 as a sales executive and was promoted two years later, reporting directly to Feldenkreis, whose father recently announced that he was handing over the reins to his son, according to the suit.

The suit outlined some incidents in which Cook felt uncomfortable at the workplace, including when Feldenkreis told executives to make sure an advertisement had "no blacks in my ads" or "anyone who looked too gay." Cook says it was widely known around the company that Feldenkreis held that belief.

In another instance, Cook mentioned to Feldenkreis that he had jury duty, to which the COO told Cook he could get out of it by saying he hated blacks and gay people, according to the complaint.

In September, after enduring those comments for most of his tenure with Perry Ellis, Cook retained attorneys, who sent a letter of complaint to company executives. Afterward, Feldenkreis circumvented Cook and dealt with his direct reports

for business matters, according to the suit.

Cook's attorney Douglas Wigdor said in a Wednesday statement that "it is incredible that a company founded by a gay man can now be so insensitive to others based on their sexual orientation and race," referring to the designer after whom the company is named.

Cook is represented by Douglas H. Wigdor and Scott G. Grubin of [Wigdor LLP](#).

Perry Ellis is represented by Sarir Silver of Gordon and Rees.

The case is Cook v. Perry Ellis et al, case number [1:15-cv-08290](#), in the U.S. District Court for the Southern District of New York.

--Editing by Christine Chun.