



herself. After an incredible tenure of more than 40 years at ENT, the Company started fabricating performance problems only days after she disclosed she had cancer. Ms. Perlman then complained that she was being discriminated against, and only weeks later she was abruptly fired.

2. Ms. Perlman seeks declaratory, injunctive and equitable relief, as well as monetary damages, to redress Defendants' unlawful employment practices, including unlawful discrimination, against Plaintiff in violation of the Family and Medical Leave Act, 29 U.S.C. §§ 2601 *et seq.* ("FMLA"), the New York State Human Rights Law ("NYSHRL"), N.Y. Executive Law §§ 290 *et seq.* and the New York City Human Rights Law, New York Administrative Code §§ 8-101 *et seq.* ("NYCHRL").

### **ADMINISTRATIVE PROCEDURES**

3. Plaintiff will also file a charge of discrimination with the Equal Employment Opportunity Commission ("EEOC"). Following the EEOC's issuance of a Notice of Right to Sue, Plaintiff will seek to further amend the Complaint to add claims under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e *et seq.* ("Title VII"), the Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621 *et seq.* ("ADEA"), as well as the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 *et seq.* ("ADA").

4. After commencement of this action, a copy of the Complaint will be served on the New York City Commission on Human Rights and the Office of Corporation Counsel of the City of New York, thereby satisfying the notice requirements of the NYCHRL.

5. Any and all other prerequisites to the filing of this suit have been met.

**JURISDICTION AND VENUE**

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

7. Pursuant to 28 U.S.C. § 1391 and 29 U.S.C. § 1132(e), venue is proper in this district 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**

8. Plaintiff Robyn Perlman is a 63-year-old female former employee of ENT and had been employed at ENT for the past 43 years. She is a resident of the State of New York, and at all relevant times met the definition of an "employee" or "eligible employee" under all applicable statutes.

9. Defendant Ear, Nose and Throat Associates of New York, P.C. is a New York professional corporation with a principal place of business at 55-28 Main Street, Flushing, New York 11355. At all relevant times, Defendant ENT met the definition of an "employer" under all relevant statutes.

10. Defendant Doug Walerstein is a resident of the State of New York and the Chief Financial Officer ("CFO") of Defendant ENT, controlling its operations and determining its policies and practices. At all relevant times, Mr. Walerstein met the definition of "employer" under all relevant statutes.

11. Defendant Gary Snyder, M.D. is a resident of the State of New York and the President of Defendant ENT, controlling its operations and determining its policies and practices. At all relevant times, Dr. Snyder met the definition of “employer” under all relevant statutes.

12. Defendant Eliot Danziger, M.D. is a resident of the State of New York and a Vice President of Defendant ENT, controlling its operations and determining its policies and practices. At all relevant times, Dr. Danziger met the definition of “employer” under all relevant statutes.

13. Defendant Stephen Warman, M.D. is a resident of the State of New York and a Vice President of Defendant ENT, controlling its operations and determining its policies and practices. At all relevant times, Dr. Warman met the definition of “employer” under all relevant statutes.

14. Alexander London, M.D. is a resident of the State of New York and a Board of Directors member of Defendant ENT, controlling its operations and determining its policies and practices. At all relevant times, Defendant London met the definition of “employer” under all relevant statutes.

15. Defendant Alan Cohen, M.D. is a resident of the State of New York and a Board of Directors member of Defendant ENT, controlling its operations and determining its policies and practices. At all relevant times, Defendant Cohen met the definition of “employer” under all relevant statutes.

## **FACTUAL ALLEGATIONS**

### **Background**

16. Ms. Perlman is an exceedingly high-skilled Administrator who has dedicated more than 40 years – the entirety of her career – to ENT. If the mere fact of her four-decade tenure is not proof enough, throughout her employment, her performance has been consistently

recognized as nothing short of outstanding and her achievements and skills have been lauded by her supervisors and peers alike.

17. In 1973, at only 19 years old, Ms. Perlman was hired for the position of part-time file clerk. At the time, Ms. Perlman was one of only approximately four employees. Within a short time, Ms. Perlman was promoted to medical assistant, then to front desk administrator and then to office manager. In 1980, Ms. Perlman became the Company's Practice Manager where her role was expanded to include supervision of bill processing and employee schedules, among many other responsibilities in the growing practice.

18. In 1987, the Company again promoted Ms. Perlman, this time to Director of Operations. As Director of Operations, Ms. Perlman contributed to the Company's extraordinary growth for approximately 30 years, including an expansion from four to more than 240 employees.

19. Ms. Perlman instituted polices that have helped quadruple revenues from \$9 million to more than \$36 million, and has been instrumental in coordinating the acquisition and integration of 23 additional medical offices, leading the medical staff to increase from five to 30 physicians, overseeing patient care and improving patient retention.

20. By way of example only, in 1990, Ms. Perlman realized that the Company was referring hundreds of patients out for audiological testing, and recognized that implementing an internal audiology department would likely reap large financial rewards.

21. Ms. Perlman spearheaded the expansion, and was primarily responsible for the hiring of the audiology staff and seamlessly incorporating the new department into the practice. In just a short time, the audiology department brought in revenues of more than one million

dollars per year. As a result of Ms. Perlman's ingenuity, the audiology department of the practice is now one of the Company's most thriving facets.

22. Ms. Perlman's position as Director of Operations included the responsibility to act as the liaison between the staff and the Company's Board of Directors ("Board"). Specifically, Ms. Perlman worked alongside Drs. Gary Snyder, Stephen Warman, Eliot Danziger, Alan Cohen and Alexander London, who were all members of the Board. For more than 25 years, Ms. Perlman served the best interests of the Board, which was recognized by a consistent increase in base pay and bonus between 1987 and 2014.

### **Unlawful Retaliation Against Ms. Perlman**

23. Over the last two years, the Company has retaliated against Ms. Perlman for her complaints of unlawful conduct at nearly every turn, and that pattern appears to have only increased following a restructuring that led to new management.

24. In December 2014, Ms. Perlman was at a dinner meeting with Dr. Snyder and Dr. Danziger<sup>2</sup> where Ms. Perlman explicitly objected to the Company's ongoing unlawful practice of falsely reporting revenues to the Company's employee doctors. In short, the Company's doctors are paid a percentage of the revenues their surgeries and treatments generate, and by providing doctors with falsely deflated figures, the Company could then retain additional compensation that should have rightfully belonged to those doctors.

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<sup>2</sup> According to public records, in 2010, Dr. Danziger was arrested buying cocaine in a parking lot during work hours. See <http://www.newsday.com/long-island/nassau/cops-brookville-nose-and-throat-doc-bought-cocaine-1.1725056>. Even though Dr. Danziger was briefly extricated from the Company, he was later welcomed back and is again on the Board. This demonstrates that while the Company is willing to overlook egregious misconduct, it will simply not condone whistleblowers that raise complaints of unlawful conduct.

25. As Ms. Perlman understood, the four doctors in the “compensation committee” (Drs. Katz, Snyder, Danziger and Warman) used a portion of the unreported revenues to pay additional compensation to themselves. Ms. Perlman was aware that this practice was unlawful and constituted a breach of the contracts with many of the doctors.

26. When Ms. Perlman complained about this practice and reiterated to the compensation committee that the Company’s conduct was unlawful, Dr. Snyder responded that she should “look for another job.” It was only when Ms. Perlman then got up to leave the dinner – indicating that she would not keep quiet despite Dr. Snyder’s threat – that Dr. Snyder eventually acquiesced and agreed to end the unlawful practice. This demonstrates the Company’s disposition to intimidate those who complain about unlawful conduct.

27. However, as Ms. Perlman understands, the potentially millions of dollars stolen from the Company’s physicians over a many-year period were never re-paid or remedied.

28. In 2015, the Board underwent reorganization. This reorganization included the previous president, Dr. Katz, stepping aside, and giving way to Dr. Snyder as the new president. But, this was not the only change.

29. By the end of 2015, the newly empowered Board made it clear that despite Ms. Perlman’s enormous and demonstrable success, her continued commitment to standing up for what was right would be an impediment to her continued success and advancement at the Company. Contemporaneous with the restructuring, the Board began shutting Ms. Perlman out of meetings and discussions where important business decisions were being made – meetings at which Ms. Perlman would have previously been an important attendee.

30. While Ms. Perlman had previously maintained constant communications with the Board, she was suddenly excluded from meetings and her phone calls and e-mails went unanswered without explanation.

31. From December 2015 through June 2016, the Company made it impossible for Ms. Perlman to carry out her duties as the Director of Operations. On May 9, 2016, the Board asked Ms. Perlman if she would “feel comfortable” concentrating her efforts in Human Resources (though still retaining the Director of Operations title).

32. Upon information and belief, the Board may still engage in unlawful misappropriation of Company assets.

33. In or around May 2016, despite Ms. Perlman’s new “concentration” in Human Resources administration, the Company hired Alexandra DiCamillo as an administrative staff member, and Ms. DiCamillo informed employees across the practice that they should no longer contact Ms. Perlman regarding administrative matters.

34. Upon information and belief, Ms. DiCamillo went so far as to threaten staff members that if they did speak to Ms. Perlman, they would be fired.

35. On June 6, 2016, Defendant Doug Walerstein was hired and given the title of Chief Financial Officer (“CFO”). However, despite the common sense it would make to discuss this with the Director of Operations, the Board did not consult Ms. Perlman at all, or even make her aware of their search for a new CFO.

36. When Ms. Perlman was finally informed of the Board’s decision, she was told that Mr. Walerstein would be taking over many of her duties, even though he had no experience in running a medical practice or complying with the laws and regulations in the medical field.

37. Nonetheless, Ms. Perlman expected to coordinate responsibilities together with him and did not realize that Mr. Walerstein would further instill an environment where retaliation and discrimination was not only tolerated, but condoned, and any effort to make protected complaints would be met with swift retaliation.

38. For example, on June 16, 2016, Ms. Perlman learned that Ms. DiCamillo decided to terminate an employee without Ms. Perlman's authorization or even knowledge, even though termination decisions had previously been within Ms. Perlman's purview.

39. Ms. Perlman later received a notification from the New York State Department of Labor that the previous employee had applied for unemployment benefits. Ms. Perlman began conducting an investigation to determine the person's eligibility for unemployment, when she learned that it had actually been documented in writing that Ms. DiCamillo had fired this employee explicitly because she had a disability, even though the employee offered to provide a doctor's note saying that she would be able to return to work in only a few days.

40. Ms. Perlman was astonished both by Ms. DiCamillo's blatant discriminatory treatment of an employee as well as the Company's failure to engage in any interactive process to reasonably accommodate the employee.

41. Ms. Perlman believed this was a violation of federal, state and city anti-discrimination laws and promptly went to Mr. Walerstein's office to bring this to his attention. Ms. Perlman was not merely conveying information to Mr. Walerstein or following through with her job responsibilities, but was affirmatively supporting and advocating for an employee who had been discriminated against and was actively opposing the unlawful conduct by ENT and its employees.

42. In response to Ms. Perlman's complaint, Mr. Walerstein pressured Ms. Perlman to lie on the Department of Labor request for information form, and conceal the discriminatory motivation behind the employee's termination.

43. Ms. Perlman refused, and stated she would not aid or enable the Company's unlawful and discriminatory behavior. Mr. Walerstein's response was to raise his voice and scream at Ms. Perlman that her role is to simply "fill out these forms." Ms. Perlman still refused.

44. The very next day, on June 17, 2016, Mr. Walerstein and Dr. Snyder scheduled a meeting with Ms. Perlman. At this meeting, Mr. Walerstein informed Ms. Perlman that after almost 30 years in the position, she would be demoted from Director of Operations to Human Resources Administrator, and she would only be responsible for "human resources and other miscellaneous tasks."

45. He also told her that her salary would be slashed from a base of \$375,000 to \$150,000, in addition to cancelling her life insurance policy.

46. At no point during this meeting did Mr. Walerstein mention that her demotion and pay cut was the result of any performance deficiency.

47. Moreover, it is not as if the Director of Operations position was eliminated. Shortly thereafter, Mr. Walerstein promoted employee Carlos Lopez to the position of Chief Operating Officer ("COO") as Ms. Perlman's replacement.

#### **The Company's Continued Pattern of Unlawful Treatment of Employees and Retaliation**

48. Unfortunately, the unlawful treatment perpetrated against Ms. Perlman and the Company's physicians described above is not an anomaly or an exception in ENT's practices, but appears to be part of a standard operating procedure that has been demonstrated many times over.

49. For instance, in or around late October 2016, Ms. Perlman was notified by the payroll administrator that Ms. DiCamillo cut a 66-year-old employee's hours from a 40 to a 20 hour workweek, making her ineligible for benefits.

50. Ms. Perlman was deeply concerned that Ms. DiCamillo's actions were discriminatorily motivated (as Ms. Perlman too had felt she was the victim of age discrimination), and immediately investigated the situation. Ms. Perlman called Ms. DiCamillo to ask why this employee's hours were cut, and Ms. DiCamillo simply stated that she believed this employee was "no longer needed" and refused to respond to any of Ms. Perlman's additional questions.

51. Ms. Perlman then turned to Mr. Walerstein and reported that she believed Ms. DiCamillo's conduct constituted age discrimination. However, he also failed take any action to remedy the situation. Finally, Ms. Perlman approached Ms. DiCamillo and asked for a nondiscriminatory reason explaining why she chose to cut this employee's hours.

52. Ms. DiCamillo failed to articulate a nondiscriminatory reason to Ms. Perlman.

53. Accordingly, Ms. Perlman insisted that the employee be reinstated to her full-time position with benefits. Ms. DiCamillo curtly stated, "Fine, I'll take care of it." This employee has since been working full-time since November 2016, and has been needed throughout, despite Ms. DiCamillo's contention.

54. Once again, Ms. Perlman was not merely conveying information with respect to the discriminatory treatment of this employee or following through with her job responsibilities, but was affirmatively supporting and advocating for an employee who had been discriminated against and was actively opposing the unlawful conduct by ENT and its employees.

55. Also in late October 2016, Ms. Perlman learned that Ms. DiCamillo intended to alter the terms and conditions of employment for a medical assistant who had very recently returned from Family and Medical Leave Act (“FMLA”) leave.

56. Ms. DiCamillo decided she wanted this medical assistant to work in Deer Park instead of Levittown, which would have added more than an hour to her commute. Ms. DiCamillo told this employee that if she refused the transfer, she would be fired.

57. Ms. Perlman was concerned that this violated the Company’s obligation under the FMLA to return employees to the same terms and conditions of employment with which they left, and expressed this to both Ms. DiCamillo and Mr. Walerstein.

58. Mr. Walerstein again failed to address or even follow up with this issue.

59. Ms. Perlman was forced to confront Ms. DiCamillo multiple times, until she finally agreed not to transfer the employee.

60. Again, Ms. Perlman was not merely conveying information with respect to the discriminatory treatment of this employee or following through with her job responsibilities, but was affirmatively supporting and advocating for an employee who had been discriminated against and was actively opposing the unlawful conduct by ENT and its employees.

61. Just two days later, under Mr. Walerstein’s supervision, Ms. DiCamillo retaliatorily and disruptively cut off Ms. Perlman’s access to electronic medical records, limiting Ms. Perlman ability to conduct her job.

62. Subsequently, Ms. Perlman was asked to justify her access when she needed to look at a record. Upon information and belief, Ms. Perlman was the only employee of 240 employees who did not have access to the electronic medical records.

63. Shortly thereafter, on November 3, 2016, Ms. Perlman raised her concerns regarding the FMLA violation and the act of discrimination with Mr. Walerstein directly by e-mail.

64. As Ms. Perlman understands, Mr. Walerstein never disciplined anyone for the discriminatory conduct or did anything whatsoever to reinforce the Company's so-called anti-discrimination policies. He did, however, condone continued retaliatory conduct towards Ms. Perlman for raising these protected complaints of discrimination.

**Continued Retaliation and Disability Discrimination Against Ms. Perlman**

65. On December 21, 2016, Ms. Perlman was diagnosed with a form of cancer – invasive squamous cell carcinoma. She was informed by her physician that the cancerous tumor had to be surgically removed, and would require two procedures.

66. To minimize the impact on work, Ms. Perlman scheduled both surgeries for the same day – Thursday, January 26, 2017 – but did not tell Mr. Walerstein the details of her absence.

67. Instead, on January 13, 2017, Ms. Perlman e-mailed Mr. Walerstein and Dr. Snyder as well as four other administrators, explaining that she would be undergoing a “non-elective surgery” on January 26, 2017.

68. Shortly after sending the e-mail, Dr. Snyder called Ms. Perlman. During this call, Ms. Perlman informed Dr. Snyder of her diagnosis.

69. After enduring the surgical procedures performed over a six-hour period, Ms. Perlman came back into work the very next day, January 27, 2017.

70. On Tuesday, February 7, 2017, Ms. Perlman came into the office approximately 45 minutes late because of a follow-up doctor's appointment with her surgeon, and went straight to Mr. Walerstein's office to explain her delay.

71. Ms. Perlman told him that morning that she had been to her doctor to discuss her ongoing cancer treatment, and explained that the treatment stemmed from the surgeries she had to remove a tumor the previous month.

72. Without extending any sympathy or concern, Mr. Walerstein merely responded "OK," and Ms. Perlman left his office.

73. One day later and completely out of the blue, on Wednesday, February 8, 2017, Mr. Walerstein e-mailed Ms. Perlman at approximately 9:00 p.m. and berated her regarding an insurance contribution error from two days prior and threatened to further reduce her salary and job responsibilities.

74. This issue had only previously been discussed once and very briefly, yet this e-mail falsely accused Ms. Perlman of making a mistake with impactful consequences and falsely implied that this is just one of many issues Mr. Walerstein had experienced with her performance.

75. Ms. Perlman responded to Mr. Walerstein by questioning the purpose of his e-mail, pointing out that the mistake would most likely cost the practice nothing and outlined the various ways in which she has done nothing but save the Company many millions of dollars in the previous two months alone.

76. Despite this, Mr. Walerstein sent Ms. Perlman multiple e-mails asking for reports and responses she has made so that he and the Board could audit and review her work.

77. On February 15, 2017, Mr. Walerstein and the Board met. After that meeting, Mr. Walerstein effectively shut Ms. Perlman out from any meaningful involvement in the Company.

78. Mr. Walerstein refused to meet with Ms. Perlman despite multiple requests since February 8 to address the fabricated “performance concerns” mentioned in his e-mail.

**Ms. Perlman’s Protected Complaints of Discrimination and Her Retaliatory Termination**

79. After Mr. Walerstein refused to meet with Ms. Perlman, Ms. Perlman sought the representation of counsel.

80. On March 10, 2017 Ms. Perlman, through her counsel, sent Defendants a letter detailing her complaints of discrimination and retaliation.

81. On March 29, 2017, *less than three weeks* later, Mr. Walerstein and Mr. Lopez walked into Ms. Perlman’s office and informed her that she was fired.

82. Upon information and belief, Drs. Snyder, Danziger, Warman, London and Cohen made the decision to terminate Ms. Perlman’s employment.

83. Mr. Walerstein and Mr. Lopez did not even provide Ms. Perlman with time to collect all of her personal belongings or to say goodbye to her fellow employees.

84. Mr. Walerstein and Mr. Lopez escorted Ms. Perlman and led her out of the office building.

85. During the meeting and while escorting Ms. Perlman out of the building, Mr. Walerstein maintained a smirk on his face as though he was getting enjoyment out of unceremoniously firing Ms. Perlman after she had accused him of discrimination and retaliation.

### Age and Gender Discrimination

86. In addition to the Company's retaliation for Ms. Perlman's protected complaints and discrimination against Ms. Perlman due to her medical condition, Defendants have also discriminated against Ms. Perlman on the basis of age and gender.

87. For example, in December 2015, Mr. Warman and Ms. Perlman had an end-of-year meeting where bonuses were determined for the entire staff.

88. The Company's revenues for 2015 had increased approximately \$3 million from the previous year, and doctors, administrators and staff members were provided a bonus.

89. However, while Ms. Perlman was asking Dr. Warman questions about her salary and bonus going forward, he cut her off, gave her the lowest bonus she had received in more than a decade without any bona fide rationale and stated that he would not discuss her compensation any further because **"you are a dinosaur."**

90. Upon information and belief, no other administrator has seen a reduction in bonus pay as drastic as Ms. Perlman's.

91. Additionally, in or around June 2016, at the same time that Ms. Perlman was demoted, the second most senior woman at the practice was also subject to an adverse action – she was fired.

92. In fact, today, there is not a single woman at any senior level at the Company and not a single female Board member.

93. When that employee was fired she complained that she had been discriminated against on account of her age and also being subjected to unlawful retaliation.

94. In the Company's investigation, Ms. Perlman complained to the Company's attorney – Ellen Storch, Esq. at Kaufman Dolowich Voluck LLP – that she had been called a “dinosaur” by Dr. Warman. Ms. Perlman complained that that was discriminatory.

95. When Ms. Storch learned Dr. Warman called Ms. Perlman a dinosaur, Ms. Storch responded “**that’s illegal.**”

96. However, to Ms. Perlman's understanding, neither ENT nor its outside counsel, Ms. Storch, conducted any investigation into Ms. Perlman's protected complaint and nothing was ever done to discipline Dr. Warman for his discriminatory comment.

97. Moreover, on January 6, 2017, Defendants promoted Mr. Lopez, and gave him the title of COO. Mr. Lopez is approximately 41 years old -- 22 years younger than Ms. Perlman.

98. At that point, Ms. Perlman had worked for the Company for three times as long as Mr. Lopez, and was intimately familiar and successful with leading the Company's operations, while Mr. Lopez has no experience running operations for an entire medical practice.

99. In sum, Ms. Perlman was demoted and later fired, only to have her responsibilities taken over by two men, one six years younger than her (Mr. Walerstein), and the other more than 20 years younger than her (Mr. Lopez), while there is not a single woman working at any senior level at ENT.

**FIRST CAUSE OF ACTION**  
**(Retaliation in Violation of the FMLA)**  
***Against all Defendants***

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

101. At all times relevant herein, Plaintiff was an “eligible employee” within the meaning of the FMLA. At all times relevant herein, Defendants were and are “covered employers” within the meaning of the FMLA.

102. By the actions described above, among others, Defendants have retaliated against Plaintiff by unlawfully materially changing the conditions of her employment because she made protected complaints regarding Defendants’ unlawful and treatment of another employee in violation of the FMLA by, *inter alia*, demoting Plaintiff and cutting her pay and later terminating her employment.

103. As a direct and proximate result of Defendants’ unlawful retaliatory conduct in violation of the FMLA, Plaintiff has suffered and continues to suffer harm, for which she is entitled to an award of damages, to the greatest extent permitted under law, in addition to reasonable attorneys’ fees and expenses.

104. Plaintiff is entitled to an award of liquidated damages, as Defendants violated the FMLA, and such conduct was not in good faith and there was not a reasonable basis for believing that such conduct was not a violation of the FMLA.

**SECOND CAUSE OF ACTION**  
**(Discrimination in Violation of the NYSHRL)**  
***Against all Defendants***

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

106. By the actions described above, among others, Defendants discriminated against Plaintiff on the basis of her age, gender and disability in violation of the NYSHRL by, *inter alia*, making comments about her age, unlawfully demoting Plaintiff while reducing her pay in favor of two younger male employees and terminating Ms. Perlman’s employment.

107. As a direct and proximate result of Defendants' unlawful and discriminatory conduct in violation of the NYSHRL, Plaintiff has suffered and continues to suffer from economic and emotional harm, for which she is entitled to an award of damages, to the greatest extent permitted under law.

108. The individual Defendants are also liable under the NYSHRL because they aided and abetted the unlawful conduct.

**THIRD CAUSE OF ACTION**  
**(Retaliation in Violation of the NYSHRL)**  
*Against all Defendants*

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

110. By the actions described above, Defendants retaliated against Plaintiff by unlawfully materially changing the conditions of her employment because she made protected complaints regarding Defendants unlawful and discriminatory treatment of other employees by, *inter alia*, demoting Plaintiff and cutting her pay, and later terminating her employment.

111. As a direct and proximate result of Defendants' unlawful and retaliatory conduct in violation of the NYSHRL, Plaintiff has suffered and continues to suffer economic and emotional harm, for which she is entitled to an award of damages, to the greatest extent permitted under law, in addition to reasonable attorneys' fees and expenses.

**FOURTH CAUSE OF ACTION**  
**(Discrimination in Violation of the NYCHRL)**  
*Against all Defendants*

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

113. By the actions described above, among others, Defendants discriminated against

Plaintiff on the basis of her age, gender and disability in violation of the NYCHRL by, *inter alia*, making comments about her age, unlawfully demoting Plaintiff while reducing her pay in favor of two younger male employees and terminating her employment.

114. As a direct and proximate result of Defendants' unlawful and discriminatory conduct in violation of the NYCHRL, Plaintiff has suffered and continues to suffer economic and emotional harm, for which she is entitled to an award of damages, to the greatest extent permitted under law, in addition to reasonable attorneys' fees and expenses.

115. Defendants' unlawful and discriminatory actions constitute malicious, willful and wanton violations of the NYCHRL, for which Plaintiff is entitled to an award of punitive damages.

**FIFTH CAUSE OF ACTION**  
**(Retaliation in Violation of the NYCHRL)**  
*Against all Defendants*

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

117. By the actions described above, Defendants retaliated against Plaintiff by unlawfully materially changing the conditions of her employment because she made protected complaints regarding Defendants unlawful and discriminatory treatment of other employees by, *inter alia*, demoting Plaintiff and cutting her pay, and later terminating her employment.

118. As a direct and proximate result of Defendants' unlawful and retaliatory conduct in violation of the NYCHRL, Plaintiff has suffered and continues to suffer economic and emotional harm, for which she is entitled to an award of damages, to the greatest extent permitted under law, in addition to reasonable attorneys' fees and expenses.

119. Defendants' unlawful and discriminatory actions constitute malicious, willful and wanton violations of the NYCHRL, for which Plaintiff is entitled to an award of punitive damages.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays that the Court enter judgment in her favor and against Defendants, through 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 award to Plaintiff of additional equal amount as liquidated damages because Defendants' violations were willful and/or without a good faith basis;

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;

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

F. 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, emotional pain and suffering and emotional distress;

G. An award of punitive damages in an amount to be determined at trial;

H. An award of liquidated damages in an amount to be determined at trial;

I. An award of attorneys' fees and costs that Plaintiff has incurred in this action to the fullest extent permitted by law; and

J. Such other and further relief as the Court may deem just and proper.

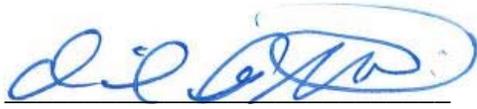
**JURY DEMAND**

Plaintiff hereby demands a trial by jury on all issues of fact and damages stated herein.

Dated: May 3, 2017  
New York, New York

Respectfully submitted,

**WIGDOR LLP**

By: 

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