

brings this action to shed light on the reality of the workplace at Tapestry and to ensure that others are not forced to work in a similar sexually hostile work environment.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this matter pursuant to New York Civil Practice Laws and Rules (“CPLR”) § 301.

3. Venue is proper in this County pursuant to CPLR § 503 as at least one Defendant resides in New York County and a substantial part of the events giving rise to Plaintiff’s claims took place in New York County.

PARTIES

4. Plaintiff Thomas Gibb is the Vice President of Product Development & Production of Footwear for the Stuart Weitzman brand (“Stuart Weitzman”), and an employee of Tapestry, Inc. Plaintiff currently resides in New York, New York. At all relevant times, Mr. Gibb fell within the definition of a “person” and/or “employee” under all applicable statutes.

5. Defendant Tapestry is a Maryland corporation with its principal place of business located at 10 Hudson Yards, New York, NY 10001. Tapestry owns and operates the brands Coach, Stuart Weitzman and Kate Spade. At all relevant times, Tapestry was Mr. Gibb’s employer within the meaning of all applicable statutes.

6. Defendant Giovanni Morelli is the former Creative Director for Stuart Weitzman and is a resident of New York, New York.

FACTUAL ALLEGATIONS

I. Mr. Gibb’s Substantial Career Accomplishments

7. Mr. Gibb has enjoyed a prodigious career in the fashion and footwear industry.

8. After starting his career in Nine West's Footwear Division in 2002, Mr. Gibb then joined Marc Fisher Footwear ("Marc Fisher"), where he experienced substantial success from 2004 to 2014.

9. Mr. Gibb ultimately rose to the level of Vice President of Production & Product Development Planning/Merchandising at Marc Fisher Footwear and was being groomed to hold a top management level position, even though he was barely in his early 30s. Indeed, even years after leaving, Marc Fisher offered Mr. Gibb the opportunity to return – including as recently as this year – in a top management capacity.

10. In May 2014, while still at Marc Fisher, Mr. Gibb and his brother founded Tidal New York ("Tidal"), a progressive flip-flop company dedicated to hiring veterans and utilizing environmentally-sound production methods. Mr. Gibb's work at Tidal was so innovative that he and his brother secured a patent for a digital printing process that had never been seen or used in the footwear industry, and the company has been featured and written about in Forbes, Fox Business, Footwear News and the New York Times.

11. Mr. Gibb also serves as a mentor for the Council of Fashion Designers of America ("CFDA") and is a member of their Fashion Manufacturing Initiative committee in conjunction with the New York City Economic Development Corporation. The CFDA is among the most prestigious associations in the fashion industry – only accepting designers along the lines of Ralph Lauren and Tory Burch – and Mr. Gibb's involvement and exemplary contributions to these initiatives are unique and impressive.

12. In short, Mr. Gibb's achievements are impressive, and his presence and accomplishments in the fashion and footwear industry are nearly unprecedented for someone of his age.

II. Mr. Gibb's Tenure With Tapestry Brands

13. Towards the beginning of 2017, Mr. Gibb received lucrative offers to join both Tory Burch and Alexander Wang, as well as to return to Marc Fisher Footwear in a Chief Sourcing and/or Operations capacity as recently as January 2018, which was communicated to Mr. Gibb's superior Peter Charles.

14. However, after meeting and interviewing with Coach Inc.'s ("Coach") senior management in February 2017, Mr. Gibb accepted a position as Coach's Vice President of Footwear Operations.

15. As Coach's footwear division was underperforming, Mr. Gibb accepted the position with the hope and expectation of utilizing his significant experience and expertise to turn the struggling footwear division around.

16. On March 27, 2017, Mr. Gibb started with Coach, and for the remainder of 2017, he successfully built Coach's Product Development organization, improved processes, increased margins and enhanced delivery performance metrics.

17. Between April 2017 and January 2018, Mr. Gibb traveled to Asia seven times in order to build the Coach team and improve upon the brand's process and production.

18. Coach's Design and Merchandising Teams were undeniably pleased with Mr. Gibb's performance and the steps that he implemented to transform the struggling footwear division.

19. In October 2017, Coach changed its name to Tapestry, Inc. to include the three companies under the Tapestry umbrella – Coach, Stuart Weitzman and Kate Spade. Accordingly, although Mr. Gibb's initial employment agreement was with Coach, in October 2017, he became a Tapestry employee while still working for the Coach brand.

20. In the fourth quarter of 2017, while still working for Coach, Mr. Gibb heard that Stuart Weitzman was experiencing internal struggles with its systems and processes.

21. As Mr. Gibb was fully committed to Tapestry's overall success, as well as the success of each brand under its corporate umbrella, he volunteered to lend his talents, expertise and energy to the Stuart Weitzman team to assist in getting the company's systems and processes back on track.

22. As he became familiar with Stuart Weitzman, Mr. Gibb began to notice many gaps in the brand's systems and processes and identified potential future roadblocks and pitfalls that Stuart Weitzman would face.

23. While working with the Stuart Weitzman team, Mr. Gibb's participation, forward-thinking approach and contributions were universally appreciated and praised, and discussions arose regarding Mr. Gibb building out the Stuart Weitzman team.

24. Coincidentally, around this same time in early 2018, PVH Corp, Inc. recruited one of Mr. Gibb's direct reports at Coach, Sang Lee, to run the underwear division for brands including Tommy Hilfiger, Calvin Klein, Izod, Arrow and Van Heusen. In an effort to retain Mr. Lee, Tapestry offered to promote him to the role of Vice President of Product Development at Stuart Weitzman.

25. When Mr. Lee declined the role with Stuart Weitzman, Mr. Gibb offered to move from Coach to Stuart Weitzman so that Tapestry could promote Mr. Lee to Mr. Gibb's role at Coach.

26. This was precisely the enticement Mr. Lee needed, and he therefore agreed to assume Mr. Gibb's role, with Mr. Gibb joining Stuart Weitzman in March 2018.

III. Mr. Morelli Repeatedly Sexually Harasses Mr. Gibb

27. On March 1, 2018, Mr. Gibb officially joined Stuart Weitzman as the brand's Vice President of Product Development Footwear.

28. Despite nothing but the utmost professionalism by Mr. Gibb, upon joining Stuart Weitzman, the brand's Creative Director, Defendant Giovanni Morelli, subjected him to a constant barrage of sexual harassment.

29. As Stuart Weitzman's Creative Director, and therefore the *de facto* "face" of the brand, Tapestry effectively allowed Mr. Morelli to operate outside the normal confines of acceptable conduct and made seemingly endless excuses and exceptions for him.

30. Indeed, acknowledging the Company's substantial investment in Mr. Morelli and its interest in protecting him, a high-ranking Stuart Weitzman HR executive recently told Mr. Gibb, "We all need Giovanni to succeed."

31. From the very first day that Mr. Gibb worked with Mr. Morelli, Mr. Morelli constantly injected sexually-charged conversation and innuendo into the workplace, making those around him, including Mr. Gibb, extremely uncomfortable.

32. During Mr. Gibb's very first meeting at Stuart Weitzman, Mr. Morelli welcomed him by asking, "**How is your dick?**" This was an opening overture in what became a bombardment of offensive conduct from Mr. Morelli.

33. As Mr. Gibb hoped to start this new chapter in his career on a good note, and because Mr. Morelli's acceptance was important to Mr. Gibb's success as Stuart Weitzman's head of Product Development, Mr. Gibb initially attempted to disregard Mr. Morelli's behavior.

34. However, when it ultimately became apparent that Mr. Morelli's conduct was not going to improve, Mr. Gibb complained on multiple occasions to Stuart Weitzman's HR department, with each such complaint being ignored entirely.

35. For instance, but only by way of example, on March 7, 2018, Mr. Gibb took his first of several trips to Spain to work with Stuart Weitzman's Design Team, including Mr. Morelli.

36. Upon Mr. Morelli's arrival in Spain the following day, he immediately began engaging in sexually harassing conduct in front of the entirety of the Spain "Shoes By Stuart" office, including constantly touching Mr. Gibb's body and the back of his legs and repeatedly asking him, "**How is your dick?**" and "**Is there any way you would ever consider not being straight?**"

37. Mr. Morelli's touching of Mr. Gibb was unwelcomed, offensive and inappropriate and his comments made Mr. Gibb extremely uncomfortable.

38. As another example, during the course of a March 16, 2018 shoe prototype fitting with Mr. Morelli and other members of the Design Team, Mr. Morelli asked Mr. Gibb for his shoe size. When Mr. Gibb stated that he wore a size 45 shoe, Mr. Morelli responded, "**Wow you must have a huge dick – probably 25 centimeters.**" Mr. Morelli proceeded to say, "**You are so straight though, it's so sad.**"

39. Around this time, Mr. Morelli also began to refer to Mr. Gibb as "**Tommy Straight,**" a nickname that Mr. Morelli continued to use throughout the duration of his tenure at Tapestry.

40. By way of another example, on March 19, 2018, during a calendar review meeting with the Product Development and Design Teams, Mr. Morelli came around the table to

where Mr. Gibb was sitting, put his arm around Mr. Gibb and asked, “**What’s wrong Tommy Straight?**” Mr. Morelli proceeded to tell Mr. Gibb that he seemed “very uncomfortable,” and stated, “**Perhaps if you had a dick in your ass you would be more comfortable.**”

41. On March 20, 2018, Mr. Gibb complained to Molly Rosen of HR about Mr. Morelli’s sexually harassing conduct, including Mr. Morelli’s comments made at the previous day’s calendar review meeting.

42. However, despite Mr. Gibb’s complaint about Mr. Morelli, the Company failed to take any remedial action whatsoever, and Mr. Morelli’s sexually harassing conduct was permitted to proceed unabated.

43. For instance, on March 25, 2018, when Mr. Gibb informed Mr. Morelli that he had arrived in Spain for meetings, Mr. Morelli responded via text message, “Yes sexy man.” Throughout the trip, Mr. Morelli continued to comment on Mr. Gibb’s body, including making comments about Mr. Gibb’s genitals, and referred to Mr. Gibb as “Tommy Straight” to everyone with whom he spoke.

44. During the course of the same Spain trip, Mr. Morelli introduced Mr. Gibb to a crowd of people and stated, “**This is Tommy Straight. Even if I saw him with a dick in his mouth, I wouldn’t believe it – he is too straight.**”

45. On April 21, 2018, as Mr. Gibb was preparing to return to Spain to join the Stuart Weitzman team, he asked Mr. Morelli if he needed Mr. Gibb to bring him anything, to which Mr. Morelli responded “**Only your straight body.**”

46. During this trip, Mr. Gibb introduced a former colleague to the Stuart Weitzman Product Development and Design Teams, including Mr. Morelli. While speaking to the former

colleague, Mr. Morelli immediately began referring to Mr. Gibb as “Tommy Straight,” and again stated, **“Even if I saw him with a dick in his mouth I could never believe it.”**

47. From May 2, 2018 through May 4, 2018, Mr. Gibb was out of the office for a CFDA conference meeting in Los Angeles. When Mr. Gibb returned to work on Monday, May 7, 2018, he saw that Mr. Morelli had drawn *two large penises* and the name “Tommy Straight” on the whiteboard in his office.

48. As Mr. Gibb’s office has glass windows, these vulgar and obscene drawings were on display for all on his floor to see.

49. Mr. Gibb sent photos of this to Ms. Rosen in HR complaining, “This is the artwork I came back to in my office.”

50. Ms. Rosen confirmed her awareness of Mr. Morelli’s inappropriate course of conduct but treated it as a joke, responding, **“Hahaha I’m dying. Giovanni??”**

51. Ms. Rosen’s response demonstrated the acquiescence to this conduct at the Company, such that even HR professionals perceived this highly inappropriate conduct as a joke.

52. Of course, Mr. Gibb did not view Mr. Morelli’s conduct as a joke or think it was funny. Tellingly, Mr. Gibb did not even have to identify Mr. Morelli by name for Ms. Rosen to know that he had made the crude drawing.

53. Ms. Rosen sent Mr. Gibb a subsequent message acknowledging that Mr. Morelli’s conduct was **“[n]ot ok on so many levels,”** but neither she nor anyone else at the Company took any ameliorative action whatsoever in response to Mr. Gibb’s complaints.

54. The conduct described above is representative of the hostile work environment in which Mr. Gibb was forced to work and which the Company permitted to exist, and is not intended to be an exhaustive account of Mr. Morelli’s offensive and discriminatory behavior.

IV. Mr. Gibb Retains Counsel to Seek Assistance

55. On May 15, 2018, Mr. Gibb contacted Tapestry through counsel and filed another written complaint of sexual harassment.

56. On May 21, 2018, only after Mr. Gibb retained counsel and Tapestry realized that legal action might follow, Tapestry announced that Mr. Morelli had “resigned.” Upon information and belief, this “resignation” was actually a forced termination.

57. In an announcement to the Company’s employees, Tapestry wrote that it “is committed to an environment where every individual feels respected,” but acknowledged that Mr. Morelli’s “behavior fell short of these standards.”

58. Incredibly, despite the fact that Mr. Morelli was forced out of Tapestry for engaging in sexual harassment and violating the Company’s code of conduct, the announcement also stated that “we greatly admire” Mr. Morelli.

59. Significantly, despite this acknowledgement and Mr. Gibb’s numerous complaints to HR about Mr. Morelli’s conduct, the Company accommodated Mr. Morelli by allowing the internal and external statements to be that he resigned rather than being terminated.

60. Furthermore, on May 23, 2018, acknowledging that Ms. Rosen had completely failed to take appropriate action in response to Mr. Gibb’s multiple complaints about Mr. Morelli’s sexually harassing conduct, the Company terminated Ms. Rosen’s employment (though it also announced this as a “resignation” as well).

61. The Company’s announcements did not reinforce the proposition that retaliation against those who raise complaints would be prohibited. Therefore, immediately after the announcement, the many employees who were loyal to and worked closely with Mr. Morelli began to be cold towards Mr. Gibb.

62. The Company's actions upon receiving notice that Mr. Gibb intended to seek legal action are quite simply "too little too late," and a transparent attempt to shield itself from liability rather than take legitimate remedial action.

63. Furthermore, on May 15, 2018, immediately following Mr. Gibb's retention of counsel, Peter Charles (Tapestry's Global Head of Supply Chain) informed Mr. Gibb during a telephone conversation that that he was "behind him 150 percent" and supported his decision.

64. However, the next day, after Mr. Charles had spoken with internal management and counsel, his demeanor changed and he showed disapproval for Mr. Gibb's decision to raise complaints of harassment. Mr. Charles asked Mr. Gibb, "what's your end-game?" as if to imply that raising these complaints would not have a positive result.

65. Mr. Gibb has at all times done nothing other than approach his work and relationships at Tapestry with the highest degree of respect, dignity and professionalism, and that approach was regrettably not returned by either Mr. Morelli or the Company.

FIRST CAUSE OF ACTION
(Discrimination in Violation of the NYSHRL)
(Against Defendant Tapestry)

66. 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.

67. By the conduct described above, Defendant Tapestry has discriminated against and/or permitted and/or acquiesced to the discrimination of Plaintiff on the basis of his gender and/or sexual orientation in violation of the NYSHRL, and as a result he has been denied the same terms and conditions of employment available to other employees.

68. By the conduct described above, Defendant Tapestry has discriminated against and/or permitted and/or acquiesced to the discrimination of Plaintiff on the basis of his gender

and/or sexual orientation in violation of the NYSHRL by fostering, condoning, accepting, ratifying and/or otherwise failing to prevent or to remedy a hostile work environment.

69. As a direct and proximate result of Defendant Tapestry's unlawful discriminatory conduct and harassment in violation of the NYSHRL, Plaintiff has suffered, and continues to suffer, monetary and emotional harm for which he is entitled to an award of damages.

SECOND CAUSE OF ACTION
(Aiding and Abetting in Violation of the NYSHRL)
(Against Defendant Morelli)

70. 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.

71. By the actions described above, Defendant Morelli knowingly and/or recklessly aided and abetted and directly participated in the unlawful discrimination to which Plaintiff was subjected in violation of the NYSHRL.

72. As a direct and proximate result of Defendant Morelli's unlawful discriminatory conduct and harassment in violation of the NYSHRL, Plaintiff has suffered, and continues to suffer, monetary and emotional harm for which he is entitled to an award of damages.

THIRD CAUSE OF ACTION
(Discrimination in Violation of the NYCHRL)
(Against Defendant Tapestry)

73. 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.

74. By the conduct described above, Defendant Tapestry has discriminated against and/or permitted and/or acquiesced to the discrimination of Plaintiff on the basis of his gender and/or sexual orientation in violation of the NYCHRL, and as a result he has been denied the same terms and conditions of employment available to other employees.

75. By the conduct described above, Defendant Tapestry has discriminated against and/or permitted and/or acquiesced to the discrimination of Plaintiff on the basis of his gender and/or sexual orientation in violation of the NYCHRL by fostering, condoning, accepting, ratifying and/or otherwise failing to prevent or to remedy a hostile work environment.

76. As a direct and proximate result of Defendant Tapestry's unlawful discriminatory conduct and harassment in violation of the NYCHRL, Plaintiff has suffered, and continues to suffer, monetary and emotional harm for which he is entitled to an award of damages.

77. Defendant Tapestry's unlawful discriminatory actions constitute malicious, willful and wanton violations of NYCHRL for which Plaintiff is entitled to an award of punitive damages.

FOURTH CAUSE OF ACTION
(Aiding and Abetting in Violation of the NYCHRL)
(Against Defendant Morelli)

78. 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.

79. By the actions described above, Defendant Morelli knowingly and/or recklessly aided and abetted and directly participated in the unlawful discrimination to which Plaintiff was subjected in violation of the NYCHRL.

80. As a direct and proximate result of Defendant Morelli's unlawful discriminatory conduct and harassment in violation of the NYCHRL, Plaintiff has suffered, and continues to suffer, monetary and emotional harm for which he is entitled to an award of damages.

81. Defendant Morelli's unlawful discriminatory actions constitute reckless, 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 his favor and against Defendants for the following relief:

- A. A declaratory judgment that the actions, conduct and practices of Defendants complained of herein violate the laws of the State of New York and the City of New York;
- B. An order that Defendants engage in injunctive measures aimed at remedying the unlawful conduct described herein so that other employees will not be subject to the same unlawful conduct;
- C. An award of damages against Defendants, in an amount to be determined at trial, plus interest, to compensate Plaintiff for all monetary and/or economic damages;
- D. An award of damages against Defendants, in an amount to be determined at trial, plus interest, to compensate for all non-monetary and/or compensatory damages, including, but not limited to, compensation for Plaintiff's emotional distress;
- E. An award of punitive damages in an amount to be determined at trial;
- F. Prejudgment interest on all amounts due;
- G. An award of Plaintiff's reasonable attorneys' fees and costs; and
- H. Such other and further relief as the Court may deem just and proper.

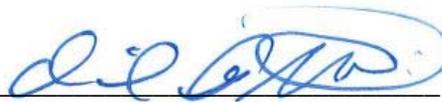
JURY DEMAND

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

Dated: May 29, 2018
New York, New York

Respectfully submitted,

WIGDOR LLP

By: 

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