

Ex-'Taxi King' Worker Wins \$1.3M In Sexual Harassment Suit

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By **Christine Powell**

Law360 (July 17, 2018, 5:45 PM EDT) -- A federal judge on Monday awarded \$1.34 million to a former employee of an embattled New York City taxicab kingpin in a lawsuit accusing him and his company of sexual harassment and retaliation.

U.S. District Judge Ann M. Donnelly granted default judgment against Evgeny "Gene" Freidman — who is also known as the "Taxi King" and is a business partner of President Donald Trump's former personal attorney Michael Cohen — on Elaine Gutierrez's claims for sexual harassment and against Taxi Club Management Inc. on her claims for sexual harassment and retaliation.

The judge awarded Gutierrez, who worked as an accounts payable manager for Taxi Club and as chief executive assistant to Freidman, roughly \$425,000 in compensatory damages, \$850,000 in punitive damages, \$62,400 in attorneys' fees, \$2,290 in costs and \$1,160 in prejudgment interest.

In doing so, Judge Donnelly entirely adopted recommendations U.S. Magistrate Judge Vera M. Scanlon made in the dispute last month, saying that the recommendations were "thorough and well-reasoned."

Lawrence M. Pearson of Wigdor LLP, who represents Gutierrez, said in a statement Tuesday that Gutierrez is "very pleased" that Judge Donnelly adopted Judge Scanlon's recommendations.

"In the #MeToo era, the message is clear: no one, not even the so-called 'Taxi King,' is above the law when it comes to workplace sexual harassment," Pearson continued. "The award of \$850,000 in punitive damages in particular shows that employers face serious consequences for harassment and retaliation, and that the law recognizes the need for and will uphold strong punishment and deterrence of inexcusable, abusive conduct like that of Mr. Freidman."

According to court records in the instant case, after Gutierrez joined Taxi Club in September 2015, Freidman allegedly made frequent sexual advances and inappropriate comments about her physical appearance.

She repeatedly asked him to stop doing so before raising complaints to other people within the company and was eventually terminated in August 2016 for failing to "shut up and do what [she was] told," court records allege.

Gutierrez filed her lawsuit in January 2017, alleging sexual harassment against Freidman under the New York State Human Rights Law and the New York City Human Rights Law, and

sexual harassment and retaliation against Taxi Club under Title VII of the Civil Rights Act, the NYSHRL and the NYCHRL, according to court records.

Freidman and Taxi Club stopped participating in the litigation after filing answers to her complaint in March of that year.

Representatives for Freidman and Taxi Club could not immediately be reached for comment on Tuesday.

As CEO and founder of Taxi Club, Freidman managed a fleet of more than 800 medallion taxicabs in New York City. He has also managed a number of taxicab businesses owned by Cohen and his wife.

Last year, Freidman **was charged** with tax fraud and grand larceny for allegedly failing to remit almost \$5 million in New York state taxes that had been collected from passengers.

In May, prosecutors announced Freidman had **pled guilty** to one count of criminal tax fraud in the second degree and agreed to pay restitution and judgments totaling \$5 million to the state under a deal that allowed him to escape time behind bars.

Gutierrez is represented by Lawrence M. Pearson and Tanvir H. Rahman of Wigdor LLP

Counsel information for Freidman and Taxi Club was not immediately available.

The case is Gutierrez v. Taxi Club Management Inc. et al, case number 1:17-cv-00532, in the U.S. District Court for the Eastern District of New York.

--Editing by Alanna Weissman.