

USA Today Shunned Grieving Mom, Pregnancy Bias Suit Says

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Law360 (November 21, 2019, 4:10 PM EST) -- USA Today told a sales executive she was too "negative" when she returned to work following her infant son's death and fired her when she became pregnant again a few months later, according to a suit filed in New York federal court Thursday.

Serena Bhaduri accuses USA Today owner Gannett Co. Inc. and two managers of retaliation in violation of state and local discrimination and federal leave laws, saying the managers sabotaged her work and froze her out ahead of her August firing, which came a few weeks after she disclosed her pregnancy.

"It is truly astonishing that USA Today would punish and shun Ms. Bhaduri at a time when she was most vulnerable, simply because it was potentially costly and inconvenient to continue employing a pregnant woman," she says in her complaint.

Bhaduri joined USA Today's digital sales department in late 2017 and quickly became a top performer, making and building a multimillion-dollar relationship with media agency Carat, she alleges. She went on maternity leave in November 2018 and had a son that month, and he died in January.

When Bhaduri returned to work the next month, direct supervisor Estee Cross began micromanaging her and criticizing her more harshly than she did Bhaduri's colleagues, she claims. Bhaduri complained about Cross to another supervisor, Anna Riddle, and when that went nowhere, Bhaduri went to the company's COO seeking a role outside Cross' oversight. That effort likewise failed, and Riddle chastised Bhaduri for going outside the "chain of command." Around this time, Cross told Bhaduri her "negative" attitude was hurting her colleagues' morale, the suit says.

That May, Bhaduri took a one-month bereavement leave to grieve her son. Just before she left, Cross stripped Bhaduri of her highest-revenue clients and gave them to a single, childless man, and she was not given her top clients back when she returned from leave, Bhaduri claims.

Bhaduri learned she was pregnant again while on bereavement leave, and disclosed her pregnancy to Cross and Riddle in late July, after she returned, she says. The supervisors then canceled a series of meetings with Bhaduri, and in mid-August Riddle and a human resources representative told Bhaduri she was being let go because of her "negative attitude," she says.

But in truth, USA Today had "opted to discard Ms. Bhaduri and replace her with a single, unmarried man," rather than accommodate her pregnancy, Bhaduri claims. She also says the company fired another pregnant woman from her team shortly after.

Wigdor LLP attorney Jeanne Christensen, who represents Bhaduri, told Law360 the suit offers an example of a business choosing its bottom line over following the law and respecting its employees.

"There are cases, awfully, where somebody announces they're pregnant and then they get fired," Christensen said. "But [USA Today] did it knowing what had just transpired."

Gannett did not immediately respond to a request for comment.

The suit includes seven causes of action, including claims of interference and retaliation under the federal Family and Medical Leave Act and claims of discrimination and retaliation under New York City and state law. It names Gannett as well as Riddle and Cross in their individual and professional capacities.

Bhaduri is represented by Jeanne M. Christensen, Tanvir H. Rahman and Taylor J. Crabill of Wigdor LLP.

Attorney information for Gannett and the managers was not immediately available Thursday.

The case is Serena Bhaduri v. Gannett Co. Inc. et al., case number 1:19-cv-10789, in the U.S. District Court for the Southern District of New York.

--Editing by Daniel King.