

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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BRITTANY KAPLAN,	:	
	:	Civil Action No.:
Plaintiff,	:	
	:	
v.	:	<u>COMPLAINT</u>
	:	
DOTDASH MEREDITH CORPORATION and	:	
ENTERTAINMENT WEEKLY	:	<u>Jury Trial Demanded</u>
	:	
Defendants.	:	
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Plaintiff Brittany Kaplan (“Plaintiff” or “Ms. Kaplan”) by and through her attorneys, Wigdor LLP, as and for her complaint against Defendants Dotdash Meredith Corporation (“Meredith”) and Entertainment Weekly (together, “EW” or the “Company”) (collectively, “Defendants”) hereby alleges as follows:

PRELIMINARY STATEMENT

1. In December of 2020, EW terminated its former Editor in Chief (“EIC”) JD Heyman (“JD” or “Mr. Heyman”), stating that they were “part[ing] ways effective immediately.” With that said, EW has declined to make any further statements regarding his termination. Thus, instead of condemning Mr. Heyman’s racist, sexist, and homophobic behavior, EW has chosen to egregiously suppress the real reason as to why he was terminated in the hopes that the lasting impact of his misconduct would simply dissipate over time. This deplorable attempt to withhold the reason behind Mr. Heyman’s termination is EW’s efforts to ‘save face’ in the public eye for tolerating discriminatory conduct for about a year and a half by one of the Company’s highest leaders. What is more, the impact of his discriminatory conduct has not simply “dissipated,” as Plaintiff Brittany Kaplan knows all too well.

2. Ms. Kaplan was hired by EW as an Associate Editor in May of 2016 with over a decade of experience in the production and entertainment industry. Ms. Kaplan demonstrated exemplary work during her tenure, evidenced by her promotion to Senior Editor in just three and a half months with the Company in September of 2016. However, in July of 2019, shortly after Ms. Kaplan received yet another accolade, a significant bump in her salary, EW hired Mr. Heyman to be their new EIC. During Mr. Heyman's tenure Ms. Kaplan witnessed and was subjected to various misogynistic, racist, and homophobic comments and behavior.

3. For example, some of Mr. Heyman's discriminatory conduct included:

- Making "jokes" about the holocaust.
- Insulting the outfit of a Black LGBTQ+ employee while ignoring similarly eccentric outfits worn by white employees.
- Referring to famous musician, Jewel, as "snaggletooth" and insulting her for previously being homeless in front of staff members who themselves had dental issues and/or had been homeless.
- Insulting the appearance of the late actress, Naya Rivera.
- Telling a female employee that "everyone hate[d] [her]."
- Arguing against putting Black talent on the Black History Month edition of EW because he wanted the cover to be "joyous."
- Refusing to acknowledge a Black female member of the Executive Staff during meetings.
- Calling one female talent representative an "asshole."
- Making "jokes" about eating disorders.

4. Ms. Kaplan and other EW employees were not the only ones subjected to Mr. Heyman's discriminatory and toxic behavior, as some of today's biggest Hollywood stars were

also victims of his misconduct. For example, Mr. Heyman intentionally disregarded superstar actress Kristen Stewart's explicit objection to being featured on the cover of EW's June 2020 Pride Month magazine – and put her on it anyway. Moreover, Mr. Heyman thwarted a potential Ryan Reynolds cover after Mr. Reynolds insisted that two BICOP co-stars be given a platform and appear on the cover with him. Mr. Heyman claimed that the cover would be too complicated to pull off with the three stars because he also wanted the cover to reflect the 30th Anniversary of EW. After rejecting the majority-BIPOC cover, Mr. Heyman moved forward with a cover that featured six white people and only one BIPOC – moreover, the final cover contained only a passing reference to the 30th Anniversary of EW, which was ostensibly the reason that the majority BICOP cover would be too difficult to pull off. Lastly, and most egregiously, Mr. Heyman put the late Chadwick Boseman on the cover of an EW magazine, after his passing, over the express objection of his family's representative.

5. Shockingly, when Ms. Kaplan reported Mr. Heyman's behavior to the Human Resources Department ("HR") and Meredith's Editorial Operations and Finance Director for Entertainment and Style, EW took no action to rectify the situation. Instead, EW subjected Ms. Kaplan to an even more severe hostile work environment and systematically stripped away all or most of her job responsibilities. Moreover, after complaining about the hostile work environment Ms. Kaplan was also denied a title promotion and compensation increase that was previously promised to her.

6. EW's failure to rectify Mr. Heyman's behavior only encouraged him to act more egregiously and unlawfully. For example, after Ms. Kaplan had made complaints about him to HR, Mr. Heyman would openly mock her in front of other co-workers for complaining about

him and his conduct. Mr. Heyman's ability to openly ridicule Ms. Kaplan for reporting her concerns only furthered Ms. Kaplan's feelings of intimidation.

7. After almost a year and a half of hostility, EW terminated Mr. Heyman in December of 2020. With that said, the "well had already been poisoned;" meaning, the irreparable damage Mr. Heyman caused to Ms. Kaplan's future and career had already been completed. For example, when EW hired their new EIC, Mary Margaret ("Mary"), she had no idea what Ms. Kaplan's job title was or what any of her responsibilities were.

8. Most recently, Patricia Bailey, an Associate Director of HR at Meredith, told Ms. Kaplan she should look elsewhere within the Company for a new position since her job title and responsibilities were in question. Of course, any effort to do so will certainly be futile, as EW has made clear that there is no future for Ms. Kaplan at the Company.

9. The damage that EW's conduct has caused to Ms. Kaplan cannot be overstated. Among other things, Ms. Kaplan has experienced extreme stress and anxiety that has resulted in frequent panic attacks and an outbreak of Alopecia Areata.

10. Ms. Kaplan hereby seeks declaratory, injunctive, and equitable relief, as well as monetary damages, to redress Defendants' unlawful employment practices in violation of the New York State Human Rights Law and New York City Human Rights Laws.

NATURE OF THE CLAIMS

11. Plaintiff seeks declaratory, injunctive, and equitable relief, as well as monetary damages, to redress Defendants' unlawful employment practices in violation of the New York State Human Rights Law, N.Y. Executive Law §§ 290, *et seq.* ("NYSHRL").

ADMINISTRATIVE PROCEDURES

12. Defendants' conduct also violated Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e, *et seq.* ("Title VII"). Ms. Kaplan will file a Charge of Discrimination with the Equal Employment Opportunity Commission ("EEOC") and following receipt of a Notice of Right to Sue from the EEOC, will seek leave to file an Amended Complaint to add claims under Title VII.

13. Defendants' conduct also violated California Government Codes §§12940(a)(h) ("Cal. Gov. Code §§ 12940"). Ms. Kaplan will file a charge of Discrimination with the California Department of Fair Employment and Housing Agency ("DFEH") and following receipt of a Notice of Right to Sue from DFEH, will seek leave to file an Amended Complaint to add claims under Cal. Gov. Code §§ 12940.

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

JURISDICTION AND VENUE

15. The Court has jurisdiction over this action pursuant to 28 U.S.C. § 1332, as there is a diversity of citizenship among the parties and this action involves an amount in controversy in excess of \$75,000, excluding interest and costs.

16. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) 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

17. Plaintiff Brittany Kaplan is an adult resident of, the State of New York, and at relevant times was an "employee" under all relevant statutes.

18. Defendant Meredith Corporation is a domestic media corporation incorporated in Delaware with its principal office in Des Moines, Iowa. At all relevant times Meredith Corporation met the definition of an “employer” under all relevant statutes. Meredith Corporation owns and publishes Entertainment Weekly.

19. Defendant Entertainment Weekly is a domestic publishing corporation incorporated in Delaware with its principal office in Des Moines, Iowa. At all relevant times Entertainment Weekly met the definition of an “employer” under all relevant statutes. Entertainment Weekly is owned and published by Meredith Corporation.

FACTUAL ALLEGATIONS

I. MS. KAPLAN’S IMPRESSIVE EXPERIENCE WITHIN THE PRODUCTION INDUSTRY AND EARLY SUCCESS AT EW

20. Ms. Kaplan had already amassed a decade of industry experience prior to joining EW in 2016.

21. After graduating from Emerson College with a degree in Media Arts, Ms. Kaplan joined HLN as a Production Assistant for its “Showbiz Tonight” entertainment news program. At the same time, Ms. Kaplan worked in Special Events Coverage as a Talent Booker and Producer for HLN, as well as for CNN and CNN.com

22. In 2009, while continuing her role as a Talent Booker and Producer for HLN, CNN and CNN.com, Ms. Kaplan was promoted by CNN to an Associate Editorial Producer. Ms. Kaplan performed all of these roles until 2011, when she was promoted to the position of Editorial Producer for CNN’s nightly news broadcast, “Erin Burnett OutFront.”

23. In 2012, Ms. Kaplan left CNN to join Entertainment Tonight/The Insider as a Talent Booker and Producer, after which she worked for ABC Special Projects as a Talent Booker and Editorial Producer.

24. Throughout her professional career, Ms. Kaplan has carefully cultivated relationships with various celebrities and their representatives to book appearances and interviews. Among many others, Ms. Kaplan has successfully booked Oprah, George Clooney, Matthew McConaughey, Nick Jonas, Reese Witherspoon, Michael Keaton and Robert Duvall.

25. Ms. Kaplan had also worked on producing shows that covered some of television's biggest events, including coverage of the Golden Globe Awards, the Annual Emmy Awards, the Annual Academy Awards, San Diego Comic Con and the Television Critics Association Presentations, among others, as well as numerous red-carpet events and press conferences.

26. Ms. Kaplan's track record of success continued upon joining EW in 2016. At EW, Ms. Kaplan had served as the Head Talent Executive for the Entertainment Weekly Brand.

27. Upon accepting the position with EW, Ms. Kaplan initially relocated from her home in New York and moved across the country to California. Additionally, Ms. Kaplan was promised that one day she would be relocated back to New York to work in EW's New York headquarters.

28. Throughout her tenure, Ms. Kaplan has been responsible for, among other things, overseeing talent booking and strategy for all EW events, as well as ideating, curating and booking and producing red carpet live events, dinners, panels and other experiential events.

29. Ms. Kaplan was also the sole talent booker in charge of EW Reunions, including "Dawson's Creek," "Buffy The Vampire Slayer," "My Best Friend's Wedding," "Angel," "Family Matters," "Queer As Folk" and "The L Word," among others.

30. Ms. Kaplan was so successful that her role expanded to include event strategy and partnerships, and she was responsible for bringing in new business to EW, including the SCAD Savannah Film Festival and SCAD Atlanta TV Festival, among others.

31. Throughout her employment, Ms. Kaplan’s work has been the subject of much praise, and she has consistently received excellent performance reviews. Moreover, her achievements were recognized when she received two significant pay raises under Henry Goldblatt’s (“Mr. Goldblatt”) tenure, when she was promoted from Associate to Senior Editor, so quickly, and when she was given additional responsibilities for overseeing partnership and experiential opportunities for Entertainment Projects in June of 2018.

II. MS. KAPLAN’S TENURE WITH EW WHILE DOMICILED IN CALIFORNIA

A. Ms. Kaplan Observed and Was Subjected to Misogynistic, Racist, and Homophobic Comments and Conduct by Mr. Heyman

32. When Ms. Kaplan first joined EW, she was brought in by Mr. Goldblatt, then EW’s EIC. As noted, above, Ms. Kaplan’s performance under Mr. Goldblatt was outstanding and her career prospects at EW seemed limitless.

33. Unfortunately, that all changed in July 2019 when the Company hired Mr. Heyman as its new EIC. As described below, Mr. Heyman subjected Ms. Kaplan and others to a litany of misogynistic, racist, and homophobic comments and conduct. Some examples include:

- Making “jokes” about the holocaust.
- Insulting the outfit of a Black LGBTQ+ employee while ignoring similarly eccentric outfits worn by white employees.
- Referring to famous musician, Jewel, as “snaggletooth” and insulting her for previously being homeless in front of staff members who themselves had dental issues and/or had been homeless.
- Insulting the appearance of the late actress, Naya Rivera.
- Telling a female employee that “everyone hate[d] [her].”

- Arguing against putting Black talent on the Black History Month edition of EW because he wanted the cover to be “joyous.”
- Refusing to acknowledge a Black female member of the Executive Staff during meetings.
- Calling one female talent representative an “asshole.”
- Making “jokes” about eating disorders.

34. Ms. Kaplan also observed a complete lack of diversity among the writers and reporters at EW. This is in keeping with the lack of diversity at the leadership level at Meredith, where four out of five corporate officers are men, and all five are white.

B. Ms. Kaplan Complains and is Subjected to Blatant Retaliation

35. Ms. Kaplan did not take this treatment lying down. She began complaining about this and other misconduct (discussed below) in late 2019, early 2020.

36. In August of 2019, Ms. Kaplan scheduled a meeting with the Company’s business affairs representative and Meredith’s Editorial Operations and Finance Director for Entertainment and Style, Alexandra Brez (“Ms. Brez”), to discuss concerns with Mr. Heyman’s conduct and behavior. Of course, nothing changed after that conversation, and Ms. Kaplan reached out to Ms. Brez again in February of 2020 to discuss the same thing. Again, her complaints fell on deaf ears.

37. Sometime between March and May of 2020, in response to her complaints, Ms. Kaplan was alerted that her name and title had been lowered on the Company’s “masthead.” In fact, Ms. Kaplan’s name and title had been lowered under other employees who she had trained and who she was equal to or higher than in rank.

38. No remedial action was taken, so on June 8, 2020, Ms. Kaplan reached out Ms. Brez again, and included Joanna Minh, then an Executive Director, HR Business Partner at Meredith.

39. At the end of a long email listing various concerns, including many regarding the events described above, Ms. Kaplan concluded, “I feel I would be remiss if I didn’t mention this last thing. It has been a struggle since Mr. Heyman took over to keep the magazine diverse. We have argued over it time and again. He even once said to me ‘I know this diversity thing is your passion project or whatever...’ It is a constant battle. Time and again I point out the problems with the fact that our covers are too white, that the pages are too white, etc. He has constantly berated me for bringing it up too often.”

40. Following Ms. Kaplan’s June 8, 2020, email, she met with Ms. Minh on multiple occasions to further report and complain about Mr. Heyman’s toxic and discriminatory misconduct.

41. However, no remedial action was taken, and Mr. Heyman simply became emboldened. By way of example, Mr. Heyman openly mocked Ms. Kaplan for reporting her concerns to HR. His ability to mock her without repercussion, and continue his unlawful behavior, was, of course, further intimidating to Ms. Kaplan.

42. Furthermore, Mr. Heyman began taking away Ms. Kaplan’s responsibilities and blocking her out of critical communication with talent – *i.e.*, he was preventing her from doing her job.

43. Moreover, in order to punish and further excommunicate her, Mr. Heyman had Ms. Kaplan train other employees on how to do her job. More specifically, both employees that Ms. Kaplan trained had little to zero experience as an editor or in booking.

44. Ms. Kaplan continued to report this conduct, including unlawful discrimination and retaliation, to HR, throughout the summer and fall of 2020, to no avail.

45. Aside from being illegal, the Company's decision to protect Mr. Heyman was further perplexing given that he engaged in multiple acts of misconduct with respect to talent on the covers of EW's magazines.

46. By way of example only, Mr. Heyman intentionally disregarded Kristen Stewart's request that she not be featured on EW's June 2020 Pride Month magazine cover. Indeed, Ms. Stewart's representative, Ruth Bernstein, told Mr. Heyman repeatedly, including in email, that Ms. Stewart did not want to be on the cover. Over the actresses' objections, Mr. Heyman put her likeness on the cover anyway.

47. On another occasion, Mr. Heyman torpedoed a potential Ryan Reynolds cover because Mr. Reynolds wanted his diverse costars on the cover with him. As the ongoing wave of civil unrest flooded the United States in the Summer of 2020, Mr. Reynolds graciously attempted to use his "fame" in order to amplify his diverse co-stars' name, image and likeness. Thus, Mr. Reynolds insisted they be on the cover with him or else he would not participate. Mr. Heyman claimed that the cover would be too complicated to pull off with the three stars because he also wanted the cover to reflect the 30th Anniversary of EW. After rejecting the majority-BIPOC cover, Mr. Heyman moved forward with a cover that featured six white people and only one BIPOC – moreover, the final cover contained only a passing reference to the 30th Anniversary of EW, which was ostensibly the reason that the majority BICOP cover would be too difficult to pull off.

48. Later in the year Mr. Heyman put the late Chadwick Boseman on a cover of EW over the express objection of his family's representative, Nicki Fioravante ("Ms. Fioravante").

This incident occurred shortly after other EW officials had also used Mr. Boseman's image over Ms. Fioravante's express protest. Ms. Fioravante and Mr. Boseman's family were concerned with media outlets, such as EW, corruptly profiting off Mr. Boseman's passing. After declining to work with EW on two occasions, Mr. Heyman was determined to use Mr. Boseman on the cover. Ms. Fioravante was able to reach most of Chadwick's close friends, business contacts and collaborators to let them know of the family's desire for this piece not to be published, thus, Mr. Heyman came up with an idea to have a notable Black voice write a tribute instead- insisting asks go out to people like Former President Barack Obama, Stacey Abrams and Cory Booker. This extremely "tone deaf" and offensive list was Mr. Heyman's attempt to circumvent Ms. Fioravante's express wishes and publish the piece anyway. However, all talent, and most of the EW staff declined to work on this project due to Mr. Heyman and EW's distasteful conduct. With that said, Mr. Heyman had already promised EW's Diversity Consultant, Tracey Ferguson, (via email) that "we will culminate with January coverage," and ultimately put Mr. Boseman on the cover despite knowing his family's express wishes against it.

49. In response to one of the covers Ms. Fioravante wrote: "I have to say I'm even more deeply hurt and disappointed about your team's refusal to work with us on a commemorative issue after seeing it. It's such an incomplete story of his career. Charging fans \$13.99 for an issue that you just took content from other places without even attributing it . . . To pretend everyone gave those statements directly to EW and not acknowledge you took them from their social media. I'm actually in shock." She followed up, "I'm not certain how I'll ever feel comfortable working with EW or People again."

50. Moreover, Mr. Heyman often acted furiously and maniacally. By way of example only, during the Kristen Stewart ordeal, Mr. Heyman had a complete meltdown on calls with Ms.

Kaplan during which he would scream and yell and demean Ms. Kaplan. These tirades were commonplace.

51. During the same time period he also asked Ms. Kaplan to lie to Ms. Bernstein about how Ms. Stewart ended up on the cover of the Pride Month magazine and essentially threatened Ms. Stewart and her representative, saying to Ms. Kaplan that “they won’t do anything anyway because if they do they will look bad for being upset that their gay client [Ms. Stewart] is on a Pride cover.”

52. He also insulted Ms. Kaplan during the Ryan Reynolds ordeal by telling her, in front of many of her colleagues, that she was not permitted to handle calls with talent representatives on her own.

53. Despite all of the above, the Company did not launch an official investigation into Mr. Heyman until late-September 2020. At that time, Ms. Kaplan spoke with the investigator, Kandis Bock (“Ms. Bock”), and reiterated her complaints. During her conversations with Ms. Bock, Ms. Kaplan also raised concerns about the lack of diversity among the writers and reporters at EW.

III. Ms. Kaplan’s Tenure with EW while domiciled in New York

54. In October of 2020, in the wake of the COVID-19 pandemic and while Mr. Heyman’s investigation was still ongoing, Ms. Kaplan moved back to New York to work remotely. She has remained and retained her domicile in New York since moving home. Therefore, all incidents of discrimination that occurred after October of 2020 arose while Ms. Kaplan was living in New York.

55. On October 20th, 2020, shortly after returning to New York, Ms. Kaplan sent the following email to Ms. Bock: “We have partners coming to us and having to tell us what we

already know - studios and publicists don't want to use us for an event that we are paid to work on because our staff is too white and it would reflect poorly on the client. On a personal level, it is humiliating to have those conversations and try to defend the brand - as someone from a diverse family, it is painful to have to spin something that hits close to home. For Meredith... I don't even know what to say internally other than, it is a terrible look." This was not the first or last time that Ms. Kaplan complained about the lack of BIPOC at EW.

56. In the same email, Ms. Kaplan wrote:

When JD is talking on calls, in meetings, etc. and addresses staff to tell them what needs to be discussed with Executive... he often doesn't include [Jane Doe] by name. In fact, he often doesn't wait for her to even join a call to begin speaking and is often dismissive of her in general. I am sure I don't need to list her accomplishments for you, but [Jane Doe] is by far the most experienced of our Senior/Executive staff and is by a MILE the most respected amongst Senior and junior staff. She is often the person who people go to for advice and to for mentoring from a writer's perspective. It is quite obvious that JD is condescending towards her but it is difficult to say if it is a racial thing (though I have been in many a meeting where he has tried to 'blacksplain' things to her (about so very many things about Black culture, George Floyd, BLM... the list goes on), or if it is simply horribly misogynistic.

57. Then, on November 9, 2020, Ms. Kaplan wrote another email to Ms. Bock in which she stated, *inter alia*,

It is not easy to get to a senior level in this area of my industry. It's even harder as a woman. I have tried, for over a year, to give JD the benefit of the doubt and give him time to settle in. Instead, his behavior has been abhorrent. He has been misogynistic, racially insensitive, inappropriate, argumentative, bullied, created a toxic work environment, lied repeatedly, displayed punitive and retaliatory behavior and more

58. In this email, Ms. Kaplan also foreshadowed EW's obvious intent in continuing to strip her of her responsibilities; namely, to get her to quit or restructure her out of the organization.

59. Three days later, Ms. Kaplan sent another email to HR in which she reported that EW was moving forward with the tone-deaf decision to put a white actor on the cover of its February 2021 cover (i.e., Black History Month).

60. Ms. Kaplan further reported that "JD told the group that he felt that as it has been a difficult year and February will be dreary and he would prefer the cover be joyous. I am paraphrasing a long, quite frankly painful conversation had in front of a Black colleague, but the gist of it is that JD is concerned that our audience won't be able to find any Black talent joyous. Aside from that being wildly offensive"

IV. Mr. Heyman is Terminated, but the Damage is Done

61. In December 2020, after subjecting Ms. Kaplan and other women and people of color to nearly a year and a half of hostility, Mr. Heyman was finally terminated.

62. According to media reports, "multiple senior staffers filed complaints with the company's human resources department accusing Heyman of creating a hostile workplace by belittling staffers and making 'inappropriate' and 'racially insensitive' comments . . .

63. According to several individuals with knowledge of the events, at least eight senior EW employees banded together to file complaints . . . and several documented their case with emails as well as recordings."

64. Despite Mr. Heyman's termination, however, the damage to Ms. Kaplan's career and future prospects at EW had already been done.

65. By the time Mr. Heyman was terminated, Ms. Kaplan had already been removed from virtually all of her responsibilities. Although Ms. Kaplan spent significant time and energy with HR in an effort to undo the damage done, her pleas fell on deaf ears.

66. As a result, when the new EIC, Mary Margaret, began her tenure at EW, she had no idea what Ms. Kaplan actually did or what her responsibilities were.

67. Moreover, Ms. Margaret was permitted to consult with Mr. Heyman prior to taking on the role, giving him an opportunity to “poison the well” with respect to Ms. Kaplan.

68. As a result, despite her repeated requests to both HR and Ms. Margaret, Ms. Kaplan’s responsibilities were never restored. In addition, she has been told that her promised title change, and compensation increase will not, in fact, be honored.

69. By July 2021, Ms. Kaplan had been removed from almost all talent and booking related matters. In other words, she no longer had any responsibilities related to her actual job.

70. Then, on August 17, 2021, Ms. Bailey, who had replaced Ms. Minh, made it clear that there was no role for Ms. Kaplan in talent (specifically, that Ms. Margaret had no idea when she did) and suggested that she should look elsewhere in the Company for a new position.

71. However, given the foregoing, it is apparent that EW is simply hoping that Ms. Kaplan will leave the Company in order to avoid the obvious liability that will result if she is terminated.

FIRST CAUSE OF ACTION
(Discrimination and Harassment in Violation of the NYSHRL)
Against All Defendants

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

73. By the actions described above, EW discriminated against Ms. Kaplan on the basis of her gender by, *inter alia*, stripping her of her job responsibilities, subjecting her to public ridicule for attempting to vindicate her rights, and for subjecting her to misogynistic, racist, and homophobic comments and conduct.

74. By the above-described conduct, Defendants allowed and fostered an environment in which discriminatory and harassing practices that were, and continue to be, sufficiently severe or pervasive to create an environment that is both subjectively and objectively hostile.

75. As a direct and proximate result of Defendants' unlawful retaliatory conduct, Ms. Kaplan has suffered, and continues to suffer, monetary and/or other economic harm.

76. As a direct and proximate result of Defendants' unlawful actions or inactions, Ms. Kaplan has suffered, and will continue to suffer, harm, including, but not limited to, loss of future employment opportunities, humiliation, embarrassment, reputational harm, emotional and physical distress, injury, pain, ailments and conditions, mental anguish, and other economic damages and non-economic damages, for which she is entitled to an award of damages to the greatest extent permitted under law, in addition to reasonable attorneys' fees and costs.

77. Defendants' unlawful actions constitute knowing, malicious, willful, wanton and reckless violations of the NYSHRL, for which Ms. Kaplan is entitled to an award of punitive damages.

SECOND CAUSE OF ACTION
(Retaliation in Violation of the NYSHRL)
Against All Defendants

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

79. By the actions described above, among others, Defendants retaliated against Ms. Kaplan in violation of the NYSHRL because she complained about Mr. Defendants' unlawful violations of NYSHRL, including discriminatory conduct she observed and to which she was subjected, including, but not limited to, stripping her of her job responsibilities, subjecting her to public ridicule for attempting to vindicate her rights, and subjecting her to misogynistic, racist, and homophobic comments and conduct.

80. As a direct and proximate result of Defendants' unlawful retaliatory conduct, Ms. Kaplan has suffered, and continues to suffer, monetary and/or other economic harm.

81. As a direct and proximate result of Defendants' unlawful retaliatory conduct, Ms. Kaplan has suffered, and continues to suffer, harm, including, but not limited to, loss of future employment opportunities, humiliation, embarrassment, reputational harm, emotional and physical distress, injury, pain, ailments and conditions, mental anguish, and other economic damages and non-economic damages, for which he is entitled to an award of damages to the greatest extent permitted under law, in addition to reasonable attorneys' fees and costs.

82. Defendants' unlawful and retaliatory actions constitute malicious, willful, and wanton violations of NYSHRL, entitling Ms. Kaplan to an award of punitive damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that the Court enter judgment in her favor and against Defendants, containing 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 United States of America;

B. An injunction and order permanently restraining Defendants and their partners, officers, owners, agents, successors, employees and/or representatives, and any and all persons

acting in concert with them, from engaging in any such further unlawful conduct, including the policies and practices complained of herein;

C. An award of damages against Defendants, in an amount to be determined at trial, plus prejudgment interest, to compensate Plaintiff for all monetary and/or economic damages, including, but not limited to, loss of past and future income, wages, compensation, seniority, and other benefits of employment;

D. An award of damages against Defendant, 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, compensation for his emotional distress;

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

F. Liquidated damages;

G. Prejudgment interest on all amounts due;

H. Reinstatement, a raise and/or a promotion;

I. An award of Plaintiff's reasonable attorneys' fees and costs to the fullest extent permitted by law; and,

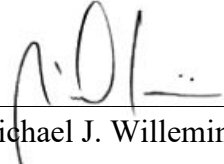
J. Such other and further relief as the Court may deem just and proper.

JURY DEMAND

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

Dated: December 21, 2021
New York, New York

WIGDOR LLP

By: 
Michael J. Willemin

85 Fifth Avenue
New York, NY 10003
Telephone: (212) 257-6800
Facsimile: (212) 257-6845
mwillemin@wigdorlaw.com

Attorney for Plaintiff