

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

-----X
CLAIRE GONDON,

Plaintiff,

v.

NAFTALI GROUP LLC; MICHAEL WITEK; and
EVA MALACHI,

Defendants.
-----X

COMPLAINT

Jury Trial Demanded

Plaintiff Claire Gondon (“Gondon” or “Plaintiff”), by and through her counsel Wigdor LLP, as her Complaint against Naftali Group LLC (“Naftali” or “the Company”), Michael Witek (“Witek”), and Eva Malachi (“Malachi”) (together, “Defendants”), hereby alleges as follows:

PRELIMINARY STATEMENT

1. On January 26, 2026, Claire Gondon, a Senior Project Manager at Naftali Group (“Naftali” or the “Company”), a global real estate and investment firm, announced to her supervisors that she was pregnant. The Company responded four days later by telling Gondon that there would not be any work for her in the future. Naftali fired Gondon only three months later. When Gondon went to her office to pick up her belongings, she met the man Naftali hired to replace her. Not only did this happen to Gondon, but it is the pattern and practice of Naftali to rid itself of pregnant women and new mothers.

2. The Company’s conduct violated the Family and Medical Leave Act (“FMLA”), 29 U.S.C. §§ 2601 *et seq.*; the New York State Human Rights Law (“NYSHRL”), N.Y. Exec. Law §§ 290 *et seq.*; and the New York City Human Rights Law (“NYCHRL”), N.Y.C. Admin. Code §§ 8-101 *et seq.*

JURISDICTION AND VENUE

3. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331, as this action involves federal questions regarding the deprivation of Plaintiff's rights under the FMLA. This Court has supplemental subject matter jurisdiction over Plaintiff's related state and local law claims pursuant to 28 U.S.C. § 1367(a).

4. Further, the Court has jurisdiction pursuant to 28 U.S.C. § 1332(a)(1) because there is complete diversity and the amount in controversy exceeds \$75,000.

5. Venue is proper in the Eastern District of New York pursuant to 28 U.S.C. § 1391(b)(1) because the relevant facts and/or omissions in this complaint occurred in this District.

ADMINISTRATIVE PROCEDURES

6. Plaintiff will file a Charge of Discrimination with the Equal Employment Opportunity Commission ("EEOC") alleging unlawful discrimination and retaliation in violation of Title VII of the Civil Rights Act of 1964 ("Title VII"), as amended by the Pregnancy Discrimination Act ("PDA"), 42 U.S.C. §§ 2000e *et seq.* She will amend this Complaint to include a claim under Title VII following the conclusion of the administrative proceedings.

7. Pursuant to NYCHRL § 8-502, Plaintiff will serve a copy of this Complaint upon the New York City Commission on Human Rights and the New York City Law Department, Office of the Corporation Counsel, within ten days of its filing, thereby satisfying the notice requirements of this action.

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

PARTIES

9. Plaintiff Claire Gondon worked as a Senior Project Manager at Naftali. At all relevant times, Gondon met the definition of an “employee” and/or “eligible employee” under all applicable statutes. Gondon is domiciled in New Jersey.

10. Defendant Naftali Group LLC is a real estate development and investment firm, with its principal place of business located at 152 W 57th Street, Floor 45, New York, New York 10019. At all relevant times, Naftali met the definition of an “employer” under all applicable statutes.

11. Defendant Michael Witek is the Executive Vice President of Construction at Naftali. At all relevant times, Witek met the definition of an “employer” under all applicable statutes. Upon information and belief, Witek is domiciled in New York.

12. Defendant Eva Malachi is the Executive Vice President of Operations at Naftali. At all relevant times, Malachi met the definition of an “employer” under all applicable statutes. Upon information and belief, Malachi is domiciled in New York.

FACTUAL ALLEGATIONS

I. BACKGROUND

13. Gondon is a highly accomplished professional in real estate development, design and construction management, and urban mixed-use projects.

14. She has earned degrees in Architecture, Design and Real Estate Development from the Université Libre de Bruxelles, the Universitat Internacional de Catalunya and New York University. She has worked all over the world for firms based in Brussels, Beijing and New York City.

15. Before receiving her lawful permanent resident status (sometimes called a “green card”), Ms. Gondon was authorized to work in the United States through an O1 Visa, which is a highly competitive and rare immigration status reserved for those with “extraordinary ability” or “extraordinary achievement.”

16. Naftali hired Gondon as a Senior Project Manager in 2022. She was one of only two women in the construction group at Naftali who were not administrative personnel.

17. She excelled in her role and, as a result, the Company rewarded her with merit-based salary increases and milestone bonuses, which rewarded high-performing employees.

18. Gondon’s main project at Naftali was the entire Williamsburg Wharf development at 470 Kent Avenue in Brooklyn (the “Williamsburg Wharf Project”). This five-tower, 1,000-unit mixed-use project was Naftali’s first waterfront development project in Brooklyn, which the Company touted as “the first of its kind in New York City.”¹

19. Gondon dove into the Williamsburg Wharf Project immediately. However, due to title issues on the land, work on two of the five towers was delayed. Therefore, the Williamsburg Wharf Project was split into two phases, but Gondon was assured that she would work on both phases. The first phase of the project focused on towers A1, A2 and A3. She also prepared for the second phase, which would center on towers B4 and B5 once the title issues were resolved, including by hiring the design team for the remaining towers.

20. Gondon led the financials for the entire Williamsburg Wharf Project, covering both phases. The rest of the Williamsburg Wharf Project team, including the accountants, design managers, marketing team, asset managers and head of mechanical, engineering and plumbing, were to be involved in both phases as well.

¹ See <https://williamsburgwharf.com/>.

21. The entire project, which began before Gondon was hired, was expected to last through 2029.

22. On August 15, 2025, Naftali launched a new project. It paid \$810 million to acquire 800 Fifth Avenue (the “Fifth Avenue Project”). The Company planned to demolish the existing building and develop a group of ultra-luxury condominiums.

23. Gondon was perfect for the Senior Project Manager role for this development, considering her experience and extraordinary performance on the Williamsburg Wharf Project.

24. In late December 2025, Witek showered Gondon with praise for her work and reported that the Company’s leadership wanted to move Gondon to lead a project. The move would result in a promotion and significant compensation increase for Gondon.

25. Gondon was thrilled, particularly because she had her eye on leading the newly-acquired Fifth Avenue Project.

26. However, there was too much other work left to do on the Williamsburg Wharf Project. According to Witek, Gondon would first need to complete the initial phase of that existing project.

II. GONDON DISCLOSES HER PREGNANCY

27. On January 26, 2026, the month after learning that she was in line for a promotion, Gondon notified Witek, Malachi and Project Executive Phillip Rutherford (“Rutherford”) that she was pregnant, due in July 2026 and planning to take maternity leave.

28. Gondon emphasized that her pregnancy would not have any impact on her work. She wrote, “I am fully committed to my role here and, as we get closer, I’d like to work with you to ensure a smooth transition and coverage plan during my maternity leave.”

29. The Company responded by telling Gondon that it intended to fire her. On January 30, 2026 (just four days after learning that Gondon was pregnant), Malachi wrote that Gondon's work was "expected to wind down in Q1" and that the Company was "unable to guarantee work beyond that period."

30. Gondon was stunned. No one had previously stated or suggested that there would not be enough work for her.

31. On the contrary, Witek stated that the Company wanted to promote Gondon, but that it could not do so immediately because there was too much work left on the Williamsburg Wharf Project.

32. Gondon protested the discriminatory treatment. Just a few hours after receiving Malachi's email, she responded, "Based on past discussions, the primary uncertainty [on a promotion and raise] prior to my pregnancy notification was timing. From your recent email, it appears that this outlook has shifted, and that the conversation is now being framed differently following my announcement."

33. From January to April 2026, the Company systematically excluded Gondon from project meetings and important emails, particularly around the second phase of the Williamsburg Wharf Project.

34. The Company reassigned one of Gondon's key responsibilities (unit inspection) to outside consultants.

III. NAFTALI TERMINATES GONDON'S EMPLOYMENT

35. On April 13, 2026, less than three months after Gondon announced her pregnancy and protested discrimination, the Company fired her.

36. Witek and Rutherford – two of the three people Gondon notified that she was pregnant – broke the news to her. Witek claimed that there had been no acquisitions of new property or new developments and therefore the amount of work available to Gondon was winding down. Rutherford said nothing.

37. They terminated her employment effective immediately.²

38. In fact, on May 8, 2026, the Company boasted publicly that business had not, in fact, slowed down. Not only was the second phase of the Williamsburg Wharf Project underway,³ but in August 2025 the Company had just “closed on an \$810 million purchase of the 800 Fifth Avenue, a 33-story rental on the Upper East Side that will be demolished by the developer to make way for a new luxury condo building facing Central Park.”⁴

39. Naftali founder, Chairman and CEO Miki Naftali (“Miki”) bragged that the Fifth Avenue building “is a once-in-a-lifetime opportunity, and it’s going to be, by far, the best residential building in the U.S., and perhaps in the world.”⁵

40. Moreover, the Company “ha[d] a strong pipeline of deals[,]” and, according to Miki, “[t]he work was far from over in 2026.”⁶

41. In the days that followed, Gondon learned that Naftali had hired a man, Camden Brown (“Brown”), to take over Gondon’s work.

² Gondon had already earned two milestone bonuses, each worth \$20,000. The Company refused to pay her. Instead, Witek and Rutherford offered \$15,000 and two weeks’ severance if Gondon promised not to sue. Clearly, the Company understood that it was in legal jeopardy.

³ In December 2025, the same month that Witek discussed a potential promotion for Gondon, the Company “secured a \$525-million construction loan for the second phase of [the Williamsburg Wharf Project].” See <https://www.instagram.com/p/DSkobBxCY6G/>.

⁴ See <https://naftaligroup.com/press/power-100-2026/>.

⁵ Id.

⁶ Id.

42. Gondon confronted Rutherford about hiring her male replacement. Rutherford became evasive and began giving short, carefully worded answers.

43. When Gondon asked if he had met Brown before, Mr. Rutherford replied, “No comment.”

44. Rutherford denied his own involvement in the unlawful conduct, explaining, “I did not hire him to replace you” and “it’s not anything that I orchestrated.”

45. Ultimately, Rutherford appeared to admit that Brown replaced Gondon, when he convolutedly said, “It’s not that straightforward to say he’s not a replacement.”

46. Gondon also spoke with Brown directly while he was in the process of removing Gondon’s belongings from her office so he could move in.

47. Brown admitted that he had in fact replaced Gondon. He would complete the first phase of the Williamsburg Wharf Project and then continue to work on the second phase.

48. Brown further admitted that he would be using Gondon’s work (spreadsheets, lists and notes) to perform his job.

IV. NAFTALI’S PATTERN AND PRACTICE OF PREGNANCY DISCRIMINATION

49. Gondon knows of at least two other women who were discriminated against because of their pregnancy and requests for leave.

50. In one instance, Naftali replaced a female employee while she was on leave. When she returned, Naftali gave her little to no work and then promptly fired her.

51. In the other instance, Naftali similarly replaced a pregnant woman while she was on leave with one of her own reports and had no role for her to return to when her maternity leave was over.

52. This pattern, which essentially repeated itself with Gondon, establishes a pattern and practice of pregnancy discrimination and protected leave violations.

FIRST CAUSE OF ACTION
(Interference in Violation of the FMLA)
Against All Defendants

53. 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.

54. By the actions described above, among others, Defendants unlawfully interfered with Plaintiff's anticipated exercising of her rights under the FMLA.

55. As a direct and proximate result of Defendants' conduct, Plaintiff has suffered, and continues to suffer, monetary and non-monetary loss for which she is entitled to an award of monetary damages and other relief, to the greatest extent permitted by law, in addition to reasonable attorneys' fees and costs.

56. Defendants' unlawful actions constitute reckless, intentional, malicious, willful and wanton violations of the FMLA.

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

57. 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.

58. By the actions described above, among others, Defendants unlawfully retaliated against Plaintiff in anticipation of her exercising of her rights under the FMLA.

59. As a direct and proximate result of Defendants' conduct, Plaintiff has suffered, and continues to suffer, monetary and non-monetary loss for which she is entitled to an award of monetary damages and other relief, to the greatest extent permitted by law in addition to

liquidated damages and reasonable attorneys' fees and costs.

60. Defendants' unlawful actions constitute reckless, intentional, malicious, willful and wanton violations of the FMLA.

THIRD CAUSE OF ACTION
(Discrimination in Violation of the NYSHRL)
Against All Defendants

61. 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.

62. By the conduct described above, among others, Defendants discriminated against and/or permitted and/or acquiesced to the discrimination of Plaintiff on the basis of her sex and familial status in violation of the NYSHRL by subjecting her to discrimination and by terminating her employment.

63. As a direct and proximate result of Defendants' unlawful discriminatory conduct in violation of the NYSHRL, Plaintiff has suffered, and continues to suffer, monetary and non-monetary loss for which she is entitled to an award of monetary damages and other relief, to the greatest extent permitted by law.

64. Plaintiff is entitled to any and all other available remedies and/or damages, including but not limited to punitive damages and attorneys' fees and expenses.

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

65. 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.

66. By the conduct described above, among others, Defendants retaliated against Plaintiff in violation of the NYSHRL for engaging in protected activity, by subjecting her to

retaliation and by terminating her employment.

67. As a direct and proximate result of Defendants' unlawful retaliatory conduct in violation of the NYSHRL, Plaintiff has suffered, and continues to suffer, monetary and non-monetary loss for which she is entitled to an award of monetary damages and other relief, to the greatest extent permitted by law.

68. Plaintiff is entitled to any and all other available remedies and/or damages, including but not limited to punitive damages and attorneys' fees and expenses.

FIFTH CAUSE OF ACTION
(Discrimination in Violation of the NYCHRL)
Against All Defendants

69. 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.

70. By the conduct described above, among others, Defendants discriminated against and/or permitted and/or acquiesced to the discrimination of Plaintiff on the basis of her gender, sexual and reproductive health decisions and caregiver status in violation of the NYCHRL by subjecting her to discrimination and by terminating her employment.

71. As a direct and proximate result of Defendants' unlawful discriminatory conduct in violation of the NYCHRL, Plaintiff has suffered, and continues to suffer, monetary and non-monetary loss for which she is entitled to an award of monetary damages and other relief, to the greatest extent permitted by law.

72. Plaintiff is entitled to any and all other available remedies and/or damages, including but not limited to punitive damages and attorneys' fees and expenses.

SIXTH CAUSE OF ACTION
(Retaliation in Violation of the NYCHRL)
Against All Defendants

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, among others, Defendants have retaliated against Plaintiff in violation of the NYCHRL for engaging in protected activity, by subjecting her to retaliation and by terminating her employment.

75. As a direct and proximate result of Defendants' unlawful retaliatory conduct in violation of the NYCHRL, Plaintiff has suffered, and continues to suffer, monetary and non-monetary loss for which she is entitled to an award of monetary damages and other relief, to the greatest extent permitted by law.

76. Plaintiff is entitled to any and all other available remedies and/or damages, including but not limited to punitive damages and attorneys' fees and expenses.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that the Court enter judgment in her 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 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 further unlawful conduct;

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;

D. An award of damages against Defendants, 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 her emotional distress;

- E. An award of punitive damages;
- F. An award of liquidated damages;
- G. Prejudgment interest on all amounts due;
- H. An award of reasonable attorneys' fees and costs; and
- I. 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: September 16, 2026
New York, New York

WIGDOR LLP

By: 

Valdi Licul
Brooke Payton

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

Counsel for Plaintiff

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Claire Gondon

(b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Valdi Licul, Wigdor LLP
(212) 257-6800 85 Fifth Ave., Fifth Floor,
New York, NY 10003

DEFENDANTS

Naftali Group LLC; Michael Witek; and Eva Malachi

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Greg Riolo, Jackson Lewis P.C.
(518) 512 8700 677 Broadway, 9th Floor
Albany, NY 12207

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | ☐ 1 | ☐ 1 | Incorporated or Principal Place of Business In This State | ☐ 4 | ☐ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business In Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 835 Patent - Abbreviated New Drug Application ☐ 840 Trademark ☐ 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 376 Qui Tam (31 USC 3729(a)) ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit (15 USC 1681 or 1692) ☐ 485 Telephone Consumer Protection Act ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☒ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee * ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
29 U.S.C. §§ 2601

Brief description of cause:
Violation of the Family and Medical Leave Act (FMLA)

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE DOCKET NUMBER

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

PART A - CERTIFICATION OF ARBITRATION ELIGIBILITY

Local Arbitration Rule 83.7 provides that with certain exceptions, actions seeking money damages only in an amount not in excess of \$150,000, exclusive of interest and costs, are eligible for compulsory arbitration. The amount of damages is presumed to be below the threshold amount unless a certification to the contrary is filed.

Case is Eligible for Arbitration

I, Valdi Licul, counsel for Plaintiff, do hereby certify that the above captioned civil action is ineligible for compulsory arbitration for the following reason(s):

- ☒ monetary damages sought are in excess of \$150,000.00 exclusive of interest and costs,
- ☐ the complaint seeks injunctive relief, or
- ☐ the matter is otherwise ineligible for the following reason:

PART B - DISCLOSURE STATEMENT - FEDERAL RULES of CIVIL PROCEDURE 7.1

Identify any parent corporation and any publicly held corporation that owns 10% or more of its stocks. Add an additional page if needed.

N/A

PART C - RELATED CASE STATEMENT (Section VIII on the Front of this Form)

Please list all cases that are arguably related pursuant to Division of Business Rule 3 in Section VIII on the front of this form. Rule 3(a) provides that "A civil case is "related" to another civil case for purposes of this guideline when, because of the similarity of facts and legal issues or because the cases arise from the same transactions or events, a substantial saving of judicial resources is likely to result from assigning both cases to the same judge and magistrate judge." Rule 3(a) provides that "A civil case shall not be deemed "related" to another civil case merely because the civil case involves identical legal issues, or the same parties." Rule 3 further provides that "Presumptively, and subject to the power of a judge to determine otherwise pursuant to paragraph (b), civil cases shall not be deemed to be "related" unless both cases are still pending before the court."

N/A

PART D - NEW YORK EASTERN DISTRICT DIVISION OF BUSINESS RULE 1(d)(3)

If you answer "Yes" to any of the questions below, this case will be designated as a Central Islip case and you **must select Office Code 2**.

1. Is the action being removed from a state court that is located in Nassau or Suffolk County?
2. In actions not involving real property, is the action being brought against United States, its officers or its employees AND the majority of the plaintiffs reside in Nassau or Suffolk County?
3. If you answered "No" to all parts of Questions 1 and 2:
 - a. Did a substantial part of the events or omissions giving rise to claim or claims occur in Nassau or Suffolk County?
 - b. Do the majority of defendants reside in Nassau or Suffolk County?
 - c. Is a substantial amount of any property at issue located in Nassau or Suffolk County?
4. If this is a Fair Debt Collection Practice Act case, was the offending communication received in either Nassau or Suffolk County?
 (Note, a natural person is considered to reside in the county in which that person is domiciled; an entity is considered a resident of the county that is either its principal place of business or headquarters, of if there is no such county in the Eastern District, the county within the District with which it has the most significant contacts).

PART E - BAR ADMISSION

1. I am currently admitted in the Eastern District of New York and currently a member in good standing of the bar of this court.

If you answered No to E(1), please see instructions and Local Civ. R. 1.3.

2. Are you currently the subject of any disciplinary action (s) in this or any other state or federal court? If yes, please explain:

PART F - IMMIGRATION HABEAS

1. Is this petition based on an immigration detention?

Check Form to Validate Before Signing

I certify the accuracy of all information provided above.

Signature: _____

2. Does this case require immediate attention of a judge?

If you answered Yes in Part F, and are filing this action after business hours, please see instructions here: <https://www.nyed.uscourts.gov/emergency-applications-filed-after-business-hours>.

Date: 09/16/2026

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

Page One Instructions

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related cases, if any. If there are related cases, insert the docket numbers and the corresponding judge names for such cases.

Page Two Instructions

- A. Certification of Arbitration Eligibility: Indicate whether the case is eligible for arbitration under Local Civil Rule 83.7. If you answer No, please check at least one of the reasons that the case is not eligible.
- B. Disclosure Statement - Federal Rules of Civil Procedure 7.1: If additional space is needed, please add the parties on an additional page.
- C. Related Case Statement: If additional space is needed, please add the parties on an additional page.
- D. Division of Business Rule 1(d)(3): Your answers in this section will determine whether your case will be designated as a Central Islip or Brooklyn case. Failure to complete this section may result in a delay assigning your case to a judge. Answer all four (4) questions in this part, including 3(a), 3(b), and 3(c).
- E. Bar Admission: Answer both questions.
- F. Immigration Habeas: Answer both questions.

Click "Check Form to Validate Before Signing." If any required fields have not been completed, please do so before signing.

Date and Attorney Signature. Date and sign the civil cover sheet.

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____ .

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

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☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

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 was received by me on *(date)* _____ .

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____ , a person of suitable age and discretion who resides there,
 on *(date)* _____ , and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____ , who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: