

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MARIA HIRALDO DE VALERIO,

Plaintiff,

**COMPLAINT**

-against-

STATE UNIVERSITY OF NEW YORK AT STONY  
BROOK, and STONY BROOK UNIVERSITY  
HOSPITAL,

Defendants.

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Plaintiff, by her attorneys, Bell Law Group, PLLC, respectfully allege upon information and belief the following:

**PRELIMINARY STATEMENT**

1) Plaintiff Maria Hiraldo de Valerio, a Hispanic female from the Dominican Republic, was hired by Stony Brook University Hospital (collectively the “SB Hospital”), as a Hospital Attendant, located at 101 Nicholls Road, Stony Brook, N.Y. 11794.

2) As part of the Hospital’s continuing campaign of harassment and retaliation, in July 2022, Ms. Hiraldo was essentially demoted when facing various transfers, overly scrutinized, and humiliated when various members of management at Stony Brook threatened her job, berated her, and intimidated her because of her race/national origin and her inability to speak English. Indeed, the workplace was permeated with various members of management telling the Plaintiff, “We live in the U.S.A.” “You need to learn English” “If you want to speak Spanish, go back to the Dominican Republic!”.

3) After Plaintiff made various complaints alleging harassment and discrimination, Defendants unlawfully retaliated against Mr. Hiraldo due to her complaints and discriminated against her on the basis of her race (Hispanic), National Origin (Dominican) and engaging in prior protected activity including complaints in violation of Title VII of the Civil Rights Act of 1964 (Title VII), as amended, 42 U.S.C. §2000e et. seq. and New York State Human Rights Law.

**JURISDICTION AND VENUE**

4) This Court has original jurisdiction over Plaintiff's federal claims pursuant to 28 U.S.C. §§ 1331 & 1343. This Court has supplemental jurisdiction over Plaintiff's state claims pursuant to 28 U.S.C. § 1367 because those claims are so related to the federal claims that they form a part of the same case or controversy between Plaintiff and Defendants.

5) Venue is proper in this case pursuant to 28 U.S.C. § 1391 because (1) the Defendants are located in Suffolk County, New York, which is located in the Eastern District of New York, and (2) the events which give rise to the Plaintiff's claims took place in Suffolk County, which is located in the Eastern District of New York.

6) All conditions precedent to filing suit have been fulfilled. On September 13, 2022 Plaintiff filed a timely Charge of Discrimination with the Equal Employment Opportunity Commission, alleging ongoing harassment, discrimination in employment on the basis of race, national origin and retaliation. Complainant received a right to sue letter from the EEOC on May 16, 2024, and this suit is filed within 90 days of same authorizing Plaintiff to file suit in federal court.

**PARTIES**

7) Plaintiff Maria Hiraldo de Valerio is a Spanish speaking female, from the Dominican Republic. Plaintiff is a resident and domiciliary of Suffolk County, NY. At all times relevant to the complaint, Ms. Hiraldo was an “employee,” of the Defendants as that term is defined by Title VII, New York State Executive Law §§ 290 et seq.

8) Defendant Stony Brook University Hospital is, upon information and belief, a healthcare facility, affiliated with the University but legally distinct from it, with a principal place of business in Suffolk County, New York.

9) Upon information and belief, Defendant State University of New York At Stony Brook, is an academic center in Stony Brook, New York. The aforementioned hospital and/or employees, agents or representatives of said facility were directly involved in the violations that are at issue in this Complaint.

10) At all times relevant to the complaint, Defendant was Ms. Hiraldo’s “employer,” as that term is defined by Title VII, and New York State Executive Law §§ 290 et seq.

**FACTUAL ALLEGATIONS**

11) On or about April 2020, Plaintiff commenced her employment at Stony Brook Hospital as a Hospital Attendant 1.

12) As a Hospital Attendant, Plaintiff’s primary responsibilities were cleaning, housekeeping, removal of garbage, clean hospital rooms, bathrooms, and hallways.

13) Throughout her employment, Plaintiff consistently performed her duties in a satisfactory manner.

14) Plaintiff is a Hispanic female from the Dominican Republic.

15) During her initial interview at Stony Brook Hospital, she advised manager Michael Clark that she understood “very little English” and her primary language was Spanish.

16) From the commencement of her employment, she was assigned to different areas in the hospital leading to her assignment in the Labor and Delivery floor (L&D floor).

17) From her assignment, the management at Stony Brook humiliated and degraded Plaintiff Hiraldo because of her race, national origin and her failure to speak English on a daily basis.

18) On or about June 2020, she requested assistance from the front office to help fixing a cart that lost one of its wheels causing liquid to fall on the floor. She used a translator to communicate. Supervisor Matthew Harrigan stated to her, through the translator, “How can I help you,” “How can I help you?” “How can I help you?” in an angry manner. Plaintiff answered: “I do not speak English.” Matthew Harrigan stated: “We live in America” “We should all speak English” “We live in America here” “We live in America” “Everyone should speak English.” Matthew Harrigan spoke to her in a degrading and mocking manner in front of other employees.

19) Manager Matthew would also constantly scrutinize her work and monitor her. On one occasion, for example, he would inspect her work area upwards of 18 times a day.

20) From June 2020, Plaintiff Hiraldo was subjected to ridicule and mocking from various managers concerning her inability “to speak English” and “requirement to speak English” in order to keep her job.

21) On or about late June 2020, Plaintiff Hiraldo reported complaints of harassment

and discrimination concerning Manager Clifford Roggeman. In a meeting where she complained about the discriminatory comments she was subjected to, Mr. Roggeman told her that “We live in the U.S.A. here” and she needed to learn English or she would be terminated.

22) Plaintiff Hiraldo reported this to Human Resources but nothing was done in response to her complaints.

23) On or about June 2021, Plaintiff’s supervisor Ramon Lantigua told Plaintiff Hiraldo that she could not be on the L&D floor because she did not speak English. She begged him to please leave her on the L&D floor. Lantigua told her that she was being moved because she could not speak English.

24) On or about November 2021, JACOB, a regulatory agency for hospitals, was coming to inspect the hospital. Plaintiff went to work to complete her duties. Two Supervisors Harold Cuellar and Ramon Lantigua came and told her to go to the office. In the office, the supervisors told her that she was to report to the pavilion because she “could not speak English”. Plaintiff, crying, begged her Supervisor(s) to not remove her from another area and to allow her to continue to do her job.

25) Both Mr. Lantigua and Mr. Cuellar told Plaintiff that upper management had made the decision to remove her from her work location and they could not help. Additionally, Mr. Lantigua told her that she was living in the USA and she needed to speak English. He also told her she was not allowed to speak in Spanish anymore.

26) While at the office, Plaintiff’s supervisor Harold Cuellar told Ms. Hiraldo, forcefully, they were going to transfer her from the labor and delivery department. Supervisor Harold berated her and told her that she was being transferred because “You do not speak

English” “You need to speak English” “What don’t you understand?.” They transferred her and made her a “floating” employee.

27) On or about December 2021, Plaintiff Hiraldo began requesting transfers to other departments. No one responded to her requests due to her complaints of harassment and discrimination.

28) Plaintiff Hiraldo complained about these Supervisors’ conduct and discriminatory comments to Human Resources, but the management at Stony Brook failed to provide her with any assistance. Stony Brook management constantly made derogatory and discriminatory comments based upon her inability to speak English, that immigrants that live “in America” *need* to speak English, berated, and transferred her to different locations. They humiliated her in front of co-workers, degraded her and retaliated against her.

29) On or about April 2022, white Manager Mathew Harrigan again told Plaintiff Hiraldo “We are in America” “You should speak English.” Plaintiff Hiraldo reported this to the Human Resources Department, and they again did nothing.

30) On or about April 2022, Plaintiff Hiraldo also lodged complaints against Matthew Harrigan for overly scrutinizing her work, following her while she did her job and discriminating against her for speaking Spanish and not speaking English. Following this complaint, Mr. Harrigan’s scrutiny became worse.

31) Shortly after, on July 29, 2022, Plaintiff Hiraldo was called into a meeting with manager Mathew Harrigan, General Manager Mike Clark and another manager (name unknown) to help translate the conversation. During this July 29, 2022 meeting, Mr. Matthew Harrigan gave a counseling memorandum to Plaintiff Hiraldo alleging insubordination. Plaintiff protested

and disagreed with this counseling memorandum.

32) Plaintiff Hiraldo, once again, requested to be moved under a different supervisor to avoid Mr. Harrigan's hurtful and discriminatory comments against her but her request was denied. Manager Mike Clark stated that there was a lack of communication because she could not speak English, blaming it once again, on her inability to speak English. Plaintiff Hiraldo left the meeting concerned, devastated and hopeless.

33) On a constant basis, Manager(s) Mike Clark, Matthew Harrigan, Harold Cuellar, and Ramon Lantigua would often question Plaintiff and ask her when she would learn how to speak English. These managers would also forcefully say "We live in the U.S.A. you should speak English!". Manager Mike went further and stated: "If you want to speak Spanish, go back to the Dominican Republic!". These comments were often made in front of other members of the housekeeping and co-workers.

34) Manager Mike Clark continued his ridiculing and discriminatory treatment of the Plaintiff until his departure on or about April/May 2024.

35) As a result of Stony Brook's unlawful discrimination, ongoing harassment, hostile work environment and retaliation, Plaintiff has suffered significant emotional distress as a result of the discriminatory treatment causing her to start seeing a psychiatrist and a social therapist who prescribed her medication that she did not need before.

**COUNT I**  
**VIOLATIONS OF TITLE VII OF THE CIVIL RIGHTS ACT OF**  
**1964, 42 U.S.C. § 2000(e) et seq.**

36) Plaintiff realleges and reavers ¶¶ 1 through 35 of this Complaint as if fully set forth herein.

37) Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e-2 provides:

(a) It shall be an unlawful employment practice for an employer:

...to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin.

38) Defendants engaged in unlawful employment practices prohibited by 42 U.S.C. §2000e-2 by unlawfully harassing and retaliating against Plaintiff, and otherwise discriminating against Plaintiff by creating a hostile work environment based upon her national origin and race.

39) Defendants violated 29 C.F.R.1604.11 by creating an intimidating and hostile work environment for Plaintiff, retaliating against her due to her engaging in prior protected activity, subjected her to undue scrutiny, harassing and discriminating comments based upon her national origin and/or race and her inability to speak English. Defendants would often threaten to terminate her and often mocked her in front of other employees due to her accent and her inability to speak English. On various occasions, Plaintiff complained to various members of management and Human Resources about management's unlawful conduct and her unbearable work environment in retaliation for her complaints.

40) Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e-3(a) provides that it shall be unlawful employment practice for an employer:

a) to ... discriminate against any of his employees . . . because [s]he has opposed any practice made an unlawful employment practice by this subchapter, or because [s]he has made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under this subchapter.



41) Defendants engaged in an unlawful employment practice prohibited by 42 U.S.C. §2000e et seq. by retaliating against Plaintiff with respect to the terms, conditions or privileges of employment because of her opposition to management's discriminatory conduct.

**COUNT II**  
**VIOLATION OF THE NEW YORK STATE HUMAN RIGHTS LAW**  
**(NATIONAL ORIGIN DISCRIMINATION)**

42) Plaintiff realleges and reavers ¶¶ through 41 of this Complaint as if fully set forth herein.

43) New York Executive Law § 296 prohibits discrimination in the terms, conditions, and privileges of employment on the basis of an individual's race and/or national origin and also prohibits retaliation against individuals who in good faith complain about discriminatory practices to which they have been subjected.

44) Plaintiff is an employee and a qualified person within the meaning of the New York State Human Rights Law ("NYSHRL") and Defendants are covered employers under the NYSHRL.

45) Defendants operated a business that discriminated against Plaintiff in violation of the NYSHRL by subjecting Plaintiff to a hostile work environment, in the form of harassment.

46) Defendants willfully violated The New York State Human Rights Law, as amended. They were aware of the blatant discrimination based on national origin/race and yet failed to correct or reprimand the instigators of such harassing conduct.

47) Defendants knowingly and willfully violated the New York State Human Rights Law, as amended, because Defendants allowed, permitted and condoned this conduct to occur and continue against the Plaintiff on the basis of her national origin and race.

48) Due to Defendants' violations under The New York State Human Rights Law, as amended, Plaintiff is entitled to recover from Defendants: (1) compensatory and punitive damages and (2) attorneys' fees and costs.

**COUNT V**  
**VIOLATION OF THE NEW YORK STATE HUMAN RIGHTS LAW**  
**(HARASSMENT)**

49) Plaintiff realleges and reavers ¶¶ 1 through 48 of this Complaint as if fully set forth herein.

50) Defendants discriminated against Plaintiff by permitting an ongoing and pervasive pattern and practice of harassment and by creating and maintaining a hostile work environment, in violation of New York Executive Law § 296. Defendants' harassment altered Plaintiff's conditions of employment by creating an abusive working environment for her.

51) As a direct and proximate result of Defendants' aforementioned conduct, Plaintiff was damaged and suffered economic losses, mental and emotional harm, anguish and humiliation.

52) By reason of the ongoing harassment suffered at Defendants' establishment, Plaintiff is entitled to all legal and equitable remedies available under New York Executive Law § 296.

**COUNT VI**  
**VIOLATION OF THE NEW YORK STATE HUMAN RIGHTS LAW**  
**(RETALIATION)**

53) Plaintiff realleges and reavers ¶¶ 1 through 52 of this Complaint as if fully set forth herein.

54) The NYSHRL prohibits discrimination in the terms, conditions, and privileges of employment on the basis of an individual's national origin and/or race and also prohibits retaliation against individuals who in good faith complain about discriminatory practices to which they have been subjected.

55) New York Executive Law § 296(7) provides that:

56) "It shall be an unlawful discriminatory practice: For any person engaged in any activity to which this section applies to retaliate or discriminate against any person because [s]he has opposed any practices forbidden under this article."

57) In violation of New York Executive Law § 296, Defendants transferred, expelled and otherwise discriminated against Plaintiff because she opposed practices forbidden by New York Executive Law § 296.

58) Defendants' actions including overly scrutinizing, transferring, subjecting her to a counseling memorandum, was in direct retaliation for Plaintiff's complaints opposing discrimination.

59) As a direct and proximate result of Defendants' aforementioned conduct, Plaintiff was damaged and suffered economic losses, severe mental and emotional harm, anguish and humiliation.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests that this Court grant the following relief:

a. A declaratory judgment that Defendants engaged in unlawful employment practices under Title VII, New York Executive Law § 296 et seq.

b. An injunction against Defendants and their officers, agents, successors, employees, representatives and any and all persons acting in concert with them as provided by law, from engaging in each of the unlawful practices, policies and patterns set forth herein;

d. An award of damages to Plaintiff, for all lost wages and benefits, past and future, back and front pay, resulting from Defendants' unlawful employment practices and to make her whole for any losses suffered as a result of such unlawful employment practices;

e. An award of compensatory damages for mental, emotional and physical injury, distress, pain and suffering and injury to reputation;

f. An award of punitive damages;

g. An award of statutory penalties, and prejudgment and post judgment interest;

h. An award of costs and expenses of this action together with reasonable attorneys' and expert fees; and such other equitable relief.

**JURY DEMAND**

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff demands trial by jury on all issues so triable as of right by jury.

Dated: August 14, 2024  
Syosset, New York

Respectfully submitted,

BELL LAW GROUP, PLLC

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