

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

-----X **Case No.**  
DEMETRIC BOWMAN,

Plaintiff,

**COMPLAINT**

- against -

PHOENIX HOUSES OF NEW YORK, INC.,

**PLAINTIFF DEMANDS  
A TRIAL BY JURY**

Defendant.  
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Demetric Bowman (“Plaintiff”), by and through her attorneys, PHILLIPS & ASSOCIATES, PLLC, against Phoenix Houses of New York, Inc. (“Defendant”), alleges upon knowledge as to herself and her own actions and upon information and belief as to all other matters as follows:

**NATURE OF THE CASE**

1. Plaintiff complains pursuant to the discrimination and retaliation provisions of: (i) **Title VII of the Civil Rights Act of 1964**, 42 U.S.C. § 2000e, *et seq.* (“Title VII”); (ii) **Age Discrimination in Employment Act of 1967**, 29 U.S.C. § 621, *et seq.* (“ADEA”), (iii) the **New York State Human Rights Law**, New York State Executive Law, § 296 *et seq.* (“NYSHRL”); (iv) the **New York City Human Rights Law**, New York City Administrative Code § 8-107, *et seq.* (“NYCHRL”); and (v) any other claim(s) that can be inferred from the facts set forth herein and seeks damages to redress the injuries Plaintiff suffered as a result of being subjected to unlawful discrimination and retaliation, including constructive discharge by Defendant, **on the basis of Plaintiff’s sex/gender (female) and her age (over 40).**

**JURISDICTION AND VENUE**

2. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. §1331, as this action arises under 42 U.S.C. § 2000(e), *et seq.*

3. The Court has supplemental jurisdiction over all state and city law claims pursuant to 28 U.S.C. § 1367.
4. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b)(2), as a substantial part of the actions or omissions giving rise to the claims for relief occurred within this judicial district.

#### **PROCEDURAL PREREQUISITES**

5. Plaintiff timely filed a complaint, upon which this Complaint is based, with the United States Equal Employment Opportunity Commission (“EEOC”).
6. Plaintiff received a Notice of Right to Sue from the EEOC, dated May 7, 2026, with respect to the instant charges of discrimination. A copy of the Notice is annexed to this Complaint.
7. This action is being commenced within 90 days of receipt of the Notice of Right to Sue.

#### **PARTIES**

8. At all relevant times herein, Plaintiff was and is a resident of the State of New York, County of Queens and who identifies herself as a woman who is above the age of 40 years old. She was and is a “person” and an “employee” and is entitled to protection as defined by Title VII, the ADEA, the NYSHRL, and the NYCHRL.
9. At all relevant times herein, Defendant was and is a domestic not-for-profit corporation, duly organized and existing under and by the virtue of the laws of the State of New York, with its principal place of business located at 34-11 Vernon Boulevard, Long Island City, NY 11106.
10. At all times material, Defendant is a nonprofit behavioral health agency providing substance use disorder treatment and mental health services, in addition to vocational, educational and life skill services and training as part of their reintegration process.
11. At all times material, Defendant maintains a network of residential treatment centers and recovery centers throughout New York City and Long Island.

12. At all times material, Plaintiff was employed by Defendant at one of its facilities located at 151-67 N. Conduit Avenue, Jamaica, NY 11434 (“Conduit Avenue House”).
13. At all times material, Defendant employed at least twenty (20) or more employees.
14. Accordingly, and at all times material, Defendant was and is an “employer” covered by the statutes referenced herein.

### **MATERIAL FACTS**

15. On or about March 18, 2025, Plaintiff began working for Defendant as a full-time Case Manager, earning a salary of \$50,000 per year.
16. As a Case Manager, Plaintiff’s duties and responsibilities included, but were not limited to, providing direct services to clients, including intake, needs assessment, treatment planning, referral coordination, and progress monitoring, while maintaining client records.
17. At all times material, Plaintiff worked in-person at Defendant’s Conduit House location.
18. At all times material, Plaintiff had the skills, experience, and qualifications necessary to work in her employment position for Defendant.
19. At all times material, Plaintiff’s work performance met or exceeded Defendant’s reasonable expectations for her position and Plaintiff never received any performance warnings.
20. At all times material, Plaintiff worked under the supervision of: 1) Case Manager Supervisor, Sulaine Gomez (“Gomez”), 2) Program Director, Ingelfied Reid (“Reid”), and 3) Supervisor, Jenny Varese (“Varese”).
21. From the very outset of her employment with Defendant, Plaintiff was subjected to a severe and pervasive hostile work environment characterized by ongoing sexual harassment from both her direct supervisor, Reid, and her co-worker, Resident Assistant Bryan Rodriguez (“Rodriguez”). Reid not only engaged in his own sexually inappropriate conduct toward

Plaintiff, but also actively ignored and dismissed Plaintiff's repeated complaints of sexual harassment by Rodriguez - conduct which intensified after Plaintiff first reported Reid's misconduct to HR. Rather than take any remedial action, Reid retaliated by downplaying the severity of Plaintiff's complaints and deliberately refusing to escalate them, thereby compounding the harassment and emboldening Rodriguez's behavior.

22. The sexual harassment began almost immediately. During Plaintiff's first week of employment in March 2025, Reid would enter the case manager's office at Conduit House and subject Plaintiff and her female colleague "Alaana" [Full Name Presently Unknown] to unwelcome, overly intimate physical contact under the guise of workplace familiarity. This included repeatedly hugging Plaintiff in a manner that was unnecessarily prolonged and invasive, as well as inappropriately holding her hand while walking away. These gestures were not casual or benign, rather they were unsolicited, made Plaintiff deeply uncomfortable, and clearly crossed professional boundaries. Despite Plaintiff's visible discomfort, Reid persisted, signaling a blatant disregard for Plaintiff's personal space and dignity from the very beginning of her employment.
23. On or about March 26, 2025, Resident Assistant Rodriguez entered the Case Manager's Office under the pretense of speaking with Plaintiff's colleague, Alaana. During the interaction, Rodriguez abruptly shifted his attention to Plaintiff, began staring at her inappropriately, and proceeded to make unwelcome and sexually suggestive remarks. He told Plaintiff she was "*pretty*" and pressed her for personal information, including her age, in a manner that was clearly flirtatious and invasive. Plaintiff, visibly uncomfortable, asked Rodriguez why he was asking such questions and attempt to deflect his attention. When Rodriguez stated he was 35 years old, Plaintiff responded by noting that her son was only a few years younger than him,

which she shared with Rodriguez in an intentional effort to set a professional boundary and signal that his conduct was not welcome.

24. Rather than take the hint, Rodriguez reacted with hostility and inappropriate sexual bravado. Offended by Plaintiff's remark and as Alaana laughed and told him he was a "little boy" compared to Plaintiff's son, Rodriguez doubled down on his offensive behavior. In front of Plaintiff and other staff, Rodriguez made an overtly sexual and degrading remark, stating loudly that he "*had plenty of sugar mommas*" in the past. He then abruptly stormed out of the office and slammed the door behind him. The incident was not only humiliating to Plaintiff but also created an environment of intimidation and sexual hostility. As a direct result, Plaintiff felt deeply embarrassed and emotionally shaken. She was so disturbed by the encounter that she was unable to return to work the next day and was forced to text her direct supervisor, Gomez, to request a sick day on March 27, 2025, to recover from the distress caused by Rodriguez's mortifying conduct.

25. Later that same day, after receiving a text message from her supervisor Gomez regarding approval of her sick leave request, Plaintiff requested a phone call to discuss a serious concern. During their conversation, Plaintiff explicitly reported to Gomez that she was being sexually harassed by her co-worker, Rodriguez, and her supervisor, Reid, and she explained to Gomez the specific comments Rodriguez made to her the previous day, including Rodriguez asking Plaintiff about her age and referring to her in the sexist and ageist term as his "*sugar momma*". Rather than take Plaintiff's complaint seriously, Gomez attempted to minimize her concerns by stating that Reid "hugs all of his staff" and that Plaintiff had nothing to worry about because Reid was a former resident of one of Defendant's drug rehabilitation centers before being hired by the company. Gomez's response was dismissive and alarming, and it failed to provide

Plaintiff with any assurance that her complaint would be handled appropriately. Plaintiff reiterated that Reid's physical contact, which included unsolicited hugging and hand-holding, made her extremely uncomfortable and she wanted the conduct to stop. Gomez responded by stating she would ask Reid to stop hugging Plaintiff and she would escalate Plaintiff's complaint about Rodriguez to Varese who, upon information and belief, is Reid's supervisor.

26. While Reid's hugging ceased following Plaintiff's complaint, no meaningful corrective action was taken against Rodriguez. In the days that followed, Rodriguez's conduct escalated in both frequency and severity. He began entering Plaintiff's office uninvited and unannounced, making sexually suggestive moaning noises directed specifically at Plaintiff in a calculated effort to intimidate and humiliate her. He repeatedly referred to Plaintiff mockingly as a "*cougar*"<sup>1</sup> in a derogatory and sexualized tone and, in one instance, told Plaintiff, "*I fuck better than your man, you fucking cougar.*" Rodriguez's vulgar and aggressive behavior created a sexually hostile work environment which encouraged sexist and ageist behavior in the workplace, yet Defendant failed to take any steps to remove Rodriguez from the workplace or otherwise protect Plaintiff from ongoing harassment.
27. Defendant's failure to take any meaningful corrective action not only enabled Rodriguez's continued harassment of Plaintiff, but also emboldened him to engage in similarly inappropriate behavior toward other female staff, including Alaana. In Plaintiff's presence, Rodriguez began referring to Alaana using demeaning pet names that have no place in the work environment, such as "*sweetie*", "*honey*", and "*sexy*", reinforcing the sexually charged and unprofessional atmosphere in the workplace. Witnessing this unchecked conduct, paired with management's ongoing indifference, left Plaintiff feeling increasingly dejected, demoralized,

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<sup>1</sup> A "cougar" is a well-known ageist slang term used to describe an older woman who is perceived to pursue or attract younger men for romantic or sexual relationships.

and powerless. The persistent exposure to sexually discriminatory and ageist remarks, combined with her supervisors' clear refusal to intervene, contributed to an environment so toxic that Plaintiff felt abandoned and unsafe in her workplace.

28. On or about March 29, 2025, due to the hostile work environment, Plaintiff made a written request to Defendant to change the days she would be working in-office to days that she believed Rodriguez would not be working at the same time as her in an attempt to avoid him. Defendant never responded to Plaintiff's request and she was forced to continue working with Rodriguez.
29. In fact on or about April 1, 2025, Plaintiff met with Varese to lodge a complaint regarding Rodriguez's sexualized behavior towards her, as well as Reid's sexually harassing behavior towards her. During the meeting, and in sum and substance, Plaintiff told Varese that she did not want to continue working with Rodriguez, and Varese told Plaintiff she would investigate the matter further. Ultimately, Plaintiff never heard anything further from Defendant after this meeting and Rodriguez's sexual harassment continued.
30. During the first week of April 2025, Reid came to speak with Plaintiff regarding an unrelated work issue. During their conversation, Plaintiff complained to Reid that she could not work with Rodriguez anymore because he made her feel very uncomfortable and continued to say inappropriate and discriminatory remarks to her. In response, Reid dismissed Plaintiff's discrimination complaint, told Plaintiff that Rodriguez is "like a son to him", and threatened Plaintiff by telling her that Reid was "from the streets", that he "knows a lot of people", that he sold drugs and "ran southside Jamaica, Queens" and that he hired Rodriguez and multiple other coworkers of Plaintiff and that they have his and Rodriguez's back. Reid obviously told Plaintiff this to make her feel isolated, intimidate, and silence her from escalating her protected

discrimination complaints any further.

31. Unfortunately, with Defendant refusing to address the constant stream of discriminatory harassment, Rodriguez continued to harass Plaintiff throughout the month of April 2025. For instance, on one occasion during this month, Rodriguez told many of Plaintiff's coworkers and clients to look at her standing in the lobby and then he began criticizing her physical appearance and her dress she was wearing to humiliate her.
32. On or about April 30, 2025, at approximately 1:30 p.m., Plaintiff was preparing to leave Defendant's office for her lunch break when Rodriguez entered her office under the pretense of needing to photocopy documents. While using the copier, Rodriguez approached Plaintiff, who was texting on her cell phone, and deliberately invaded her personal space by standing over her and looking over her shoulder in an attempt to read her private messages. When Plaintiff became aware of Rodriguez's conduct and attempted to shield her phone, he began making sexually suggestive moaning noises and proceeded to shake his buttocks in her direction in an overtly inappropriate and humiliating manner in front of her coworkers. Plaintiff immediately attempted to remove herself from the situation by walking out of the office and down the hallway, but Rodriguez followed her and escalated his conduct by continuing to make moaning noises while thrusting his pelvic region in a sexually explicit "humping" motion, causing Plaintiff significant embarrassment and distress.
33. Plaintiff had no other choice at this point other than to leave work and she attempted to call Supervisor Varese and Program Director Reid, but they did not answer their phones. At around 2:00 p.m., Plaintiff sent Varese a text message to report to her that she had been sexually harassed by Rodriguez. Plaintiff explained to Varese that she could not reach Reid and she did not feel safe to return to work that day and she was leaving early. In response, Varese told

Plaintiff she would speak to Reid and email Defendant's Human Resource Department, and that an HR Representative would be reaching out to her shortly.

34. That same evening, at approximately 7:30 p.m., Reid called Plaintiff and stated, while allegedly attending a basketball game, that he had spoken to Rodriguez, who purportedly agreed not to "bother" her anymore. Plaintiff responded that she would return to work upon receiving confirmation from Defendant's Human Resources department that appropriate corrective action had been taken to ensure her safety and prevent further harassment.
35. Instead of acknowledging this reasonable request, Reid insisted that Plaintiff must return to work the next day, May 1, 2025, regardless of whether HR had taken any action or provided any assurance of a safe work environment. Plaintiff, expressing that she did not feel safe and was being forced to continue working with her harasser without the opportunity to speak with HR, informed Reid that under those circumstances, she would have no choice but to resign.
36. Rather than offering support, reassurance, or facilitating a conversation with HR, rather, through a text message exchange with Plaintiff that extended into May 1, 2025, Reid coldly told Plaintiff she could come in to retrieve her personal belongings. Plaintiff, feeling devastated and abandoned, attempted to explain the emotional toll the situation had taken on her, but Reid showed no real concern or willingness to address her distress, effectively affirming that her well-being was not a priority for Defendant.
37. In the late afternoon of May 1, 2025, Plaintiff, who understandably was still holding out hope that Defendant's HR would actually do something to help her so she would not be forced into resigning, sent a follow-up text to Varese to tell her that she never received a call from HR as Varese had promised and asked her for guidance. In reply, Varese merely told Plaintiff that "Natasha" is the "chief of HR" and she is on the alleged email Reid sent to her the day before

and Varese “believed” that Natasha spoke with Reid “before the email was sent regarding what was reported.” However, since no one had actually called Plaintiff to interview her or otherwise assure Plaintiff that she would be safe to return to work, Plaintiff asked Varese again when she should expect a phone call from HR and if she could have Natasha’s email address.<sup>2</sup>

38. In response, Varese inexplicably changed what she told Plaintiff just the day before by instead telling Plaintiff, “not sure if she’s calling or not I can follow up”, which contradicted Varese’s earlier statement made on April 30, 2025 at 2:22 p.m., that “HR will be reaching out to u.”
39. Instead of HR reaching out to Plaintiff as initially promised, however, Varese further stated in her May 1, 2025 text to Plaintiff that “it was reported to me that you quit today, but I will have HR reach out to you either way.”
40. In response, Plaintiff stated she was forced to resign because no one from HR called her to ensure her safety upon return to work, and because her supervisor Reid, who already had threatened her one month prior with adverse consequences if she furthered her harassment complaint, demanded she report to work that day. As such, this left her with no other reasonable and safe alternative, other than to resign her employment by way of constructive discharge.
41. Varese told Plaintiff callously in reply that HR already “informed Reid in his respond”, but that she will let HR know that Plaintiff would like to speak with her.
42. Ultimately, neither Defendant’s HR, Varese, nor Reid ever called, emailed or attempted to reach out to Plaintiff ever again to rectify the situation, invite her to return to work in a safe environment, or address her sexual harassment complaint in any honest or good-faith manner.
43. Fearful of being sexually harassed again by Rodriguez, Reid’s retaliatory behavior and bad-faith approach, as well as her being unnerved by Defendant’s complete unwillingness to

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<sup>2</sup> The “Natasha” being referenced would later be identified during the EEOC investigation process as Natasha Bowman, Defendant’s Human Resources Director, who is of no relation to Plaintiff Demetric Bowman.

meaningfully address the discriminatory misconduct she was subjected to, Plaintiff was left with no other reasonable choice other than to resign her employment with Defendant in or about the evening of April 30, 2025, to which Defendant shockingly accepted without any good faith effort on their end to rectify the situation.

44. Defendant knowingly subjected Plaintiff to such severe, pervasive, and intolerable working conditions, by permitting ongoing sexual harassment and age discrimination, refusing to take corrective action, and requiring Plaintiff to continue working alongside her harasser without appropriate intervention from Defendant. Any reasonable person in Plaintiff's position would have felt compelled to resign under these intolerable conditions. As such, Plaintiff's resignation constituted a constructive discharge.
45. As a direct result of the wrongful and oppressive actions of Defendant, Plaintiff was subjected to unlawful discrimination, humiliation and she experienced embarrassment, discriminatory ridicule and hostility from Defendant.
46. Defendant's actions and conduct were intentional and intended to harm Plaintiff.
47. Additionally, as a result of Defendant's discriminatory treatment of Plaintiff, she has suffered pecuniary loss, severe emotional distress, and physical ailments.
48. As a result of the acts and conduct complained of herein, Plaintiff has suffered and will continue to suffer pecuniary loss, emotional pain, suffering, inconvenience, loss of enjoyment of life, and other non-pecuniary losses. Plaintiff has further experienced severe emotional and physical distress.
49. Defendant's conduct has been malicious, willful, outrageous, and conducted with full knowledge of the law. As such, Plaintiff demands punitive damages as against Defendant.

***FIRST CAUSE OF ACTION***  
**FOR SEX DISCRIMINATION UNDER TITLE VII**

50. Plaintiff repeats and realleges each and every allegation in the preceding paragraphs as if set forth fully herein.

51. 42 U.S.C. § 2000e-2(a)(1) states in part:

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 their compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin.

(Emphasis added).

52. As described herein, Defendant discriminated against Plaintiff on the basis of her sex (female) in violation of Title VII by creating, fostering, condoning, accepting, ratifying, and/or negligently failing to prevent or remedy a hostile work environment that included, among other things, discriminatory and disparate treatment of female employees by sexually harassing Plaintiff.

53. Defendant, through its employees, engaged in unlawful employment practices prohibited by Title VII, by discriminating against Plaintiff on the basis of her sex by creating a hostile work environment in which Plaintiff was subjected to sexual harassment, and constructively discharged from her employment by Defendant after refusing to take adequate corrective action against Plaintiff's sexual harasser and compelling her to continue working with him after she lodged multiple sexual harassment complaints.

54. As a result of Defendant's unlawful discriminatory conduct in violation of Title VII, Plaintiff has suffered, and continues to suffer, economic loss, for which she is entitled to an award of monetary damages and other relief.

55. As a result of the unlawful discriminatory conduct of Defendant in violation of Title VII,

Plaintiff has suffered, and continues to suffer, severe mental anguish and emotional distress, including, but not limited to, depression, humiliation, embarrassment, stress and anxiety, loss of self-esteem and self-confidence, and emotional pain and suffering, for which Plaintiff is entitled to an award of monetary damages and other relief.

56. The unlawful discriminatory actions of Defendant constitute malicious, willful, and wanton violations of Title VII, for which Plaintiff is entitled to the maximum allowable damages under this statute and an award of punitive damages.

**SECOND CAUSE OF ACTION  
FOR RETALIATION UNDER TITLE VII**

57. Plaintiff repeats and realleges each and every allegation in the preceding paragraphs as if set forth fully herein.
58. 42 U.S.C. § 2000e-3(a) provides that it shall be an unlawful employment practice for an employer:

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

59. As described herein, Plaintiff engaged in protected activities by objecting to and complaining of sexual harassment in Defendant's workplace.
60. As described herein, after Plaintiff engaged in activities protected by Title VII, Defendant took adverse actions against Plaintiff by constructively discharged her employment after refusing to take adequate corrective action and compelling Plaintiff to continue working with her sexual harasser after lodging multiple complaints against him.
61. Defendant would not have retaliated against Plaintiff but for Plaintiff's objections to sexual harassment.

62. Such retaliatory treatment would dissuade any reasonable employee from making or supporting a similar complaint of discrimination.
63. As a result of Defendant's unlawful conduct in violation of Title VII, Plaintiff has suffered, and continues to suffer, economic loss, for which Plaintiff is entitled to an award of monetary damages and other relief.
64. As a result of the unlawful conduct of Defendant in violation of Title VII, Plaintiff has suffered, and continues to suffer, severe mental anguish and emotional distress, including but not limited to depression, humiliation, embarrassment, stress and anxiety, loss of self-esteem and self-confidence, and emotional pain and suffering, for which Plaintiff is entitled to an award of monetary damages and other relief.
65. The unlawful discriminatory actions of Defendant constitute malicious, willful, and wanton violations of Title VII, for which Plaintiff is entitled to the maximum allowable damages under this statute and an award of punitive damages.

**THIRD CAUSE OF ACTION  
FOR DISCRIMINATION UNDER THE ADEA**

66. Plaintiff repeats and realleges each and every allegation in the preceding paragraphs as if set forth fully herein.
67. The Age Discrimination in Employment Act of 1967 (the "ADEA"), § 4(a), 29 U.S.C. § 629(a) provides that:

It shall be unlawful for an employer:

- (1) To fail or refuse to hire or to discharge any individual or otherwise discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's age;
- (2) To limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment

opportunities or otherwise adversely affect his status as an employee, because of such individual's age; or  
(3) To reduce the wage rate of any employee in order to comply with this chapter.

68. As described herein, Defendant discriminated against Plaintiff on the basis of Plaintiff's age (over 40 years old) in violation of the ADEA, by creating, fostering, condoning, accepting, ratifying, and/or negligently failing to prevent or remedy a hostile work environment that included, among other things, disparate treatment of Plaintiff based on her age.
69. As described herein, Defendant discriminated against Plaintiff on the basis of her age as evidenced by Defendant creating, maintaining, and failing to correct a hostile and adverse work environment, that included treating Plaintiff with hostility and animosity, permitting, ratifying and approving of Plaintiff's coworker making multiple severe and pervasive ageist remarks directed at Plaintiff in the presence of her coworkers, and then constructively discharging Plaintiff from her employment after she complained to Defendant about the aforementioned ageist comments and Defendant refused to address the complaints and compelled her to continue working with the harasser who made the constant stream of ageist comments directed at her.
70. As a result of Defendant's unlawful discriminatory conduct in violation of the ADEA, Plaintiff has suffered and continues to suffer economic loss, for which she is entitled to an award of monetary damages and other relief.
71. As a result of Defendant's unlawful discriminatory conduct in violation of the ADEA, Plaintiff has suffered and continues to suffer severe mental anguish and emotional distress, including, but not limited to, depression, humiliation, embarrassment, stress and anxiety, and emotional pain and suffering, for which she is entitled to an award of monetary damages, and other relief, including liquidated damages due to Defendant's misconduct.

72. Defendant's unlawful discriminatory actions constitute malicious, willful and wanton violations of the ADEA, for which Plaintiff is entitled to the maximum allowable damages under this statute and an award of punitive damages.

**FOURTH CAUSE OF ACTION  
FOR RETALIATION UNDER THE ADEA**

73. Plaintiff repeats and realleges each and every allegation in the preceding paragraphs as if set forth fully herein.
74. The Age Discrimination in Employment Act of 1967 (the "ADEA"), §4(a), 29 U.S.C. § 629(d) provides:

It shall be unlawful for an employer to discriminate against any of his employees or applicants for employment, for an employment agency to discriminate against any individual, or for a labor organization to discriminate against any member thereof or applicant for membership, because such individual, member or applicant for membership has opposed any practice made unlawful by this section, or because such individual, member or applicant for membership has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or litigation under this chapter.

75. Plaintiff engaged in protected activities by complaining of disparate treatment rooted in age bias and discriminatory ageist comments she was subjected to.
76. As described herein, immediately after Plaintiff engaged in protected activities, Defendant retaliated against Plaintiff with hostility and animosity by refusing to take adequate corrective action against her harasser, forcing her to continue working with her harasser who directed the constant stream of ageist remarks at her expense after she lodged multiple harassment complaints, and by constructively discharging her from her employment after Defendant refused to take corrective action to prevent further harassment.
77. Defendant would not have engaged in the above-described retaliatory actions, including

constructively discharging Plaintiff, but-for Plaintiff engaging in protected activities under this Act.

78. Such retaliatory treatment would dissuade a reasonable employee from making or supporting a similar complaint of discrimination.
79. As a result of Defendant's retaliatory conduct in violation of the ADEA, Plaintiff has suffered and continues to suffer pecuniary losses, severe mental anguish and emotional distress, including, but not limited to depression, humiliation, embarrassment, stress and anxiety, loss of self-esteem and self-confidence, and emotional pain and suffering, for which she is entitled to an award of monetary damages, as well as past and future lost wages and benefits and other compensatory damages, and other relief, including liquidated damages due to Defendant's misconduct.
80. Defendant's unlawful retaliatory actions constitute malicious, willful and wanton violations of the ADEA, for which Plaintiff is entitled to the maximum allowable damages under this statute and an award of punitive damages.

***FIFTH CAUSE OF ACTION***  
**FOR SEX AND AGE DISCRIMINATION UNDER THE NYSHRL**

81. Plaintiff repeats and realleges each and every allegation in the preceding paragraphs as if set forth fully herein.
82. New York State Executive Law § 296(1)(a) provides that:

It shall be an unlawful discriminatory practice: For an employer or licensing agency, because of an individual's **age**, race, creed, color, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, military status, **sex**, disability, predisposing genetic characteristics, familial status, marital status, or status as a victim of domestic violence, to refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment.

(Emphasis added).

83. As described herein, Defendant engaged in unlawful employment practices prohibited by the NYSHRL, by discriminating against Plaintiff on the basis of her sex (female) and age by creating, fostering, condoning, accepting, ratifying, and/or negligently failing to prevent or remedy a hostile work environment that included, among other things, discriminatory and disparate treatment of Plaintiff by way of sexual harassment and age discrimination.
84. As a result of Defendant's unlawful discriminatory conduct in violation of the NYSHRL, Plaintiff has suffered, and continues to suffer, economic loss, for which she is entitled to an award of monetary damages and other relief.
85. As a result of the unlawful discriminatory conduct of the Defendant in violation of NYSHRL, Plaintiff has suffered, and continues to suffer, severe mental anguish and emotional distress, including, but not limited to depression, humiliation, embarrassment, stress and anxiety, loss of self-esteem and self-confidence, and emotional pain and suffering, for which Plaintiff is entitled to an award of monetary damages and other relief.
86. The unlawful discriminatory actions of Defendant constitute malicious, willful, and wanton violations of NYSHRL, for which Plaintiff is entitled to the maximum allowable damages under this statute and an award of punitive damages.

***SIXTH CAUSE OF ACTION***  
**FOR RETALIATION UNDER THE NYSHRL**

87. Plaintiff repeats and realleges each and every allegation in the preceding paragraphs as if set forth fully herein.
88. Executive Law § 296 provides that:

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 he or she has filed a complaint, testified, or assisted in any proceeding under this article.

89. As described herein, Plaintiff engaged in protected activities by objecting to and complaining of sexual harassment and age discrimination in Defendant's workplace.
90. As described herein, after Plaintiff engaged in protected activities, Defendant took adverse actions against Plaintiff.
91. Defendant would not have retaliated against Plaintiff but for Plaintiff's objections to the sexual harassment, age discrimination and hostile work environment in Defendant's workplace, and because of her engaging in the above-stated protected activities.
92. Such retaliatory treatment would dissuade any reasonable employee from making or supporting a similar complaint of discrimination or engaging in the above-stated protected activities.
93. As a result of Defendant's unlawful conduct in violation of the NYSHRL, Plaintiff has suffered, and continues to suffer, economic loss, for which Plaintiff is entitled to an award of monetary damages and other relief.
94. As a result of the unlawful conduct of Defendant in violation of NYSHRL, Plaintiff has suffered, and continues to suffer, severe mental anguish and emotional distress, including, but not limited to depression, humiliation, embarrassment, stress and anxiety, loss of self-esteem and self-confidence, and emotional pain and suffering, for which Plaintiff is entitled to an award of monetary damages and other relief.
95. The unlawful discriminatory actions of Defendant constitute malicious, willful, and wanton violations of NYSHRL, for which Plaintiff is entitled to the maximum allowable damages under this statute and an award of punitive damages.

**SEVENTH CAUSE OF ACTION**  
**FOR GENDER AND AGE DISCRIMINATION UNDER THE NYCHRL**

96. Plaintiff repeats and realleges each and every allegation in the preceding paragraphs as if set forth fully herein.

97. New York City Administrative Code § 8-107(1)(a) provides that it shall be an unlawful discriminatory practice:

For an employer or an employee or agent thereof, because of the actual or perceived **age**, race, creed, color, national origin, **gender**, disability, marital status, partnership status, caregiver status, sexual and reproductive health decisions, sexual orientation, uniformed service, height, weight, or immigration or citizenship status of any person, to refuse to hire or employ or to bar or to discharge from employment such person or to discriminate against such person in compensation or in terms, conditions, or privileges or employment

(Emphasis added).

98. As described herein, Defendant engaged in unlawful employment practices prohibited by the NYCHRL, by discriminating against Plaintiff on the basis of her sex (female) and age by creating, fostering, condoning, accepting, ratifying, and/or negligently failing to prevent or remedy a hostile work environment that included, among other things, discriminatory and disparate treatment of Plaintiff by way of sexual harassment and age discrimination.

99. As a result of Defendant's unlawful discriminatory conduct in violation of the NYCHRL, Plaintiff has suffered, and continues to suffer, economic loss, for which she is entitled to an award of monetary damages and other relief.

100. As a result of the unlawful discriminatory conduct of Defendant in violation of the NYCHRL, Plaintiff has suffered, and continues to suffer, severe mental anguish and emotional distress, including, but not limited to depression, humiliation, embarrassment, stress and anxiety, loss of self-esteem and self-confidence, and emotional pain and suffering, for which Plaintiff is

entitled to an award of monetary damages and other relief.

101. The unlawful discriminatory actions of Defendant constitute malicious, willful, and wanton violations of the NYCHRL, for which Plaintiff is entitled to the maximum allowable damages under this statute and an award of punitive damages.

***EIGHTH CAUSE OF ACTION***  
**FOR RETALIATION UNDER THE NYCHRL**

102. Plaintiff repeats and realleges each and every allegation in the preceding paragraphs as if set forth fully herein.
103. The New York City Administrative Code § 8-107(7) provides that it shall be an unlawful discriminatory practice: “For an employer ... to discriminate against any person because such person has opposed any practices forbidden under this chapter...”
104. As described herein, Plaintiff engaged in protected activities by objecting to and complaining of sexual harassment and age discrimination in Defendant’s workplace.
105. As described herein, after Plaintiff engaged in protected activities, Defendant retaliated against Plaintiff as described herein, including by constructively discharging Plaintiff from her employment.
106. Defendant would not have retaliated against Plaintiff but for Plaintiff’s objections to the sexual harassment, age discrimination, and hostile work environment in Defendant’s workplace, and because of her engaging in the above-stated protected activities.
107. Such retaliatory treatment would dissuade any reasonable employee from making or supporting a similar complaint of discrimination or engaging in the above-stated protected activities.
108. As a result of Defendant’s unlawful conduct in violation of the NYCHRL, Plaintiff has suffered, and continues to suffer, economic loss, for which Plaintiff is entitled to an award of

monetary damages and other relief.

109. As a result of the unlawful conduct of Defendant in violation of NYCHRL, Plaintiff has suffered, and continues to suffer, severe mental anguish and emotional distress, including, but not limited to depression, humiliation, embarrassment, stress and anxiety, loss of self-esteem and self-confidence, and emotional pain and suffering, for which Plaintiff is entitled to an award of monetary damages and other relief.
110. The unlawful discriminatory actions of Defendant constitute malicious, willful, and wanton violations of NYCHRL, for which Plaintiff is entitled to the maximum allowable damages under this statute and an award of punitive damages.

**JURY DEMAND**

111. Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff demands a jury trial on all claims in this action.

**WHEREFORE**, Plaintiff respectfully requests a judgment against the Defendant:

- A. Declaring that Defendant engaged in unlawful employment practices prohibited by Title VII, the ADEA, the NYSHRL, and the NYCHRL, in that Defendant discriminated against Plaintiff on the basis of her sex/gender by way of sexual harassment, age discrimination, and in creating and maintaining a hostile work environment based on Plaintiff's sex/gender and age, retaliating against Plaintiff for complaining about Defendant's violations of Title VII, the ADEA, the NYSHRL, and the NYCHRL, including by and through constructive discharge, and to otherwise make her whole for any losses suffered as a result of such unlawful employment practices;
- B. Awarding damages to Plaintiff for all lost wages and benefits resulting from Defendant's unlawful practices and discrimination, which included constructive discharge from her

