

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

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KAYLA SILVA,

Plaintiff,

- against -

MIA AESTHETICS NYC
and DR. MARK FILSTEIN, *Individually*.

Defendants.
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KAYLA SILVA (“Plaintiff”), by and through her attorneys, JOSEPH & NORINSBERG LLC., against MIA AESTHETICS NYC (“Defendant Mia”) and DR. MARK FILSTEIN (“Defendant Filstein”), *Individually*, (collectively “Defendants”), 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 provisions of (i) **Title VII of the Civil Rights Act of 1964**, as amended, 42 U.S.C. § 2000e, *et. seq.* (“Title VII”); (ii) **New York State Human Rights Law**, New York State Executive Law, § 296 *et seq.* (“NYSHRL”); (iii) the **New York City Human Rights Law**, New York City Administrative Code § 8-107(1), *et seq.* (“NYCHRL”), (iv) Civil claims of Assault (v) Civil claims of Battery, (vi) Constructive Discharge and 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 discriminated and retaliated against by Defendants on the **basis of Plaintiff’s sex/gender (Female) by way of sexual harassment.**
2. Plaintiff was at all times a hardworking and dedicated employee who frequently went above

Case No.

COMPLAINT

**PLAINTIFF DEMANDS
A TRIAL BY JURY**

and beyond in her role for Defendant Mia Aesthetics. She consistently received positive feedback from patients, maintained excellent work performance, and viewed Defendant Mia as a long-term professional opportunity. However, everything changed shortly after Plaintiff began her employment in November 2023, when Defendant Filstein, a surgeon at the clinic, began subjecting Plaintiff to a relentless and dehumanizing campaign of sexual harassment. Defendant Filstein repeatedly groped Plaintiff, made explicit and degrading remarks about her body, rubbed his genitals against her, and assaulted her in full view of security cameras. Despite Plaintiff and multiple coworkers repeatedly reporting the harassment to Human Resources, Defendant Mia failed to take any meaningful action for months, thereby enabling the hostile work environment to worsen. When Plaintiff ultimately filed a formal complaint, Defendant Filstein was terminated, but Defendant Mia quickly retaliated by terminating the employees who had supported Plaintiff, isolating Plaintiff, subjecting her to heightened scrutiny, and attempting to force her resignation. Plaintiff was denied career advancement opportunities under false pretenses, falsely accused of misconduct, and targeted with disciplinary action for pre-approved time off.

JURISDICTION AND VENUE

3. Jurisdiction of this Court is proper under 42 U.S.C. § 2000e-5(f)(3), *et seq.*, and 28 U.S.C. §§ 1331 and 1343.
4. The Court has supplemental jurisdiction over Plaintiff's state and county claims pursuant to 28 U.S.C. § 1367.
5. Venue is proper in this district in that the events or omissions giving rise to the claims occurred within the Eastern District of New York. 28 U.S.C. § 1391(b).

PROCEDURAL PREREQUISITES

6. Plaintiff timely filed a complaint, upon which this Complaint is based, with the United States Equal Employment Opportunity Commission (“EEOC”).
7. On August 29, 2025, Plaintiff filed a Charge of Discrimination against Defendant Mia with the EEOC (EEOC Charge No. 520-2025-08374), alleging sex discrimination, sexual harassment, and retaliation. The EEOC issued a Notice of Right to Sue dated February 26, 2026, which Plaintiff received on February 27, 2026, with respect to the instant charges of discrimination. A copy of the Notice is annexed to this Complaint as “Exhibit A”.
8. This action is being commenced within 90 days of receipt of the Notice of Right to Sue.

PARTIES

9. At all times material, Plaintiff was and is a Female and a resident of the State of New York.
10. At all times material, Plaintiff was and is a “person” and an “employee” of Defendants and entitled to protection as defined by Title VII, NYSHRL, and NYCHRL.
11. At all times material, Defendant MIA was and is a domestic corporation and cosmetic surgery provider, headquartered at 522 Atlantic Ave, Brooklyn, NY 11217.
12. At all times material, Defendant Filstein was and is a supervising employee of Defendant Mia, employed as a Surgeon with supervisory authority over Plaintiff.
13. At all times material, Defendant Filstein had supervisory authority over Plaintiff. Defendant Filstein had the authority to affect the terms and conditions of Plaintiff’s employment, including her daily work assignments.
14. At all times material, Defendants employed over 50 employees.
15. At all times material, Defendant Mia was and is an “employer” under Title VII, NYSHRL, and NYCHRL.

MATERIAL FACTS

16. In or about November 2023, Plaintiff began working for Defendant Mia as a Clinical Operations Specialist (COS), earning \$22 hourly.
17. As a COS, Plaintiff's duties and responsibilities included but were not limited to providing hands-on clinical support experience in a fast-paced surgical setting, managing patient intake, performing vital signs, collecting and reviewing medical and surgical histories, and facilitating pre- and post-operative processes. Further, Plaintiff was also responsible for preparing consent documentation, coordinating medication orders with the surgeon, and educating patients on pre- and post-operative care. Additionally, Plaintiff was responsible for processing payments, scheduling follow-up appointments, maintaining accurate patient records, preparing and sanitizing exam rooms, assembling patient charts, and ensuring smooth day-to-day clinical operations.
18. At all times material, Plaintiff worked under the supervision of Director Jeannie Pagan ("Ms. Pagan"), Natalia Arrango ("Ms. Arrango"), Katherine Tejada ("Ms. Tejada"), and Jasmine Goodwin ("Ms. Goodwin").
19. At all times material, Plaintiff was a hardworking and dedicated employee, with no disciplinary actions against her. Indeed, patients often left stellar reviews regarding Plaintiff and her customer service.
20. Unfortunately, shortly after Plaintiff began her tenure with Defendants, Defendant Filstein began discriminating against Plaintiff on the basis of her sex/gender (female) by way of severe and pervasive sexual harassment as evidenced by Defendant Filstein making sexual advances towards Plaintiff, repeatedly treating Plaintiff in a degrading and objectifying manner, rubbing

up against Plaintiff, and repeatedly groping Plaintiff.

21. For example, in or about January 2024, Defendant Filstein began an unconscionable campaign of severe and pervasive sexual harassment wherein he repeatedly slapped Plaintiff's buttocks and made degrading comments to Plaintiff regarding her body and appearance.
22. Further, on a few occasions, Defendant Filstein also texted Plaintiff inappropriate messages, although he was careful not to do this often. **See Exhibit 1.**
23. On another occasion, Defendant Filstein further assaulted Plaintiff by walking up unreasonably close to Plaintiff, standing directly behind Plaintiff and "hugging" Plaintiff from behind, while placing his hand under Plaintiff's shirt and on her stomach, and pushing his genitals into Plaintiff's back.
24. Plaintiff jumped away and screamed at Defendant Filstein to stop, however, he only smirked and walked away.
25. On a few occasions, Defendant Filstein also assaulted Plaintiff by grabbing Plaintiff's breasts. Indeed, Defendant Filstein was so unabashed in his harassing behavior that he even did these horrific actions in front of the security camera.
26. This ongoing, horrific, exhausting, and disgusting pattern of sexual harassment continued for weeks. Finally, in or about mid-February 2024, exhausted by the relentless sexual harassment, Plaintiff informed her Director, Ms. Pagan, of Defendant Filstein's sexual harassment.
27. In turn, Ms. Pagan promptly escalated the complaint to HR. Shockingly, HR informed Ms. Pagan that they could not intervene unless Plaintiff came forward herself to make the complaint.
28. Ms. Pagan informed Plaintiff of HR's unreasonable response. Plaintiff considered filing a complaint herself, but feared she would be terminated, and that HR would not take the concerns

seriously. **See Exhibit 2.** Indeed, Plaintiff was also aware that NYS law did not require Plaintiff to personally make a complaint, and as such, Plaintiff understood Defendant was only making excuses and had no intention of assisting Plaintiff.

29. In the months that followed, Defendant Filstein's sexual harassment continued.
30. Defendant Filstein repeatedly groped Plaintiff, pushed his genitals into Plaintiff, and repeatedly spoke to Plaintiff in a grotesque and inappropriate manner.
31. Further, Defendant Filstein slapped Plaintiff's buttocks on a near-daily basis.
32. Notably, this behavior did not go unnoticed by staff. Indeed, multiple employees, such as Shameeka Harvey ("Ms. Harvey"), Katherine Oliveras ("Ms. Oliveras"), Anna Perez ("Ms. Perez"), and Ms. Pagan, all made complaints to HR regarding Defendant Filstein's continued and humiliating sexual harassment campaign against Plaintiff.
33. However, on every occasion, HR ignored and dismissed the employees, failed to take any steps to assist Plaintiff, and failed to address the hostile work environment.
34. In doing so, Defendant Filstein became emboldened to continue his harassing behavior, well aware that there would be no repercussions.
35. On another occasion, Defendant Filstein saw another surgeon, Dr. Elbayer ("Dr. Elbayer"), greet Plaintiff and give her a friendly side hug. This threw Defendant Filstein into a fit of jealousy. Defendant Filstein then leaned into Plaintiff's ear and whispered, "I'll tell Dr. Elbayer's wife that he's cheating on her." Notably, Plaintiff had no reason to believe Dr. Elbayer was unfaithful to his wife and was offended by Defendant Filstein implying that Plaintiff had a sexual relationship with Dr. Elbayer.
36. On multiple occasions, Defendant Filstein found Plaintiff's Instagram account and sent Plaintiff inappropriate messages regarding Plaintiff's appearance.

37. Indeed, this exhausting sexual harassment continued for months, without any end in sight.
38. Then, in or about January 2025, employee Tracey Romulus (“Ms. Romulus”) came forward and made a formal HR complaint claiming that Defendant Filstein was sexually harassing her.
39. Ms. Pagan personally accessed the clinic’s security footage and observed footage confirming Defendant Filstein had rubbed his genitals against Ms. Romulus’ backside, which Ms. Pagan reported to HR. Plaintiff was informed of HR’s knowledge of the footage by Ms. Pagan and other coworkers.
40. Shockingly, despite video evidence of Defendant Filstein’s sexual assaults, Plaintiff then learned HR did not plan on taking any steps to address Defendant Filstein’s sexual harassment and intended to close the case with only a warning and a requirement that Defendant Filstein attend a sexual harassment training course.
41. Upon information and belief, MIA Aesthetics’ Human Resources representative, Tanya Rodriguez (“Ms. Rodriguez”), specifically instructed Ms. Pagan to keep all complaints concerning Defendant Filstein verbal and not to memorialize them in writing, evidencing Defendant Mia’s deliberate effort to suppress documentation of the harassment
42. Plaintiff then decided it was time she spoke up and made a formal complaint against Defendant Filstein, in hopes that he would stop harassing the women of the office.
43. As such, in or about late January 2025, Plaintiff spoke with VP of Growth and Operations Viviana Morales (“Ms. Morales”) and made a formal complaint of Defendant Filstein’s relentless sexual harassment.
44. Notably, Ms. Morales responded to Plaintiff in an apathetic and annoyed manner, as if Plaintiff were causing problems.
45. In the weeks that followed, HR investigated Plaintiff’s complaints of sexual harassment. In

turn, Defendant Filstein was terminated.

46. However, in the months that followed, from in or about February 2025 through March 2025, all employees who spoke up on behalf of Plaintiff were terminated without cause or justification.
47. As such, by the end of March 2025, Ms. Pagan, Ms. Harvey, and Ms. Perez were all terminated.
48. Further, Defendant Mia quickly began retaliating against Plaintiff, in a clear and concerted effort to push Plaintiff towards resignation, by speaking to Plaintiff with hostility and animosity, terminating and replacing all of Plaintiff's coworkers, and subjecting Plaintiff to heightened scrutiny.
49. For example, on or about April 3, 2025, Plaintiff asked Director Ana Pelegrin ("Ms. Pelegrin") about an open position for the Field Trainer role. Plaintiff applied for the position and noted she had already been training the new staff and managers for months.
50. Ms. Pelegrin responded in a curt and hostile tone that while Plaintiff was qualified, she would not be considered for the role because she had reported to work a few minutes late and had been spotted eating lunch in a room that was not authorized for lunch.
51. Plaintiff was stunned, as these were nominal mistakes that should not have limited her career advancement. As such, Plaintiff asked Ms. Pelegrin to recap their conversation in a Teams message.
52. A few days later, on or about April 7, 2025, Ms. Pelegrin sent Plaintiff a strongly worded Teams message, falsely asserting that Ms. Pelegrin never claimed Plaintiff was qualified for the role and noting alleged "Behavioral issues" on Plaintiff's behalf. **See Exhibit 3.**
53. Further, in or about April 2025, Plaintiff spoke with the new Manager, Jasmine Goodwin ("Ms. Goodwin") and requested paid time off for May 1, 2025, May 2, 2025, and May 5, 2025. Ms.

Goodwin approved the request.

54. In or about mid-April 2025, Ms. Goodwin resigned and submitted her two-week notice. Defendant Mia rejected Ms. Goodwin's two-week notice and escorted her out of the building immediately.
55. However, as Plaintiff had already requested time off and had been approved for time off, Plaintiff had no reason to believe Ms. Goodwin's resignation would affect Plaintiff's upcoming PTO.
56. On or about April 30, 2025, Plaintiff saw new Ms. Pelegrin in the office and reminded Ms. Pelegrin that Plaintiff would be out of the office the next three days.
57. In turn, Ms. Pelegrin reacted with feigned surprise, and claimed Plaintiff had never requested any PTO, that Plaintiff was scheduled to work all three days, and informed Plaintiff that it was too short notice to find any coverage for Plaintiff, and as such, that she was expected to report to work. **See Exhibit 4.**
58. Plaintiff quickly understood this was further retaliation by Defendant Mia, as Plaintiff had received verbal confirmation from Ms. Goodwin that her PTO had been approved. As such, Plaintiff took her days off.
59. On or about May 6, 2025, Plaintiff returned to work.
60. Later that same day, Ms. Pelegrin wrote Plaintiff a strongly worded letter claiming Plaintiff had acted unprofessionally and violated the standard practice and policies of the office. **See Exhibit 5.**
61. Plaintiff responded, noting Plaintiff believed this was in fact retaliation due to Plaintiff's sexual harassment complaints. Specifically, Plaintiff explained:

Good morning, Ana, this email is particularly concerning because it alludes to me purposefully and defiantly taking time off, which is

not the case. This matter was discussed upon my return on April 17th with my manager, Jasmine. She advised me to submit through Paylocity, and when I told her that I did not have enough PTO but that I'd take it unpaid. I told her at that time I needed to know because I would need to make arrangements for that time. At that time, Jasmine went around asking everyone if they intended to take vacation so that she could plan ahead for coverage. She came back to me midday to let me know the office would be fine with regards to coverage and that I was approved to take the time. She said that because I did not have enough time, it wouldn't let her prove it on Paylocity, and that she'd mark it on her schedule on her end with the understanding that they would be unpaid time off. Unfortunately, last week in one day, the COS team lost two valued employees and a considerable chunk of available coverage. This seems to be what truly might have led to additional payroll expenses and operational issues. Not me taking days, my then manager approved. If she did not communicate that to you or if we now need to inform you, Latoya, and the on-site manager that needs to be communicated, but to frame me as an unreliable and unprofessional problem, when the turnover at this Clinic is extreme, is quite a leap from reality. At the time of my request, Ashley and Jasmine would have still been here to avoid these "Operational challenges" That you are associating with the time I got approved by my immediate manager. Moreover, I believe this is retaliation due to my sexual harassment complaint, and the company is just trying to find reasons to get rid of me. This is not right. I urge the company to please stop trying to set me up for failure. **See Exhibit 6.**

62. Plaintiff received no meaningful response.
63. In or about October 2025, unable to endure the ongoing hostile work environment and Defendant Mia's continued retaliation, Plaintiff resigned to escape the ongoing abuse. Plaintiff was constructively discharged, left with no reasonable alternative but to resign as a direct result of the intolerable conditions Defendant Mia deliberately created and refused to remedy.
64. As described herein, Defendants discriminated against Plaintiff on the basis of her sex/gender (female) by creating, maintaining, condoning, and failing to correct a hostile and sexually charged work environment; by treating Plaintiff with hostility and animosity; by Defendant Filstein repeatedly subjecting Plaintiff to severe and pervasive sexual harassment repeatedly

groping and slapping Plaintiff's buttocks; making explicit and degrading comments about Plaintiff's body; pushing his genitals against Plaintiff, grabbing Plaintiff's breasts; by Defendant Mia ignoring Plaintiff's repeated complaints as well as those of multiple other employees, including Shameeka Harvey, Anna Perez, and Jeannie Pagan, all of whom brought Defendant Filstein's conduct to HR; by Defendant Mia allowing the harassment to persist for months without intervention, thereby emboldening Defendant Filstein; by Defendant Mia treating Plaintiff with hostility and indifference when she finally made a formal complaint; by terminating all employees who supported Plaintiff's claims shortly after her report; by Defendant Mia terminating all supportive coworkers who made complaints on Plaintiff's behalf; isolating Plaintiff; denying Plaintiff career advancing opportunities on pretextual grounds; subjecting Plaintiff to heightened scrutiny; by falsely accusing Plaintiff of "behavioral issues" following her interest in a promotion; by mischaracterizing Plaintiff's approved time off as insubordination; by issuing baseless warnings after Plaintiff return from that pre-approved leave; by attempting to pressure Plaintiff into resigning in exchange for minimal severance; by persistently manufacturing negative narratives about Plaintiff's performance and conduct in an ongoing effort to force her resignation in retaliation for her protected complaints of sexual harassment; and by constructively discharging Plaintiff, forcing her to resign from her employment in or about October 2025 after rendering her working conditions intolerable

65. Plaintiff engaged in protected activities by objecting to and complaining of sexual harassment and a hostile work environment.
66. As described herein, after Plaintiff engaged in protected activities, Defendants retaliated against Plaintiff by creating, maintaining, condoning, and failing to correct a hostile and

sexually charged work environment; by treating Plaintiff with hostility and animosity; by Defendant Mia terminating all supportive coworkers who made complaints on Plaintiff's behalf; isolating Plaintiff; denying Plaintiff career advancing opportunities on pretextual grounds; subjecting Plaintiff to heightened scrutiny; by falsely accusing Plaintiff of "behavioral issues" following her interest in a promotion; by mischaracterizing Plaintiff's approved time off as insubordination; by issuing baseless warnings after Plaintiff return from that pre-approved leave; by attempting to pressure Plaintiff into resigning in exchange for minimal severance; by persistently manufacturing negative narratives about Plaintiff's performance and conduct in an ongoing effort to force her resignation in retaliation for her protected complaints of sexual harassment; and by constructively discharging Plaintiff, forcing her to resign from employment in or about October 2025 after rendering her working conditions intolerable.

67. As a result of Defendants' actions, Plaintiff has suffered profound feelings of depression, anxiety, loss of self-esteem, demoralization, loss of confidence, and difficulty sleeping.
68. As a result of Defendants' actions, Plaintiff has suffered a loss of focus, negative changes in her eating habits, isolation, mood swings, feelings of anger and sadness, and significant emotional distress.
69. As a result of the acts and conduct complained of herein, Plaintiff has suffered and will continue to suffer the loss of income, benefits, and other compensation that such employment entails, and Plaintiff has also suffered future pecuniary losses, emotional pain, suffering, inconvenience, loss of enjoyment of life, and other non-pecuniary losses. Plaintiff further experienced severe emotional and physical distress. Specifically, as a direct result of being constructively discharged, Plaintiff has suffered a wage loss of approximately \$3.00 per hour,

resulting in a loss of approximately \$400 per pay cycle, as well as inconsistent hours and substantial loss of financial stability.

FIRST CAUSE OF ACTION
FOR SEX DISCRIMINATION UNDER TITLE VII
(Against Defendant Mia)

70. Plaintiff repeats and realleges each and every allegation in paragraphs one through sixty-nine.

71. 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.

72. As described herein, Defendant Mia engaged in unlawful employment practices prohibited by Title VII, by discriminating against Plaintiff on the basis of her sex and gender (female) 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 severe and pervasive sexual harassment.

73. As described herein, Defendant Mia discriminated against Plaintiff on the basis of her sex/gender (female) by creating, maintaining, condoning, and failing to correct a hostile and sexually charged work environment; by treating Plaintiff with hostility and animosity; by Defendant Filstein repeatedly subjecting Plaintiff to severe and pervasive sexual harassment repeatedly groping and slapping Plaintiff's buttocks; making explicit and degrading comments about Plaintiff's body; pushing his genitals against Plaintiff, grabbing Plaintiff's breasts; by

Defendant Mia ignoring Plaintiff's repeated complaints as well as those of multiple other employees, including Shameeka Harvey, Anna Perez, and Jeannie Pagan, all of whom brought Defendant Filstein's conduct to HR; by Defendant Mia allowing the harassment to persist for months without intervention, thereby emboldening Defendant Filstein; by Defendant Mia treating Plaintiff with hostility and indifference when she finally made a formal complaint; by terminating all employees who supported Plaintiff's claims shortly after her report; by Defendant Mia terminating all supportive coworkers who made complaints on Plaintiff's behalf; isolating Plaintiff; denying Plaintiff career advancing opportunities on pretextual grounds; subjecting Plaintiff to heightened scrutiny; by falsely accusing Plaintiff of "behavioral issues" following her interest in a promotion; by mischaracterizing Plaintiff's approved time off as insubordination; by issuing baseless warnings after Plaintiff return from that pre-approved leave; by attempting to pressure Plaintiff into resigning in exchange for minimal severance; and by persistently manufacturing negative narratives about Plaintiff's performance and conduct in an ongoing effort to force her resignation in retaliation for her protected complaints of sexual harassment.

74. As a result of Defendant Mia'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.
75. As a result of the unlawful discriminatory conduct of Defendant Mia 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.

76. The unlawful discriminatory actions of Defendant Mia 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
(Against Defendant Mia)**

77. Plaintiff repeats and realleges each and every allegation in paragraphs one through sixty-nine.

78. 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.

79. Plaintiff engaged in protected activities by objecting to and complaining of sexual harassment and a hostile work environment.

80. As described herein, after Plaintiff engaged in protected activities, Defendant Mia retaliated against Plaintiff by creating, maintaining, condoning, and failing to correct a hostile and sexually charged work environment; by treating Plaintiff with hostility and animosity; by Defendant Mia terminating all supportive coworkers who made complaints on Plaintiff's behalf; isolating Plaintiff; denying Plaintiff career advancing opportunities on pretextual grounds; subjecting Plaintiff to heightened scrutiny; by falsely accusing Plaintiff of "behavioral issues" following her interest in a promotion; by mischaracterizing Plaintiff's approved time off as insubordination; by issuing baseless warnings after Plaintiff return from

that pre-approved leave; by attempting to pressure Plaintiff into resigning in exchange for minimal severance; and by persistently manufacturing negative narratives about Plaintiff's performance and conduct in an ongoing effort to force her resignation in retaliation for her protected complaints of sexual harassment.

81. Defendant Mia would not have retaliated against Plaintiff but for Plaintiff's objections to a hostile work environment.
82. Such retaliatory treatment would dissuade any reasonable employee from making or supporting a similar complaint of discrimination.
83. As a result of Defendant Mia'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.
84. As a result of the unlawful conduct of Defendant Mia 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.
85. The unlawful discriminatory actions of Defendant Mia 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 SEX DISCRIMINATION UNDER THE NYSHRL
(Against All Defendants)

86. Plaintiff repeats and realleges each and every allegation in paragraphs one through sixty-nine.
87. 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, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status, or domestic violence victim status, 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.

88. Under New York State law, sexual harassment does not need to be "severe or pervasive" before it is unlawful. A single incident can be sufficient. Harassment is unlawful if it is anything more than what a "reasonable victim of discrimination would consider petty slights or trivial inconveniences."
89. As described above, Defendants' actions and harassment went far beyond "petty slights or trivial inconveniences." As described herein, Defendants engaged in unlawful employment practices prohibited by NYSHRL, by discriminating against Plaintiff on the basis of her sex and gender (female) 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.
90. As described herein, Defendants discriminated against Plaintiff on the basis of her sex/gender (female) by creating, maintaining, condoning, and failing to correct a hostile and sexually charged work environment; by treating Plaintiff with hostility and animosity; by Defendant Filstein repeatedly subjecting Plaintiff to severe and pervasive sexual harassment repeatedly groping and slapping Plaintiff's buttocks; making explicit and degrading comments about Plaintiff's body; pushing his genitals against Plaintiff, grabbing Plaintiff's breasts; by Defendant Mia ignoring Plaintiff's repeated complaints as well as those of multiple other employees, including Shameeka Harvey, Anna Perez, and Jeannie Pagan, all of whom brought Defendant Filstein's conduct to HR; by Defendant Mia allowing the harassment to persist for

months without intervention, thereby emboldening Defendant Filstein; by Defendant Mia treating Plaintiff with hostility and indifference when she finally made a formal complaint; by terminating all employees who supported Plaintiff's claims shortly after her report; by Defendant Mia terminating all supportive coworkers who made complaints on Plaintiff's behalf; isolating Plaintiff; denying Plaintiff career advancing opportunities on pretextual grounds; subjecting Plaintiff to heightened scrutiny; by falsely accusing Plaintiff of "behavioral issues" following her interest in a promotion; by mischaracterizing Plaintiff's approved time off as insubordination; by issuing baseless warnings after Plaintiff return from that pre-approved leave; by attempting to pressure Plaintiff into resigning in exchange for minimal severance; and by persistently manufacturing negative narratives about Plaintiff's performance and conduct in an ongoing effort to force her resignation in retaliation for her protected complaints of sexual harassment.

91. As a result of Defendants' 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.
92. As a result of the unlawful discriminatory conduct of Defendants 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.
93. The unlawful discriminatory actions of Defendants 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.

**FOURTH CAUSE OF ACTION
FOR RETALIATION UNDER THE NYSHRL
(Against All Defendants)**

94. Plaintiff repeats and realleges each and every allegation in paragraphs one through sixty-nine.
95. Executive Law § 296 provides that:
- “[i]t 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.”
96. Plaintiff engaged in protected activities by objecting to and complaining of sexual harassment and a hostile work environment.
97. As described herein, after Plaintiff engaged in protected activities, Defendants retaliated against Plaintiff by creating, maintaining, condoning, and failing to correct a hostile and sexually charged work environment; by treating Plaintiff with hostility and animosity; by Defendant Mia terminating all supportive coworkers who made complaints on Plaintiff’s behalf; isolating Plaintiff; denying Plaintiff career advancing opportunities on pretextual grounds; subjecting Plaintiff to heightened scrutiny; by falsely accusing Plaintiff of “behavioral issues” following her interest in a promotion; by mischaracterizing Plaintiff’s approved time off as insubordination; by issuing baseless warnings after Plaintiff return from that pre-approved leave; by attempting to pressure Plaintiff into resigning in exchange for minimal severance; and by persistently manufacturing negative narratives about Plaintiff’s performance and conduct in an ongoing effort to force her resignation in retaliation for her protected complaints of sexual harassment.
98. Defendants would not have retaliated against Plaintiff but for Plaintiff’s objections to a hostile work environment.
99. Such retaliatory treatment would dissuade any reasonable employee from making or

supporting a similar complaint of discrimination.

100. As a result of Defendants' 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.
101. As a result of the unlawful conduct of Defendants 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.
102. The unlawful discriminatory actions of Defendants 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.

**FIFTH CAUSE OF ACTION
FOR GENDER DISCRIMINATION UNDER THE NYCHRL
(Against All Defendants)**

103. Plaintiff repeats and realleges each and every allegation in paragraphs one through sixty-nine.
104. New York City Administrative Code §8-107(1) 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, sexual orientation, or alienage 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 of employment.

105. Under New York City law, sexual harassment does not need to be "severe or pervasive" before it is unlawful. A single incident can be sufficient. Harassment is unlawful if it is anything more

than what a “reasonable victim of discrimination would consider petty slights or trivial inconveniences.”

106. As described above, Defendants’ actions and harassment went far beyond “petty slights or trivial inconveniences.” As described herein, Defendants engaged in unlawful employment practices prohibited by NYCHRL, by discriminating against Plaintiff on the basis of her sex and gender (female) 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.
107. As described herein, Defendants discriminated against Plaintiff on the basis of her sex/gender (female) by creating, maintaining, condoning, and failing to correct a hostile and sexually charged work environment; by treating Plaintiff with hostility and animosity; by Defendant Filstein repeatedly subjecting Plaintiff to severe and pervasive sexual harassment repeatedly groping and slapping Plaintiff’s buttocks; making explicit and degrading comments about Plaintiff’s body; pushing his genitals against Plaintiff, grabbing Plaintiff’s breasts; by Defendant Mia ignoring Plaintiff’s repeated complaints as well as those of multiple other employees, including Shameeka Harvey, Anna Perez, and Jeannie Pagan, all of whom brought Defendant Feldstein’s conduct to HR; by Defendant Mia allowing the harassment to persist for months without intervention, thereby emboldening Defendant Filstein; by Defendant Mia treating Plaintiff with hostility and indifference when she finally made a formal complaint; by terminating all employees who supported Plaintiff’s claims shortly after her report; by Defendant Mia terminating all supportive coworkers who made complaints on Plaintiff’s behalf; isolating Plaintiff; denying Plaintiff career advancing opportunities on pretextual grounds; subjecting Plaintiff to heightened scrutiny; by falsely accusing Plaintiff of

“behavioral issues” following her interest in a promotion; by mischaracterizing Plaintiff’s approved time off as insubordination; by issuing baseless warnings after Plaintiff return from that pre-approved leave; by attempting to pressure Plaintiff into resigning in exchange for minimal severance; and by persistently manufacturing negative narratives about Plaintiff’s performance and conduct in an ongoing effort to force her resignation in retaliation for her protected complaints of sexual harassment.

108. As a result of Defendants’ 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.
109. As a result of the unlawful discriminatory conduct of Defendants 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 Defendants 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.

**SIXTH CAUSE OF ACTION
FOR RETALIATION UNDER THE NYCHRL
(Against All Defendants)**

111. Plaintiff repeats and realleges each and every allegation in paragraphs one through sixty-nine.
112. The New York City Administrative Code §8-107(7) provides that it shall be unlawful discriminatory practice: “For an employer . . . to discriminate against any person because such person has opposed any practices forbidden under this chapter...”

113. Plaintiff engaged in protected activities by objecting to and complaining of sexual harassment and a hostile work environment.
114. As described herein, after Plaintiff engaged in protected activities, Defendants retaliated against Plaintiff by creating, maintaining, condoning, and failing to correct a hostile and sexually charged work environment; by treating Plaintiff with hostility and animosity; by Defendant Mia terminating all supportive coworkers who made complaints on Plaintiff's behalf; isolating Plaintiff; denying Plaintiff career advancing opportunities on pretextual grounds; subjecting Plaintiff to heightened scrutiny; by falsely accusing Plaintiff of "behavioral issues" following her interest in a promotion; by mischaracterizing Plaintiff's approved time off as insubordination; by issuing baseless warnings after Plaintiff return from that pre-approved leave; by attempting to pressure Plaintiff into resigning in exchange for minimal severance; and by persistently manufacturing negative narratives about Plaintiff's performance and conduct in an ongoing effort to force her resignation in retaliation for her protected complaints of sexual harassment.
115. Defendants would not have retaliated against Plaintiff but for Plaintiff's objections to a hostile work environment.
116. Such retaliatory treatment would dissuade any reasonable employee from making or supporting a similar complaint of discrimination.
117. As a result of Defendants' 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.
118. As a result of the unlawful conduct of Defendants 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.

119. The unlawful discriminatory actions of Defendants 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.

SEVENTH CAUSE OF ACTION
FOR CIVIL ASSAULT ARISING FROM SEXUAL OFFENSE CONDUCT UNDER
CPLR § 213-c
(Against Individual Defendant Filstein)

120. Plaintiff repeats and realleges each and every allegation in paragraphs one through sixty-nine.
121. At all times relevant to this Cause of Action, Plaintiff was eighteen years of age or older.
122. Pursuant to CPLR § 213-c, a civil claim or cause of action brought for physical, psychological or other injury suffered as a result of conduct which would constitute a sexual offense as defined in Article 130 of the New York Penal Law may be commenced within twenty years.
123. The conduct of Defendant Filstein described herein constitutes one or more sexual offenses as defined in Article 130 of the New York Penal Law, including forcible touching in violation of Penal Law § 130.52 and sexual abuse in the first degree in violation of Penal Law § 130.65.
124. By the conduct described herein, including approaching Plaintiff from behind and pressing his body against hers, advancing toward Plaintiff in close proximity in a sexually threatening manner, and physically restraining Plaintiff while pressing his genitals against her body, Defendant Filstein intentionally placed Plaintiff in reasonable and immediate apprehension of imminent harmful and offensive contact.
125. Defendant Filstein had the apparent ability to carry out the threatened contact, and in fact did so on multiple occasions.

126. Plaintiff did not consent to any apprehension or contact described herein.
127. The conduct described herein constitutes civil assault under the common law of the State of New York, and this Cause of Action is timely commenced pursuant to CPLR § 213-c.
128. As a direct and proximate result of Defendant Filstein's unlawful conduct, Plaintiff has suffered and continues to suffer severe physical, psychological, and emotional injury, including but not limited to post-traumatic stress disorder, anxiety, depression, sleep disturbance, hypervigilance, intrusive memories, humiliation, embarrassment, loss of self-esteem and self-confidence, and emotional pain and suffering, for which Plaintiff is entitled to an award of compensatory damages.
129. The conduct of Defendant Filstein was intentional, willful, wanton, malicious, and committed with reckless disregard for Plaintiff's rights and well-being, entitling Plaintiff to an award of punitive damages.

EIGHTH CAUSE OF ACTION
FOR CIVIL BATTERY ARISING FROM SEXUAL OFFENSE CONDUCT UNDER
CPLR § 213-c
(Against Individual Defendant Filstein)

130. Plaintiff repeats and realleges each and every allegation in paragraphs one through sixty-nine.
131. At all times relevant to this Cause of Action, Plaintiff was eighteen years of age or older.
132. Pursuant to New York Civil Practice Law and Rules § 213-c, a civil claim or cause of action brought by any person for physical, psychological or other injury or condition suffered by such person as a result of conduct which would constitute a sexual offense as defined in Article 130 of the New York Penal Law, committed against a person eighteen years of age or older, may be commenced within twenty years.
133. The conduct of Defendant Filstein described herein constitutes one or more sexual offenses as defined in Article 130 of the New York Penal Law, including, without limitation, forcible

touching in violation of Penal Law § 130.52 and sexual abuse in the first degree in violation of Penal Law § 130.65.

134. Specifically, Defendant Filstein, intentionally and for no legitimate purpose, forcibly touched the sexual and other intimate parts of Plaintiff, including her buttocks and her breasts, for the purpose of degrading and abusing Plaintiff and for the purpose of gratifying Defendant Filstein's own sexual desire, in violation of Penal Law § 130.52.
135. Defendant Filstein further subjected Plaintiff to sexual contact by forcible compulsion, including by approaching Plaintiff from behind without warning, placing his hand under Plaintiff's shirt and onto her bare stomach, and pressing his genitals against Plaintiff's back and body while restraining her, in violation of Penal Law § 130.65.
136. Defendant Filstein intentionally touched Plaintiff in the manner described above without Plaintiff's consent, with the intent to cause bodily contact that a reasonable person would find harmful and offensive.
137. A reasonable person in Plaintiff's position would find, and Plaintiff did find, each of the foregoing acts of contact to be harmful and offensive.
138. The unlawful contact described herein constitutes civil battery under the common law of the State of New York, and this Cause of Action is timely commenced pursuant to CPLR § 213-c.
139. As a direct and proximate result of Defendant Filstein's unlawful conduct, Plaintiff has suffered and continues to suffer severe physical, psychological, and emotional injury, including but not limited to post-traumatic stress disorder, anxiety, depression, sleep disturbance, hypervigilance, intrusive memories, humiliation, embarrassment, loss of self-esteem and self-confidence, and emotional pain and suffering, for which Plaintiff is entitled to an award of compensatory damages.

140. The conduct of Defendant Filstein was intentional, willful, wanton, malicious, and committed with reckless disregard for Plaintiff's rights and well-being, entitling Plaintiff to an award of punitive damages.

NINTH CAUSE OF ACTION
FOR CONSTRUCTIVE DISCHARGE
(Against Defendant Mia)

141. Plaintiff repeats and realleges each and every allegation in paragraphs one through sixty-nine.

142. An employer constructively discharges an employee when it deliberately creates working conditions so intolerable, difficult, or unpleasant that a reasonable person in the employee's position would feel compelled to resign. Constructive discharge is the functional and legal equivalent of a formal termination.

143. As described herein, beginning after Plaintiff made her formal complaint in or about late January 2025, Defendant Mia engaged in a sustained and deliberate campaign to force Plaintiff's resignation. Within weeks of Plaintiff's complaint, Defendant Mia terminated every coworker who had supported Plaintiff, including Ms. Pagan, Ms. Harvey, and Ms. Perez, stripping Plaintiff of her professional support network and sending a clear message that advocacy on her behalf would not be tolerated.

144. Defendant Mia further retaliated by subjecting Plaintiff to hostility and animosity from management, denying her a promotion for which she was admittedly qualified on the basis of pretext, issuing false disciplinary warnings, mischaracterizing her management-approved time off as insubordination, and subjecting her to heightened scrutiny not applied to other employees.

145. Defendant Mia directly solicited Plaintiff's resignation by contacting Plaintiff's counsel and offering Plaintiff a mere two weeks' severance, amounting to \$1,200, in exchange for

resigning, demonstrating Defendant Mia's deliberate intent to remove Plaintiff from the workplace.

146. Rather than protect Plaintiff following the termination of Defendant Filstein, Defendant Mia compounded the harm by creating an environment of isolation, surveillance, and manufactured disciplinary pretexts, designed to make continued employment untenable.
147. As a direct and proximate result of Defendant Mia's deliberate and intolerable conduct, Plaintiff was left with no reasonable alternative but to resign in or about October 2025. Plaintiff resigned to escape the ongoing abuse, retaliation, and hostile work environment that Defendant Mia had created and refused to remedy.
148. As a result of Defendant Mia's constructive discharge of Plaintiff, Plaintiff has suffered and continues to suffer significant economic harm, including but not limited to lost wages, lost benefits, and a reduction in hourly pay of approximately \$3.00 per hour, resulting in an approximate loss of \$400 per pay cycle, as well as inconsistent hours and substantial loss of financial stability.
149. As a result of Defendant Mia's constructive discharge, Plaintiff has suffered and continues to suffer severe emotional and psychological harm, including PTSD, anxiety, panic attacks, insomnia, significant weight gain, persistent fatigue, and a profound loss of day-to-day functioning, for which Plaintiff is entitled to an award of monetary damages and other relief.
150. The conduct of Defendant Mia constitutes a malicious, willful, and wanton violation of Title VII, NYSHRL, and NYCHRL, for which Plaintiff is entitled to the maximum allowable damages under those statutes, including punitive damages.

JURY DEMAND

151. Plaintiff requests a jury trial on all issues to be tried.

WHEREFORE, Plaintiff respectfully requests a judgment against the Defendants:

- A. Declaring that Defendants engaged in unlawful employment practices prohibited by Title VII, NYSHRL, and NYCHRL in that Defendants discriminated and retaliated against Plaintiff on the basis of her sex/gender (female) by way of sexual harassment and maintained a hostile work environment;
- B. Declaring that Defendant Filstein is civilly liable to Plaintiff for assault;
- C. Declaring that Defendant Filstein is civilly liable to Plaintiff for battery;
- D. Declaring that Plaintiff has been damaged in an amount in excess of the jurisdiction of the Court;
- E. Awarding damages to Plaintiff for all lost wages and benefits resulting from Defendants' unlawful discrimination and to otherwise make her whole for any losses suffered as a result of such unlawful employment practices;
- F. Awarding Plaintiff compensatory damages for mental, emotional injury, distress, pain and suffering, and injury to her reputation in an amount to be proven;
- G. Awarding Plaintiff punitive damages;
- H. Awarding Plaintiff attorneys' fees, costs, disbursements, and expenses incurred in the prosecution of the action; and

Dated: New York, New York

May 27, 2026

JOSEPH & NORINSBERG LLC.,

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