

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

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WEI LIU,

Plaintiff

**ECF CASE  
CIV:**

**COMPLAINT**

**Jury Trial Demanded**

-against-

EVATON INC., SOGRAPE, LOPO VASCONCELOS,  
*individually*, EMILY FINE, *individually*, and ANDREW  
BLOCK, *individually*.

Defendants.

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Plaintiff WEI LIU (“Plaintiff”), by her attorneys, THE FARROW FIRM, PLLC, for her Complaint against Defendants EVATON INC. (“Evaton”) and SOGRAPE (“Sogrape”) (collectively, “Defendants”), alleges upon personal knowledge and upon information and belief:

**NATURE OF THE ACTION**

1. Plaintiff, a Chinese-American woman, brings this action to remedy discrimination based on race, national origin, and sex, retaliation, and a hostile work environment in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 1981, the Family and Medical Leave Act (FMLA), the New York State Human Rights Law (“NYSHRL”), and the New York City Human Rights Law (“NYCHRL”).
2. Defendants recruited Plaintiff to serve as New York State Area Manager, a key role within one of the company's most important commercial markets. From the outset, Defendants approved an arrangement under which Plaintiff maintained her permanent residence in Florida while performing field-based sales and account management duties throughout New York and completing administrative work remotely. Plaintiff quickly

became a top-performing employee. Her territory generated more than half of the division's sales, and she was the only member of the sales team to earn a performance bonus during her first year.

3. Despite her success, Plaintiff was subjected to comments and conduct that she perceived as reflecting stereotypes concerning her race, national origin, and sex. Her supervisor told her that "Chinese women are pushy" and later remarked, while she was home sick with COVID-19, that she should "drink a lot of tea" because she was supposedly an "expert" on it.
4. Plaintiff also experienced workplace conduct that she believed reflected a broader culture in which women were discouraged from questioning leadership. A colleague warned Plaintiff that senior leadership did not respond well to challenges from female employees. Plaintiff later observed conduct by senior executives that she believed reinforced that perception.
5. Throughout 2024, Plaintiff continued to perform successfully while experiencing increasing scrutiny, reporting obligations, and oversight that she contends were not imposed on similarly situated male colleagues.
6. In September 2024, Andrew Block became Chief Sales Officer. Following his arrival, Plaintiff's reporting requirements increased substantially, and she was subjected to additional field-visit expectations, scheduling requirements, and administrative tracking obligations.
7. During the same period, Defendants began reviewing Plaintiff's residency, payroll status, and electronic activity. Plaintiff contends that these reviews were initiated despite the fact that Defendants had approved her arrangement of maintaining a

permanent residence in Florida while performing field-based duties throughout New York and administrative work remotely.

8. As the scrutiny intensified, Defendants obtained and reviewed information concerning Plaintiff's device usage, Microsoft 365 activity, login history, and location-related data as part of an internal review that was not disclosed to her at the time.
9. Plaintiff believed that the increased scrutiny, monitoring, and challenges to her previously approved work arrangement were part of a broader pattern of discriminatory treatment. On January 15, 2025, she submitted a written complaint concerning what she viewed as discrimination, heightened scrutiny, and monitoring practices directed toward her.
10. Five business days later, on January 22, 2025, Defendants terminated her employment, citing concerns relating to her residency and work arrangement.
11. Plaintiff contends that similarly situated male employees maintained residences outside portions of their assigned territories and were not subjected to comparable scrutiny, audits, monitoring, or discipline.
12. Plaintiff brings this action to recover damages and obtain all other relief available under federal, state, and local law.

### **JURISDICTION AND VENUE**

13. This Court possesses original subject matter jurisdiction over Plaintiff's federal statutory claims pursuant to 28 U.S.C. §§ 1331 and 1343(a)(3)–(4).
14. This Court possesses supplemental jurisdiction over Plaintiff's closely related New York State and New York City statutory claims pursuant to 28 U.S.C. § 1367(a)

because the state and local law claims arise from the same common nucleus of operative facts and form part of the same constitutional case or controversy.

15. This Court possesses personal jurisdiction over all Defendants pursuant to Federal Rule of Civil Procedure 4(k)(1)(A) and N.Y. CPLR §§ 301 and 302(a). Defendants conducted business in New York, employed Plaintiff to perform duties within New York, and purposefully directed activities toward this State. Plaintiff's claims arise from Defendants' activities and conduct directed toward Plaintiff's employment in New York.
16. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to Plaintiff's claims occurred in this District, including Plaintiff's performance of her duties as New York State Area Manager and the discriminatory, retaliatory, and monitoring-related conduct alleged herein.

#### **JURY DEMAND**

17. Plaintiff hereby demands a trial by jury on all issues so triable.

#### **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

18. On or about May 2, 2025, Plaintiff timely filed a charge of discrimination with the Equal Employment Opportunity Commission ("EEOC") against Evaton Inc. and Sogrape, alleging discrimination on the basis of race, national origin, and sex, as well as retaliation. The charge was dual-filed with the Florida Commission on Human Relations.
19. On March 6, 2026, the EEOC issued a Notice of Right to Sue letter to Plaintiff. More than ninety days have not yet elapsed since the issuance of the Notice.

20. Plaintiff has therefore exhausted all required administrative remedies and is entitled to bring this action under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq.

### **PARTIES**

21. Plaintiff WEI LIU is a Chinese-American woman currently residing in Florida. At all relevant times, she was employed as Defendants' New York State Area Manager. While she utilized her Florida residence for administrative tasks, her primary workspace was the New York commercial market, where she was physically present three to four days per week. Plaintiff's commercial relationships, customer base, and assigned territory were centered in the New York market. Plaintiff performed a substantial portion of her duties physically within New York, and the adverse actions alleged herein affected her employment within the state.
22. Defendant EVATON, INC. is a Connecticut corporation with its principal place of business in Stamford, Connecticut, and served as Plaintiff's direct employer. Evaton regularly transacts business and employs workers within New York City, directly deriving revenue from the New York market. Upon information and belief, Evaton has employed more than fifteen employees during the relevant period, making it an "employer" subject to Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e(b), and 42 U.S.C. § 1981. Evaton is also an "employer" within the meaning of the NYSHRL and NYCHRL.
23. Defendant SOGRAPE is a Portuguese corporation and the parent company of Evaton. Upon information and belief, Evaton employed more than fifteen employees during the relevant period and is therefore an "employer" within the meaning of Title VII, 42 U.S.C. § 2000e(b). Evaton is also subject to liability under 42 U.S.C. § 1981 and is an employer within the meaning of the NYSHRL and NYCHRL. Sogrape also operated

as a joint employer under the NYSHRL and NYCHRL by exercising substantial control over aspects of Plaintiff's employment. Upon information and belief, Sogrape and Evaton maintained integrated management functions, shared operational systems, and coordinated personnel and information-technology functions relevant to Plaintiff's employment and the investigation preceding her termination.

24. Upon information and belief, Sogrape purposefully directed business activities into New York through its administration of corporate systems, information-technology infrastructure, and management functions used by Evaton employees operating within New York. Sogrape personnel maintained and administered the Microsoft 365 environment and related systems through which Plaintiff's activity data was collected and reviewed, and Sogrape employees participated in providing information used during the investigation that preceded Plaintiff's termination.
25. Upon information and belief, Sogrape exercised substantial control over Evaton's operations through overlapping directors and executives, centralized information-technology systems, shared management personnel, and direct involvement in operational decision-making. Public corporate filings identified Sogrape executives Fernando da Cunha Guedes and Joao Gomes da Silva as directors of Evaton during the relevant period.
26. Plaintiff's work was performed through technology systems, communication platforms, and corporate infrastructure maintained by Sogrape. Throughout her employment, Plaintiff accessed Sogrape-managed intranet resources, organizational directories, information-technology systems, and shared corporate platforms used across the broader Sogrape organization.
27. Defendant LOPO VASCONCELOS was Plaintiff's direct supervisor and a manager of Evaton. Upon information and belief, Vasconcelos is also an officer or executive of

Sogrape and was transferred from Sogrape to Evaton to oversee U.S. operations and later was recalled to Portugal to assume another leadership role within the Sogrape organization.

28. He acted at all relevant times as an agent of both Evaton and Sogrape. He is individually liable as an "employer" and for aiding and abetting the unlawful conduct under the NYSHRL and NYCHRL by directly perpetrating the discriminatory harassment, imposing retaliatory field quotas, and subjecting Plaintiff to heightened scrutiny.
29. Defendant EMILY FINE is the Vice President of Finance and Operations of Evaton. She is individually liable for aiding and abetting the unlawful conduct alleged herein, including her involvement in reviewing Plaintiff's payroll, residency, electronic activity, and termination.
30. Defendant ANDREW BLOCK is the Chief Sales Officer of Evaton. He is individually liable for aiding and abetting the unlawful conduct by imposing additional reporting and field-activity requirements on Plaintiff and participating in the decision to terminate her employment.

### **FACTUAL ALLEGATIONS**

#### **Plaintiff's Background and Hiring.**<sup>1</sup>

31. In September 2023, Defendants recruited Plaintiff as New York State Area Manager, a strategic hire for the nation's most competitive wine market. The role was hybrid

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<sup>1</sup> If her resume alone did not make the case for her candidacy, her record of performance certainly did. Across her career, Plaintiff has consistently outperformed sales targets, opened hundreds of new accounts, and been selected to represent her teams in national marketing campaigns. At Gallo, she achieved 150% of her SMART goals during the pandemic and managed a territory expansion from 75 to 150 key accounts. At Silverado Vineyards, she drove a 467% increase in depletion sales for the SOLO luxury SKU, the largest historical sales increase for that brand.

remote, a standard industry arrangement that Defendants extended to other senior leaders who commuted from out of state without issue. Plaintiff possessed the qualifications Defendants sought for the position.

32. Her compensation reflected the premium they placed on her expertise: a \$120,000 base salary, 20 to 30 percent bonus potential, and a monthly car allowance. Her responsibilities were commensurate with that investment, requiring her to lead distributor relationships, execute trade education, meet aggressive revenue targets, and drive strategic initiatives for the New York market.
33. Defendants pursued Plaintiff because she possessed over a decade of elite industry experience. Since 2013, she had executed high-pressure market strategies and luxury brand development across senior roles at E. & J. Gallo Winery, Treasury Wine Estates, and Silverado Vineyards. Most recently, prior to joining Evaton, she served as Metro NY & Mid-Atlantic Regional Director at Une Femme Wines. In that role, and as throughout her career, Plaintiff managed the exact distributors Defendants relied upon and navigated the same complex regulatory terrain. She did not need to learn New York; she had already mastered it.
34. Plaintiff also possessed substantial industry credentials. She holds an Executive MBA in Wine Business Operations from Sonoma State University, earned while commuting weekly from the East Coast,<sup>2</sup> and an MIT Design Thinking Certification.<sup>3</sup> She is a WSET Diploma (Level 4) candidate, one unit away from completing the WSET Level

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<sup>2</sup> The Executive MBA in Wine Business at Sonoma State University is a selective 18-month program offered by an AACSB-accredited business school, designed for experienced wine industry professionals.

<sup>3</sup> The WSET Level 4 Diploma in Wines is widely recognized as the wine industry's gold standard, the highest qualification awarded by the WSET, and a prerequisite for entry into the Master of Wine program—the most prestigious credential in the wine world. The MIT Design Thinking Certification is an executive education credential awarded by MIT Sloan, a globally renowned business school, in collaboration with Emeritus, reflecting formal training in a widely adopted innovation methodology.

4 Diploma. The WSET Level 4 Diploma is one level below the Master of Wine designation.

35. But Plaintiff did not rely solely on her resume or her credentials. Before her first interview, she had already prepared a comprehensive 30/60/90-day plan, a detailed roadmap of exactly how she would approach the New York market, what she would prioritize, and where she would deliver results. Internal recruiter notes reflected that she "check[ed] all the Must Have boxes."

**Defendants Explicitly Authorize and Coordinate Plaintiff's Florida Residency.**

36. That same discipline and transparency guided how Plaintiff handled even the routine logistics of her employment, such as where she lived and worked. From the outset, her split geographical footprint, maintaining her permanent domicile in Florida while physically executing field operations in New York, was explicitly disclosed to, coordinated by, and approved in writing by corporate leadership.
37. On September 12, 2023, Evaton's Senior Vice President of Business Development & Finance, Helder Gomes da Silva, directly coordinated with ADP TotalSource payroll advisors to establish Plaintiff's tax profile. When ADP flagged a "worked in state mismatch" because Plaintiff lived in Florida but worked in New York, Plaintiff reaffirmed that Florida was her permanent home and that she would not renew her New York lease. SVP Silva did not object. Instead, he simply updated her New York work address and explicitly clarified the hybrid arrangement to ADP in writing:

"Wei[‘s] Home Address is in Florida and it is identified as if she works from home (Florida). Wei does own a ho[use] in Florida where she usually spends the weekends, however her role with Evaton is NY Area Manager and as a consequence Wei is renting a house in NY which works as her home office during the week."

38. On September 20, 2023, Plaintiff explicitly reaffirmed this baseline status to SVP Silva via email regarding her payroll processing, stating:

"Florida is my home address, so that's fine!... I'll likely not renew my lease in NY city and do what I've always done in the past in NY market work - between hotels and properties I have access to in city. I don't want to mess with my voting and residential status."

39. Silva formally confirmed receipt of this disclosure the same day, raising no objections and assuring Plaintiff that payroll would be processed normally. Defendants' Vice President of Finance also instructed Plaintiff to proceed with setting up her ADP account using her Florida address and advised that any questions regarding payroll configuration should be directed to ADP, stating: "They are the experts." At the time, Defendants treated Plaintiff's Florida residency and New York work arrangement as a routine administrative matter.
40. With no issues to speak of, and an exceptional resume before them, Defendants hired Plaintiff with full knowledge of her qualifications, experience, and disclosed working arrangement. The circumstances surrounding her later termination stand in sharp contrast to the confidence Defendants expressed at the time of hiring.

**Plaintiff's Exemplary Performance.**

41. In her first fiscal year, Plaintiff became the sole member of the entire sales team to earn a bonus for achieving her key performance indicators (KPI). The bonus qualification period ended in Q4 2023, and she received an \$8,000 payout in Q1 2024 following review and approval.
42. Defendants' own 2023 year-end review (**Exhibit A**) acknowledged that although it was "a difficult year for sales," the New York market "outperformed the other markets" and achieved "sales growth every month since September," the exact month Plaintiff

joined. The review specifically credited her with "on-premises account development," "new listings," and "premium event placements," rating her a perfect 5 out of 5 in Stakeholder Management.

43. The following year, Plaintiff's August 2024 mid-year review, authored by her supervisor, Defendant Lopo Vasconcelos (**Exhibit B**), confirmed she was frequently exceeding expectations. Vasconcelos rated her 5 out of 5 in Product Knowledge, noting she went above and beyond by personally funding a trip to Portugal to deepen her expertise.

44. Vasconcelos further awarded her 4 out of 5 ratings across Stakeholder Management, Financial Management, Result Orientation, and Innovation. On Innovation, he specifically praised her application of MIT-certified Design Thinking methods, a recognized mark of advanced, human-centered strategic skill. On Result Orientation, he explicitly acknowledged that her individual efforts accounted for "more than 50% of the total division's sales."

45. Vasconcelos's narrative review further emphasized her elite capabilities:

"Wei demonstrates resilience in overcoming obstacles and finding creative solutions to secure key accounts. For instance, her perseverance in securing the Time Out Market account took nearly a year but resulted in the successful opening of BTG doors in 3 states... Wei continues to work diligently to innovate and grow the business. Her energy and commitment to the NY market, historically one of the most challenging in the U.S., are key to driving improvements and success."

46. The review identified only three "areas for growth," each of which underscored, rather than undermined, her dedication:

"Excels in high-impact areas, but weekly documentation and administrative tasks require more consistent attention."

"Although budget management is generally strong, could enhance her ability to prioritize resources..."

"Given the intensity of the NY market, it is essential to maintain a healthy work-life balance... to prevent burnout."

47. The identified areas for growth did not concern Plaintiff's sales performance, ability to generate revenue, product knowledge, stakeholder management, or overall effectiveness in her role. Instead, the feedback focused on administrative documentation, resource prioritization, and maintaining work-life balance in a demanding market. In other words, the review reflected concerns about paperwork and burnout, not Plaintiff's ability to perform her job.
48. For more than a year, Plaintiff consistently received positive performance evaluations from management, including Vasconcelos. During that period, Defendants did not raise concerns regarding her performance, residency, or work location.

**Despite Her Strong Performance and Dedication, Plaintiff Was Subjected to a Hostile Work Environment and Retaliation Based on Her Race and Gender.**

**A. Discrimination and Hostility Emerged Early in Plaintiff's Tenure.**

49. Despite Plaintiff's strong performance, her relationship with Vasconcelos became increasingly strained. While Vasconcelos praised her work in formal evaluations, Plaintiff experienced increasing scrutiny and tension in her day-to-day interactions with management. During the administrative proceedings, HR Director Emily Fine acknowledged in writing that certain complaints concerning supervisory conduct were substantiated and resulted in remedial coaching.
50. Plaintiff alleges that, in her case, this conduct was accompanied by race- and sex-based comments, heightened scrutiny, and treatment not imposed on similarly situated male colleagues.
51. The hostility first surfaced after a virtual Town Hall in March 2024. Plaintiff did what any engaged manager would do: she asked reasonable, professional questions about the

business. But the retaliation was swift. Shortly after the meeting, she received a back-channel call from a colleague, Patricia Erdman, with a blunt warning: the CEO did not like being questioned, and Plaintiff needed to keep her head down. White male colleagues asked questions during the same meeting and did not receive similar warnings.

52. Despite, or perhaps because of, this integrated corporate structure, Plaintiff faced escalating hostility in her day-to-day work. On April 1, 2024, Plaintiff advocated for additional resources for her region. Vasconcelos did not engage with her request but remarked out of nowhere while looking at her in the eyes: "I think Chinese women are pushy."
53. Plaintiff was the only Chinese-American woman and the only person of Asian descent on the sales team.
54. The following month, during a company conference in Florida, Vasconcelos participated in a mock sales exercise before approximately thirty employees. During the exercise, after the Director of Marketing, a white woman, stated that she did not drink alcohol as part of the role-play, Vasconcelos abruptly scoffed, "Are you Indian?" Plaintiff perceived the comment as stereotyping based on ethnicity.
55. Later at that same conference, the hostility cascaded from the very top of the company. During one of the company-wide meetings, Plaintiff again posed a collaborative, strategically sound question to the CEO regarding brand DNA, citing a well-known industry case study.
56. The CEO's reaction was unusually hostile and disproportionate to the question asked. In front of over twenty-five employees attending the meeting, he raised his voice, interrupted Plaintiff repeatedly, and publicly criticized her while she attempted to

speak. The exchange ended only after a male colleague, Angel Abril, intervened and stated: "I don't think Wei is done speaking."

57. Plaintiff observed that other employees, including white male colleagues such as Russell Wright, asked questions and participated in discussions with senior leadership without receiving a similar response. Plaintiff perceived the contrast as further evidence that she was being treated differently when she challenged or questioned management.
58. Following these incidents, Plaintiff became more guarded in her interactions with leadership. Rather than drawing attention to herself during meetings, she focused on her assigned responsibilities and continued working to deliver results. From April through September 2024, she continued to perform at a high level and received direct praise from the CEO regarding her work (**Exhibit C**).

**B. The Arrival of Andy Block Marked the Beginning of Intensified Scrutiny.**

59. Following the arrival of Andrew "Andy" Block as Chief Sales Officer in September 2024, Plaintiff's reporting requirements and supervisory oversight increased significantly. As the newly appointed head of the sales organization, Block implemented additional reporting expectations and directed increased monitoring of Plaintiff's field activities.

"As discussed earlier today, please ensure Wei completes the following weekly for your Monday meetings in specific detail: List of accounts she visited the prior week, who she met with, what was discussed, what was accomplished and any follow-up. List of accounts she is visiting the following week, by day and the objectives for each account. You should move your meetings to Friday afternoons and ensure that she recaps her week and provides you with any other admin that is due. More importantly she should detail the following week. It's not acceptable to be making phone calls—she needs to be visiting 6-8 accounts per day and be in the field 4 full days a week."

60. Plaintiff's position required her to balance administrative responsibilities with extensive field work throughout New York. While she completed administrative tasks

remotely, the core of her role involved maintaining distributor relationships, conducting tastings and sales meetings, developing accounts, and supporting market initiatives through an active physical presence in her assigned territory.

- 61.** Consistent with those responsibilities, Plaintiff routinely spent three to four full days per week working in the field throughout New York. As documented in her December 2, 2024 Market Recap, she conducted consumer events at Sleepy Hollow Country Club, staff tastings at Stew Leonard's in Yonkers, distributor planning meetings, and market blitzes across Manhattan, Westchester, the Bronx, and Rochester. She completed her remaining administrative work from her home office or while traveling between accounts within her territory.
- 62.** Chief Sales Officer Andy Block's September 2024 directive unilaterally codified and escalated these intense field requirements. By explicitly ordering that Plaintiff "needs to be visiting 6-8 accounts per day and be in the field 4 full days a week," Defendants required Plaintiff to spend the majority of her working time conducting in-person field activity in New York.
- 63.** No documented performance deficiency preceded the escalation of these requirements. Plaintiff's performance evaluations remained positive throughout this period.
- 64.** Following Block's directive, Vasconcelos increased the frequency of his communications with Plaintiff regarding her schedule and activities. Plaintiff had always participated in a standing Monday check-in and previously received occasional calls from Vasconcelos. Beginning in September 2024, however, he began calling her three or four times per day and frequently contacted her regarding her schedule, location, account visits, and planned activities. According to Plaintiff, these repeated communications often interrupted customer meetings and account-development

responsibilities and reflected a level of oversight not imposed on similarly situated colleagues.

65. In the New York market, Fridays were typically used for administrative work. Vasconcelos now required extensive Friday meetings and check-ins, reducing the time Plaintiff previously used for reporting and administrative responsibilities.
66. Plaintiff alleges that the increased reporting obligations, field-visit expectations, and recurring meetings substantially expanded her workload. Because much of her week was spent traveling to customer accounts, administrative tasks frequently carried into evenings and weekends, leaving limited uninterrupted time to complete reporting and planning responsibilities during normal business hours.
67. Plaintiff contends that the increased oversight extended beyond reporting requirements and scheduling demands. According to Plaintiff, Vasconcelos expected her to remain continuously available by phone during working hours and frequently monitored her whereabouts throughout the day.
68. In or about mid-September 2024, after Plaintiff missed several calls while attending a client meeting, Vasconcelos reached her and became visibly angry. He stated that she was expected to answer his calls regardless of whether she was meeting with clients unless she was on approved leave.
69. Days later, when Plaintiff again missed a call while in a meeting, Vasconcelos called repeatedly until she responded and questioned her regarding her location.
70. Upon information and belief, no other Area Manager was required to comply with the same combination of granular reporting requirements, pre-reported itineraries, six-to-eight account visit quotas, and four-day field mandates imposed upon Plaintiff.

71. The consequences of this relentless scrutiny soon reached beyond the workweek and into her personal life.

**C. Vasconcelos Weaponizes Plaintiff's Approved PTO and Sick Leave.**

72. The relentless scrutiny quickly breached the boundaries of Plaintiff's protected personal time. In or about October 2024, Plaintiff traveled on a family vacation to celebrate her mother's 70th birthday, a culturally significant family milestone. Following Vasconcelos's own directive that immediate availability was mandatory unless she was on authorized leave, Plaintiff strictly followed protocol and secured formal approval for the time off.
73. Yet, during her authorized absence, Vasconcelos criticized Plaintiff for missing a weekend marketing event (the New York City Wine & Food Festival, held October 17-20, 2024). She had never been required to attend. The event invitation was one of many tentative calendar emails frequently circulated, revised, and resent by operations, not a formal assignment.
74. There was no substantial follow-up coordination or formal planning communication regarding the event until approximately a week before her departure. Given the volume of communications and ongoing business management responsibilities during the OND quarter, Plaintiff did not understand this event to be a finalized mandatory assignment requiring her attendance during that vacation period.
75. Despite approving Plaintiff's leave request, Vasconcelos later criticized her via text for not attending the event while she was on vacation. Plaintiff viewed the criticism as inconsistent with the approval he had previously granted and as part of a broader pattern of scrutiny directed toward her.

76. Vasconcelos then followed the text with a formal recap email documenting the issue, notwithstanding Plaintiff's approved leave status. Plaintiff perceived this as further evidence that management expected her to remain responsive to work-related demands even while on authorized time off and that she was being held to a different standard than similarly situated colleagues.
77. Plaintiff alleges that the scrutiny did not end with her approved vacation. Within weeks, management's focus shifted from her use of approved personal leave to her need for time away from work due to illness.
78. On or about October 27, 2024, Plaintiff woke up with a high fever, dizziness, and respiratory symptoms and notified Vasconcelos that she was unable to work due to illness. That day, Plaintiff was scheduled to participate in a work-related meeting with Vasconcelos. Given her symptoms and the post-COVID workplace environment, Plaintiff viewed her condition as serious and believed she needed time to recover.
79. Rather than canceling the meeting or encouraging Plaintiff to focus on her recovery, Vasconcelos rescheduled it for the following morning. Plaintiff perceived the response as minimizing the seriousness of her illness and felt pressure to return to work despite continuing symptoms. As a result, she did not request additional time off and instead continued working while ill before ultimately taking medical leave in December 2024.
80. During the meeting, Plaintiff was again subjected to repeated inquiries regarding her location, schedule, and activities that she contends were not imposed on similarly situated male colleagues.
81. Plaintiff was not the only female employee who raised concerns regarding management conduct. Around the same period that Plaintiff experienced increased scrutiny and

hostility, another female Area Manager also complained to senior leadership about management practices affecting female employees.

**D. Defendants Had Actual Notice of Systemic Gender Harassment and Deflected Corrective Action**

82. Defendants were aware of complaints concerning management conduct directed at female employees.
83. On November 15, 2024, another female area manager, Christine Zecker, submitted a formal written complaint directly to Chief Sales Officer Andrew Block, placing corporate leadership on explicit notice of discriminatory and hostile management practices substantially similar to those experienced by Plaintiff.
84. Block took no meaningful corrective action. Plaintiff is unaware of any investigation or corrective action resulting from Zecker's complaint.
85. Less than three months later, only six days after Plaintiff's own termination, Zecker was placed on a Performance Improvement Plan. She resigned the same day.

**E. Defendants Added to Plaintiff's Burden with a "Market Tracker" Spreadsheet That Followed Her Even on Vacation.**

86. In or about September 2024, Defendants required Plaintiff to complete a separate "market tracker" spreadsheet documenting account visits, meetings, discussions, and follow-up activities. Unlike the standard weekly recap report submitted by other Area Managers, the tracker demanded granular, day-to-day detail that her colleagues were never asked to provide.
87. The tracker requirement added to Plaintiff's already substantial reporting and field responsibilities, requiring her to maintain records beyond the standard weekly reports submitted by other Area Managers.

88. While on approved leave in Italy for Thanksgiving in late November 2024, Plaintiff received communications from Vasconcelos regarding the tracker, even though she had already submitted her weekly market report. According to Plaintiff, similarly situated colleagues were not contacted regarding comparable reporting obligations while on approved leave.
89. Plaintiff was on approved leave and outside the country when Vasconcelos contacted her regarding the tracker requirement. Plaintiff viewed the communication as further evidence that she was being subjected to a level of scrutiny and oversight not imposed on similarly situated colleagues and that management expected her to remain responsive to work-related demands even while on authorized leave.

**F. Plaintiff Took Protected Medical Leave and Faced Continued Hostility.**

90. By December 2024, Plaintiff's health had deteriorated under the weight of relentless scrutiny, mounting workload, and unrelenting pressure. When she finally took medical leave, the scrutiny did not stop, it simply took new forms.
91. On December 9, 2024, while Plaintiff was home on medical leave for COVID-19, bronchitis, and pneumonia, Vasconcelos told her: "Drink a lot of tea. You should be the expert on that." Plaintiff understood the remark as invoking a racial stereotype associated with her Asian heritage. Given the context of her illness and prior comments concerning race and ethnicity, Plaintiff perceived the statement as further evidence that she was viewed through a racialized lens rather than evaluated solely on her professional performance.
92. Three days later on December 12, 2024, Plaintiff provided Vice President Emily Fine with a physician's note confirming that Plaintiff had been medically evaluated and

recommending a leave of absence from December 12, 2024, through December 19, 2024, with a return-to-work date of December 20, 2024.

93. Fine acknowledged receipt of the medical documentation and thanked Plaintiff for providing the doctor's note. Defendants were therefore aware that Plaintiff was under medical care and had been directed by a healthcare provider to remain out of work during that period.
94. Days later, on December 16, 2024, while still on medical leave, Plaintiff sought to determine whether other Area Managers were subject to the same tracker requirement. She emailed Russell Wright (Midwest), Angel Abril (Southern California), Patricia Erdmann (Florida), and Christine Zecker. Wright responded that he submitted only the weekly report and used additional trackers only during "full-on blitz" periods. Abril stated that he used only his weekly sales report and personal calendar. Erdmann confirmed that she was not required to maintain a separate tracker, and Zecker similarly reported that she was required to submit only a weekly report. The responses indicated that neither the male Area Managers nor the other white female Area Managers were required to maintain the separate tracker that Plaintiff was directed to complete.
95. Plaintiff's inquiries regarding the tracker requirement occurred while she was on protected medical leave. According to Plaintiff, shortly after she began questioning whether the reporting requirements imposed upon her differed from those imposed on her peers, Defendants expanded their review of her work activity and electronic records.

**Defendants Began and Backdated Covert Surveillance of Plaintiff During Her Protected Medical Leave**

96. By mid-December 2024, Plaintiff had begun gathering information concerning the reporting requirements imposed upon her and whether those requirements differed

from those imposed on other Area Managers. During that same period, while Plaintiff remained on protected medical leave, Defendants began reviewing her Microsoft 365 activity. Plaintiff was not informed that the review had commenced. Plaintiff later discovered that activity records reflected information beginning on December 17, 2024, while formal documentation associated with the review was dated January 15, 2025, creating an apparent inconsistency regarding when the review was initiated.

97. The review subsequently expanded under the direction of Evaton's Vice President of Finance and Operations, Emily Fine. According to Plaintiff, Defendants gathered information concerning her login activity, device usage, and location-related data through third-party vendors and internal systems. Plaintiff alleges that this increasingly expansive review occurred while she was on medical leave and after she had begun questioning whether she was being subjected to reporting requirements and scrutiny not imposed on her peers.
98. Defendants obtained reports concerning the use of Plaintiff's company-issued laptop and subsequently requested and received detailed Microsoft 365 sign-in logs from a separate vendor. Those logs included IP-address and location-related information associated with Plaintiff's account activity.
99. According to Plaintiff, Defendants had never previously questioned her work activity, electronic usage, residency arrangement, or commitment to her territory. Plaintiff alleges that the review of her electronic activity began only after she had raised concerns regarding differential treatment and while she remained on protected medical leave.

**G. Upon Plaintiff's Return, Defendants Retaliated Against Plaintiff by Launching an Audit and Challenging Her Approved Florida Residency.**

100. The review that began during Plaintiff's medical leave intensified upon her return to work. On December 20, 2024, the very day Plaintiff returned from protected leave, Defendants announced a broader parent-company audit involving Evaton operations. Plaintiff alleges that Defendants thereafter expanded their focus to her residency arrangement, payroll status, and work activity.
101. Following the initiation of the audit, Fine began examining Plaintiff's residency and payroll status. On January 3, 2025, Fine contacted Plaintiff regarding payroll and tax-related issues and stated that company records needed to reflect a New York work designation because New York tax withholding was required.
102. According to Plaintiff, Fine thereafter moved beyond inquiry and began making changes to Plaintiff's employment records. Fine altered Plaintiff's employment profile in ADP without first notifying Plaintiff or obtaining her approval. Plaintiff was not provided contemporaneous notice explaining the nature or effect of those changes.
103. One week later, Fine continued her efforts to revise Plaintiff's payroll records. On January 10, 2025, she contacted ADP and sought to modify information concerning Plaintiff's work address and work-from-home designation, writing:

*"She has worked in NY since her hire date. I just went in and updated her work address today to be NY based on our last conversation. That is my mistake on keeping the box checked on works from home. Since the work address listed is a home address, is there a way that I can leave the box checked for works at Home but have the work address be NY and have NY taxes taken out?"*

104. Plaintiff contends that Fine's efforts to revise her payroll records conflicted with the residency arrangement that had been disclosed to and approved by Defendants since the beginning of her employment. Plaintiff maintained her permanent residence in Florida throughout her employment. Although her responsibilities required substantial

travel and field work in New York, Evaton did not maintain a dedicated office for her in New York. Plaintiff contends that her administrative work remained tied to her Florida residence and that her travel within her assigned territory did not alter the residency arrangement previously disclosed to and approved by Defendants.

- 105.** Plaintiff further contends that Defendants had repeatedly confirmed that arrangement before January 2025. On September 25, 2023, and again on July 11, 2024, Plaintiff proactively contacted ADP's designated payroll experts to review and confirm her tax profile. On both occasions, ADP advised that her Florida domicile and remote administrative configuration were properly reflected in the payroll system.
- 106.** While reviewing Plaintiff's residency and payroll status, Defendants simultaneously expanded their review of her electronic activity. Under Fine's direction, Defendants gathered information concerning Plaintiff's login activity, device usage, and location-related data through third-party vendors and internal systems.
- 107.** Logging into Microsoft systems or generating email activity was never presented to Plaintiff as a KPI, performance metric, scorecard requirement, or measure of success tied to her role. Plaintiff's position was a field-based, relationship-driven sales and market management role in which success was measured through sales performance, account development, distributor relationships, and market execution. Nevertheless, Defendants later began scrutinizing Plaintiff's Microsoft activity records as evidence purportedly bearing on whether she was actively working.
- 108.** In evaluating Plaintiff's work activity, Defendants relied on Microsoft records that appeared to reflect Portugal-based timestamps, approximately five hours ahead of Eastern Time, or otherwise required time zone interpretation. Plaintiff contends that Defendants failed to account for that difference. As a result, activity occurring during normal business hours in New York could appear inconsistent or suspicious when

interpreted as Eastern Time. For example, activity reflected at 2:00 p.m. Portugal time corresponded to approximately 9:00 a.m. in New York. Plaintiff alleges that Defendants used these records to question her work activity and location without first adjusting, or even interpreting, the timestamps correctly.

109. Plaintiff further alleges that Defendants failed to reconcile the electronic data with the realities of her field-based position, which regularly required travel throughout New York, customer meetings, tastings, distributor visits, and account-development activities that would not necessarily generate continuous Microsoft-system activity.
110. According to Plaintiff, Defendants relied on periods of limited electronic activity to infer that she was not working, while disregarding the fact that many of her core job responsibilities were performed in the field and away from a computer. Plaintiff alleges that these conclusions became part of the investigation that ultimately led to her termination.

**H. The January 14-15 Location Audits Finally Prompted Plaintiff to File a Formal Complaint.**

111. In January 2025, Defendants intensified their review of Plaintiff's schedule, whereabouts, and daily activities.
112. On January 14, 2025, after Plaintiff provided Vasconcelos with a detailed itinerary for the following two days, including scheduled account visits and administrative work, Vasconcelos contacted Plaintiff and questioned her regarding her schedule and location.
113. That same day, Fine emailed David Gutierrez of Sogrape's IT department requesting Plaintiff's Microsoft 365 login records, IP-address information, and related device data. The request was directed to personnel within Sogrape's information-technology

infrastructure rather than solely through Evaton personnel, reflecting Sogrape's involvement in administering the systems used by Evaton employees.

114. Upon information and belief, the requested Microsoft 365 information was ultimately provided by Sogrape personnel and relied upon by Evaton in connection with the investigation and termination of Plaintiff's employment.
115. The following day, January 15, 2025, Vasconcelos placed another unannounced call to Plaintiff while she was performing administrative work in advance of scheduled field visits. During the call, he directed her to join an unscheduled video meeting.
116. When Plaintiff cited her written schedule and current account preparations, Vasconcelos responded, "If you're still home, it's not a big deal." Plaintiff understood the comment as dismissive of the administrative work she was performing in preparation for scheduled field visits.
117. During the discussion, Vasconcelos stated that management had the right to conduct unscheduled check-ins and referred to Plaintiff as "sensitive." He then demanded Plaintiff join a Microsoft Teams video call. When Plaintiff questioned the need for a video call while they were already speaking by telephone, Vasconcelos commanded, "Because I prefer Microsoft."
118. Plaintiff viewed the exchange as the culmination of months of increasing monitoring, location inquiries, reporting requirements, and scrutiny that she believed were not imposed on similarly situated Area Managers. According to Plaintiff, the demand for an immediate video call and Vasconcelos's characterization of her as "sensitive" reinforced her belief that she was being singled out and subjected to a different standard than her peers.

119. Later that evening, after completing her workday, Plaintiff submitted a written complaint to Fine concerning Vasconcelos's monitoring practices, location inquiries, reporting requirements, and treatment of her as compared to other Area Managers.
120. Plaintiff's formal complaint (**Exhibit D**) explicitly documented how Vasconcelos referenced cultural and gendered stereotypes to silence her advocacy, writing:
- "As a Chinese woman in a professional setting, being labeled as 'sensitive' in response to voicing valid concerns can reinforce harmful stereotypes and undermine my professional credibility. When combined with actions such as questioning my location and sudden check-ins, this language creates a perception of distrust rather than collaboration."*
121. Plaintiff alleges that shortly thereafter submitting her complaint, she was excluded from communications and discussions involving her assigned territory.
122. In a strategy email circulated to distributor personnel regarding Plaintiff's territory, Vasconcelos was identified as the primary point of contact, and Plaintiff was copied on the communication rather than included as a principal participant. Plaintiff viewed this as a departure from her prior role and responsibilities.
123. Plaintiff viewed these developments as further evidence that Defendants had begun distancing her from her role and responsibilities shortly after she raised concerns regarding discrimination, monitoring, and disparate treatment. According to Plaintiff, the exclusion from communications and reassignment of responsibilities occurred within days of her complaint and preceded the decision to terminate her employment.

**I. Defendants Terminated Plaintiff Five Business Days After Her Formal Complaint.**

124. On January 22, 2025, five business days after Plaintiff submitted her written complaint, Defendants terminated her employment during a meeting conducted by Fine and Chief Sales Officer Andrew Block.

**J. After Her Termination, Plaintiff Uncovered Direct Evidence of Defendants' Pre-Planned Scheme to Replace Her with a White Male.**

125. Following her termination, Plaintiff contacted the recruiter who had originally placed her at Evaton and advised him that she had begun searching for new employment opportunities. During that conversation, the recruiter asked Plaintiff what had happened. After Plaintiff described the circumstances of her termination, the recruiter disclosed information concerning communications that allegedly occurred before Plaintiff's discharge.
126. According to information provided to Plaintiff by the recruiter, Chief Sales Officer Andrew Block had contacted him before Plaintiff's termination and inquired about potential candidates who could replace Plaintiff in the New York State Area Manager role.
127. Plaintiff contends that the recruiter told her that Block stated that Defendants intended to replace both Plaintiff and Christine Zecker and expressed a preference for candidates similar to Russell Wright, a white male colleague.

**K. Defendants Treated Similarly Situated Employees More Favorably.**

128. Plaintiff further alleges that similarly situated white male employees were treated more favorably with respect to residency, remote-work flexibility, and scrutiny concerning work location.
129. For example, Area Manager Thor Oliver relocated his permanent residence from Massachusetts to South Carolina during his employment. Plaintiff is informed and believes that Oliver continued servicing his assigned territory after the move and was not subjected to a residency audit, device-tracking review, tax investigation, or termination.

130. Likewise, Brian Horton, Vice President of Sales for the Northeast, and Chief Sales Officer Andrew Block maintained residences and home-office arrangements outside portions of the territories they managed. Plaintiff is unaware of any comparable investigation into their residency status, location data, tax withholding, or work arrangements. Unlike those employees, Plaintiff had disclosed her Florida residency from the outset of her employment, obtained approval for her arrangement, repeatedly sought payroll guidance, and nevertheless became the subject of an extensive residency review, surveillance effort, and termination.

### **HARM TO PLAINTIFF**

131. As a result of Defendants' conduct, Plaintiff has suffered substantial economic and emotional harm. Plaintiff alleges that she lost wages, bonuses, benefits, retirement contributions, and future earning opportunities as a result of her termination.
132. Plaintiff also alleges significant harm to her professional reputation and future employment prospects. The wine and spirits industry is relationship-driven and heavily dependent upon long-term distributor and customer relationships. Plaintiff contends that the circumstances surrounding her termination negatively affected her standing within the industry and impaired her ability to obtain comparable employment.
133. Plaintiff has further suffered emotional distress, humiliation, anxiety, and related injuries. Since her termination, Plaintiff has sought treatment, including therapy, psychiatric care, medication management, and ongoing medical support.
134. Defendants have also failed to reimburse approximately \$1,200 in approved business expenses incurred by Plaintiff in December 2024. Plaintiff requested reimbursement before and after her termination, but the expenses remain unpaid.

135. Plaintiff alleges that Defendants' conduct was intentional, willful, and undertaken with reckless disregard for her rights under federal, state, and local law.
136. Plaintiff has diligently sought comparable employment since her termination but has been unable to secure substantially equivalent employment.

**FIRST CAUSE OF ACTION**  
**(Race Discrimination in Violation of Title VII)**  
*(Against Defendant Corporate Entities)*

137. Plaintiff realleges and incorporates by reference each and every allegation contained in the preceding paragraphs of this Complaint as if fully set forth herein.
138. Defendants discriminated against Plaintiff on the basis of race in violation of Title VII. Plaintiff alleges that Defendants subjected her to heightened reporting requirements, increased monitoring, scrutiny concerning her residency and work arrangements, and ultimately terminated her employment under circumstances in which similarly situated white employees were treated more favorably.
139. Defendants' discriminatory course of conduct was intentional, willful, and executed with malice and reckless indifference to Plaintiff's federally protected statutory rights.
140. As a direct and proximate result of Defendants' unlawful discrimination, Plaintiff has suffered and continues to suffer substantial economic losses, including lost back pay, front pay, bonuses, and benefits, as well as emotional distress and reputational harm, humiliation, and irreparable injury to her professional reputation within the highly concentrated wine and spirits industry. Plaintiff is entitled to recover all available remedies under Title VII, including compensatory and punitive damages, reasonable attorneys' fees, and costs.

**SECOND CAUSE OF ACTION**  
**(National Origin Discrimination in Violation of Title VII)**

*(Against Defendant Corporate Entities)*

141. Plaintiff realleges and incorporates by reference each and every allegation contained in the preceding paragraphs of this Complaint as if fully set forth herein.
142. Defendants discriminated against Plaintiff on the basis of her national origin in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.* Defendants subjected Plaintiff to comments and conduct that referenced stereotypes associated with her Chinese heritage and national origin and treated her less favorably than similarly situated employees outside her protected group.
143. This conduct included comments referencing stereotypes associated with Plaintiff's Chinese heritage, including the statement that she should "drink a lot of tea" because she was supposedly an "expert" on it.
144. Defendants' discriminatory conduct was intentional, willful, and executed with malice and conscious disregard for Plaintiff's federally protected statutory rights.
145. As a direct and proximate result of Defendants' unlawful discrimination, Plaintiff has suffered and continues to suffer economic losses, emotional distress, and other recoverable damages, entitling her to all available remedies under Title VII, including back pay, front pay, compensatory damages, punitive damages, reasonable attorneys' fees, and costs.

**THIRD CAUSE OF ACTION**  
**(Sex Discrimination in Violation of Title VII)**  
*(Against Defendant Corporate Entities)*

146. Plaintiff realleges and incorporates by reference each and every allegation contained in the preceding paragraphs of this Complaint as if fully set forth herein.
147. Defendants discriminated against Plaintiff on the basis of her sex in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.* Throughout her

employment, Defendants subjected Plaintiff to distinct, gender-based disparate treatment that her male colleagues did not endure.

148. Plaintiff alleges that Defendants imposed reporting requirements, tracker obligations, field-activity expectations, monitoring practices, and residency-related scrutiny that were not imposed on similarly situated male employees. Plaintiff further alleges that male employees were permitted greater flexibility with respect to residency and work-location arrangements and were not subjected to comparable investigations, audits, or discipline. Plaintiff also alleges that male colleagues were permitted to question management and participate in business discussions without receiving the hostility, public criticism, and scrutiny that she experienced.
149. Defendants' conduct violated Title VII.
150. As a direct and proximate result of Defendants' unlawful discrimination, Plaintiff has suffered and continues to suffer substantial economic and non-economic damages, entitling her to all available remedies under Title VII, including back pay, front pay, compensatory damages, punitive damages, reasonable attorneys' fees, and costs.

**FOURTH CAUSE OF ACTION**  
**(Race Discrimination in Violation of 42 U.S.C. § 1981)**  
*(Against All Defendants)*

151. Plaintiff realleges and incorporates by reference each and every allegation contained in the preceding paragraphs of this Complaint as if fully set forth herein.
152. Defendants discriminated against Plaintiff on the basis of her race in violation of 42 U.S.C. § 1981 by denying her the same rights enjoyed by white employees to make, perform, modify, and enjoy the benefits, privileges, terms, and conditions of her employment relationship and by terminating her employment under circumstances in which similarly situated white employees were treated more favorably.

153. This discriminatory treatment included, but was not limited to, imposing uniquely burdensome administrative quotas, tracker requirements, monitoring practices, and reporting obligations not imposed upon similarly situated white employees; reviewing Plaintiff's electronic activity and location-related data while white employees who maintained residences outside their territories were not subjected to comparable investigations; limiting Plaintiff's participation in aspects of her assigned territory; and ultimately terminating her employment on January 22, 2025, under circumstances in which similarly situated white employees were treated more favorably.
154. Defendants' discriminatory conduct was intentional, willful, and executed with malice and reckless indifference to Plaintiff's rights under 42 U.S.C. § 1981.
155. As a direct and proximate result of Defendants' unlawful discrimination, Plaintiff has suffered and continues to suffer substantial economic losses, including lost back pay, front pay, bonuses, and benefits, as well as non-economic damages, including severe emotional distress, humiliation, and irreparable injury to her professional reputation within the highly concentrated wine and spirits industry. Plaintiff is entitled to recover all available remedies under 42 U.S.C. § 1981, including compensatory and punitive damages, attorneys' fees, costs, and such other relief as the Court deems just and proper.

**FIFTH CAUSE OF ACTION**  
**(Hostile Work Environment in Violation of Title VII)**  
*(Against Defendant Corporate Entities)*

156. Plaintiff repeats and realleges each and every preceding allegation as though fully set forth herein.
157. During her employment, Plaintiff was subjected to unwelcome conduct because of her race, national origin, and sex in violation of Title VII.

- 158.** Such conduct included race- and sex-based stereotyping directed at Plaintiff; comments concerning Chinese women and Asian cultural stereotypes; repeated public criticism and humiliation; uniquely burdensome reporting and tracking requirements not imposed upon similarly situated male employees; intrusive monitoring of Plaintiff's whereabouts and work activities; repeated questioning of her location and availability; and retaliatory actions following her complaints of discrimination. Plaintiff alleges that these actions collectively created a workplace permeated with hostility and unequal treatment because of her race, national origin, and sex.
- 159.** Plaintiff alleges that this conduct did not occur in a vacuum. Rather, it occurred against the backdrop of race- and sex-based stereotypes directed toward Plaintiff, complaints concerning the treatment of female employees, and differential treatment as compared to similarly situated male and white colleagues. Plaintiff contends that these circumstances contributed to a workplace environment permeated by hostility and unequal treatment because of her race, national origin, and sex.
- 160.** The conduct described herein subjected Plaintiff to inferior terms, conditions, and privileges of employment because of her race, national origin, and sex.
- 161.** Defendants knew or should have known about the discriminatory conduct and failed to take appropriate corrective action. Instead, Defendants permitted the conduct to continue and participated in the actions that ultimately resulted in Plaintiff's termination.
- 162.** As a direct and proximate result of Defendants' conduct, Plaintiff suffered economic loss, emotional distress, humiliation, and other compensable damages.

- 163.** Defendants' conduct was intentional, willful, and undertaken with reckless disregard for Plaintiff's rights under Title VII, entitling Plaintiff to all available damages and other relief.

**SIXTH CAUSE OF ACTION**  
**(FMLA Interference)**  
*(Against Evaton and Sogrape)*

164. Plaintiff repeats and realleges each and every preceding allegation as though fully set forth herein.
165. At all relevant times, Plaintiff was an eligible employee within the meaning of the Family and Medical Leave Act, 29 U.S.C. § 2611(2).
166. At all relevant times, Defendants were employers covered by the Family and Medical Leave Act, 29 U.S.C. § 2611(4).
167. Upon information and belief, Evaton and Sogrape, individually and/or as an integrated enterprise or joint employer, employed fifty or more employees within a seventy-five-mile radius of Plaintiff's assigned workplace territory, making them covered employers under the FMLA.
168. In December 2024, Plaintiff suffered from a serious health condition that rendered her unable to perform one or more essential functions of her position.
169. On December 9, 2024, Plaintiff notified Defendants that she had tested positive for COVID-19 and was experiencing a high fever, fatigue, and a persistent cough. Plaintiff advised Defendants that she required leave from work to recover and obtain medical treatment.
170. On December 12, 2024, Plaintiff provided Defendants with medical documentation confirming that she had been evaluated by a healthcare provider and recommending that she remain out of work through December 19, 2024.
171. Defendants were therefore on notice that Plaintiff's absence potentially qualified for protection under the Family and Medical Leave Act.

172. Upon information and belief, Defendants failed to provide Plaintiff with the notices, information, and protections required by the Family and Medical Leave Act and its implementing regulations, including notice concerning her eligibility for FMLA leave and her rights and responsibilities under the statute.
173. By failing to provide Plaintiff with the notices, information, and protections required by the Family and Medical Leave Act, Defendants interfered with, restrained, and denied Plaintiff's exercise of rights protected by the Act.
174. Plaintiff was prejudiced by Defendants' failure to provide FMLA notices because she was not advised of her rights, protections, or available leave options before Defendants began reviewing her work activity and residency arrangements during and immediately after her medical leave.
175. Had Plaintiff been advised of her rights under the FMLA, she could have exercised those rights, sought additional protected leave if medically necessary, and ensured that her leave was formally designated and protected under federal law.
176. As a direct and proximate result of Defendants' conduct, Plaintiff suffered damages, including back pay, front pay, matching benefits, pre-judgment interest, loss of future career opportunities, mandatory attorneys' fees, and statutory liquidated damages.

**SEVENTH CAUSE OF ACTION**  
**(Retaliation in Violation of Title VII)**  
*(Against Defendant Corporate Entities)*

177. Plaintiff realleges and incorporates by reference each and every allegation contained in the preceding paragraphs of this Complaint as if fully set forth herein.
178. Plaintiff engaged in protected activities under Title VII by opposing unlawful race, national origin, and sex discrimination. Specifically, on January 15, 2025, Plaintiff filed a formal written complaint detailing supervisor misconduct and the company's

escalating hostility. Defendants maintained direct operational knowledge of these protected disclosures.

179. Although Defendants had already begun reviewing Plaintiff's residency, payroll status, and electronic activity before January 15, 2025, Plaintiff alleges that Defendants continued to rely upon and expand those reviews after she submitted her complaint. Plaintiff further alleges that, following her protected activity, Defendants restricted her participation in territory-related communications, altered aspects of her payroll designation, and used information gathered during those reviews as part of the process that culminated in her termination.
180. The temporal proximity between Plaintiff's January 15, 2025 complaint and her January 22, 2025 termination supports an inference of retaliatory motive. Plaintiff alleges that the stated reasons for her discharge were pretextual and that her protected activity was a motivating factor in Defendants' decision to terminate her employment.
181. As a direct and proximate result of Defendants' retaliatory conduct, Plaintiff has suffered and continues to suffer substantial economic losses, including lost wages, benefits, bonuses, and other compensation, as well as emotional distress, humiliation, reputational harm, and other compensable damages. Plaintiff is entitled to all remedies available under Title VII, including back pay, front pay, compensatory damages, punitive damages, reasonable attorneys' fees, and costs.

**EIGHTH CAUSE OF ACTION**  
**(Retaliation in Violation of 42 U.S.C. § 1981)**  
*(Against All Defendants)*

182. Plaintiff realleges and incorporates by reference each and every allegation contained in the preceding paragraphs of this Complaint as if fully set forth herein.

- 183.** Plaintiff engaged in activity protected by 42 U.S.C. § 1981 by opposing and complaining about conduct that she reasonably believed constituted race discrimination, including objecting to race-based stereotypes directed at her and submitting a written complaint on January 15, 2025, concerning discriminatory treatment based on her race and national origin.
- 184.** Defendants were aware of Plaintiff's protected activity. Her complaints were directed to management and Human Resources, including individuals who participated in the investigation of Plaintiff and the decision to terminate her employment.
- 185.** After Plaintiff engaged in protected activity, Defendants continued to rely upon and expand their review of her residency, payroll status, and electronic activity, excluded her from aspects of her assigned territory, and terminated her employment on January 22, 2025, only five business days after her complaint.
- 186.** Plaintiff alleges that Defendants' stated reasons for these actions were pretextual and that her opposition to race discrimination was a but-for cause of the adverse actions taken against her, including the termination of her employment.
- 187.** The close temporal proximity between Plaintiff's protected activity and her termination, together with the differential treatment and scrutiny alleged herein, supports a reasonable inference that Defendants retaliated against Plaintiff in violation of 42 U.S.C. § 1981.
- 188.** As a direct and proximate result of Defendants' retaliatory conduct, Plaintiff suffered the loss of employment, compensation, benefits, professional opportunities, emotional distress, and other damages.

189. Defendants' conduct was intentional, willful, and undertaken with reckless disregard for Plaintiff's federally protected rights, entitling Plaintiff to compensatory damages, punitive damages, attorneys' fees, costs, and all other available relief.

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

190. Plaintiff repeats and realleges each and every allegation contained in the preceding paragraphs of this Complaint as if fully set forth herein.
191. At all relevant times, Plaintiff was an "eligible employee" under the FMLA, 29 U.S.C. § 2611(2), in that she was continuously employed by Defendants for more than twelve months preceding her leave, and worked at least 1,250 hours of service during that twelve-month period.
192. Upon information and belief, Evaton and Sogrape, individually and/or as an integrated enterprise or joint employer, employed the number of employees necessary to qualify as covered employers under the FMLA.
193. Fine and Block exercised operational control over Plaintiff's employment, leave administration, investigation, and termination and therefore qualify as employers within the meaning of the FMLA.
194. From December 9, 2024, through December 20, 2024, Plaintiff took medically necessary leave to recover from a serious health condition, including COVID-19, bronchitis, and pneumonia. She communicated her need for leave to management and HR, who approved it. Defendants had sufficient knowledge that her absence was due to a serious health condition.
195. Taking medically necessary leave for a serious health condition is protected activity under the FMLA, regardless of whether the employee specifically invokes the statute.

- 196.** While Plaintiff was on medical leave, Defendants began reviewing her electronic activity and residency arrangements. Plaintiff further alleges that Defendants intensified those reviews upon her return from leave and later terminated her employment.
- 197.** Plaintiff alleges that Emily Fine played a direct role in obtaining and reviewing Plaintiff's Microsoft 365 activity data while Plaintiff was on medical leave and later relied upon that information during the investigation that preceded Plaintiff's termination.
- 198.** Plaintiff further alleges that Andrew Block approved heightened reporting and field-activity requirements directed at her and participated in the decision to terminate her employment. Plaintiff also alleges, based on information provided by the recruiter who originally placed her at Evaton, that Defendants were considering replacing her before her termination occurred.
- 199.** The temporal proximity between Plaintiff's medical leave and Defendants' adverse actions supports a strong inference of retaliation. The surveillance began while she was still on leave; the audit was announced the day she returned; and her termination followed shortly thereafter.
- 200.** Defendants' decision to launch these invasive investigations, alter her payroll profile, and terminate her employment was causally linked to her protected medical leave, entitling Plaintiff to back pay, front pay, matching benefits, pre-judgment interest, mandatory attorneys' fees, and statutory liquidated damages against all named Defendants.

**TENTH CAUSE OF ACTION**  
**(Race Discrimination in Violation of the NYSHRL)**  
*(Against Defendant Corporate Entities)*

201. Plaintiff realleges and incorporates by reference each and every allegation contained in the preceding paragraphs of this Complaint as if fully set forth herein.
202. Plaintiff alleges that Defendants treated her less favorably than similarly situated white employees by subjecting her to heightened scrutiny, additional reporting requirements, increased monitoring, and termination under circumstances supporting an inference of race discrimination.
203. Plaintiff alleges that Defendants subjected her to reporting requirements, tracker obligations, monitoring practices, residency-related scrutiny, and investigations that were not imposed upon similarly situated white employees. Plaintiff further alleges that white employees who maintained residences outside their assigned territories or worked remotely were not subjected to comparable audits, surveillance, or discipline.
204. Defendants subjected Plaintiff to inferior terms, conditions, and privileges of employment because of her race in violation of the NYSHRL.
205. As a direct and proximate result of Defendants' discriminatory conduct, Plaintiff suffered economic loss, emotional distress, humiliation, damage to her professional reputation, and other damages recoverable under the NYSHRL.

**ELEVENTH CAUSE OF ACTION**  
**(National Origin Discrimination in Violation of the NYSHRL)**  
*(Against Defendant Corporate Entities)*

206. Plaintiff realleges and incorporates by reference each and every allegation contained in the preceding paragraphs of this Complaint as if fully set forth herein.

207. Defendants discriminated against Plaintiff on the basis of her Chinese national origin in violation of N.Y. Exec. Law § 296.
208. Plaintiff alleges that Defendants subjected her to heightened scrutiny, increased monitoring, and workplace comments referencing stereotypes associated with her ethnicity, including remarks concerning Chinese women and tea. Plaintiff further alleges that this conduct resulted in less favorable terms, conditions, and privileges of employment because of her national origin.
209. Defendants subjected Plaintiff to inferior terms, conditions, and privileges of employment because of her national origin in violation of the NYSHRL.
210. As a result of Defendants' conduct, Plaintiff suffered damages recoverable under the NYSHRL.

**TWELFTH CAUSE OF ACTION**  
**(Sex Discrimination in Violation of the New York State Human Rights Law)**  
*(Against Defendant Corporate Entities)*

211. Plaintiff realleges and incorporates by reference each and every allegation contained in the preceding paragraphs of this Complaint as if fully set forth herein.
212. Defendants discriminated against Plaintiff on the basis of her sex in violation of the New York State Human Rights Law, N.Y. Exec. Law § 296. Throughout her employment, Defendants subjected Plaintiff to a continuous pattern of gender-based disparate treatment.
213. Plaintiff alleges that Defendants imposed heightened reporting requirements, administrative obligations, and scrutiny that were not imposed on similarly situated male employees and treated male employees more favorably with respect to work-location flexibility and oversight.

214. Defendants subjected Plaintiff to inferior terms, conditions, and privileges of employment because of her sex in violation of the NYSHRL.

215. As a direct and proximate result of Defendants' discriminatory conduct, Plaintiff suffered economic loss, emotional distress, humiliation, damage to her professional reputation, and other damages recoverable under the NYSHRL.

**THIRTEENTH CAUSE OF ACTION**  
**(Hostile Work Environment in Violation of the New York State Human Rights Law)**  
*(Against Defendant Corporate Entities)*

216. Plaintiff repeats and realleges each and every preceding allegation as though fully set forth herein.

217. During her employment, Plaintiff was subjected to unwelcome conduct because of her race, national origin, and sex.

218. Such conduct included, among other things, race-based comments and stereotypes directed at Plaintiff, differential treatment and heightened scrutiny not imposed on similarly situated employees, repeated public criticism and humiliation, intrusive monitoring of her work activities, and retaliatory conduct after she complained about discrimination.

219. The conduct described herein subjected Plaintiff to inferior terms, conditions, and privileges of employment because of her race, national origin, and sex.

220. Defendants knew or should have known about the discriminatory conduct and failed to take appropriate corrective action. Instead, Defendants permitted the conduct to continue and participated in the actions that ultimately resulted in Plaintiff's termination.

221. As a direct and proximate result of Defendants' conduct, Plaintiff suffered economic loss, emotional distress, humiliation, and other compensable damages.
222. Defendants' conduct was intentional, willful, and undertaken with reckless disregard for Plaintiff's rights under the New York State Human Rights Law, entitling Plaintiff to all available damages and other relief.

**FOURTEENTH CAUSE OF ACTION**  
**(Retaliation in Violation of the New York State Human Rights Law)**  
*(Against Defendant Corporate Entities)*

223. Plaintiff realleges and incorporates by reference each and every allegation contained in the preceding paragraphs of this Complaint as if fully set forth herein.
224. Plaintiff engaged in protected activity under the NYSHRL by opposing and complaining about conduct she reasonably believed constituted discrimination based upon race, national origin, and sex, including her January 15, 2025, written complaint concerning Vasconcelos's conduct.
225. Following Plaintiff's protected activity, Defendants continued their review of Plaintiff's electronic activity, residency status, and work arrangements, relied on information obtained during those reviews, and terminated her employment shortly thereafter. Plaintiff alleges that these actions were taken in retaliation for her protected conduct.
226. As a result of Defendants' retaliatory conduct, Plaintiff suffered economic loss, emotional distress, humiliation, damage to her professional reputation, and other damages recoverable under the NYSHRL.

**FIFTEENTH CAUSE OF ACTION**  
**(Race Discrimination in Violation of the New York City Human Rights Law)**  
*(Against Defendant Corporate Entities)*

227. Plaintiff realleges and incorporates by reference each and every allegation contained in the preceding paragraphs of this Complaint as if fully set forth herein.
228. Defendants discriminated against Plaintiff on the basis of her race in violation of the New York City Human Rights Law, N.Y.C. Admin. Code § 8-107(1). Under the Restoration Act of 2005, the provisions of the NYCHRL must be construed independently and broadly in favor of discrimination plaintiffs, establishing a strict liability floor below which an employer's conduct cannot fall.
229. Plaintiff alleges that Defendants treated her less well than white employees because of her race by subjecting her to increased scrutiny, monitoring, reporting requirements, and termination under circumstances supporting an inference of discriminatory intent.
230. Defendants' conduct caused Plaintiff to be treated less well because of her race and therefore violated the NYCHRL.
231. As a result, Plaintiff suffered economic loss, emotional distress, humiliation, and other damages recoverable under the NYCHRL.

**SIXTEENTH CAUSE OF ACTION**  
**(National Origin Discrimination in Violation of the New York City Human Rights Law)**  
*(Against Defendant Corporate Entities)*

232. Plaintiff realleges and incorporates by reference each and every allegation contained in the preceding paragraphs of this Complaint as if fully set forth herein.
233. Plaintiff alleges that Defendants treated her less well because of her Chinese national origin by subjecting her to heightened scrutiny, increased monitoring, and workplace comments referencing ethnic stereotypes.

234. Defendants' conduct caused Plaintiff to be treated less well because of her protected characteristics and therefore violated the NYCHRL.

235. As a direct and proximate result of Defendants' discriminatory conduct, Plaintiff suffered economic loss, emotional distress, humiliation, damage to her professional reputation, and other damages recoverable under the NYCHRL

**SEVENTEENTH CAUSE OF ACTION**  
**(Sex Discrimination in Violation of the New York City Human Rights Law)**  
*(Against Defendant Corporate Entities)*

236. Plaintiff realleges and incorporates by reference each and every allegation contained in the preceding paragraphs of this Complaint as if fully set forth herein.

237. Plaintiff alleges that Defendants treated her less well than male employees by imposing heightened reporting obligations, increased oversight, and scrutiny that were not imposed on similarly situated male colleagues.

238. Plaintiff further alleges that male employees were not subjected to comparable tracker requirements, residency investigations, electronic-activity reviews, or scrutiny concerning their work locations and that she was therefore treated less well because of her sex.

239. Defendants' conduct caused Plaintiff to be treated less well because of her sex in violation of the NYCHRL.

240. Defendants' conduct caused Plaintiff to be treated less well because of her gender in violation of the NYCHRL. As a direct and proximate result of Defendants' conduct, Plaintiff suffered economic loss, emotional distress, humiliation, and other damages recoverable under the NYCHRL

**EIGHTEENTH CAUSE OF ACTION**

**(Hostile Work Environment in Violation of the New York City Human Rights Law)**  
*(Against Defendant Corporate Entities)*

241. Plaintiff repeats and realleges each and every preceding allegation as though fully set forth herein.
242. Defendants subjected Plaintiff to unwelcome conduct because of her race, national origin, and sex.
243. Such conduct included race-based remarks, stereotyping, heightened scrutiny, intrusive monitoring, exclusion from business activities, public criticism, and other conduct that treated Plaintiff less well than other employees because of her protected characteristics.
244. Defendants, through their managers and agents, participated in, authorized, condoned, or failed to prevent the discriminatory conduct described herein.
245. Defendants' conduct exceeded petty slights and trivial inconveniences and created an abusive and unequal working environment for Plaintiff.
246. As a direct and proximate result of Defendants' conduct, Plaintiff suffered economic loss, emotional distress, humiliation, and other damages.
247. Plaintiff is entitled to compensatory damages, punitive damages, attorneys' fees, costs, and all other relief available under the New York City Human Rights Law.

**NINETEENTH CAUSE OF ACTION**  
**(Retaliation in Violation of the New York City Human Rights Law)**  
*(Against Defendant Corporate Entities)*

- 248.** Plaintiff realleges and incorporates by reference each and every allegation contained in the preceding paragraphs of this Complaint as if fully set forth herein.
- 249.** Plaintiff engaged in protected activity under the NYCHRL by opposing and complaining about conduct she reasonably believed constituted discrimination based upon race, national origin, and sex, including her January 15, 2025, written complaint concerning Vasconcelos's conduct.
- 250.** Following Plaintiff's protected activity, Defendants reviewed her electronic activity, challenged her previously approved residency arrangement, excluded her from certain territory-related communications, and terminated her employment five business days after her formal complaint. Plaintiff alleges that these actions would reasonably deter an employee from engaging in protected activity and therefore constitute retaliation under the NYCHRL.
- 251.** Plaintiff alleges that Defendants' actions were motivated, at least in part, by her opposition to and complaints concerning discrimination. Defendants' conduct would reasonably deter a person from engaging in protected activity and therefore constitutes retaliation in violation of the NYCHRL.
- 252.** As a direct and proximate result of Defendants' retaliatory conduct, Plaintiff suffered economic loss, emotional distress, humiliation, damage to her professional reputation, and other damages recoverable under the NYCHRL

**TWENTIETH CAUSE OF ACTION**  
**(Aiding and Abetting Discrimination and Retaliation in Violation of the NYSHRL and NYCHRL)**

*(Against Defendants Vasconcelos, Fine, and Block Individually)*

- 253.** Plaintiff realleges and incorporates by reference each and every allegation contained in the preceding paragraphs of this Complaint as if fully set forth herein.
- 254.** Individual Defendants Lopo Vasconcelos, Emily Fine, and Andrew Block, at all relevant times acting as agents, supervisors, and managing executives of Evaton, Inc. and Sogrape, knowingly participated in, authorized, aided, and abetted the discriminatory and retaliatory practices alleged herein, in direct violation of N.Y. Exec. Law § 296(6) and N.Y.C. Admin. Code § 8-107(6).
- 255.** Defendant Vasconcelos personally participated in the conduct alleged herein. Among other things, he made comments concerning Plaintiff's race, national origin, and sex; imposed heightened reporting and oversight requirements; conducted repeated inquiries regarding Plaintiff's schedule, location, and activities; and participated in actions that Plaintiff alleges contributed to the hostile work environment, discriminatory treatment, retaliation, and termination described above.
- 256.** Defendant Fine personally participated in the conduct alleged herein. Among other things, she reviewed Plaintiff's residency, payroll, and work-location arrangements; obtained and evaluated information concerning Plaintiff's Microsoft 365 activity, device usage, and location-related data; communicated with ADP regarding changes to Plaintiff's payroll and work-location designations; and participated in the investigation and termination of Plaintiff's employment.
- 257.** Defendant Block personally participated in the conduct alleged herein. Among other things, he imposed additional reporting and field-activity requirements on Plaintiff, received complaints concerning discriminatory treatment of female employees,

participated in decisions affecting Plaintiff's employment, and participated in the decision to terminate Plaintiff's employment.

- 258.** By virtue of their direct, knowing participation and substantial assistance in these violations, Defendants Vasconcelos, Fine, and Block are jointly and severally liable for all economic and non-economic damages caused to Plaintiff under both the New York State Human Rights Law and the New York City Human Rights Law.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff requests judgment against Defendants, jointly and severally, as follows:

- A.** Award Plaintiff her past and future lost wages and benefits, plus interest;
- B.** Award Plaintiff liquidated damages under the FMLA and all other enhanced damages available under applicable law;
- C.** Award Plaintiff compensatory damages for emotional distress, humiliation, and injury to her professional reputation;
- D.** Award Plaintiff punitive damages under the NYSHRL and NYCHRL, and as otherwise permitted by law;
- E.** Award Plaintiff all costs and reasonable attorneys' fees incurred in connection with this action, as authorized by Title VII, 42 U.S.C. § 1988, the NYSHRL, the NYCHRL, and the FMLA;
- F.** Such other and further relief as this Court deems just and proper, including pre-judgment and post-judgment interest.

Date: New York, New York  
June \_\_\_\_\_, 2026

Respectfully submitted,

**THE FARROW FIRM, PLLC**

A handwritten signature in black ink, appearing to be 'S.A. Farrow', written over a horizontal line.

By: Sean A. Farrow, Esq.  
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