

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ECF case

.....X

Index number:

Jorinda Sullivan,

Plaintiff,

COMPLAINT

v.

PLAINTIFFS DEMAND A

Mindpearl US Inc., and

Vincent Gaines, Individually

JURY TRIAL

Defendants.

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Plaintiff Jorinda Sullivan by her attorney Anne Donnelly Bush, as and for her Complaint against the Defendant herein, on information and belief, allege at all relevant times herein, the following:

(I) PRELIMINARY STATEMENT

1. Jorinda Sullivan ("Plaintiff") brings this action pursuant to the New York State Human Rights Law ("NYSHRL"), and the N.Y.C. Admin. Code, seeking redress for among other things defendants' violating plaintiff's civil rights as guaranteed by Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000 et seq, as amended, and the applicable New York State and City civil rights law.
2. Plaintiff alleges herein that she was subjected to discrimination and a hostile work environment, retaliated against, and illegally terminated.

(II) JURISDICTION

3. Jurisdiction is conferred upon the Court by 28 U.S.C. §§ 1331, 1343 and 1367, and Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000 et seq, as amended.
4. All conditions precedent to the institution of this suit has been satisfied.

(III) VENUE

5. Venue lies in the Eastern District of New York in that the unlawful actions complained of and the records relevant to such practices are maintained and administered within this district.
6. All conditions precedent to the institution of this suit has been satisfied.

(IV) EXHAUSTION OF ADMINISTRATIVE REMEDIES

7. Plaintiff has fully complied with all the prerequisites to obtain jurisdiction under New York State Human Rights Law and New York City Administrative Code.
8. On or about September 11, 2006, Plaintiff filed a Complaint with the New York State Division of Human Rights (hereinafter “NYSDHR”), which was later dually filed with the New York District office of the United States Equal Employment Opportunity Commission, (hereinafter “EEOC”) under charge number 16G-2007- 04626. This complaint charged racial discrimination by her former employer, Mindpearl US Inc., its owners and its managers. On July 25, 2007, the EEOC issued its Right to Sue on charge number 16G-2007- 04626. A copy is annexed.
9. On or about December 13, 2006, Plaintiff filed with the NYSDHR, which was later dually filed with the New York District office of the United States EEOC, a second complaint under EEOC charge number 16GA -2007- 00926, charging retaliation by her former employer, Mindpearl US Inc., its owners and its managers. On July 25, 2007, the EEOC issued its Right to Sue on charge number 16GA -2007- 00926. A copy is annexed.
10. On or about March 5, 2007, Plaintiff filed with the NYSDHR, which was later dually filed with the New York District office of the United States EEOC, a third complaint

under EEOC charge number 16GA – 2007 -01929, charging retaliation by her former employer, Mindpearl US Inc., its owners and its managers. On July 5, 2007, the EEOC issued its Right to Sue on charge number 16GA – 2007 -01929. A copy is annexed.

(V) THE PARTIES

11. Plaintiff, a female citizen of United States, is an African American and at the time of the complained of acts was a resident of Brooklyn, State of New York.
12. Plaintiff was an eligible employee as that term is understood within the NYSHRL and New York City Administrative Code.
13. Defendant Mindpearl U.S. Inc., (“Mindpearl”), a private corporation that is located at 449 Broad Hollow Road, Suite 419, Melville, New York 11747, is in the business of providing outsourced customer contact solutions to businesses, such as sales and service representation.
14. Defendant Vincent Gaines (“Gaines”) is and at all relevant times was a resident of Melville, New York, in the State of New York.
15. Defendant Gaines is Mindpearl’s Chairman and Chief Executive Officer.
16. Upon information and belief Defendant Mindpearl is an “employer” within the meaning of 42 U.S.C. §2000 et seq, and the applicable New York State and City civil rights law, employing more than 15 individuals, which presently do business in the State of New York.
17. Upon information and belief Defendant Mindpearl was and is a covered employer as that term is understood within the New York Executive Law s. 292.5., and the New York City Administrative Code.

(VI) STATEMENT OF FACTS

18. Plaintiff was formerly employed by the Defendant Mindpearl US Inc., from July 25, 2006, until February 13, 2007, as a Customer Services and Sales Representative.
19. Plaintiff is now 24 years of age, her date of birth is January 27, 1983. Plaintiff graduated from High School in 2001. She enrolled at Nassau College in January 2002.
20. In August 2004, Plaintiff began working part time at the Levitz corporation, a furniture sales store, while still at college.
21. Plaintiff was employed as a Customer Sales and Service Representative.
22. In September 2004 Plaintiff was offered a full time position with Levitz in Woodbury, New York. She was given an increase in her salary from \$10.00 per hour to \$14.00 per hour.
23. Throughout her employment when working directly for Levitz, Plaintiff received compliments on her work from her supervisors, her fellow employees, and her clients, and generally met and/or exceeded Levitz's legitimate job performance expectations.
24. While at Levitz, Plaintiff regularly received cash bonuses for good performance.
25. While at Levitz, Plaintiff was also entrusted with employment duties normally assigned to a Supervisor, such as making manager call backs to customers.
26. In the summer of 2006, Levitz ran into financial difficulties. As a result, it outsourced its Customer Services department to the Defendants, Mindpearl.
27. In July 2006, Plaintiff remained as the Customer Sales and Service Representative for Levitz, but her employer became Mindpearl.
28. Plaintiff commenced work at Mindpearl on July 26, 2006.
29. As a result of changing employer, Plaintiff moved from her Levitz office in Woodbury to

the Mindpearl office in Melville.

30. Plaintiff joined a new sales team and was working part-time hours.
31. Beginning in August 2006, Plaintiff began to receive harassment from work colleagues about her perfume and/or body scent.
32. On or about August 4, 2006, Kathleen Ramos (“Ramos”), a Hispanic female and a supervisor of Plaintiff, told Plaintiff to change her perfume because she had been receiving complaints from some of the staff.
33. On information and belief, the staff involved in making the complaints about Plaintiff were Caucasian.
34. Plaintiff duly changed her perfume.
35. On or about August 10, 2006, Ramos told Plaintiff that there had been continued complaints from the staff about Plaintiff’s perfume, and asked Plaintiff to stop wearing the perfume.
36. Plaintiff duly stopped wearing perfume.
37. On or about September 1, 2006, Rosemary Pampena (“Pampena”), a Caucasian female and the Customer Sales and Service Manager at Mindpearl, called Plaintiff into a meeting and began asking Plaintiff personal questions, such as, “What soap do you shower with? What shampoo do you use to wash your hair? What deodorant do you use?”
38. On or about September 1, 2006, Plaintiff’s co-worker, Kelly Correl, a Caucasian, filed a complaint about Plaintiff using strong perfume in the office.
39. Plaintiff informed Pampena that she felt that she was being harassed about her body scent by the white staff members, and that she wished to file a complaint based on race discrimination.

40. Plaintiff believed and believes now that the complaints about her body scent were a pretext for racially discriminative behavior.
41. Plaintiff felt humiliated by the complaints, and by the frequency of being asked to attend meetings with her supervisors.
42. On or about September 11, 2006, Plaintiff filed a complaint with the NYSDHR charging racial discrimination by her employer Mindpearl. The complaint was dually filed with the EEOC under charge number 16GA -2006-04642.
43. Plaintiff's complaint was made in good faith.
44. On or about September 13, 2006, Pampena called Plaintiff into a meeting in her office and asked her again not to use scented body wash or other perfumed toiletries at work.
45. Plaintiff's act of complaining about and filing or intending to file complaints of racial harassment with the NYSDHR/EEOC is a protected activity pursuant to Title VII.
46. On or about September 16, 2006, Plaintiff began working full time at Mindpearl.
47. On or about September 16, 2006, Gaines, the C.E.O. of Mindpearl, personally called Plaintiff into his office and advised her that he had received the complaint charging race discrimination from the NYSDHR/EEOC.
48. Defendants thus had actual and/or constructive notice of Plaintiff having filed a racial discrimination complaint against them with the NYSDHR/EEOC.
49. On or about October 18, 2006, Mindpearl answered the complaint.
50. On or about November 27, 2006, Plaintiff filed a rebuttal to Mindpearl's answer.
51. Within days, Defendants Mindpearl and Gaines began a campaign of retaliation against Plaintiff.
52. On December 1, 2006, Gaines, the C.E.O. of Mindpearl, called Plaintiff into his office in

- the presence Pampena, and reprimanded Plaintiff for taking too many bathroom breaks.
53. Pampena was at all times subject to the supervision, direction and orders of Gaines.
54. This was the first occasion that Plaintiff had been informed that there was an office breaks “policy.”
55. Plaintiff had never before been reprimanded for taking too many bathroom breaks in the five months that she had worked for Defendants.
56. On December 2, 2006, Camille Chin (“Chin”), Plaintiff’s supervisor, called Plaintiff into her office for a meeting.
57. Chin was at all times subject to the supervision, direction and orders of Gaines.
58. Chin informed Plaintiff that the office breaks policy was that each employee had 60 minutes of break time during a full working day, which was to include all bathroom breaks as well as morning, lunch and afternoon breaks.
59. Chin informed Plaintiff that if she wished to take bathroom breaks outside of the allotted 60 minutes per day assigned for all breaks and lunch, then she must bring in a medical note.
60. On December 6, 2006, Gaines, the C.E.O. of Mindpearl, once again personally called Plaintiff into Gaines’ office and reprimanded her for taking too many bathroom breaks.
61. Daria Guttila (“Guttila”), Head of Human Resources, was present at the meeting.
62. Guttila was at all times subject to the supervision, direction and orders of Gaines.
63. Gaines and Gutilla informed Plaintiff that the office handbook contained details of this office breaks “policy.”
64. When Plaintiff consulted a copy of the current governing office handbook, Plaintiff discovered that it did not contain any details of the office breaks “policy.”

65. Defendants were therefore attempting to enforce on to the Plaintiff an office “policy” that was not contained in the office handbook.
66. Defendants’ actions towards Plaintiff, including but not limited to Plaintiff’s alleged non-compliance with the alleged office breaks “policy” was an attempt to intimidate and/or demoralize the Plaintiff.
67. Defendants’ actions towards Plaintiff amounts to an adverse employment action.
68. The Defendants’ actions amounted to retaliation.
69. Defendant’s carried out this adverse employment action in retaliation for Plaintiff having filed a racial discrimination complaint with the NYSDHR/EEOC.
70. On or about December 13, 2006, Plaintiff filed a second complaint with the NYSDHR charging retaliation by her employers Mindpearl. The complaint was dually filed with the EEOC under charge number 16GA -2007- 00926.
71. Plaintiff’s complaint was made in good faith.
72. Plaintiff’s act of complaining about and filing or intending to file complaints of retaliation with the NYSDHR/EEOC is a protected activity pursuant to Title VII.
73. On or about December 15, 2006, the NYSDHR/EEOC mailed each of Plaintiff’s notice of claims to the Defendants.
74. Defendants had actual and/or constructive notice that Plaintiff had filed a retaliation discrimination complaint with the NYSDHR/EEOC, because they were advised of this by the NYSDHR and/or the EEOC.
75. On February 1, 2007, the Defendant’s answered the complaint.
76. Plaintiff then filed a rebuttal to the Defendant’s answer.
77. Thereafter, Defendant’s retaliation of the Plaintiff escalated.

78. On February 12, 2007, Plaintiff received a telephone call from Gaines, who informed her that her employment was terminated because of customer complaints the Defendants had received concerning Plaintiff.
79. Plaintiff was terminated by telephone and not in person.
80. Plaintiff had never previously received any customer complaints about her work in the seven month that she had been employed at Mindpearl.
81. On information and belief, Defendants claim that on or about February 7, 2007, there had been three customer complaints all occurring on that day concerning Plaintiff.
82. On information and belief, the transcripts and/or recordings of any calls on February 7, 2007, between the Plaintiff and any of the three customers who allegedly made complaints about Plaintiff, have been destroyed and/or did not exist and/or are otherwise unavailable.
83. Plaintiff is thus left unable to explain and/or defend and/or rebut the alleged customer complaints.
84. Defendants' allegations that Plaintiff received three customer complaints on one day, February 7, 2007, having never before been the subject of customer complaints, is highly suspicious.
85. Defendants' actions amount to scrutinizing Plaintiff in excess.
86. Defendants' termination of Plaintiff amounts to an adverse employment action.
87. This adverse employment action was such that a reasonable employee might have been dissuaded from making or supporting a charge of discrimination.

88. Plaintiff was terminated within two months of filing her complaint of retaliation with the NYSDHR/EEOC.
89. Plaintiff was terminated within five months of filing her complaint of racial harassment with the NYSDHR/EEOC.
90. Plaintiff was in fact terminated as a result of her complaining about and/or filing racial and retaliation harassment complaints against the Defendants.
91. Defendant's termination of Plaintiff was thus motivated by retaliatory animus.
92. Defendants had no legitimate business reasons for any of such acts.
93. A direct causal connection exists between the Plaintiff engaging in the protected activity of complaining about and filing complaints of discrimination and retaliation and the Defendants' acts of terminating her employment.
94. Plaintiff has no plain, adequate or complete remedy at law to correct the Defendants' unlawful employment practices and therefore each seek injunctive, declaratory and monetary relief including compensatory damages, front pay, back pay and attorneys fees and costs, as their means of securing full relief from Defendants' unlawful discriminatory practices.
95. Defendants' unlawful action has caused Plaintiff enormous financial hardship and emotional distress.
96. Because Defendants' retaliation of Plaintiff as described here was done with oppression, malice, and/or a reckless or conscious indifference to Plaintiff's protected rights, Plaintiff seeks punitive damages.
97. Defendant Gaines acted within the scope of his employment, furthering the business interests of Mindpearl.

98. Mindpearl instigated, controlled, directed, or ratified Gaines' acts as alleged herein.
99. Gaines was and is the agent, servant, employee, and/or co-conspirator, and that, in doing the acts alleged herein, Gaines acted as the agent of, and with the consent, knowledge, authorization and/or ratification of Mindpearl.
100. Defendant Gaines directly controlled Plaintiff's employment.
101. Defendant Gaines took a personal interest in every aspect of Plaintiff's employment.
102. Defendant Gaines excessively scrutinized every aspect of Plaintiff's employment.
103. Defendant Gaines made the decision to terminate Plaintiff and he is therefore individually liable.
104. Pampena, Guttila and Chin, were and are the agents, servants, employees, and/or co-conspirators, and that, in doing the acts alleged herein, Pampena, Guttila and Chin acted as the agents of, and with the consent, knowledge, authorization and/or ratification of Mindpearl.
105. Gaines was the employer and supervisor of Pampena, Guttila and Chin.
106. Gaines instigated, controlled, directed, or ratified the acts of Pampena, Guttila and Chin as alleged herein, and he is therefore individually liable.
107. Gaines was in some manner intentionally and/or negligently and legally responsible for the events and happenings in this Complaint and for Plaintiff's injuries and damages.
108. Plaintiff brings this action against the Defendants for engaging in retaliating and/or aiding and abetting the retaliation of Plaintiff for her having complained of

racial harassment and of retaliation by her former employer Mindpearl.

AS AND FOR A FIRST CAUSE OF ACTION BASED ON A HOSTILE WORK
ENVIRONMENT UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964, as
amended

109. Plaintiffs repeat and reallege each and every allegation contained in paragraphs 1 through 108 of this Complaint with the same force and effect, as if set forth at length herein.
110. In violation of Plaintiff's rights under Title VII, Defendant's conduct did unfairly subject Plaintiff to a hostile work environment.
111. As herein described, Defendants' acted with malice or with reckless disregard for Plaintiff's rights, proximately causing Plaintiff mental anguish, conscious pain and suffering, emotional distress, and the loss of income and other related benefits, thereby entitling Plaintiff to an award of compensatory and punitive damages and an award of reasonable attorney's fees.

AS AND FOR A SECOND CAUSE OF ACTION BASED ON A HOSTILE WORK
ENVIRONMENT UNDER §290 *et seq* OF THE NEW YORK EXECUTIVE LAW

112. Plaintiffs repeat and reallege each and every allegation contained in paragraphs 1 through 111 of this Complaint with the same force and effect, as if set forth at length herein.
113. In violation of Plaintiff's rights under the New York State Human Rights Law, Defendant's conduct did unfairly subject Plaintiff to a hostile work environment.

114. As herein described, Defendants' acted with malice or with reckless disregard for Plaintiff's rights, proximately causing Plaintiff mental anguish, conscious pain and suffering, emotional distress, and the loss of income and other related benefits, thereby entitling Plaintiff to an award of compensatory and punitive damages and an award of reasonable attorney's fees.

AS AND FOR A THIRD CAUSE OF ACTION BASED ON RACE/NATIONAL
ORIGIN UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964, as amended

115. Plaintiffs repeat and reallege each and every allegation contained in paragraphs 1 through 114 of this Complaint with the same force and effect, as if set forth at length herein.
116. In violation of Plaintiff's rights under Title VII, Defendant's conduct was such that Plaintiff was disparately treated based on her race and/or national origin (African American).
117. As herein described, Defendants' acted with malice or with reckless disregard for Plaintiff's rights, proximately causing Plaintiff mental anguish, conscious pain and suffering, emotional distress, and the loss of income and other related benefits, thereby entitling Plaintiff to an award of compensatory and punitive damages and an award of reasonable attorney's fees.

AS AND FOR A FOURTH CAUSE OF ACTION BASED ON
RACE/NATIONAL ORIGIN UNDER §290 *et seq* OF THE NEW YORK EXECUTIVE
LAW

118. Plaintiffs repeat and reallege each and every allegation contained in paragraphs 1 through 117 of this Complaint with the same force and effect, as if set forth at length herein.
119. In violation of Plaintiff's rights under the New York State Human Rights Law, Defendant's conduct was such that Plaintiff was disparately treated based on her race and/or national origin (African American).
120. As herein described, Defendants' acted with malice or with reckless disregard for Plaintiff's rights, proximately causing Plaintiff mental anguish, conscious pain and suffering, emotional distress, and the loss of income and other related benefits, thereby entitling Plaintiff to an award of compensatory and punitive damages and an award of reasonable attorney's fees.

AS AND FOR A FIFTH CAUSE OF ACTION BASED ON RETALIATION UNDER
TITLE VII OF THE CIVIL RIGHTS ACT OF 1964, as amended

121. Plaintiffs repeat and reallege each and every allegation contained in paragraphs 1 through 120 of this Complaint with the same force and effect, as if set forth at length herein.
122. In violation of Title VII of the Civil Rights Act of 1964, as amended, Defendants did discriminate against Plaintiff by retaliating against said Plaintiff for opposing the discriminatory acts alleged herein, justifying an award of back pay, front pay,

- compensatory damages, unpaid vacation pay, reasonable attorney's fees, costs and expenses.
123. In violation of §296(6) of the New York State Human Rights Law, Defendants did aid, abet, incite, compel and/or coerce the individual Defendant in engaging in the unlawful discrimination alleged herein, and/or attempting to aid, abet, incite, compel, and/or coerce the individual Defendant in engaging in unlawful discrimination herein, justifying an award of back pay, front pay, compensatory damages, unpaid vacation pay, reasonable attorney's fees, costs and expenses.

AS AND FOR A SIXTH CAUSE OF ACTION BASED ON RETALIATION UNDER
§296(7) OF THE NEW YORK EXECUTIVE LAW

124. Plaintiffs repeat and reallege each and every allegation contained in paragraphs 1 through 123 of this Complaint with the same force and effect, as if set forth at length herein.
125. In violation of §296(7) of the New York State Human Rights Law, Defendants did discriminate against Plaintiff by retaliating against said Plaintiff for opposing the discriminatory acts alleged herein, justifying an award of back pay, front pay, compensatory damages, unpaid vacation pay, reasonable attorney's fees, costs and expenses.
126. In violation of §296(6) of the New York State Human Rights Law, Defendants did aid, abet, incite, compel and/or coerce the individual Defendant in engaging in the unlawful discrimination alleged herein, and/or attempting to aid, abet, incite, compel, and/or coerce the individual Defendant in engaging in unlawful

discrimination herein, justifying an award of back pay, front pay, compensatory damages, unpaid vacation pay, reasonable attorney's fees, costs and expenses.

AS AND FOR A SEVENTH CAUSE OF ACTION BASED ON RETALIATION

UNDER §8-107(6) OF THE NEW YORK CITY ADMINISTRATIVE CODE

127. Plaintiff repeats and reallege each and every allegation contained in paragraphs 1 through 126 of this Complaint, with the same force and effect as if set forth at length herein.
128. In violation of §8-107(6) of the Administrative Code of New York City, Defendants did aid, abet, incite, compel and/or coerce the unlawful discrimination alleged herein, and/or attempt to aid, abet, incite, compel, and/or coerce the unlawful discrimination alleged herein.
129. In violation of §8-107(19) of the Administrative Code of New York City, Defendants did discriminate against Plaintiff by coercing, intimidating, threatening, or interfering with Plaintiffs exercise and/or enjoyment of her civil rights, and/or attempting to coerce, intimidate, threaten, or interfere with Plaintiffs' exercise and/or enjoyment of her civil rights as alleged herein.
130. Each of the hereinabove discriminatory actions of the individual Defendants were done willfully, maliciously and with reckless disregard to Plaintiff's statutory rights, warranting punitive damages in a an amount not less than One Million Dollars.
131. As a proximate result of Defendants' joint and several actions, Plaintiffs have suffered mental anguish, and injury to their persons, reputation, and well-being,

loss of income, loss of their statutory rights and other compensatory damages in an amount not less than One Million Dollars.

(VII) PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully requests that this Court enter a judgment against Defendants as follows:

A. On the First and Third Causes of Action:

(1) Declare that the employment practices complained of by Plaintiff in this complaint are unlawful in that they violate Title VII of the Civil Rights Act of 1964; (2) order Defendants to jointly and severally make Plaintiff whole by compensating her with back pay, front pay, loss of future earnings, lost benefits, unpaid vacation pay, and all other necessary monetary and non-monetary benefits, all in amounts to be proved at trial with interest, from date of injury pursuant to Title VII of the Civil Rights Act of 1964 for each statutory violation found; (3) order each Defendant to jointly and severally pay each Plaintiff compensatory damages in an amount not less than One Million Dollars, with interest from the date of injury, pursuant to Title VII of the Civil Rights Act of 1964 for each violation found; (4) order each Defendant to jointly and severally pay each of the Plaintiff's litigation costs, expenses and attorneys' fees as provided by Title VII of the Civil Rights Act of 1964 for each violation found; and (5) order each Defendant to pay jointly and severally punitive damages to each Plaintiff in the amount not less than One Million Dollars for each violation found under Title VII of the Civil Rights Act of 1964;

B. On the Second, Fourth, Fifth and Sixth Causes of Action:

(1) Declare that the employment practices complained of by Plaintiff in this complaint are unlawful in that they violate Article 15 of the Executive Law of the State of New York; (2) order Defendants to jointly and severally make Plaintiff whole by compensating her with back pay, front pay, loss of future earnings, lost benefits, unpaid vacation pay, and all other necessary monetary and non-monetary benefits, all in amounts to be proved at trial with interest, from date of injury pursuant to Article 15 of the Executive Law of the State of New York for each statutory violation found; (3) order each Defendant to jointly and severally pay each Plaintiff compensatory damages in an amount not less than One Million Dollars, with interest from the date of injury, pursuant to Article 15 of the Executive Law of the State of New York for each violation found; (4) order each Defendant to jointly and severally pay each of the Plaintiff's litigation costs, expenses and attorneys' fees as provided by Article 15 of the Executive Law of the State of New York for each violation found under said Article; and (5) order each Defendant to pay jointly and severally punitive damages to each Plaintiff in the amount not less than One Million Dollars for each violation found under said Article;

C. On the Seventh Cause of Action

(1) declare that the employment practices complained of by Plaintiff in this Complaint are unlawful in that they violate §§8-107 *et seq.*, of Administrative

- Code of New York; (2) order each of the Defendants to jointly and severally make Plaintiff whole by compensating her with back pay, front pay, and loss of future earnings, lost benefits, unpaid vacation pay, and other monetary and non-monetary benefits, including other special damages, all in amounts to be proved at trial with interest from date of injury pursuant to §§8-107 *et seq.*, of Administrative Code of New York for each statutory violation found thereunder;
- (3) order each of the Defendants to jointly and severally pay each Plaintiff compensatory damages in the amount not less than One Million Dollars, with interest from the date of injury, pursuant to §§8-107 *et seq.* of Administrative Code of New York for each violation found thereunder; (4) order each Defendant to jointly and severally pay each of the Plaintiff's litigation costs, expenses and attorneys' fees as provided §§8-107 *et seq.* of Administrative Code of New York for each violation found thereunder; and (5) order each Defendant to pay jointly and severally punitive damages to each Plaintiff in the amount of One Million Dollars pursuant to §§8-107 *et seq.* of Administrative Code of New York, for each violation found thereunder; and
- D. Granting such other and further relief as the Court deems necessary, just and proper.

(VIII) DEMAND FOR TRIAL BY JURY

Pursuant to applicable state law, Plaintiffs demand a trial by jury in this action.

Dated: Yonkers, New York
September 23, 2007

Respectfully submitted,

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