

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

Plaintiff,

v.

RAPPAPORT, HERTZ, CHERSON,  
AND ROSENTHAL, PC,

Defendant.

-----X

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

SEP 30 2002

★ BROOKLYN OFFICE ★

**CV 02 5259**

DN 54

SPATT, J.

COMPLAINT AND  
JURY TRIAL DEMANDED

LINDSAY, M.J.

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful discrimination on the basis of sex, constructive discharge, and retaliation, and to make whole Rabbia Ashraf, Venturina Giampietro, Myra Corchado, and other similarly situated individuals affected by sexual harassment, constructive discharge and/or retaliation by Rappaport, Hertz, Cherson, and Rosenthal, PC (and hereinafter referenced as "Defendant RHC & R"). These allegations will be described in greater detail in paragraph 7,

below.

### JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343, and 1345. This action is authorized and instituted pursuant to Sections 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e et seq. ("Title VII") and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981A.

2. The unlawful employment practices alleged below were and are now being committed within the jurisdiction of the United States District Court for the Eastern District of New York.

### PARTIES

3. Plaintiff, Equal Employment Opportunity Commission ("the Commission"), is an agency of the United States of America charged with the administration, interpretation, and enforcement of Title VII, and is expressly authorized to bring this action by Section 706(f)(1), 42 U.S.C. §2000e-5(f)(1).

4. At all relevant times, Defendant RHC & R has continuously been a professional corporation under the laws of New York, is now doing business in New York, and has continuously had at least fifteen employees.

5. At all relevant times, Defendant RHC & R has continuously been an employer engaged in an industry affecting commerce within the meaning of Section 701(b), (g), and (h) of Title VII, 42 U.S.C. §2000e-(b),(g), and (h).

### STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, a former employee of Defendant RHC & R, Rabbia Ashraf, filed a charge of discrimination with the Commission alleging violations of Title VII by Defendant RHC & R. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least November 1998, Defendant RHC & R has engaged in unlawful employment practices at its Forest Hills, Kings County, New York, facility in violation of Sections 703(a) and 704 of Title VII, 42 U.S.C. §§ 2000e-2(a) and 2000e-3. The practices include sexual harassment by Defendant RHC & R partners and associates toward female employees including, but not limited to, Rabbia Ashraf, Venturina Giampietro, and Myra Corchado. The pervasive sexual harassment created a hostile work environment because of sex. Examples of such conduct include, but are not limited to, the following practices:

(a) Defendant RHC & R has subjected female employees to a pattern of sexual harassment, which includes unwelcome, sexually offensive conduct, comments, epithets, and sexual propositions. The unwelcome, sexually offensive conduct includes, but is not limited to, touching or attempting to touch female employees in an offensive manner, and subjecting female employees to lewd comments, looks and gestures on a daily basis and to pornographic images maintained and displayed on computers in the office.

(b) After receiving employees' complaints about the discriminatory practices, including those described above, Defendant RHC & R took no remedial action, and instead, retaliated against the employees by taking adverse action against them, including threatening them, increasing the level of harassment, and negatively affecting their terms and conditions of employment.

(c) In violation of Title VII, Defendant RHC & R constructively discharged female

employees by taking actions that Defendant RHC & R knew or should have known would make the working conditions of such employees so intolerable that as a result such employees felt compelled to resign their employment. Defendant RHC & R created intolerable and onerous working conditions and a hostile work environment, and failed to eliminate the hostile work environment, in order to coerce such employees to resign or retire.

8. The effect of the practices complained of above in paragraph "7" has been to deprive Rabbia Ashraf, Venturina Giampietro, Myra Corchado, and other similarly situated individuals, and other similarly situated employees of equal employment opportunities, and otherwise adversely affect their status as employees because of their sex, female.

9. The aggrieved employees suffered physical and emotional pain, including but not limited to mental anguish, humiliation, embarrassment, inconvenience and loss of enjoyment of life as the result of the unlawful employment practices complained of above in paragraph "7".

10. The unlawful employment practices complained of above in paragraphs "7" through "9" were intentional.

11. The unlawful employment practices complained of above in paragraphs "7" through "9" were done with malice and/or reckless indifference to the federally protected rights of Rabbia Ashraf, Venturina Giampietro, Myra Corchado, and other similarly situated employees.

#### PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant RHC & R, its officers,

successors, assigns and all persons in active concert or participation with it, from engaging in any employment practices which discriminate on the basis of sex or retaliation.

B. Order Defendant RHC & R to institute and carry out policies, practices and programs which provide equal employment opportunities for female employees, including the implementation of a mechanism to investigate and correct valid complaints of sexual harassment, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant RHC & R to make whole all those individuals adversely affected by the unlawful employment practices described above, by providing appropriate backpay with prejudgment interest, in amounts to be proved at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to rightful-place reinstatement of the aggrieved individuals.

D. Order Defendant RHC & R to make whole all those individuals adversely affected by the unlawful employment practices described above by providing compensation for past and future pecuniary losses, including medical expenses in amounts to be determined at trial.

E. Order Defendant RHC & R to make whole all those individuals adversely affected by the unlawful employment practices described above by providing compensation for non-pecuniary losses, including pain and suffering and humiliation in amounts to be determined at trial.

F. Order Defendant RHC & R to pay all those individuals adversely affected by the unlawful employment practices described above punitive damages for its malicious and/or reckless conduct, in amounts to be determined at trial.

G. Grant such further relief as the Court deems necessary and proper.

H. Award the Commission its costs in this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its Complaint.

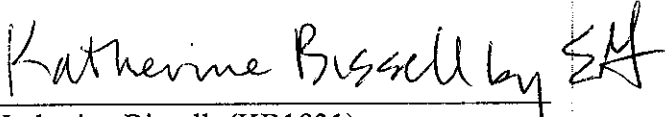
Dated: September 30, 2002  
New York, New York

Respectfully submitted,


Gwendolyn Y. Reams  
Associate General Counsel

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION

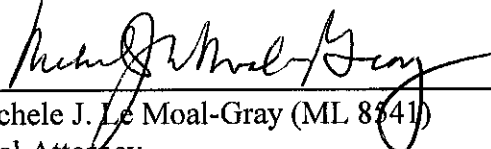
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