

SUPREME COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

-----X

VIRGINIA BRILLIANT,

Plaintiff,

-against-

ROBILANT + VOENA USA, LTD.,
EDMONDO DI ROBILANT and
MARCO VOENA,

Defendants.

Index No.

SUMMONS

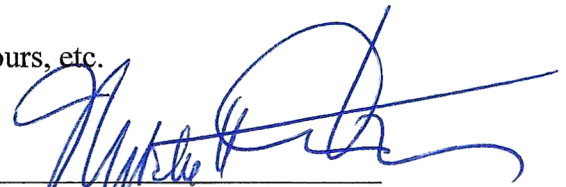
Plaintiff's Address:
155 W. 66th Street
No. 624
New York, NY 10023

-----X

YOU ARE HEREBY SUMMONED, to answer the complaint in this action and to serve a copy of your answer upon Plaintiff's Attorney(s) within twenty (20) days after the service of this Summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear to answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York
April 1, 2024

Yours, etc.



Law Offices of Mitchell Cantor
225 Broadway, Suite 1510
New York, NY 10007
(917) 621-5802
mc@mcantorlawoffice.com

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X

VIRGINIA BRILLIANT,

Plaintiff,

Index No.

-against-

ROBILANT + VOENA USA, LTD.,
EDMONDO DI ROBILANT and
MARCO VOENA,

COMPLAINT

Defendants.

-----X

Plaintiff VIRGINIA BRILLIANT, by her attorneys The Law Offices of Mitchell Cantor,
225 Broadway, Suite 1510, New York, NY 10007 complains of the Defendants as follows:

1. Plaintiff Virginia Brilliant (henceforth "Plaintiff" or "Brilliant") is a natural person residing at 155 W. 66th Street, No. 624, New York, NY 10023.
2. Defendant Robilant + Voena USA, Ltd (henceforth "R + V" or "Defendant") is a New York corporation with a principal place of business located at 980 Madison Avenue, Suite 303, New York, NY 10075.
3. Defendant Edmondo Di Robilant (henceforth "Robilant" or "Defendant") is a natural person with a principal place of business located at 980 Madison Avenue, Suite 303, New York, NY 10075.
4. Defendant Marco Voena (henceforth "Voena" or "Defendant") is a natural person with a principal place of business located at 980 Madison Avenue, Suite 303, New York, NY 10075.
5. On or about December 2019, Defendants engaged Plaintiff as an art gallery consultant at a base rate of compensation of \$50,000 a year plus a commission

- arrangement consisting of: (a) 10% of the profit on the sale of any work of art that Plaintiff sourced regardless of who sold it; (b) 10% of the profit on the sale of any work of art that Plaintiff sold regardless of who sourced it and (c) 20% of the profit on the sale of any work of art that Plaintiff both sourced and sold.
6. Moreover, Plaintiff's base compensation was reduced to \$40,000 a year in April 2020, allegedly to reduce overhead costs during the Covid-19 pandemic.
 7. Defendants made it clear that Plaintiff was engaged as an IRS Form 1099 independent contractor and that she would receive no benefits.
 8. Notwithstanding the foregoing, Plaintiff was expected to work at least five days a week and often six days a week for a minimum of eight hours a day with no support staff. Plaintiff was also expected to be available by phone and email at all times.
 9. Plaintiff was expected from December 2019 onwards to undertake scholarly research into works of art and write detailed scholarly essays reflecting that research, translate scholarly documents from Italian into English, produce videos, sell works of art to museums and private clients, scour auctions for potential profit making opportunities, manage Defendants' gallery in New York which opened in November 2020 and thereafter organize and oversee both the scholarly and logistical aspects of art exhibits at that gallery and in every respect undertake assignments that far exceeded the scope of an independent contractor.
 10. Plaintiff was provided no support staff by Defendants until April 2023.
 11. Defendants also created a toxic workplace environment by repeatedly, regularly and constantly making misogynistic, antisemitic, racist and homophobic comments in the

presence of and directed towards Plaintiff. These comments included but are not limited to the following:

- a. Robilant repeatedly referred to Plaintiff as a “stupid f.....g c...t”:
- b. Robilant referred to a colleague as “that little f.....g Jew” and “that f.....g Jew” in the presence of Plaintiff and inquired of Plaintiff “...Why are Jews so rich and so cheap about paying for anything”:
- c. Voena stated to Plaintiff that “I don’t like black people. They are disgusting”:
- d. Voena ranted to Plaintiff that Robilant’s uncle, Robilant’s son Michele and Robilant himself were “fags” and “faggots”.

12. Defendants also repeatedly and continually harassed Plaintiff on the basis of her gender and physical appearance. These incidents occurred constantly, and included the following:

- a. Robilant encouraged Plaintiff to have sexual relations with a colleague to secure a consignment:
- b. Robilant asked Plaintiff with how many men she had had sexual relations:
- c. Robilant regaled Plaintiff with stories of how he had lost his virginity:
- d. Voena showed Plaintiff multiple photographs of one of Voena’s mistresses clad only in provocative lingerie:
- e. Robilant’s wife recommended to Plaintiff that Plaintiff loose weight by following a diet of champagne and Xanax:
- f. Robilant’s wife mailed Plaintiff over 1,200 illegal unprescribed Xanax tablets while Plaintiff was undergoing radiation, chemotherapy and surgery for breast cancer;

- g. Robilant's wife mailed Plaintiff illegal unprescribed weight loss drugs(which on information and belief was generic Ozempic in pill form) sourced in the Balkans so "Plaintiff could loose 25 pounds before Maastricht" while Plaintiff was undergoing chemotherapy and surgery for breast cancer.

AS AND FOR A FIRST CAUSE OF ACTION – BREACH OF CONTRACT

13. Plaintiff repeats and realleges the allegations set forth in paragraphs 1. through 5. As if more fully set forth herein.
14. Plaintiff sold a painting by the Italian master Orsola Caccia that had been sourced for a nominal amount in the 1990s by Voena to one of her clients in December, 2023 for \$575,000.
15. The client tendered payment in the first week of January, 2024.
16. Plaintiff was entitled to a commission of ten percent of the profit, equal to \$57,500 by January 31, 2024.
17. Robilant instructed Plaintiff to submit an invoice for less than half what Plaintiff was owed, \$25,000.
18. Plaintiff submitted her invoice for \$25,000 on February 8, 2024.
19. Voena's accountant thereafter informed Plaintiff that payment would "take some time".
20. Plaintiff has not yet been paid.
21. On information and belief, Voena has converted the entire commission due to Plaintiff and has no intention of paying it.
22. Plaintiff was diagnosed with breast cancer in February 2024.

23. Defendants agreed to pay Plaintiff's medical bills in connection with her treatment for breast cancer.
24. Notwithstanding the foregoing, Defendants have refused to pay Plaintiff's medical bills or reimburse her for them.
25. On information and belief Defendant's medical bills in connection with her treatment for breast cancer will exceed \$200,000.
26. Plaintiff is therefore entitled to compensation in an amount to be determined by the Court but in no event less than \$257,500 on her First Cause of Action.

AS AND FOR A SECOND CAUSE OF ACTION – CONVERSION

27. Plaintiff repeats and realleges the allegations set forth in paragraphs 1. through 5. As if more fully set forth herein.
28. Plaintiff sold a painting by the Italian master Orsola Caccia that had been sourced for a nominal amount in the 1990s by Voena to one of her clients in December, 2023 for \$575,000.
29. The client tendered payment in the first week of January, 2024.
30. Plaintiff was entitled to a commission of ten percent, equal to \$57,500 by January 31, 2024.
31. Robilant instructed Plaintiff to submit an invoice for less than half what Plaintiff was owed, \$25,000.
32. Plaintiff submitted her invoice for \$25,000 on February 8, 2024.
33. Voena's accountant thereafter informed Plaintiff that payment would "take some time".
34. Plaintiff has not yet been paid.

35. On information and belief, Voena has converted the entire commission due to Plaintiff and has no intention of paying it.
36. Plaintiff is therefore entitled to compensation in the amount of \$57,500 on her Second Cause of Action

AS AND FOR A THIRD CAUSE OF ACTION – QUANTUM MERUIT

37. Plaintiff repeats and realleges the allegations set forth in paragraphs 1. through 4. and 8. through 10. as if more fully set forth herein.
38. Plaintiff was expected from December 2019 onwards to undertake scholarly research into works of art and write detailed scholarly essays reflecting that research, translate scholarly documents from Italian into English, produce videos, sell works of art to museums and private clients, scour auctions for potential profit making opportunities, manage Defendants' gallery in New York which opened in November 2020 and thereafter organize and oversee both the scholarly and logistical aspects of art exhibits at that gallery and in every respect undertake assignments that far exceeded the scope of an independent contractor.
39. Plaintiff was provided no support staff by Defendants until approximately April 2023.
40. Plaintiff consistently worked six days a week, eight hours a day as requested and directed by Defendants. Plaintiff was also expected to be available by telephone and email at all times.
41. Plaintiff has never been compensated for any of those activities.

42. The activities described herein exceeded the services Plaintiff previously provided as a museum curator for which she was compensated at a salary of \$145,000 a year plus benefits.

43. Plaintiff is therefore entitled to compensation for services provided for the years 2020, 2021, 2022 and 2023 in the amount of \$580,000.

AS AND FOR A FOURTH CAUSE OF ACTION – HOSTILE WORKPLACE

44. Plaintiff repeats and realleges the allegations set forth in paragraphs 1. through 5. And 11. through 12. as if more fully set forth herein.

45. In addition to the specifics set forth above, Plaintiff has been subject to almost continual verbal abuse, including regular telephone calls before and after business hours in which in Robilant has screamed at her and cursed at her.

46. Plaintiff was also informed that she was “just Jewish enough to be convincing to American clients” in addition to the Antisemitic invective detailed above.

47. Defendants regularly and routinely used phrases such as “f.....g Jew”, “that f.....g Jew”, “disgusting Jews”, “you know X’s wife is a Jew so all those pretty blond children are just more f.....g Jews”, “they’re just greedy f.....g Jews pretending to be as English as the Queen” et al.

48. Moreover, Voena directed Plaintiff to edit an interview he provided to French-Italian journalist Alain Elkann to “make me not sound racist: I don’t like black people, they are disgusting, but I am not racist”. This comment was overheard by two additional staff members.

49. Voena also regularly and routinely used the words “fag” and “faggot” when referring to persons he believed to be gay but admonished Plaintiff for using the term “partner” when referring to a third party’s same sex companion.
50. The above referenced comments and many others of a similar nature constituted a highly toxic and hostile workplace environment.
51. By reason of the foregoing, Plaintiff is entitled to compensation in an amount to be determined by the Court of at least \$1,000,000.

AS AND FOR A FIFTH CAUSE OF ACTION – SEXUAL HARASSMENT AND
DISCRIMINATION

52. Plaintiff repeats and realleges the allegations set forth in paragraphs 1. through 5. And 11. through 12. as if more fully set forth herein.
53. In addition to the specifics set forth above, Plaintiff has been subjected to constant harassment and discrimination on the basis of her gender.
54. Plaintiff is the only female salesperson at R+ V until September 2023 when Defendants engaged a woman for the first time during Plaintiff’s tenure to sell modern and contemporary art in New York.
55. Plaintiff earned a doctorate in history of art with honors from the Courtauld Institute of Art in London, UK.
56. Prior to her engagement with Defendants, Plaintiff was the head of the European paintings department at the Fine Art Museums of San Francisco, California. Prior thereto she had served as Curator of Collections at the Ringling Museum in Sarasota, Florida for nearly a decade before which she had held curatorial positions at the Cleveland Museum of Art and the J. Paul Getty Museum.

57. Plaintiff has organized numerous scholarly exhibitions, made major acquisitions, published a catalogue of the Ringling Museum's paintings collection exceeding five hundred pages, authored countless scholarly essays published in peer reviewed journals, held prestigious fellowships and was invited to lecture at the Frick Collection and at the National Gallery of Art, amongst other major institutions.
58. In or about 2021, Defendants engaged an individual named Nicholas Ginsburg (henceforth "Ginsburg").
59. Ginsburg was not yet thirty years old at the time he was engaged by Defendants and had only obtained an undergraduate degree from Northeastern University.
60. Ginsburg had never worked as a curator at a significant museum or held a senior or significant position at a commercial gallery and had no background in Old Master Paintings even though a significant portion of the business of Defendants is the acquisition and sale of Old Master Paintings, which are defined as European paintings created between 1300 and 1850. Ginsburg also had no knowledge of Postwar Italian art, R + V's other area of specialization. He actively refused to develop basic fluency in either of these areas: moreover, he had no clients or any other special skills.
61. Notwithstanding the foregoing, Ginsburg received double the compensation of Plaintiff plus benefits, which had been denied to her as an independent "consultant".
62. On information and belief, Ginsburg was engaged and compensated over double that paid to Plaintiff for the sole reason that he was male rather than female.
63. Plaintiff is also constantly subjected to sexual harassment and disparagement: in addition to the examples set forth in paragraph 10 hereof there have been constant

remarks made to Plaintiff about sex, sexuality, and sexual intercourse, often in the most vulgar and offensive language.

64. Plaintiff articulated on numerous occasions that this language and these conversations were highly offensive and should cease: Defendants ignored her.

65. Defendants have harassed Plaintiff on the basis of her gender and subjected her to discrimination in the workplace on the basis of her gender.

66. When a sale in progress failed, Robilant in particular berated, castigated and screamed at Plaintiff, and in some cases demanding to know “how/what you f...d up”.

67. However, when a sale in progress overseen by a male salesperson failed, Defendants were typically sympathetic and used language to the salesperson overseeing the sale akin to “don’t worry about it, the next one will work out”

68. By reason of the foregoing, Plaintiff is entitled to compensation in an amount to be determined by the Court of at least \$1,000,000

AS AND FOR A SIXTH CAUSE OF ACTION – NEW YORK CITY HUMAN RIGHTS LAW

69. Plaintiff repeats and realleges the allegations set forth in paragraphs 1. through 5, 11 through 12, 45 through 50 and 53 through 68 as if more fully set forth herein.

70. The Plaintiff brings claims against the Defendants under Title 8 of the New York City Administrative Code (hereinafter “New York City Human Rights Law” or NYCHRL Section 8-107(a) because Defendants discriminated against Plaintiff on the basis of her gender and her religious heritage.

71. The Plaintiff further brings claims against the Defendants under the NYCHRL because the Plaintiff was subjected to “unwanted gender-based conduct” by Defendants.
72. The Plaintiff seeks actual damages, punitive damages, statutory penalties, attorneys fees, costs and any other relief available by law.

AS AND FOR A SEVENTH CAUSE OF ACTION – NEW YORK STATE
HUMAN RIGHTS LAW

73. Plaintiff repeats and realleges the allegations set forth in paragraphs 1. through 5, 11 through 12, 45 through 50 and 53 through 68 as if more fully set forth herein.
74. The Plaintiff brings claims against the Defendants under the New York Executive Law Section 297 (hereinafter “New York State Human Rights Law” or “NYSHRL”) because the Defendants discriminated against Plaintiff on the basis of her gender and her religious heritage.
75. The Plaintiff seeks actual damages, punitive damages, statutory penalties, attorneys fees, costs and any other relief available by law.

WHEREFORE, Plaintiff is entitled to:

- (a) judgment on her first cause of action in the amount of \$57,500;
- (b) judgment on her second cause of action in the amount of \$57,500;
- (c) judgment on her third cause of action in the amount of \$580,000;
- (d) judgment on her fourth cause of action in an amount to be determined by the Court of at least \$1,000,000;
- (e) judgment on her fifth cause of action under the in an amount to be determined by the Court of at least \$1,000,000 and

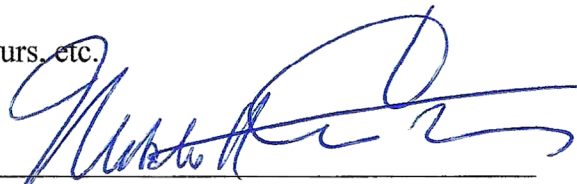
(f) judgment on her sixth cause of action under the NYCHRL or actual damages, punitive damages, statutory penalties, attorneys fees, costs and any other relief available by law;

(g) judgment on her seventh cause of action under the NYCHRL or actual damages, punitive damages, statutory penalties, attorneys fees, costs and any other relief available by law, and

(h) for just other and further relief as this Court deems just and proper.

Dated: New York, New York
March 29, 2024

Yours, etc.



Mitchell Cantor
The Law Offices of Mitchell Cantor
225 Broadway, Suite 1510
New York, NY 10007
(917) 621-5802
mc@mcantorlawoffice.com

SUPREME COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

-----X
VIRGINIA BRILLIANT,

Plaintiff,

Index No.

-against-

VERIFICATION

ROBILANT + VOENA, USA, LTD.,
EDMONDO DI ROBILANT and
MARCO VOENA,

Defendants.

-----X
New Jersey
STATE OF ~~NEW YORK~~)
COUNTY OF ~~NEW YORK~~ *Essex*) ss:

VIRGINIA BRILLIANT, being duly sworn, deposes and says:

I am the plaintiff herein. I have read the annexed complaint and know the contents
thereof and the same are true to my knowledge, except as to those matters which are stated to be
alleged on information and belief, and as to those matters I believe them to be true.

Virginia Merrill Brilliant
VIRGINIA BRILLIANT

Sworn to before me this
day of April, 2024

Francisco Gonzalez
Notary Public

3/21/24
FRANCISCO GONZALEZ
Notary Public, State of New Jersey
My Commission Expires
April 08, 2024