

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

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HEIDI LEIBOWITZ,

Index No:

Plaintiff,

COMPLAINT

-against-

NEW YORK COUNTY LAWYERS ASSOCIATION,
and SOPHIA GIANOCOPOULOS, individually,
and LOIS DAVIS, individually,

JURY TRIAL DEMANDED

Defendants.

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Plaintiff, by her attorneys, Christopher L. Van De Water, Esq. of The Van De Water Law Firm, P.C., complaining of Defendants, respectfully alleges, upon information and belief, the following:

NATURE OF THE ACTION

1. Heidi Leibowitz, ("Plaintiff") is a former employee of Defendants who worked as an administrator for Defendants at their 14 Vesey Street New York, NY 10007 address located in Manhattan, New York, until in or around 2016.

2. Plaintiff brings this action against Defendants for pregnancy/gender discrimination, failure to accommodate, and wrongful termination under the New York State Human Rights Law and the New York City Human Rights Law.

PARTIES

3. Heidi Leibowitz ("Plaintiff") was and is a resident of Kings County, State of New York.

4. New York County Lawyers Association ("NYCLA" "Defendant" and, "Defendants", "Association", is located in the heart of the New York World Financial Center and

is one of the largest, most influential bar associations in the entire country. NYCLA is located in New York County for the State of New York.

5. Sophia Gianacopoulos hereinafter (“Defendant” or “Defendants”) was and is the Executive Director of NYCLA, and further, directly supervised Plaintiff throughout her employment.

6. Lois Davis, hereinafter (“Defendant” or “Defendants”) was the Director of the Pro Bono Programs, and further, directly supervised Plaintiff throughout her employment.

7. Plaintiff is a covered employee within the meaning of N.Y. Exec. Law § 290 et seq. and NYCHRL.

8. Defendant Association is a covered employer within the meaning of N.Y. Exec. Law § 290 et seq. and NYCHRL.

FACTS

9. Plaintiff commenced her employment with the Association in or around March of 2005.

10. Plaintiff served as the Part 137 Fee Dispute Program Administrator for the Association.

11. Her job duties included, among other things, working with the Office of Court Administration to administer the Fee Dispute Program.

12. Plaintiff’s primary job was to work with the Office of Court Administration to effectively and efficiently administer the Fee Dispute Program at NYCLA.

13. By way of background and context, NYCLA gave Plaintiff a lot of trouble and harassed her during her first pregnancy despite Plaintiff telling Defendants that her pregnancy

was considered high risk and could put her very health at issue.

14. For example, Defendants increased Plaintiff's workload, and had her doing things that were difficult for a pregnant woman such as herself like storing and retrieving file boxes from the sub-basement, all of which she did NOT have to perform prior to her pregnancy.

15. As a result, one January morning, Plaintiff needed to be taken to the Emergency Room from work and spent the rest of her pregnancy in the hospital until the time she gave birth.

16. When she returned to work after her twelve (12) week pregnancy leave, NYCLA fired Plaintiff's assistant but did not provide her with another one or any other source of assistance.

17. Furthermore, they refused to give her a place to express breast milk despite the fact that she was a nursing mother and had requested same.

18. Instead, Defendants directed Plaintiff to express her breast milk in the public bathroom even though they had other available space that would have ensured her privacy.

19. To add insult to injury, Defendants no longer allowed Plaintiff to close the door to her office, which she was able to do before, because they did not want her to be able to pump there, all in retaliation for her request.

20. Defendants told Plaintiff to provide them with a set time for her to pump and unilaterally determined that such time could not exceed fifteen (15) minutes, or more than a cigarette break.

21. Defendants were constantly insulting and belittling Plaintiff about her post-pregnancy condition as she had problems walking at the time after her c-section was performed.

22. Plaintiff repeatedly asked for accommodations so that if she came in to work late, she could make up the time and finish an hour later, which her supervisor approved. However,

whenever Plaintiff actually did come in late, she was yelled at and belittled by her supervisors.

23. Both Defendants' Managing Director and Director repeatedly questioned Plaintiff whether she planned on having any more kids and "how many babies do you people have!", among numerous other snide and degrading remarks.

24. The harassment at work got so bad that Plaintiff called Defendants' Human Resources Department through their designated agent ADP, and pleaded with them for help to resolve the severe harassment.

25. The woman who Plaintiff spoke with said she was friends with the Executive Director, and assured Plaintiff that she would resolve the issue.

26. Defendants then told Plaintiff she could use a conference room on a different floor to express breast milk, which was not helpful because the rooms were almost never available and locked.

27. The issues surrounding Plaintiff expressing breast milk and being harassed about having children was never resolved. After about a year, when she was no longer nursing, Plaintiff was simply told that she does great work, got very good evaluations and things seemed to be fine in the workplace.

28. In or around September 2015, Plaintiff was again pregnant.

29. To her relief, she was not showing yet.

30. Regardless that she was not showing, and was only in her second month of her pregnancy, during this time a co-worker came over and asked her if she was pregnant.

31. That same co-worker then confessed that she was put up to asking Plaintiff by the Executive Director and the Director because they suspected that Plaintiff was pregnant and even had called a formal meeting about it after hours the very day prior.

32. Plaintiff's co-worker apologized for asking and then warned her to watch her back because the bosses were furious that Plaintiff was pregnant again.

33. Plaintiff's supervisor directed her not take so many bathroom breaks despite the fact that Plaintiff's pregnancy caused her to repeatedly vomit in the bathroom.

34. Both of Plaintiff's supervisors told her that she looks as though she was walking funny, and demanded whether there was something she wanted to tell them.

35. After many uncalled-for callous, discriminatory and harassing comments, Plaintiff finally told Defendants, a lot earlier than she wanted, that she was pregnant once again.

36. Immediately thereafter, all the pregnancy discrimination, harassment and ridicule started all over again.

37. Right after she told them she was pregnant again, Defendants decreased the amount of time Plaintiff's assistant could work and exponentially increased Plaintiff's workload.

38. Plaintiff's supervisors directed her to empty all the files to the sub-basement, things they had not had her do since her previous high-risk pregnancy.

39. Defendants also increased her workload after notifying them of her pregnancy.

40. Worse still, after notifying Defendants of her pregnancy, Plaintiff started getting nasty text messages and notes pinned to her computer almost daily.

41. Plaintiff was also asked to make a handbook of everything her job position entailed, to make lists of all the tasks she performed for the day, to give in all call logs and message books. Defendants directed her to e-mail every time she left the office for lunch, the bathroom, and told her not to close her office door for any reason.

42. In fact, one day there was a meeting with Plaintiff and the Executive Director and Director, where Plaintiff was told that although her tasks would stay the same, they were going

to tell OCA that the Director was taking on half the tasks and she should be on board with them.

43. Suddenly duties that Plaintiff always did alone with no oversight were now overseen by the Director, who constantly now had issues with Plaintiff.

44. Defendant Davis told Plaintiff "your kind have to learn not to pass the buck. Pregnancy doesn't make you special." This came after Defendants forced Plaintiff to disclose her pregnancy before she was ready.

45. Defendant Davis asked Plaintiff, "How much bigger do you think you will get?"

46. Without an assistant, Plaintiff nevertheless worked more hours and through her lunch break in order to get all the work done.

47. All of the discrimination, harassment and stress were not healthy for Plaintiff's high-risk pregnancy and placed an immense amount of pressure on her.

48. In or around December 2015, Plaintiff went through a Domestic Violence incident and informed Defendants because she needed to use some sick days.

49. Plaintiff then disclosed to Defendants that she was going through a divorce.

50. Unfortunately, the work situation did not get better, nor were they sympathetic towards Plaintiff.

51. Instead, Defendants' Executive Director threatened to fire Plaintiff if she used sick time.

52. Plaintiff gave birth in or around May 2016.

53. As a result of her pregnancy and the birth of her child, Plaintiff took twelve (12) weeks FMLA leave and four (4) weeks non-FMLA unpaid leave that ended on September 7, 2016.

54. Defendants demanded when she would be returning, and Plaintiff informed

Defendants that she would return by September 7, 2016.

55. Without warning, Defendants then cut Plaintiff's position to part-time and asked again if she was returning, despite her prior reassurances.

56. On or about August 9, 2016, Defendants wrongfully terminated Plaintiff while she was still on pregnancy-related leave.

57. The motivating factor for Plaintiff's termination was Plaintiff's gender/sex/pregnancy.

58. But for Plaintiff's gender/sex/pregnancy Plaintiff would not have been terminated.

59. Defendants' unlawful acts were intentional, willful, malicious and in reckless disregard of Plaintiff's rights.

60. As a result of Defendants' unlawful acts, Plaintiff has suffered and continues to suffer damages, in forms including, but not limited to, lost income, lost future earnings and severe emotional distress, mental anguish, pain and suffering.

61. Plaintiff claims a continuous practice of discrimination and claims a continuing violation and makes all claims herein under the continuing violations doctrine.

62. The above are just some examples, of some of the discrimination to which Defendants subjected Plaintiff.

63. Defendants exhibited a pattern and practice of discrimination.

**AS A FIRST CAUSE OF ACTION
FOR DISCRIMINATION UNDER STATE LAW**

64. Plaintiff repeats and re-alleges each and every allegation made in the above paragraphs of this complaint.

65. Executive Law § 296 provides that "1. It shall be an unlawful discriminatory practice: "(a) For an employer or licensing agency, because of the age, race, creed, color, national origin, sex, or disability, or marital status of any individual, to refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment."

66. Defendants engaged in an unlawful discriminatory practice by discriminating against the Plaintiff because of her gender/pregnancy, disability, creating a hostile work environment and wrongful termination.

67. Plaintiff hereby makes a claim against Defendants under all of the applicable paragraphs of Executive Law Section 296.

**AS A SECOND CAUSE OF ACTION
FOR DISCRIMINATION UNDER STATE LAW**

68. Plaintiff repeats and re-alleges each and every allegation made in the above paragraphs of this complaint.

69. New York State Executive Law §296(6) provides that it shall be an unlawful discriminatory practice: "For any person to aid, abet, incite compel or coerce the doing of any acts forbidden under this article, or attempt to do so."

70. Defendant engaged in an unlawful discriminatory practice in violation of New York State Executive Law §296(6) by aiding and abetting, inciting, compelling and coercing the discriminatory conduct.

**AS A THIRD CAUSE OF ACTION FOR
DISCRIMINATION UNDER CITY STATE LAW**

71. Plaintiff repeats and re-alleges each and every allegation made in the above paragraphs of this complaint.

72. New York State Executive Law §296(7) provides that it shall be an unlawful discriminatory practice: "For any person engaged in any activity to which this section applies to retaliate or discriminate against any person because [s]he has opposed any practices forbidden under this article."

73. Defendant engaged in an unlawful discriminatory practice by wrongfully retaliating against Plaintiff.

**AS A FOURTH CAUSE OF ACTION FOR
DISCRIMINATION UNDER CITY LAW**

74. Plaintiff repeats and re-alleges each and every allegation made in the above paragraphs of this complaint.

75. The Administrative Code of City of NY § 8-107 [1] provides that "It shall be an unlawful discriminatory practice: "(a) For an employer or an employee or agent thereof, because of the actual or perceived age, race, creed, color, national origin, gender, disability, marital status, sexual orientation or alienate or citizenship status of any person, to refuse to hire or employ or to bar or to discharge from employment such person or to discriminate against such person in compensation or in terms, conditions or privileges of employment."

76. Defendants engaged in an unlawful discriminatory practice in violation of New York City Administrative Code Title 8, §8-107(1)(a) by creating and maintaining discriminatory

working conditions, and otherwise discriminating against the Plaintiff because of her gender/pregnancy, disability, creating a hostile work environment and wrongful termination.

77. Plaintiff hereby makes a claim against Defendants under all of the applicable paragraphs of New York City Administrative Code Title 8.

**AS A FIFTH CAUSE OF ACTION FOR DISCRIMINATION UNDER
THE NEW YORK CITY ADMINISTRATIVE CODE**

78. Plaintiff repeats and re-alleges each and every allegation made in the above paragraphs of this Complaint.

79. The New York City Administrative Code Title 8, §8-107 (1) e provides that it shall be unlawful discriminatory practice: "For an employer to discharge or otherwise discriminate against any person because such person has opposed any practices forbidden under this chapter."

80. Defendant engaged in an unlawful discriminatory practice in violation of New York City Administrative Code Title 8, §8-107 (1) e by discriminating against the Plaintiff because of Plaintiff's opposition to the unlawful employment practices of Plaintiff's employer.

**AS A SIXTH CAUSE OF ACTION FOR DISCRIMINATION UNDER
THE NEW YORK CITY ADMINISTRATIVE CODE**

81. Plaintiff repeats and re-alleges each and every allegation made in the above paragraphs of this complaint.

82. The New York City Administrative Code Title 8, §8-107(6) provides that it shall be unlawful discriminatory practice: "For any person to aid, abet, incite, compel; or coerce the doing of any of the acts forbidden under this chapter, or attempt to do so."

83. Defendants engaged in an unlawful discriminatory practice in violation of New York City Administrative Code Title 8, §8-107(6) by aiding, abetting, inciting, compelling and coercing the above discriminatory, unlawful and retaliatory conduct.

**AS A SEVENTH CAUSE OF ACTION FOR DISCRIMINATION UNDER
THE NEW YORK CITY ADMINISTRATIVE CODE SUPERVISORY LIABILITY**

84. Plaintiff repeats and re-alleges each and every allegation made in the above paragraphs of this complaint.

85. Section 8-107(13) entitled Employer liability for discriminatory conduct by employee, agent or independent contractor provides:

86. An employer shall be liable for an unlawful discriminatory practice based upon the conduct of an employee or agent which is in violation of any provision of this section other than subdivisions one and two of this section. b. An employer shall be liable for an unlawful discriminatory practice based upon the conduct of an employee or agent which is in violation of subdivision one or two of this section only where: the employee or agent exercised managerial or supervisory responsibility; or the employer knew of the employee's or agent's discriminatory conduct, and acquiesced in such conduct or failed to take immediate and appropriate corrective action; an employer shall be deemed to have knowledge of an employee's or agent's discriminatory conduct where that conduct was known by another employee or agent who exercised managerial or supervisory responsibility; or the employer should have known of the employee's or agent's discriminatory conduct and failed to exercise reasonable diligence to prevent such discriminatory conduct.

87. Defendants violated the above section as set forth herein.

PRAYER FOR RELIEF

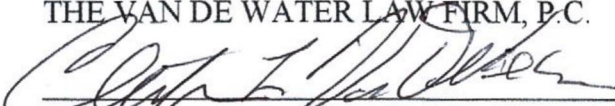
WHEREFORE, Plaintiff demands a jury trial and prays for judgment against Defendants granting the following non-exclusive relief:

1. Compensatory damages, including but not limited to, Plaintiff's loss of peace of mind and enjoyment of life, emotional distress, and other special and general damages in an amount to be proven at the time of trial;
2. Economic damages, including Plaintiff's lost wages and benefits and related damages;
3. For exemplary and punitive damages in an amount to be proven at trial;
4. For pre-judgment and post-judgment interest on all damages awarded pursuant to state law;
5. For costs incurred, including reasonable attorneys' fees, in accordance with New York law, and;
6. For any other relief to which Plaintiff may be entitled that the Court deems just and proper.

Dated: Commack, New York
August 5, 2019

Respectfully submitted,

THE VAN DE WATER LAW FIRM, P.C.



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