

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

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LOURDES BRAVO,

Plaintiff,

-against-

**THE AMERICAN SOCIETY FOR THE
PREVENTION OF CRUELTY TO
ANIMALS (ASPCA)
and GAIL BUCHWALD,**

Defendants.

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Index No.:

COMPLAINT

Jury Trial Demanded

PLAINTIFF LOURDES BRAVO, by her attorney Goddard Law, PLLC, whose offices are located at 39 Broadway, Suite 1540, New York, New York 10006, alleges upon knowledge with respect to herself, and upon information and belief as to all other matters, as follows:

PRELIMINARY STATEMENT

1. This is a civil action brought on behalf of Plaintiff against Defendant The American Society for the Prevention of Cruelty to Animals (hereinafter referred to as "Defendant ASPCA") and Defendant Gail Buchwald ("Defendant Buchwald"), (collectively known as "Defendants"), for discrimination based on her gender, pregnancy, and status as a breastfeeding woman and a woman with caregiving responsibilities in violation of the New York State Human Rights Law and the New York City Human Rights Law, together with any and all other causes of action which can be reasonably inferred from the facts as set forth below.

THE PARTIES

2. Plaintiff Lourdes Bravo (hereinafter "Plaintiff") is a female citizen of the United States who currently resides in Yonkers, New York and at all relevant times worked in New York,

New York. Plaintiff was pregnant, breastfeeding, and/or an individual with family caregiving responsibilities at all relevant times.

3. Upon information and belief, at all times herein, Defendant ASPCA was and is a municipal not-for profit corporation incorporated under the laws of the State of New York. Upon information and belief, Defendant ASPCA's Operations Headquarters are located at 424 E. 92nd Street, New York, New York 10128.

4. Upon information and belief, Defendant Buchwald was the Senior Vice President of Operations at Defendant ASPCA and, at all relevant times, was a supervisor to Plaintiff. Defendant Buchwald was employed at Defendant ASPCA's headquarters located at 424 E. 92nd Street, New York, New York 10128.

5. Defendants are and were, at all times relevant herein, Plaintiff's "employers" within the meaning of all relevant State and local laws.

6. Plaintiff is and was, at all times relevant herein, Defendants' "employee" within the meaning of all relevant State and local laws.

FACTUAL BACKGROUND

Plaintiff Excels at Defendant ASPCA and Is Quickly Promoted

7. In or about May 2008, Plaintiff began her career at Defendant ASPCA as the Coordinator of the Volunteer Department. She worked diligently to recruit and train volunteers, serve as a liaison between employees and volunteers, and coordinate with various departments on how to best utilize the volunteers.

8. Plaintiff excelled at her position and was quickly promoted to Administrative Manager of the Volunteer Department the following year, in or about May 2009. In or about

February 2010, Plaintiff was once again promoted to Assistant Director of the Adoption Center. Each promotion included a salary increase based on merit, a new title, and more responsibilities.

9. Plaintiff was very dedicated to Defendant ASPCA and truly believed in the mission of the organization. She felt very gratified that she was able to excel in her career and support a cause that she believed so strongly in.

10. In addition to Plaintiff's new role, she also took on the responsibility of Acting Manager of the Customer Service Staff when that manager left in or about December 2011. Plaintiff did not shy away from the large workload and was happy to put her skills to work wherever needed at Defendant ASPCA.

Plaintiff Is Instrumental in Opening the CARE and Kitten Nursery

11. In or about 2012, Defendant ASPCA took on a new project, developing a kitten nursery and dog care facility (hereinafter "CARE and Kitten Nursery") in a nearby building.

12. For two years, Plaintiff was consulted on matters such as: budget planning, staffing projections, protocol writing, and training development.

13. In or about July 2014, CARE and Kitten Nursery opened to serve the needs of the community. The CARE and Kitten Nursery is a 24-hour shelter that was the only seasonal department at Defendant ASPCA, open from April to October.

14. This shelter was also used in many crisis-based situations. For example, if dogs were seized by NYPD as a result of neglect and/or abuse, they could be brought to this shelter.

15. The nature of the shelter was to serve the cats and dogs of the community that would most likely not have another opportunity to be adopted. Because the dogs and cats were often taken from difficult situations, many of the animals had serious medical needs.

Defendant Buchwald Assures Plaintiff that A New Position Will Lead to a Promotion

16. In or about November 2014, the position for Senior Manager of the CARE and Kitten Nursery became vacant.

17. Plaintiff had considered applying for the Senior Manager position when the CARE and Kitten Nursery first opened but decided against it as it was a lateral move.

18. However, when the position became vacant, Defendant Buchwald asked Plaintiff several times to apply for the Senior Manager position because she was so highly qualified and involved in the CARE and Kitten Nursery.

19. Defendant Buchwald also knew that Plaintiff had not only been involved in the planning of the CARE and Kitten Nursery but had also trained the three previous managers of the department.

20. The Management position at the CARE and Kitten Nursery was a unique position at Defendant ASPCA, as this was the only 24-hour department, required oversight of 65-70 employees, and was a new and developing department.

21. Plaintiff submitted her resume through Human Resources and proceeded to interview for the position with Defendant Buchwald and Arthur Hazelwood, who was the Senior Director of Adoptions (hereinafter "Director Hazelwood").

22. Because Plaintiff was not willing to take the new position if there would not be room for continued advancement, during the interview she specifically asked about her career trajectory if she took the role.

23. Defendant Buchwald assured Plaintiff that she should not worry because the position was a stepping-stone for a promotion.

24. Plaintiff accepted the position, but only because of Defendant Buchwald's assurance. She began her new role as Senior Manager of CARE and the Kitten Nursery on December 15, 2014.

**Plaintiff Goes Above and Beyond Her Job Description,
Working Long Hours and Weekends**

25. Plaintiff found that the demands of this new role were even more intense than she imagined, especially because a manager position remained unfilled and Plaintiff was expected to do the work of two people. She was working six or seven days a week, was "on-call" for the staff at all hours of the day and night, and was responsible for all aspects of the CARE and Kitten Nursery.

26. Plaintiff continued to be devoted and dedicated to Defendant ASPCA but began to feel the magnitude of the position.

Plaintiff's Workload Continues to Increase But She Is an Exceptional Senior Manager

27. Plaintiff continued to be overworked. The On-site Veterinarian, Dr. Jane Doe (hereinafter "Dr. Doe"), was disrespectful and patronizing to Plaintiff, staff, and volunteers. Plaintiff's employees reported Dr. Doe's belittling behavior to Plaintiff, who, on top of all her other responsibilities, had to mediate between Dr. Doe and her employees at every turn.

28. Dr. Doe was ultimately let go. While Plaintiff welcomed the break in the hostile environment, this position was not filled for the rest of the season, requiring even more work from Plaintiff.

29. Without a Veterinarian on staff, Plaintiff was now responsible for handling any and all medical needs of the CARE and Kitten Nursery. Plaintiff was also forced to spend time and energy acquiring a Veterinarian to consult or care for the animals.

30. Nonetheless, Plaintiff continued to go above and beyond her job description to provide the best possible care to the animals at Defendant ASPCA.

31. Meanwhile, Defendant Buchwald praised Plaintiff's work and her commitment to the CARE and Kitten Nursery.

**Plaintiff Began to Wonder About Staying at Defendant ASPCA and
Being Able to Raise a Family**

32. Plaintiff and her husband had begun thinking about starting a family, but Plaintiff had put it off in the hopes that Defendant ASPCA would hire additional employees because she did not think that she would be able to take maternity leave, pump breast milk, or have childcare responsibilities while running the understaffed CARE and Kitten Nursery.

33. Plaintiff realized that there were no other female employees in her department, CARE and Kitten Nursery, who were pregnant, pumping breast milk, or raising children.

34. Still, she realized that she could not put off starting a family forever.

Defendant Buchwald Is Cold About Plaintiff's Miscarriage

35. In or about late June 2015, Plaintiff found out she was pregnant. Unfortunately, she suffered a miscarriage at approximately twelve weeks.

36. Due to the type of miscarriage she experienced, Plaintiff was given general anesthesia and was operated on, which left her debilitated and exhausted. The doctor ordered that Plaintiff take Percocet, a strong painkiller, to alleviate the pain that resulted from this type of procedure.

37. Plaintiff told a co-worker about the miscarriage and the surgery, and asked her to let other employees, including Defendant Buchwald, know what occurred.

38. Unfortunately, because she did not want to call attention to the fact that she was trying to start a family, Plaintiff took just one day to recover from the surgery.

39. The day she returned, Plaintiff had a meeting with Defendant Buchwald, to discuss work issues, who pretended like nothing at all had happened to Plaintiff. Shockingly, Defendant Buchwald did not acknowledge or address her miscarriage or her health in any way.

Plaintiff Begins Working with a Management Coach Hired By Defendant ASPCA

40. In or about March 2016, Plaintiff started to work with a Management Coach, Amy Pasquale (hereinafter "Management Coach Pasquale"), whom Defendant ASPCA hired to work with their employees to discuss increasing their positive experience and work productivity at Defendant ASPCA. Many employees at Defendant ASPCA took advantage of the opportunity to consult with Management Coach Pasquale.

41. Plaintiff took full advantage of this opportunity and greatly enjoyed the experience. She shared with Management Coach Pasquale her frustration with working overtime and weekends and discussed her fears of starting a family at a place that was so inhospitable to pregnant women and mothers.

Plaintiff Experiences a Second Miscarriage

42. In or about May 2016, Plaintiff found out that she was pregnant yet again, but unfortunately she suffered a second miscarriage.

43. Remembering Defendant Buchwald's cold and hostile reaction to her first miscarriage, Plaintiff did not feel comfortable telling her. Upon information and belief however, Defendant Buchwald knew that Plaintiff had been pregnant and had suffered a second miscarriage.

44. Also because of Defendant Buchwald's cold reaction, Plaintiff yet again took only one day off to recover. She again experienced symptoms at work, but she was terrified to take more time off in order to deal with the symptoms and dealt with them as best she could.

45. Plaintiff was even more distraught and depressed at her second miscarriage and went to a therapist for three or four weeks after this occurred. She was strong enough to get back on her feet yet again, and continued to do her job, which still required long daily and weekend hours.

Plaintiff Finds Out She Is Pregnant and Is Scared to Tell Defendant Buchwald

46. In or about early August 2016, Plaintiff found out she was pregnant a third time. As Plaintiff had had two previous miscarriages, her doctor informed her that hers would be a "high-risk" pregnancy.

47. Remembering Defendant Buchwald's cold reaction, Plaintiff purposefully did not share with Defendant Buchwald that she was pregnant before her annual evaluation, which was approaching. She was afraid Defendant Buchwald would give her a bad evaluation.

**Defendant Buchwald Gives Plaintiff a Stellar Evaluation
Before She Knew Plaintiff Was Pregnant**

48. On August 23, 2016, Plaintiff received an extremely positive evaluation from Defendant Buchwald, which praised her for her interactions with her subordinates and awarded her a 3.5% salary increase.

**Plaintiff Tells Defendant Buchwald That She is Pregnant, and
Defendant Buchwald Is Hostile**

49. In or about the end of August 2016, Plaintiff scheduled an appointment with Defendant Buchwald to tell her that she was pregnant.

50. When Plaintiff told Defendant Buchwald that she was pregnant, Defendant Buchwald looked at her with shock. She was cold and business-like and did not offer any congratulations at all.

51. Plaintiff told Defendant Buchwald gingerly that her doctor had informed her that hers was a high-risk pregnancy, which required additional doctor appointments, so she would need to be out of the office to go to these appointments.

52. Defendant Buchwald's face soured, and she ordered Plaintiff to find coverage for herself for any such instances.

Plaintiff Is Terrified of Confronting Defendant Buchwald When She Goes to Prenatal Medical Appointments

53. In or about August and September 2016, Plaintiff tried her best to schedule all of her doctor appointments outside of work hours, but sometimes had to leave work slightly early for the appointments.

Suddenly, Plaintiff Is Evaluated Because She Had Announced She was Pregnant

54. On or about September 1, 2016 Plaintiff received a surprising call from Management Coach Pasquale.

55. Management Coach Pasquale told Plaintiff that Defendant ASPCA's Human Resources Department had asked her to do an "evaluation" of Plaintiff's work.

56. Upon information and belief, Defendant Buchwald ordered that this "evaluation" be done on Plaintiff because she wanted to find a pretextual reason to fire Plaintiff for daring to become pregnant.

57. Management Coach Pasquale spent a full day shadowing Plaintiff as she interacted with employees, attended meetings, and completed her tasks. She then gave a detailed, extremely positive report to Human Resources, praising Plaintiff for doing an excellent job in all aspects of her work. Management Coach Pasquale copied Plaintiff on this email.

58. Upon information and belief, Human Resources passed this positive evaluation on to Defendant Buchwald.

59. Bizarrely, neither Human Resources nor Defendant Buchwald ever discussed this report with Plaintiff.

**Human Resources Informs Plaintiff that She Will Receive
Maternity Leave, FMLA Leave, and Disability Leave**

60. In or about October 2016, Plaintiff contacted the Human Resources Department to inform them that she was pregnant, and to ask about her maternity leave.

61. Human Resources told Plaintiff that she was eligible for 16 weeks total leave, including 4 weeks of paid maternity leave; 6 weeks of disability leave; and 6 weeks of FMLA leave.

62. Upon information and belief, Human Resources informed Defendant Buchwald of this maternity leave package and informed her that they would have to make arrangements for Plaintiff's leave.

63. Thereafter, Defendant Buchwald was extremely cold to Plaintiff.

**Defendant Buchwald Plots to Replace Plaintiff Because of her Pregnancy,
Maternity/Disability/FMLA Leave, and Future Childcare Responsibilities**

64. In or about February 2017, Plaintiff was beginning to prepare for her maternity leave. She emailed Defendant Buchwald to inquire as to who would be taking over her responsibilities when she went on maternity leave.

65. Plaintiff suggested that her direct report, Megan Mahan (hereinafter "Manager Mahan") should temporarily take over her role while she was on leave, and that they should hire a temporary employee to cover Manager Mahan's position. Extremely committed to her job at Defendant ASPCA, she wanted to make sure that the CARE and Kitten Nursery was well covered before her maternity leave.

66. Defendant Buchwald did not respond to her email or her suggestion.

67. Plaintiff raised the issue of who would provide coverage for her on maternity leave in two different staff meetings, and Defendant Buchwald dismissed her concerns and told her she would "get back to her."

68. Plaintiff made several inquiries to Lisa Motz in Human Resources (hereinafter "HR Representative Motz") about what coverage arrangements could be put in place during her maternity leave.

69. Upon information and belief, when she continued to inquire, Defendant Buchwald finally agreed to Plaintiff's suggestion and told Plaintiff she could hire a temporary employee, Cynthia Thrash, to cover Manager Mahan's role, while Manager Mahan covered Plaintiff's.

70. Upon information and belief, Defendant Buchwald delayed putting Plaintiff's maternity leave plan into place because she was already planning on replacing Plaintiff because of her pregnancy, maternity/disability/FMLA leave, and future childcare accommodations.

71. On or about April 13, 2017, Defendant Buchwald came to the CARE and Kitten Nursery and said she needed to speak with Plaintiff.

72. Defendant Buchwald told Plaintiff that Ruth Allen, Senior Manager of the Direct Care Staff (hereinafter "Senior Manager Allen") would "oversee" Manager Mahan while Plaintiff was out on maternity leave. Because Manager Mahan was a new Manager, it seemed to make sense that she would have extra oversight, since she was nowhere near as experienced as Plaintiff, and the CARE and Kitten Nursery was an especially demanding management position.

Plaintiff Goes Out on Maternity Leave

73. Plaintiff began her maternity/disability/FMLA leave on April 25, 2017 and returned on August 24, 2017.

Plaintiff Is Frozen Out Upon Her Return from Maternity Leave

74. In the past, as a manager, Plaintiff had been instructed by the Attorney of Employee Relations at Defendant ASPCA to welcome employees when returning from leaves of absences. The purpose of this was to touch base and ensure they have what they need to transition back to work.

75. Plaintiff was shocked when Defendant Buchwald did not follow Defendant ASPCA's policy. Defendant Buchwald did not welcome Plaintiff following her medical leave, but instead completely ignored her.

76. In fact, Defendant Buchwald refused to engage in conversations about work matters with Plaintiff at all.

Plaintiff Is Passed Over for Promotion Upon Her Return

77. On or about September 1, 2017, in Plaintiff's first week back at work, she was introduced to the new Director, Jorge Ortega (hereinafter "Director Ortega").

78. In their conversation, Director Ortega mentioned that Manager Allen was now Plaintiff's "supervisor."

79. Plaintiff was shocked and offended. Plaintiff and Manager Allen were both hired at Defendant ASPCA within months of each other, but at the start of Plaintiff's maternity leave, Plaintiff was managing several departments including the Volunteer, Medical, Administrative, and Customer Service Departments. Manager Allen only managed the Adoption Center Direct Care Staff.

80. In addition, Plaintiff managed a variety of managers, including the Care Manager, Administrative Manager, and the Medical Manager, whereas Manager Allen only managed one manager and one support manager for her Department.

81. Furthermore, Plaintiff had her Associates Degree, and was finishing her Bachelor's Degree, while Manager Allen only had a High School Equivalency Degree.

82. Plaintiff had ASPCA Media Training and represented the ASPCA on a variety of media opportunities that included print, radio, and TV interviews, whereas Manager Allen had not participated in any media at that point.

83. Finally, Plaintiff was held responsible for sourcing and reporting on statistics and metrics for the Department, which was pivotal in providing proof of which of the Department's programs were successful and which were not in order to help deciding where to allocate resources. Upon information and belief, Manager Allen did not have this type of experience.

84. Puzzled by this conversation, Plaintiff returned to her desk and looked at Defendant ASPCA's reporting structure. Shockingly, Defendant Buchwald had, upon information and belief, created a new position for Manager Allen, titled "Director of Shelter Services," and placed the role ABOVE Plaintiff.

85. The Director of Shelter Services was a new position that had not existed before Plaintiff left for maternity leave, when Manager Allen and she were lateral Senior Managers. When Plaintiff returned, even though she had never been informed of same, Manager Allen was her superior (Manager Allen hereinafter called "Director Allen").

86. Plaintiff was stunned by this information and extremely hurt, shocked, and upset that she had not even been advised of, let alone considered for, the newly created position.

87. Plaintiff was also flabbergasted that the new Senior Manager position had not been advertised on Defendant ASPCA's website so that anyone, including Plaintiff, could apply for the position, as required by Defendant ASPCA's own policies.

88. In addition, when Plaintiff had taken the position as Senior Manager of CARE and Kitten Nursery, Defendant Buchwald had explicitly made clear that she was on track to be promoted at Defendant ASPCA.

89. Suddenly, Director Allen, who was less qualified than Plaintiff, but did not have young children, had not been pregnant while at Defendant ASPCA, and did not ask for childcare accommodations, was being promoted ahead of Plaintiff.

90. Upon information and belief, Defendant ASPCA does not believe that someone with a young child is as valuable an employee as someone without young children, like Director Allen.

Director Ortega Acknowledges That The Employment Decision Is Troubling

91. Plaintiff was absolutely shocked. On September 5, 2017, she met with Director Ortega to talk about the situation. She told Director Ortega that she could not believe that Director Allen had been promoted while she was out on maternity leave, questioned why the position was not posted, and asked why she had not been given the opportunity to apply for the role. She specifically stated that she was extremely suspicious of the fact that this bizarre demotion and hiring position had happened while she was pregnant and on maternity leave.

92. Director Ortega was genuinely surprised that Plaintiff had not been promoted and stated that if this had happened to him, he would also be very upset. Upon information and belief, Director Ortega understood that Plaintiff was far more qualified for the job than Director Allen, and that it did not make any sense that she had been promoted while Plaintiff was on maternity leave.

93. Director Ortega told Plaintiff that he would discuss the matter with Defendant Buchwald and return to Plaintiff with answers. Plaintiff asked that she meet with Defendant Buchwald.

Plaintiff Reports the Discrimination to Human Resources

94. On September 6, 2017, Plaintiff reported the situation to HR Representative Motz. HR Representative Motz listened while Plaintiff explained her extreme frustration with being passed over for the promotion while she was on maternity leave and that, because the job had not been posted, she did not have the opportunity to apply for the job. Plaintiff repeatedly and specifically asked, "How could this happen within days of me going on maternity leave?" She also asked for the specific date of when the decision was made. HR Representative Motz said that she did not know when it happened. She said that she would "look into it."

Plaintiff Is Demeaned in Front of Director Allen

95. On September 7, 2017 Plaintiff was called to a meeting with Director Allen and Director Ortega. Plaintiff was surprised that Defendant Buchwald was not included in this meeting, despite her request to meet with her.

96. In this meeting, Director Ortega told Plaintiff he was not able to get any answers from Defendant Buchwald as to why the job had not been posted and why Plaintiff had not had an opportunity to apply for it, and that, since he was not involved in the promotion process, he was not able to provide any explanation.

97. Plaintiff's interaction with Director Allen was extremely awkward. Director Allen vaguely told Plaintiff that she had no idea why she was promoted over Plaintiff, but she was obviously pleased with her new promotion.

98. Plaintiff was extremely frustrated that she still did not have any answers and felt humiliated that she had to sit through this meeting with Director Allen.

99. Plaintiff again requested a meeting with Defendant Buchwald.

Defendant Buchwald Is Annoyed that Plaintiff Keeps Reporting the Discrimination and Dismisses Plaintiff's Concerns

100. On September 8, 2017, Defendant Buchwald finally agreed to a meeting with Plaintiff.

101. Plaintiff told Defendant Buchwald the same things that she had told Director Ortega and Human Resources: that she was extremely upset that Director Allen had been promoted over her while she was on maternity leave; that she did not understand why this position had not been posted on Defendant ASPCA's website to allow an open hiring process; that she did not understand why she had not been considered for the role. She repeatedly stated that the employment decisions made during her pregnancy, especially after ten years of employment, seemed "very suspicious."

102. Defendant Buchwald was aloof as she stated that reporting structures were always subject to change, and that sometimes "we may not like" the decisions made.

103. When Plaintiff continued to challenge Defendant Buchwald on job posting requirements, Defendant Buchwald suddenly stated that in fact, she was "sure" she had discussed this change with Plaintiff before she went on maternity leave. Plaintiff protested, saying that she was absolutely positive that Defendant Buchwald had never told her any such thing.

104. Defendant Buchwald's tone became annoyed and dismissive and she abruptly ended the meeting by advising Plaintiff that she was absolutely not interested in discussing "details," and that they should all focus on "moving forward."

Human Resources Motz Fails to Act on Plaintiff's Report of Discrimination

105. Plaintiff returned that same day to HR Representative Motz's office. She told HR Representative Motz what had occurred in her meeting with Defendant Buchwald.

106. HR Representative Motz stated that she was sorry that Defendant Buchwald had not told her about the change before her maternity leave and refused to comment further on the situation.

Defendant Buchwald Is Angered by Plaintiff's Complaints

107. On September 13, 2017, Defendant Buchwald scheduled a follow up meeting with Plaintiff. Upon information and belief, Defendant Buchwald was extremely annoyed at Plaintiff for complaining to Human Resources twice about the pregnancy discrimination she experienced.

108. Bizarrely, Defendant Buchwald sarcastically "apologized" for not using Defendant ASPCA's policy of "communicating with subordinates" during their prior meeting, noted that she had not been using appreciative inquiry, and that she had not understood what Plaintiff was concerned about.

109. Bizarrely however, and much to Plaintiff's shock, Defendant Buchwald still failed to address any of Plaintiff's concerns and ironically, still failed to utilize the "appreciative inquiry" she was apologizing for not using.

Defendant ASPCA Fails to Provide Plaintiff with an Adequate Pumping Room

110. Returning to work as a nursing mother proved challenging for Plaintiff at Defendant ASPCA. The location provided for her to pump was a dirty, unfinished storage and shower room. Plaintiff felt sick to her stomach when she was forced to pump breast milk in this room because it was entirely unsanitary. There was also no surface for Plaintiff to put her pumping machine and

bottles of milk on, so Plaintiff was forced to balance them in her hands and on her legs as she pumped.

111. In addition, Defendant Buchwald scheduled Plaintiff for back to back meetings that did not leave time for her to pump every three hours, which is what she required.

112. Because she was not allowed to pump as much as she should have been at work, Plaintiff suffered severe side effects and was forced to wake up every two hours at night to pump.

Human Resources Informs Plaintiff That She Is Eligible for Even More Maternity Benefits

113. In or about late December 2017, Human Resources contacted Plaintiff to inform her that she was eligible for eight more weeks of paid parental leave as per the New York State Paid Family Leave Law, which would go into effect in January 1, 2018.

114. Plaintiff was thrilled to learn that the law allowed her to take leave in order to care for and bond with her new baby.

115. At the same time, Plaintiff was terrified of Defendant Buchwald's reaction to her taking more time off.

116. Because of this fear, Plaintiff decided to take part-time leave for two months, coming into work two days a week and using leave three days a week. She arranged for Manager Mahan to take over some of her duties for the days when she was not at Defendant ASPCA.

117. Plaintiff asked Human Resources to tell Defendant Buchwald of the new arrangement and assiduously avoided speaking to her about it.

118. Plaintiff would have liked to take more time off but, given the fact that she was retaliated against for taking her first maternity leave, she knew her job would be in danger if she did.

119. Plaintiff started her part-time parental leave in or about early February 2018.

Plaintiff Gets A Poor Evaluation and The Lowest Raise She Has Ever Received

120. It was Defendant ASPCA's policy to provide employees with performance evaluations on a yearly basis to offer feedback and make determinations for merit-based compensation raises. Notably, Plaintiff was not offered yearly performance evaluations after she announced her pregnancy in August of 2016.

121. Plaintiff had not been offered a performance evaluation over two evaluation periods and therefore never received a salary evaluation or increase over this time. Upon information and belief, her merit-based performance evaluations were withheld due to retaliation for announcing pregnancy and taking maternity leave.

122. On February 19, 2018 Defendant ASPCA employees were notified that Defendant Buchwald would be resigning in two weeks, and Plaintiff learned she would have to have her evaluation with Director Allen.

123. On or about March 16, 2018, Plaintiff met with Director Allen for her evaluation. Upon information and belief, because Defendant Buchwald had been her supervisor for all but a month of that evaluation year, Plaintiff's evaluation had been written with input by Defendant Buchwald as well as Director Allen.

124. Director Allen told Plaintiff that she was getting only a "good" evaluation, and Plaintiff was shocked. She had never received less than an absolutely excellent evaluation before she left on maternity leave.

125. When Director Allen stated what she would receive for each category of evaluation, Plaintiff asked for examples or what she had done to deserve these low ratings. Director Allen would say that she did not know the answers, because Defendant Buchwald had been her supervisor at that time. She said vaguely that the situation was "complicated."

126. The evaluation shockingly accused Plaintiff of non-specific performance issues which had never been brought to her attention and were entirely false. Ultimately, the inability to substantiate the ratings with examples lead to Director Allen discontinuing the evaluation and stating she would discuss how to proceed with Human Resources.

127. One week later, on March 23, 2018 Director Allen informed Plaintiff that she would be receiving an arbitrary 3% increase for the two years she went without a merit increase. Plaintiff was devastated. The 3% would be the lowest increase she had ever received in her almost ten years of employment.

Director Britt Tells Plaintiff to "Get Over It"

128. On April 6, 2018, Susan Britt replaced Jorge Ortega as Director of Adoption Center (hereinafter "Director Britt") and Plaintiff asked for a meeting with her. Plaintiff wanted to have the opportunity to share her frustration with the discriminatory lack of promotion, her retaliatory poor evaluation, and her dismal raise. When Plaintiff began to talk about her issues at Defendant ASPCA, Director Britt cut her off and said in a patronizing voice that it was time to forget about the incidents in the past and to "look forward."

129. Plaintiff was devastated that Director Britt refused to speak to her about the pregnancy and gender discrimination and retaliation she experienced.

130. Director Britt then told Plaintiff, again in a patronizing voice, that sometimes "we need" to take a lateral position in order to be promoted eventually.

131. Plaintiff was exasperated and told Director Britt that this was exactly what she had done by taking the Senior Manager position at the CARE and Kitten Nursery, and that Defendant Buchwald had promised her a promotion. She also reiterated that Director Allen was given a promotion out of the blue while Plaintiff was out on maternity leave.

132. Director Britt refused to listen to Plaintiff's report of discrimination and retaliation, instead saying that she "hadn't made that decision" and also that "it would not be changed."

Plaintiff Is Suddenly Terminated After Almost Ten Years at Defendant ASPCA

133. On May 2, 2018, the first day Plaintiff returned to work after utilizing remaining New York State Paid Family Leave for child bonding, Plaintiff received a call at her desk from HR Representative Motz asking her to come to her office.

134. When Plaintiff arrived, she was informed that there was a "restructuring" and that Plaintiff's position was being eliminated.

135. Upon information and belief, Plaintiff's position was "eliminated" for purely discriminatory and retaliatory reasons.

136. Plaintiff was shocked. She was physically escorted out of the building and not allowed to collect any of her personal belongings.

137. Plaintiff observed several instances in which, because of a "restructuring," Defendant ASPCA's employees were offered other positions at Defendant ASPCA. As a hiring manager, Plaintiff knew that management and supervisory candidates were in especially high demand at Defendant ASPCA, and there were several available positions at the time. It was incredibly unusual to not offer Plaintiff a different position, even if her position had been coincidentally eliminated for good reason, and not for discriminatory and retaliatory reasons. Further, she had never seen a terminated employee physically escorted off the premises for "restructuring."

138. Upon information and belief, Plaintiff was fired because she had taken maternity leave/FMLA leave/disability leave; was a working mother with childcare responsibilities who

might have more children; and in retaliation for her complaints of gender and pregnancy discrimination she faced.

Plaintiff Demands a Jury Trial in This Matter

139. Plaintiff demands a jury trial in this matter.

AND AS FOR THE FIRST CAUSE OF ACTION

*(Gender and Pregnancy Discrimination in Violation the New York State Human Rights Law and Gender, Pregnancy, Breastfeeding, and Caregiving Discrimination under the New York City Human Rights Law)
(Against All Defendants)*

140. Plaintiff re-alleges and incorporates by reference each and every allegation in each and every aforementioned paragraph as if fully set forth herein.

141. Defendants have discriminated against Plaintiff in violation of the New York State Human Rights Law and subjecting her to different treatment on the basis of her gender and status as a pregnant woman. Plaintiff has suffered disparate treatment on the basis of her gender and status as a pregnant woman as a result of Defendants' wrongful conduct.

142. Defendants have further discriminated against Plaintiff in violation of the New York City Human Rights Law by subjecting her to different treatment on the basis of her gender and status as a pregnant woman, as a breastfeeding woman, and as a caregiver. Plaintiff has suffered disparate treatment as a result of Defendants' wrongful conduct.

143. Defendants have discriminated against Plaintiff by treating her differently from and less preferably than similarly-situated male and non-pregnant, non-breast-feeding and non-care-giving employees and by subjecting her to a hostile work environment, discriminatory pay, discriminatory denial of promotions, disparate terms and conditions of employment, and other forms of discrimination on the basis of her gender and status as a pregnant woman, a breast feeding woman, and a care-giver in violation of the law.

144. As a further direct and proximate result of Defendants' unlawful employment practices, Plaintiff has suffered physical manifestations of stress, extreme mental anguish, outrage, severe anxiety about her future and her ability to support herself and her family, harm to her employability and earning capacity, painful embarrassment among her family, friends, and co-workers, damage to her good reputation, disruption of her personal life, and the loss of enjoyment of the ordinary pleasures of everyday life.

145. Defendants' conduct has been intentional, deliberate, willful, malicious, reckless and conducted in callous disregard of the rights of Plaintiff, entitling Plaintiff to punitive damages.

146. By reason of Defendants' discrimination, Plaintiff is entitled to all remedies available for violations of the New York State Human Rights Law and the New York City Human Rights Law as to all Defendants. Plaintiff shall seek attorney's fees and punitive damages.

AND AS FOR THE SECOND CAUSE OF ACTION
(Breastfeeding Discrimination Under the New York Labor Law)
Against All Defendants

147. Plaintiff re-alleges and incorporates by reference each and every allegation in each and every aforementioned paragraph as if fully set forth herein.

148. Defendants have discriminated against Plaintiff in violation of the New York Labor Law. Plaintiff has suffered disparate treatment as a result of Defendants' wrongful conduct.

149. Defendants have discriminated against Plaintiff in violation of the New York Labor Law by subjecting her to different treatment on the basis of her gender and status as a breastfeeding woman.

150. Defendants have discriminated against Plaintiff by treating her differently from and less preferably than similarly-situated male and non-breastfeeding employees and by subjecting her to a hostile work environment, disparate terms and conditions of employment, and

other forms of discrimination on the basis of her gender and status a breast-feeding woman in violation of the law.

151. As a further direct and proximate result of Defendants' unlawful employment practices, Plaintiff has suffered physical manifestations of stress, extreme mental anguish, outrage, severe anxiety about her future and her ability to support herself and her family, harm to her employability and earning capacity, painful embarrassment among her family, friends, and co-workers, damage to her good reputation, disruption of her personal life, and the loss of enjoyment of the ordinary pleasures of everyday life.

152. By reason of Defendants' discrimination, Plaintiff is entitled to all remedies available for violations of the New York Labor Law as to all Defendants.

AND AS FOR A THIRD CAUSE OF ACTION

*(Retaliation in Violation of the New York State Human Rights Law
and the New York City Human Rights Law)*

Against All Defendants

153. Plaintiff re-alleges and incorporates by reference each and every allegation in each and every aforementioned paragraph as if fully set forth herein.

154. Plaintiff repeatedly reported to Defendants about Defendants' discriminatory treatment of her.

155. In retaliation, Defendants subjected Plaintiff to a series of adverse employment actions including, but not limited to, subjecting Plaintiff to the denial of a promotion, a hostile work environment, disparate treatment, and a termination of Plaintiff's employment.

156. As a further direct and proximate result of Defendants' unlawful employment practices, Plaintiff has suffered physical manifestations of stress, extreme mental anguish, outrage, severe anxiety about her future and her ability to support herself and her family, harm to her employability and earning capacity, painful embarrassment among her family, friends, and co-

workers, damage to her good reputation, disruption of her personal life, and the loss of enjoyment of the ordinary pleasures of everyday life.

157. Defendants' conduct has been intentional, deliberate, willful, malicious, reckless and conducted in callous disregard of the rights of Plaintiff.

158. As a result of Defendants' conduct alleged in this Complaint, Plaintiff has suffered and continues to suffer harm, including but not limited to lost earnings, lost benefits, other financial loss, and non-economic damages.

159. By reason of Defendants' discrimination, Plaintiff is entitled to all remedies available for violations of the New York State Human Rights Law and the New York City Human Rights Law. Plaintiff shall seek attorney's fees and punitive damages,

AS AND FOR A FOURTH CAUSE OF ACTION
*(Aiding and Abetting Discrimination in Violation of the
New York State Human Rights Law and New York City Human Rights Law)*
Against Defendant Buchwald

160. Plaintiff re-alleges and incorporates by reference each and every allegation in each and every aforementioned paragraph as if fully set forth herein.

161. Defendant Buchwald acted to aid and abet the discrimination and retaliation complained of herein, in violation of the NYSHRL and NYCHRL.

162. As a direct and proximate result of Defendant Buchwald's aiding and abetting, Plaintiff has suffered monetary damage, irreparable injury, mental anguish, pain and suffering, and other compensable damages.

163. Defendant Buchwald acted intentionally and with malice and/or reckless indifference to Plaintiff's State-law protected rights, entitling Plaintiff to punitive damages.

164. Plaintiff will continue to suffer these damages unless and until the Court grants all of the relief to which she is entitled that is requested herein.

165. By reason of Defendant Buchwald's aiding and abetting, Plaintiff is entitled to all remedies available for these violations of law.

PRAYER FOR RELIEF

WHEREFORE, for the foregoing reasons, Plaintiff demands judgment against Defendants, for all compensatory, emotional, physical, and punitive damages, lost pay, front pay, injunctive relief, and any other relief to which the Plaintiff is entitled. It is specifically requested that this Court grant judgment in favor of Plaintiff as follows:

- (i) On the First Cause of Action, awarding Plaintiff compensatory damages in an amount to be determined at trial but in any case, no less than \$1,000,000;
- (ii) On the Second Cause of Action, awarding Plaintiff all remedies available for violations of the New York Labor Law;
- (iii) On the Third Cause of Action, awarding Plaintiff compensatory damages in an amount to be determined at trial but in any case, no less than \$1,000,000;
- (iv) On the Fourth Cause of Action, awarding Plaintiff compensatory damages in an amount to be determined at trial but in any case, no less than \$1,000,000.
- (viii) Awarding Plaintiff the costs and disbursements of this action, including reasonable attorneys' fees, together with such other and further relief as this court deems equitable, proper, and just.

Dated: New York, New York
October 13, 2020

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