

SUPREME COURT, THE STATE OF NEW YORK
COUNTY OF NEW YORK-----X
ENGELS COCA,

Plaintiff,

-against-

UNION SQUARE HOSPITALITY GROUP, LLC,
d/b/a GT OPERATING COMPANY, LLC., a/k/a
GRAMERCY TAVERN CORP., SCOTT W.
REINHARDT, *In His Individual and Official Capacities*,
KSENIA ARTEMYEVA, *In Her Individual and Official*
Capacities, and BEN HOWELL, *In His Individual*
and Official Capacities,Defendants.
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Index No.

Plaintiff designates: NEW YORK
COUNTY as the Place of trialSUMMONSThe basis of the venue is based
upon Defendants' Principle Place
of Business

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the plaintiff's attorney within 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 or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York
June 18, 2019PHILLIPS & ASSOCIATES,
ATTORNEYS AT LAW, PLLCBy: Gregory Calliste, Jr., Esq.
Attorneys for Plaintiff
45 Broadway, Suite 620
New York, New York 10006
(212) 248-7431
gcalliste@tpglaws.com

Defendants' Addresses:

Union Square Hospitality Group, LLC d/b/a
GT Operating Company, LLC. a/k/a
Gramercy Tavern Corp.
Via Secretary of State

Scott W. Reinhardt
Via Place of Employment
Gramercy Tavern
42 East 20th Street
New York, NY 10003

Ksenia Artemyeva
Via Place of Employment
Gramercy Tavern
42 East 20th Street
New York, NY 10003

Ben Howell
Via Place of Employment
Gramercy Tavern
42 East 20th Street
New York, NY 10003

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

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ENGELS COCA,

Index No.

Plaintiff,

COMPLAINT

-against-

***PLAINTIFF DEMANDS
A TRIAL BY JURY***

UNION SQUARE HOSPITALITY GROUP, LLC,
d/b/a GT OPERATING COMPANY, LLC., a/k/a
GRAMERCY TAVERN CORP., SCOTT W.
REINHARDT, *In His Individual and Official Capacities*,
KSENIA ARTEMYEVA, *In Her Individual and Official
Capacities*, and BEN HOWELL, *In His Individual
and Official Capacities*,

Defendants.

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Plaintiff, ENGELS COCA, by attorneys, PHILLIPS & ASSOCIATES, Attorneys at Law,
PLLC, hereby complains of the Defendants, upon information and belief, as follows:

NATURE OF THE CASE

1. PLAINTIFF complains pursuant to the New York State Human Rights Law, New York State Executive Law §296, et. seq. ("NYSHRL") and the New York City Human Rights Law ("NYCHRL") and seeks damages to redress the injuries PLAINTIFF suffered because of being **discriminated against based on gender and/or gender identity and/or gender expression.**
2. PLAINTIFF brings this action charging that Defendants, collectively and/or individually, subjected PLAINTIFF to an ongoing and continuous hostile working environment, discrimination, retaliation and harassment based on PLAINTIFF'S gender and/or sex, gender identity an expression.
3. At all times, PLAINTIFF worked for DEFENDANTS UNION SQUARE HOSPITALITY

GROUP, LLC, GT OPERATING COMPANY, LLC., and/or GRAMERCY TAVERN as a Host. PLAINTIFF does not adhere to traditional gender roles and personally identifies and gender nonconforming or gender nonspecific.

4. COLLECTIVE DEFENDANTS had an apparent gender-neutral dress-code universal policy, which referred employees to GRAMERCY TAVERN'S individual dress code policy. However, DEFENDANT GRAMERCY TAVERN'S dress code policy was not gender-neutral; it treated males and female differently and specifically imposed different uniforms and grooming standards based on sex/gender - in clear violation of the New York City and New York State Human Rights Laws.
5. PLAINTIFF immediately recognized the discriminatory dress code policy implemented by GRAMERCY TAVERN and brought same to the attention of GRAMERCY TAVERN'S management, including but not limited to DEFENDANTS SCOTT W. REINHARDT, KSENIA ARTEMYEVA and BEN HOWELL. PLAINTIFF specifically and repeatedly asked DEFENDANTS to be afforded equal treatment as similarly-situated female employees; to not be restricted to wearing male uniforms and asked for the same uniform flexibility as the female host employees.
6. COLECTIVE DEFENDANTS outright denied PLAINTIFF'S requests and refused to allow PLAINTIFF to wear anything other than the standard male uniform attire, while telling PLAINTIFF that PLAINIFF must follow GRAMERCY "*tradition*," not the law(s). Though PLAINTIFF specifically advised DEFENDANTS that their policy was violating his right to gender identity and gender expression, DEFENDANTS intentionally ignored PLAINTIFF'S complaints and ordered PLAINTIFF to dress consistent with the male dress code. Then, DEFENDANTS retaliated against PLAINTIFF and subjected PLAINTIFF to a hostile work environment regarding PLAINTIFF'S gender identity and

gender expression and manner of dress until PLAINTIFF was humiliated and compelled to resign from employment and/or was constructively discharged.

7. PLAINTIFF had a right under New York City and State Laws to freedom of gender identity and expression. DEFENDANTS, COLLECTIVELY and INDIVIDUALLY, violated PLAINTIFF'S rights under the New York City and New York State Human Rights Laws.

JURISDICTION AND VENUE

8. This Court has jurisdiction pursuant to CPLR §§ 301 and 302, and venue is proper pursuant to CPLR § 503.

PROCEDURAL PREREQUISITES

9. This Action is being timely commenced within 3 years of the claims alleged herein as per the NYS and NYC Human Rights Laws.

PARTIES

10. **PLAINTIFF ENGELS COCA ("PLAINTIFF COCA")** is a 31-year-old Hispanic individual, who identifies as gender nonconforming or gender nonspecific. At all times relevant to the Complaint, PLAINTIFF was employed by UNION SQUARE HOSPITALITY GROUP, LLC., GT OPERATING COMPANY, LLC. at the GRAMERCY TAVERN restaurant as a Host.
11. Upon information and belief, **Defendant UNION SQUARE HOSPITALITY GROUP (hereinafter "DEFENDANT USHG")** is a domestic corporation operating under the laws of the State of New York. DEFENDANT USHG owns, operates and/or manages a number of restaurants, including GRAMERCY TAVERN, which is managed by GT OPERATING COMPANY, LLC. DEFENDANT USHG offers operational consulting

and runs a multifaceted catering and events business with operations in multiple States country-wide. DEFENDANT USHG employs more than 4 and/or 15 employees.

12. Upon information and belief, DEFENDANTS UNION SQUARE HOSPITALITY GROUP, LLC., GT OPERATING COMPANY, LLC. *d/b/a* GT at the GRAMERCY TAVERN were “joint employers” for purposes of liability under the statutes herein as the each shared management, management responsibilities, human resources functions, employee handbooks/manuals, joint supervision of employees, joint creation and share joint responsibility to create and enforce the policies of GRAMERCY TAVERN.
13. COLLECTIVELY and/or INDIVIDUALLY, DEFENDANTS UNION SQUARE HOSPITALITY GROUP, LLC., GT OPERATING COMPANY, LLC. *d/b/a* GT at the GRAMERCY TAVERN employ more than 4 and/or 15 employees.
14. **DEFENDANT SCOTT W. REINHARDT** (hereinafter “**DEFENDANT REINHARDT**”) is a General Manager of and/or at DEFENDANT GRAMERCY TAVERN Restaurant. At all times, DEFENDANT REINHARDT was PLAINTIFF’S manager and had ability to affect the terms and conditions of PLAINTIFF’S employment. DEFENDANT REINHARDT is being sued herein in his individual and official capacities.
15. **DEFENDANT BEN HOWELL** (hereinafter “**DEFENDANT HOWELL**”) was/is the “floor manager” at GRAMERCY TAVERN and was one of PLAINTIFF’S direct supervisors. At all times, DEFENDANT HOWELL was PLAINTIFF’S manager and had ability to affect the terms and conditions of PLAINTIFF’S employment. DEFENDANT HOWELL is being sued herein in his individual and official capacities.
16. **DEFENDANT KSENIA ARTEMYEVA** (hereinafter **DEFENDANT**

ARTEMYEVA”) is/was an operations manager at DEFENDANT GRAMERCY TAVERN. At all times, DEFENDANT ARTEMYEVA was PLAINTIFF’S manager and had ability to affect the terms and conditions of PLAINTIFF’S employment. DEFENDANT ARTEMYEVA is being sued herein in her individual and official capacities.

FACTUAL ALLEGATIONS

17. On or about November 19, 2018, PLAINTIFF COCA began working for UNION SQUARE HOSPITALITY GROUP and/or GT OPERATING COMPANY at their restaurant, GRAMERCY TAVERN as a Host. Plaintiff earned \$15 per hour, plus tips.
18. PLAINTIFF was an above-satisfactory employee and was well-qualified to perform the duties of PLAINTIFF’S employment.
19. Upon being hired, PLAINTIFF was given a number of on-boarding documents to complete. PLAINTIFF was also provided an employee handbook/manual.
20. Within DEFENDANTS’ employee handbook, DEFENDANTS had a “uniforms, personal appearance and hygiene” section, which appeared to be gender neutral.
21. However, the employee handbook directed employees to a “**Working Here Guidebook**” for “**specific uniform requirements**” with regard to GRAMERCY TAVERN employees.
22. DEFENDANTS’ “Working Here Guidebook,” contained an itemized list of specific uniforms and dress requirements that are specific to female and male employees.
23. DEFENDANTS’ “Working Here Guidebook” specifically listed items and clothing that were mandatory for male employees, as well as a similar itemized list that is specific to female employees.
24. DEFENDANTS’ “Working Here Guidebook” specifically listed items and clothing that

were specific to, and mandatory for, male employees to wear, such as “ties,” as well as items and uniforms that specific to, and mandatory for female employees.

25. He “Working Here Guidebook” differentiated between dressing standards for males compared to female employees and imposed different standards on every employee based on gender.
26. PLAINTIFF immediately realized that DEFENDANTS’ “Working Here Guidebook” contained no section for individuals, such as PLAINTIFF, who did not conform to gender stereotypes.
27. As PLAINTIFF is gender non-specific, PLAINTIFF was concerned that GRAMERCY TAVERNS dress code policy did not take into account, or fit, PLAINTIFF’S (or similarly-situated gender nonconforming employees’) gender identities.
28. Indeed, despite DEFENDANTS’ knowledge of PLAINTIFF’S gender identity, DEFENDANTS attempted to force PLAINTIFF to conform to the dress code policy set and/or specified for male employees.
29. Among other things, the dress code policy for male employees required that male employees wear a tie on the work floor, as well as other garments typical to males.
30. Though DEFENDANTS were aware that PLAINTIFF is gender nonspecific and/or nonconforming, DEFENDANTS ignored PLAINTIFF’S gender identity and required PLAINTIFF to dress in a manner consistent with GRAMERCY’S dress code for male employees.
31. DEFENDANTS would constantly remind and advise PLAINTIFF that he needed to dress consistent with the male dress code policy if he wanted to keep his job at GRAMERCY TAVERN.
32. PLAINTIFF believed that DEFENDANTS’ policy violated the New York State Human

Rights Law (“NYSHRL”) and New York City Human Rights Law (“NYCHRL”) and discriminated against individuals on the basis of their gender identity and/or expression.

33. Indeed, PLAINTIFF COCA learned that, according to the NYC Human Rights Law’s “Legal Enforcement Guidance:”

discrimination based on a person’s failure to conform to gender stereotypes is a form of gender discrimination under the NYCHRL.

34. The NYC Human Rights Law’s “Legal Enforcement Guidance” also specifies that:

under the NYCHRL, employers . . . may not require dress code or uniforms, or apply grooming or appearance standards, that impose different requirements for people based on gender. The fact that the dress code differentiates based on gender is sufficient for it to be considered discriminatory, even if perceived by some as harmless.

35. After confirming the law in this area, PLAINTIFF took his concerns about USHG’S and/or GRAMERCY TAVERN’S discriminatory dress code policy to DEFENDANTS’ People Operations Manager DEFENDANT KSENIA ARTEMYEVA.
36. Specifically, on December 4th, 2018 PLAINTIFF COCA contacted DEFENDANT ARTEMYEVA, complained that the dress code policy was discriminatory and clearly asked for the same uniform flexibility as the female host employees.
37. PLAINTIFF also stated that PLAINTIFF felt discriminated against because of PLAINTIFF’S gender and that DEFENDANTS were treating PLANTIFF unfairly despite their knowledge that PLAINTIFF is gender nonspecific.
38. In response, DEFENDANT ARTEMYEVA said that she was unable to make any comments about the policy or PLAINTIFF’S stated concerns and would pass on the information to the General Manager, DEFENDANT REINHARDT.

39. Upon information and belief, DEFENDANT ARTEMYEVA did not discuss PLAINTIFF'S concerns with DEFENDANT REINHARDT.
40. If DEFENDANT ARTEMYEVA did speak to DEFENDANT REINHARDT about PLAINTIFF'S concerns, DEFENDANTS ARTEMYEVA and/or REINHARDT took no action in response to PLAINTIFF'S complaint.
41. In any event, DEFENDANT REINHARDT did not discuss PLAINTIFF'S concerns with PLAINTIFF nor did he send a representative to discuss PLAINTIFF'S concerns.
42. DEFENDANTS ARTEMYEVA and/or REINHARDT took no action to change their dress policies, which they knew or should have been aware violated the NYCHRL and NYSHRL and was making PLAINTIFF uncomfortable in the workplace.
43. DEFENDANTS ignored PLAINTIFF'S discrimination concerns and complaint and instead, allowed DEFENDANT GRAMERCY to continue to discriminate against PLAINTIFF.
44. As PLAINTIFF waited for a response from ARTEMYEVA and/or REINHARDT, PLAINTIFF was continually being told that PLAINTIFF must wear the male-designated attire at GRAMERCY TAVERN.
45. A few days later, after getting no response for DEFENDANTS, PLAINTIFF requested to speak with DEFENDANT REINHARDT and was able to speak to him directly.
46. At that time, PLAINTIFF reiterated his concerns and stated that PLAINTIFF felt that PLAINTIFF was being discriminated against at DEFENDANT GRAMERCY.
47. PLAINTIFF asked for the same flexibility afforded to female hosts with regard to GRAMERCY'S uniform standards.
48. At all times, PLAINTIFF was simply asking to be treated fairly under the laws of the State of NY with regard to the dress policy.

49. During his discussion with PLAINTIFF, DEFENDANT REINHARDT defended the old standing dress code policy and stated, among other things, that *“the same uniform rules have been in place for a very long time and would be hard to create any changes based on personal requests.”*
50. DEFENDANT REINHARDT preferred GRAMERY TAVERN’S tradition over the law, even if GRAMERCY’S tradition was clearly discriminatory to GRAMERCY’S gender nonconforming employees.
51. DEFENDANT REINHARDT stated that PLAINTIFF would need to give him a specific list of items to consider in order for him to approve any changes to PLAINTIFF’S dress code.
52. This instruction by DEFENDANT REINHARDT, that PLAINTIFF needed to provide REINHARDT with a specific list, was also discriminatory and/or a continuance of the discriminatory policies of DEFENDANT GRAMERCY TAVERN.
53. Instead of changing their facially-discriminatory dress code policy, DEFENDANTS singled-out PLAINTIFF and told PLAINTIFF to provide a list for consideration, which they *might* approve.
54. DEFENDANT REINHARDT placed the onus on PLAINTIFF to create a special list specific to PLAINTIFF, instead of addressing the dress code policy as a whole to conform with the NYCHRL an NYSHRL.
55. DEFENDANT REINHARDT did not want to bring GRAMERCY’S dress code policy into compliance with the New York City and/or New York State Human Rights Law and wanted to continue with the same discriminatory policy.

56. On December 10, 2018, PLAINTIFF attended an induction, during which PLAINTIFF spoke to Erin Moran (people and culture director) and complained again about DEFENDANT GRAMERCY TAVERN'S discriminatory uniform guidelines.
57. During this discussion, PLAINTIFF raised additional concerns about the use of words in the policy that were based on gender stereotypes and were insulting, such as "flamboyant."
58. PLAINTIFF expressed that GRAMERCY'S gender-specific uniform guidelines were *"not considerate towards members of the LGBTQ community"* and how *"disrespectful and non-gender neutral they are."*
59. At the time, Erin Moran said that she appreciated the feedback and seemed to agree with all of the points made by PLAINTIFF.
60. Nevertheless, no action was taken by anyone at GRAMERCY TAVERN to address the issue.
61. The very next day, on December 11, 2018, PLAINTIFF arrived to work early before the start of PLAINTIFF'S shift and sat down in the staff meal area to eat.
62. PLAINTIFF was well dressed in work attire, as a Host should be.
63. However, at that point, DEFENDANT BEN HOWELL (floor manager) approached PLAINTIFF, asked why PLAINTIFF was not wearing a tie and said that PLAINTIFF looked *"sloppy."*
64. PLAINTIFF felt humiliated, discriminated against and that DEFENDANT GRAMERCY and/or its employees, agents and representatives did not respect PLAINTIFF or persons with nonconforming or nonspecific gender identities.

65. PLAINTIFF actually advised and complained to DEFENDANT HOWELL that PLAINTIFF was offended by MR. HOWELL'S statements and that his statement was discriminatory.
66. PLAINTIFF stated that PLAINTIFF had rights under New York City Law to have a to b able to wear gender nonspecific attire.
67. PLAINTIFF also stated that PLAINTIFF felt insulted by DEFENDANT HOWELL'S use of the word "*sloppy*" against PLAINTIFF just because PLAINTIFF did not have a tie on at the time, similar much to the female hostess.
68. PLAINTIFF also pointed-out that his manner of dress was no different in its professional presentation than the clothing worn by the female hostess and that DEFENDANT HOWELL'S singling-out of PLAINTIFF was wrongful.
69. PLAINTIFF asked DEFENDANT HOWELL for an apology.
70. However, DEFENDANT HOWELL ignored PLAINTIFF'S stated concerns about feeling discriminated against and outright refused to apologize.
71. Instead, despite PLAINTIFF'S concern about feeling discriminated against, DEFENDANT HOWELL callously retorted, in an aggressive and condescending manner, "*go home if you do not have a tie on you.*"
72. In the most humiliating manner, DEFENDANT HOWELL then sent PLAINTIFF home and caused PLAINTIFF to lose income as a result.
73. DEFENDANT HOWELL then threatened that "*not wearing a tie would be considered insubordination and it will have consequences on your employment.*"
74. DEFENDANT HOWELL also warned PLAINTIFF that "*answering back*" will also have "*consequences*" on PLAINTIFF'S employment.

75. DEFENDANT HOWELL did not forward PLAINTIFF'S discrimination concerns to management or to Human Resources.
76. DEFENDANT HOWELL did not advise PLAINTIFF that he could make a complaint if PLAINTIFF felt that the policy was discriminatory.
77. DEFENDANT HOWELL did not address PLAINTIFF'S concerns whatsoever.
78. Instead, DEFENDANT HOWELL reprimanded PLAINTIFF, subjected PLAINTIFF to immediate adverse employment actions and threatened PLAINTIFF'S employment because PLAINTIFF was engaging in protected activity.
79. Upon information and belief, DEFENDANTS have an equal employment opportunity policy in place and claims to be an equal opportunity employer.
80. As per DEFENDANTS' own policies:

Union Square Hospitality Group believes that all employees are entitled to Equal Employment Opportunity, and that the success of USHG is primarily dependent on you, our employees. **We do not discriminate against employees or applicants for employment because of . . . gender, sexual-orientation, gender identity or expression . . .** or any other characteristic as protected under applicable federal, state and local law. This policy applies to all employment practices of USHG including, but not limited to, recruiting, hiring (or failure to hire), placement, promotions, transfers, training, compensation, fringe benefits, demotions, layoffs and harassment, sexual or otherwise, in the workplace.

81. DEFENDANTS' policy also states:

You should report any claim of discrimination or harassment to your manager, supervisor, General Manager, Executive Chef, or to People and Culture at: (phone): 646.747.7272 or (email) PeopleandCulture@ushgnyc.com.

82. In accordance with DEFENDANTS above-cited policy, PLAINTIFF complained about DEFENDANTS', their managers', supervisors' and human resources representatives' and about what he believed were discriminatory practices/policies.

83. But, DEFENDANTS do not adhere to their own policies and/or the laws of the State of New York and/or New York City with regard to gender identity discrimination.
84. DEFENDANTS UNION SQUARE HOSPITALITY GROUP, LLC, GT OPERATING COMPANY, LLC., and/or GRAMERCY TAVERN did not train or counsel, nor does it supervise, its employees, agents, managers, supervisors and/or representatives on its anti-discrimination policy.
85. DEFENDANTS UNION SQUARE HOSPITALITY GROUP, LLC, GT OPERATING COMPANY, LLC., and/or GRAMERCY TAVERN did not practice a “zero tolerance” policy for discrimination in the workplace - to the detriment of PLAINTIFF herein.
86. DEFENDANTS’ policies and the Human Rights Laws were intentionally not followed at GRAMERCY TAVERN because the policies were contrary to GRAMERCY’S “*tradition*” as stated by DEFENDANT REINHARDT.
87. On December 11th 2018 - the same evening that DEFENDANT HOWELL sent PLAINTIFF home for not wearing a tie - PLAINTIFF called Dorina Yuen (senior HR manager) to discuss the incident regarding DEFENDANT HOWELL.
88. PLAINTIFF complained to Ms. Yuen about unfair treatment and gender discrimination at GRAMERCY TAVERN.
89. Among other things, PLANTIFF explained that he was wrongfully humiliated based on his gender identity and PLAINTIFF asked for an investigation and/or to file a grievance against DEFENDANT HOWELL.
90. Ms. Yuen claimed that she would review the guidelines and policies and work on making said policies more inclusive.
91. However, PLAINTIFF did not hear from Ms. Yuen again, nor was there any response to PLAINTIFF’S complaint against DEFENDANT HOWELL and/or the fact that

PLAINTIFF was humiliated and sent home by DEFENDANT POWELL for not (completely) wearing the set male uniform.

92. On December 13, 2019 PLAINTIFF complained to Zach Siegel (floor manager) and asked him to let DEFENDANT REINHARDT know that PLAINTIFF wanted to file a grievance against DEFENDANT HOWELL for discrimination.
93. Once PLAINTIFF was sent home by DEFENDANT HOWELL, the work environment changed and became hostile for/towards PLAINTIFF.
94. PLAINTIFF was teased and subjected to humiliating comments from PLAINTIFF'S colleagues and coworkers about DEFENDANT HOWELL sending PLAINTIFF home for not wearing a tie.
95. But to add insult to injury, after the incident on December 11th when PLAINTIFF was sent home by DEFENDANT HOWELL, PLAINTIFF began to receive comments from the management team about the situation as well.
96. Among other things, management began to scrutinize, single-out and reprimand PLAINTIFF for not wearing a tie.
97. Among other things, PLAINTIFF was told by members of management, ***"you have to wear the full male business attire not half way because it does not look professional."***
98. PLAINTIFF was told to, ***"button up [PLAINTIFF'S] collar shirt and [PLAINTIFF'S] suit jacket at all times because that's appropriate male attire."***
99. PLAINTIFF was told, ***"not wearing a collared shirt or not buttoning up your shirt would be the same as a girl not wearing a bra and showing up her boobs."***
100. Though COLLECTIVE DEFENDANTS were aware that PLAINTIFF'S gender identity was gender nonspecific, clearly, DEFENDANTS, their managers, supervisors, agents and representatives did not respect PLAINTIFF'S gender identity.

101. All of a sudden, all staff members kept a close eye on PLAINTIFF'S attire on daily basis and PLAINTIFF was subjected to jokes of all kinds - even from the kitchen employees - about PLAINTIFF'S manner of dress.
102. On one particular occasion on or about December 14, 2018, PLAINTIFF was questioned by manager Howard Kalachnikoff for not wearing a tie.
103. PLAINTIFF felt humiliated and was ridiculed constantly because PLAINTIFF engaged in protected activity and sought equal treatment under the law, as well as under the rules and policies of GRAMERCY TAVERN.
104. PLAINTIFF felt helpless and that PLAINTIFF'S complaints and requests for assistance from management were futile because almost immediately after making PLAINTIFF'S complaint to HR, the environment became increasingly hostile against PLAINTIFF.
105. COLLECTIVE DEFENDANTS allowed an environment to exist that was adverse and hostile toward employees such as PLAINTIFF, who sought to have PLAINTIFF'S gender identity respected.
106. The work environment at GRAMERCY TAVERN was permeated with discriminatory ridicule, insults, humiliation, adverse employment actions, threats against employment, increased scrutiny and the constant singling-out of PLAINTIFF due to PLAINTIFF'S gender identity.
107. On December 16, 2018, feeling that PLAINTIFF could no longer tolerate the hostile work environment or increased scrutiny, and being under a lot of personal stress as a result, PLAINTIFF made the drastic decision to resign.
108. PLAINTIFF believed that PLAINTIFF'S complaints to managers, supervisors and HR were futile and that DEFENDANTS would never remedy their policies or the hostile work environment against PLAINTIFF.

109. Once DEFENDANT REINHARDT learned that PLAINTIFF resigned, DEFENDANT REINHARDT approached PLAINTIFF and stated, “*I just heard about your resignation.*”
110. After a brief discussion between DEFENDANT REINHARDT and PLAINTIFF about the resignation, DEFENDANT REINHARDT stated, “*I’m sorry we could not do anything for you.*”
111. DEENDANT REINHARDT made it clear by his statement that DEFENDANTS “could not do anything” for PLAINTIFF regarding his complaints and/or their facially-discriminatory dress code policy.
112. In actuality, DEFENDANT REINHARDT, the General Manager of GRAMERCY TAVERN, made it clear the DEFENDANTS would “*do nothing*” and would continue with their discriminatory dress code policies.
113. DEFENDANT REINHARDT also made it clear that he would do nothing to try to convince PLAINTIFF to keep his employment despite knowing the PLAINTIFF was resigning due to the hostile work environment and because PLAINTIFF felt discriminated against under DEFENDANTS’ policies.
114. COLLECTIVE DEFENDANTS had no good faith business justification for any of their actions (or lack thereof) against PLAINTIFF.
115. As a result of COLLECTIVE DEFENDANTS’ actions, PLAINTIFF was extremely humiliated, degraded, victimized, embarrassed, and emotionally distressed.
116. Because of the acts and conduct complained of herein, PLAINTIFF has suffered adverse employment actions, constructive termination, a loss of income, the loss of a salary/pay, loss of employment, special damages, loss of benefits and other compensation, which such employment entails, and PLAINTIFF has also suffered future pecuniary losses,

emotional pain, suffering, great inconvenience, loss of enjoyment of life and other non-pecuniary losses.

117. COLLECTIVE DEFENDANTS' conduct was malicious, willful, outrageous, and conducted with full knowledge of the law.
118. As such, PLAINTIFF demands Punitive Damages as against all DEFENDANTS, jointly and severally.

AS A *FIRST CAUSE OF ACTION FOR DISCRIMINATION*
UNDER NEW YORK STATE EXECUTIVE LAW
(Against Defendants UNION SQUARE HOSPITALITY GROUP, LLC,
GT OPERATING COMPANY, LLC., GRAMERCY TAVERN)

119. PLAINTIFF repeats, reiterates and realleges each and every allegation made in the above paragraphs of this Complaint as if more fully set forth herein at length.
120. New York State Executive Law §296 provides that, "1. It shall be an unlawful discriminatory practice: (a) For an employer or licensing agency, because of an individual's . . . sex/gender and/or gender identity or expression . . . to discriminate against such individual in compensation or in terms, conditions or privileges of employment."
121. COLLECTIVE DEFENDANTS engaged in an unlawful discriminatory practice by discriminating against PLAINTIFF because of PLAINTIFF'S gender/sex and/or gender identity or expression.
122. PLAINTIFF was the victim of ongoing discrimination, harassment, ridicule, differential treatment, threats against employment, suspensions, adverse employment actions and other acts by COLLECTIVE DEFENDANTS, based solely on PLAINTIFF'S gender, gender identity and/or gender expression.
123. From the outset, PLAINTIFF advised COLLECTIVE DEFENDANTS that their policies

were discriminatory against individuals that were gender nonconforming.

124. PLAINTIFF engaged in protected activity, complained about the policies and asked for COLLECTIVE DEFENDANTS to remedy their practice.
125. COLLECTIVE DEFENDANTS, could have easily remedied their discriminatory practices to comply with the law, with their own policies and with PLAINTIFF'S requests.
126. But, COLLECTIVE DEFENDANTS, each acting as agents of their employers UNION SQUARE HOSPITALITY GROUP, LLC., GT OPERATING COMPANY, LLC., and GRAMERCY TAVERN refused to abate the discriminatory workplace - to the detriment of PLAINTIFF.
127. Instead, COLLECTIVE DEFENDANTS allowed an environment to exist that discriminated against PLAINTIFF due to PLAINTIFF'S gender identity and/or gender expression.
128. Then, DEFENDANTS continued to ridicule PLAINTIFF about his manner of dress despite PLAINTIFF'S constant reminders to DEFENDANTS that their policies were discriminatory.
129. The hostile work environment to which PLAINTIFF was subjected was so uncomfortable for PLAINTIFF that PLAINTIFF felt compelled to resign from PLAINTIFF'S employment at GRAMERCY TAVERN to avoid being forced to dress consistent with a sex/gender that PLAINTIFF did not identify with.
130. COLLECTIVE DEFENDANTS forced PLAINTIFF to make a decision between PLAINTIFF'S gender identity/expression and PLAINTIFF'S employment.
131. DEFENDANTS had no good faith business justification for any of their actions alleged herein.

132. INDIVIDUAL DEFENDANTS, individually and collectively, were acting within the scope of their respective duties and employments at DEFENDANT UNION SQUARE HOSPITALITY GROUP, LLC., GT OPERATING COMPANY, LLC., and GRAMERCY TAVERN and so these Company DEFENDANTS are each vicariously liable for their conducts (and/or lack thereof).
133. As a result of COLLECTIVE DEFENDANTS' actions, PLAINTIFF was extremely humiliated, degraded, victimized, embarrassed and emotionally distressed.
134. Because of the acts and conduct complained of herein, PLAINTIFF has suffered adverse employment actions, constructive termination, a loss of income, the loss of a salary/pay, loss of employment, special damages, loss of benefits and other compensation, which such employment entails, and PLAINTIFF has also suffered future pecuniary losses, emotional pain, suffering, great inconvenience, loss of enjoyment of life and other non-pecuniary losses.
135. COLLECTIVE DEFENDANTS' conduct has been malicious, willful, outrageous, and conducted with full knowledge of the law.
136. PLAINTIFF is entitled to the maximum amount allowable under this law.

**AS A SECOND CAUSE OF ACTION FOR RETALIATION
UNDER NEW YORK STATE EXECUTIVE LAW
(Against Defendants UNION SQUARE HOSPITALITY GROUP, LLC,
GT OPERATING COMPANY, LLC., GRAMERCY TAVERN)**

137. PLAINTIFF repeats, reiterates and realleges each and every allegation made in the above paragraphs of this Complaint as if more fully set forth herein at length.
138. 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 he has opposed any

practices forbidden under this article.”

139. COLLECTIVE DEFENDANTS engaged in unlawful discriminatory practices by retaliating against PLAINTIFF because of PLAINTIFF’S opposition to the unlawful employment practices of UNION SQUARE HOSPITALITY GROUP, LLC, GT OPERATING COMPANY, LLC., GRAMERCY TAVERN.
140. PLAINTIFF was retaliated against by COLLECTIVE DEFENDANTS for engaging in protected activity.
141. PLAINTIFF complained to Individual DEFENDANTS REINHARDT, ARTEMYEVA and HOWELL about GRAMERCY TAVERN’S discriminatory dress code policy, differential treatment and the fact that he felt that he was being discriminated against based on his gender identity and gender expression.
142. INDIVIDUAL DEFENDANTS, acting as agents, representatives, managers and employees of UNION SQUARE HOSPITALITY GROUP, LLC, GT OPERATING COMPANY, LLC., GRAMERCY TAVERN, outright ignored PLAINTIFF’S concerns/complaints, told PLAINTIFF to ignore PLAINTIFF’S own gender identity, IGNORED GRAMERCY TAVERN’S purported antidiscrimination policy, told PLAINTIFF that traditional male dress was required, subjected PLAINTIFF to adverse employment actions, ridiculed PLAINTIFF and humiliated PLAINTIFF to the point that PLAINTIFF felt compelled to resign from his employment.
143. DEFENDANTS had no valid business justification for the retaliatory and abusive actions taken against PLAINTIFF following PLAINTIFF’S engagement in protected activity.
144. INDIVIDUAL DEFENDANTS, individually and collectively, were acting within the scope of their respective duties and employments at UNION SQUARE HOSPITALITY GROUP, LLC, GT OPERATING COMPANY, LLC., GRAMERCY TAVERN and

Corporate DEFENDANTS are vicariously liable for the conducts (and/or lack thereof) of their employees.

145. COLLECTIVE DEFENDANTS placed PLAINTIFF in an awkward, hostile and uncomfortable employment position as the victim of discrimination and harassment.
146. As a result of COLLECTIVE DEFENDANTS' actions, PLAINTIFF was extremely humiliated, degraded, victimized, embarrassed, and emotionally distressed.
147. Because of the acts and conduct complained of herein, PLAINTIFF has suffered adverse employment actions, constructive termination, a loss of income, the loss of a salary/pay, loss of employment, special damages, loss of benefits and other compensation, which such employment entails, and PLAINTIFF has also suffered future pecuniary losses, emotional pain, suffering, great inconvenience, loss of enjoyment of life and other non-pecuniary losses.
148. COLLECTIVE DEFENDANTS' conduct has been malicious, willful, outrageous, and conducted with full knowledge of the law.
149. PLAINTIFF is entitled to the maximum amount allowable under this law.

**AS A THIRD CAUSE OF ACTION FOR DISCRIMINATION/RETALIATION
UNDER NEW YORK STATE EXECUTIVE LAW - AIDER AND ABETTOR LIABILITY
(Against Individual Defendants REINHARDT, ARTEMYEVA and HOWELL)**

150. Plaintiff repeats, reiterates and realleges each and every allegation made in the above paragraphs of this Complaint as if more fully set forth herein at length.
151. 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."
152. Individual DEFENDANTS REINHARDT, ARTEMYEVA and HOWELL engaged in an

unlawful discriminatory practice in violation of New York State Executive Law §296(6) by aiding, abetting, inciting, compelling and coercing the discriminatory and retaliatory conduct of their employer(s), UNION SQUARE HOSPITALITY GROUP, LLC, GT OPERATING COMPANY, LLC., and GRAMERCY TAVERN.

153. Defendants REINHARDT, ARTEMYEVA and HOWELL exposed PLAINTIFF to a hostile work environment that was permeated with discriminatory animus, ridicule, unwanted discriminatory insults, threats of termination, humiliation, gross negligence, and intimidation – all in furtherance of his intent to discriminate and retaliate against PLAINTIFF.
154. Defendants REINHARDT, ARTEMYEVA and HOWELL with knowledge of the policies of GRAMERCY TAVERN, knew or should have known that their collective and individual actions violated the law, the company's policies and rules, as well as PLAINTIFF'S individual rights.
155. Nevertheless, INDIVIDUAL DEFENDANTS willingly ignored their respective and combined obligations, outright refused PLAINTIFF'S request to be treated equally/fairly, subjected PLAINTIFF to adverse employment actions and ridicule, and forced PLAINTIFF to leave his employment.
156. INDIVIDUAL DEFENDANTS, individually and collectively, were acting within the scope of their respective duties and employments at UNION SQUARE HOSPITALITY GROUP, LLC, GT OPERATING COMPANY, LLC., GRAMERCY TAVERN and said CORPORATE DEFENDANTS are vicariously liable for the conducts (and/or lack thereof) of INDIVIDUAL DEFENDANTS.
157. Because of INDIVIDUAL DEFENDANTS' actions, PLAINTIFF was extremely

humiliated, degraded, victimized, embarrassed, and emotionally distressed.

158. Because of the acts and conduct complained of herein, PLAINTIFF has suffered adverse employment actions, constructive termination, a loss of income, the loss of a salary/pay, loss of employment, special damages, loss of benefits and other compensation, which such employment entails, and PLAINTIFF has also suffered future pecuniary losses, emotional pain, suffering, great inconvenience, loss of enjoyment of life and other non-pecuniary losses.
159. DEFENDANTS REINHARDT'S, ARTEMYEVA'S and HOWELL'S conduct were malicious, willful, outrageous, and conducted with full knowledge of the law.
160. PLAINTIFF is entitled to the maximum amount allowable under this law.

AS A FOURTH CAUSE OF ACTION FOR *DISCRIMINATION*
VIOLATION OF THE NEW YORK CITY HUMAN RIGHTS LAW
(Against DEFENDANTS UNION SQUARE HOSPITALITY GROUP, LLC, GT
OPERATING COMPANY, LLC., GRAMERCY TAVERN)

161. PLAINTIFF repeats and realleges each and every allegation made in the above paragraphs Of this complaint.
162. The New York City Administrative Code § 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 . . . sex/gender . . . gender identity and expression . . . 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."
163. COLLECTIVE DEFENDANTS engaged in an unlawful discriminatory practice in violation of New York City Administrative Code § 8-107(1)(a) by creating and maintaining discriminatory working conditions, and otherwise discriminating against

Plaintiff because of his sex/gender and/or gender identity and gender expression.

164. PLAINTIFF was the victim of ongoing discrimination, harassment, ridicule, differential treatment, threats against employment, suspensions, adverse employment actions and other acts by COLLECTIVE DEFENDANTS, based solely on PLAINTIFF'S gender, gender identity and/or gender expression.
165. From the outset, PLAINTIFF advised COLLECTIVE DEFENDANTS that their policies were discriminatory against individuals that were gender nonconforming.
166. PLAINTIFF engaged in protected activity, complained about the policies and asked for COLLECTIVE DEFENDANTS to remedy their practice.
167. COLLECTIVE DEFENDANTS, could have easily remedied their discriminatory practices to comply with the law, with their own policies and with PLAINTIFF'S requests.
168. But, COLLECTIVE DEFENDANTS, each acting as agents of their employers UNION SQUARE HOSPITALITY GROUP, LLC., GT OPERATING COMPANY, LLC., and GRAMERCY TAVERN refused to abate the discriminatory workplace - to the detriment of PLAINTIFF.
169. Instead, COLLECTIVE DEFENDANTS allowed an environment to exist that discriminated against PLAINTIFF due to PLAINTIFF'S gender identity and/or gender expression.
170. Then, DEFENDANTS continued to ridicule PLAINTIFF about his manner of dress despite PLAINTIFF'S constant reminders to DEFENDANTS that their policies were discriminatory.
171. The hostile work environment to which PLAINTIFF was subjected was so uncomfortable for PLAINTIFF that PLAINTIFF felt compelled to resign from PLAINTIFF'S

employment at GRAMERCY TAVERN to avoid being forced to dress consistent with a sex/gender that PLAINTIFF did not identify with.

172. COLLECTIVE DEFENDANTS FORCED PLAINTIFF to make a decision between PLAINTIFF'S gender identity/expression and PLAINTIFF'S employment.
173. DEFENDANTS had no good faith business justification for any of their actions alleged herein.
174. INDIVIDUAL DEFENDANTS, individually and collectively, were acting within the scope of their respective duties and employments at DEFENDANT UNION SQUARE HOSPITALITY GROUP, LLC., GT OPERATING COMPANY, LLC., and GRAMERCY TAVERN and so these Company DEFENDANTS are each vicariously liable for their conducts (and/or lack thereof).
175. As a result of COLLECTIVE DEFENDANTS' actions, PLAINTIFF was extremely humiliated, degraded, victimized, embarrassed and emotionally distressed.
176. Because of the acts and conduct complained of herein, PLAINTIFF has suffered adverse employment actions, constructive termination, a loss of income, the loss of a salary/pay, loss of employment, special damages, loss of benefits and other compensation, which such employment entails, and PLAINTIFF has also suffered future pecuniary losses, emotional pain, suffering, great inconvenience, loss of enjoyment of life and other non-pecuniary losses.
177. COLLECTIVE DEFENDANTS' conduct has been malicious, willful, outrageous, and conducted with full knowledge of the law.
178. PLAINTIFF is entitled to the maximum amount allowable under this law.

AS A FIFTH CAUSE OF ACTION FOR *RETALIATION*
UNDER THE NEW YORK CITY ADMINISTRATIVE CODE
(Against DEFENDANTS UNION SQUARE HOSPITALITY GROUP, LLC, GT
OPERATING COMPANY, LLC., GRAMERCY TAVERN)

179. Plaintiff repeats and realleges each and every allegation made in the above paragraphs of this complaint.
180. The New York City Administrative Code § 8-107(7) provides that it shall be unlawful discriminatory practice: “For an employer . . . to discriminate against any person because such person has opposed any practices forbidden under this chapter. . .”
181. COLLECTIVE DEFENDANTS engaged in an unlawful discriminatory practice in violation of New York City Administrative Code § 8-107(7) by discriminating against PLAINTIFF because of PLAINTIFF’S opposition to the unlawful employment practices.
182. COLLECTIVE DEFENDANTS engaged in unlawful discriminatory practices by retaliating against PLAINTIFF because of PLAINTIFF’S opposition to the unlawful employment practices of UNION SQUARE HOSPITALITY GROUP, LLC, GT OPERATING COMPANY, LLC., GRAMERCY TAVERN.
183. PLAINTIFF was retaliated against by COLLECTIVE DEFENDANTS for engaging in protected activity.
184. PLAINTIFF complained to Individual DEFENDANTS REINHARDT, ARTEMYEVA and HOWELL about GRAMERCY TAVERN’S discriminatory dress code policy, differential treatment and the fact that he felt that he was being discriminated against based on his gender identity and gender expression.
185. INDIVIDUAL DEFENDANTS, acting as agents, representatives, managers and employees of UNION SQUARE HOSPITALITY GROUP, LLC, GT OPERATING COMPANY, LLC., GRAMERCY TAVERN, outright ignored PLAINTIFF’S

concerns/complaints, told PLAINTIFF to ignore PLAINTIFF'S own gender identity, IGNORED GRAMERCY TAVERN'S purported antidiscrimination policy, told PLAINTIFF that traditional male dress was required, subjected PLAINTIFF to adverse employment actions, ridiculed PLAINTIFF and humiliated PLAINTIFF to the point that PLAINTIFF felt compelled to resign from his employment.

186. DEFENDANTS had no valid business justification for the retaliatory and abusive actions taken against PLAINTIFF following PLAINTIFF'S engagement in protected activity.
187. INDIVIDUAL DEFENDANTS, individually and collectively, were acting within the scope of their respective duties and employments at UNION SQUARE HOSPITALITY GROUP, LLC, GT OPERATING COMPANY, LLC., GRAMERCY TAVERN and Corporate DEFENDANTS are vicariously liable for the conducts (and/or lack thereof) of their employees.
188. COLLECTIVE DEFENDANTS placed PLAINTIFF in an awkward, hostile and uncomfortable employment position as the victim of discrimination and harassment.
189. As a result of COLLECTIVE DEFENDANTS' actions, PLAINTIFF was extremely humiliated, degraded, victimized, embarrassed, and emotionally distressed.
190. Because of the acts and conduct complained of herein, PLAINTIFF has suffered adverse employment actions, constructive termination, a loss of income, the loss of a salary/pay, loss of employment, special damages, loss of benefits and other compensation, which such employment entails, and PLAINTIFF has also suffered future pecuniary losses, emotional pain, suffering, great inconvenience, loss of enjoyment of life and other non-pecuniary losses.
191. COLLECTIVE DEFENDANTS' conduct has been malicious, willful, outrageous, and conducted with full knowledge of the law.

192. PLAINTIFF is entitled to the maximum amount allowable under this law.

**AS A SIXTH CAUSE OF ACTION *DISCRIMINATION / RETALIATION*
FOR DISCRIMINATION UNDER THE NYCHRL
(Against Individual Defendants REINHARDT, ARTEMYEVA and HOWELL)**

193. PLAINTIFF repeats and realleges each and every allegation made in the above paragraphs Of this complaint.

194. The New York City Administrative Code § 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.”

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

196. Defendants REINHARDT, ARTEMYEVA and HOWELL exposed PLAINTIFF to a hostile work environment that was permeated with discriminatory animus, ridicule, unwanted discriminatory insults, threats of termination, humiliation, gross negligence, and intimidation – all in furtherance of his intent to discriminate and retaliate against PLAINTIFF.

197. Defendants REINHARDT, ARTEMYEVA and HOWELL with knowledge of the policies of GRAMERCY TAVERN, knew or should have known that their collective and individual actions violated the law, the company’s policies and rules, as well as PLAINTIFF’S individual rights.

198. Nevertheless, INDIVIDUAL DEFENDANTS willingly ignored their respective and combined obligations, outright refused PLAINTIFF’S request to be treated equally/fairly, subjected PLAINTIFF to adverse employment actions and ridicule, and forced PLAINTIFF to leave his employment.

199. INDIVIDUAL DEFENDANTS, individually and collectively, were acting within the scope of their respective duties and employments at UNION SQUARE HOSPITALITY GROUP, LLC, GT OPERATING COMPANY, LLC., GRAMERCY TAVERN and said CORPORATE DEFENDANTS are vicariously liable for the conducts (and/or lack thereof) of INDIVIDUAL DEFENDANTS.
200. Because of INDIVIDUAL DEFENDANTS' actions, PLAINTIFF was extremely humiliated, degraded, victimized, embarrassed, and emotionally distressed.
201. Because of the acts and conduct complained of herein, PLAINTIFF has suffered adverse employment actions, constructive termination, a loss of income, the loss of a salary/pay, loss of employment, special damages, loss of benefits and other compensation, which such employment entails, and PLAINTIFF has also suffered future pecuniary losses, emotional pain, suffering, great inconvenience, loss of enjoyment of life and other non-pecuniary losses.
202. DEFENDANTS REINHARDT'S, ARTEMYEVA'S and HOWELL'S conduct were malicious, willful, outrageous, and conducted with full knowledge of the law.
203. PLAINTIFF is entitled to the maximum amount allowable under this law.

**AS A SEVENTH CAUSE OF ACTION FOR *DISCRIMINATION/RETALIATION*
UNDER THE NEW YORK CITY ADMINISTRATIVE CODE
(*Vicarious Liability Against UNION SQUARE HOSPITALITY GROUP, LLC, GT
OPERATING COMPANY, LLC., GRAMERCY TAVERN*)**

204. PLAINTIFF repeats and realleges each and every allegation made in the above paragraphs of this complaint.
205. The New York City Administrative Code § 8-107(13) Employer liability for discriminatory conduct by employee, agent or independent contractor states:

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.

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: [1] the employee or agent exercised managerial or supervisory responsibility; or [2] 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 [3] 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.

206. DEFENDANTS UNION SQUARE HOSPITALITY GROUP, LLC, GT OPERATING COMPANY, LLC., GRAMERCY TAVERN are vicariously liable for the discriminatory, retaliatory, actions taken against PLAINTIFF as outlined above.
207. At all times, Corporate DEFENDANTS were aware that its employees, managers and agents DEFENDANTS REINHARDT, ARTEMYEVA and HOWELL were subjecting PLAINTIFF to discrimination and retaliation due to his sex/gender and/or gender identity and expression.
208. At all times, Corporate DEFENDANTS were aware of PLAINTIFF'S complaints and engagement in protected activity.
209. At all time, Corporate DEFENDANTS were aware that its employees, agents and representatives were violating UNION SQUARE HOSPITALITY GROUP, LLC'S, GT OPERATING COMPANY, LLC'S and GRAMERCY TAVERN'S policies and procedures regarding discrimination and retaliation in the workplace.
210. Yet, DEFENDANTs UNION SQUARE HOSPITALITY GROUP, LLC, GT OPERATING COMPANY, LLC., GRAMERCY TAVERN did nothing to protect PLAINTIFF and instead supported, condoned and ratified the conduct of its employees, agents and representatives.

211. As a result, PLAINTIFF was unlawfully humiliated, degraded and belittled, suffered a violation of his rights, mental and emotional distress, loss of income/earnings, inconvenience, pain and suffering, extreme financial hardship, loss of employment, loss of employment benefits, humiliation, stress, anxiety, embarrassment, special damages and emotional distress. PLAINTIFF has also suffered future pecuniary losses, emotional pain, inconvenience, loss of enjoyment of life and other non-pecuniary losses.
212. Collective Defendants' conduct has been malicious, willful, outrageous, and conducted with full knowledge of the law.
213. Plaintiff is entitled to the maximum amount of damages allowed under this statute.

JURY DEMAND

214. Plaintiff requests a jury trial on all issues to be tried.

WHEREFORE, Plaintiff respectfully requests a judgment against Defendants:

- A. Declaring that Defendants engaged in unlawful employment practices prohibited by the NYSHRL and NYCHRL in that Defendants discriminated against PLAINTIFF based on PLAINTIFF'S sex/gender, gender identity and/or gender expression and retaliated against PLAINTIFF for complaining of discrimination.
- B. Awarding damages to PLAINTIFF for all lost wages and benefits resulting from Defendants' unlawful discrimination and retaliation and to otherwise make PLAINTIFF whole for any losses suffered as a result of such unlawful employment practices;
- C. Awarding PLAINTIFF compensatory damages for mental, emotional and physical injury, distress, pain and suffering and injury to PLAINTIFF'S reputation in an amount to be proven;
- D. Awarding PLAINTIFF punitive damages;
- E. Awarding PLAINTIFF attorneys' fees, costs, and expenses incurred in the prosecution of

the action; and

- F. Awarding PLAINTIFF such other and further relief as the Court may deem equitable, just and proper to remedy Defendants' unlawful employment practices.

Dated: New York, New York
June 18, 2019

**PHILLIPS & ASSOCIATES,
ATTORNEYS AT LAW, PLLC**

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