

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

-----X  
CHARLES HUGHES,

Plaintiff,

*-against-*

THE CITY OF NEW YORK and THE FIRE  
DEPARTMENT OF THE CITY OF NEW YORK,

Defendants.  
-----X

**Docket No.: 20-cv-3341**

**COMPLAINT**

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

Plaintiff, CHARLES HUGHES, (hereinafter “Plaintiff”), by his 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 Americans with Disabilities Act of 1990**, 42 U.S.C. § 12101, *et seq.* (“ADA”), the **Uniformed Services Employment and Reemployment Rights Act of 1994**, 38 U.S.C. § 4301-4333 (“USERRA”), the **New York State Human Rights Law**, NYS Executive Law § 296, *et seq.* (“NYSHRL”), and the **New York City Human Rights Law**, New York City Administrative Code § 8-107 *et seq.* (“NYCHRL”); and seeks damages to redress the injuries Plaintiff has suffered as a result of being **discriminated against** and being subjected to a **hostile work environment** by his employer due solely to his disability and uniformed service.

**JURISDICTION AND VENUE**

2. Jurisdiction of this Court is proper under 42 U.S.C. §2000e-5(f)(3), 28 U.S.C. §§1331, and 1343.
3. The Court has supplemental jurisdiction over the claims of Plaintiff brought under state

and city laws pursuant to 28 U.S.C. §1367.

4. Venue is proper in this district in that a substantial part of the events or omissions giving rise to the claim occurred within the Eastern District of the State of New York. 28 U.S.C. § 1391(b).

#### **PROCEDURAL PREREQUISITES**

5. Plaintiff filed a charge of discrimination with the Equal Employment Opportunity Commission ("EEOC") on [date], upon which this Complaint is based.
6. Plaintiff received a Notice of Right to Sue from the EEOC, dated [date], with respect to the instant charges of discrimination. A copy of the Notice is annexed to this Complaint.
7. This action is being commenced within 90 days of receipt of the Notice of Right to Sue.
8. Prior to the commencement of this action, Plaintiff served a copy of this complaint upon the New York City Commission on Human Rights and the Corporation Counsel of the City of New York on [date], in accordance with N.Y.C. Admin. Code §8-502(c).

#### **PARTIES**

9. Plaintiff Charles Hughes (hereinafter "Plaintiff"), is resident of Smithtown, New York and a United States Marine Corps veteran who suffers from Post-traumatic Stress Disorder.
10. At all relevant times herein, Plaintiff was and is a "person" and an "employee" entitled to protection as defined by the relevant federal, state, and local laws.
11. Defendant City of New York ("City") is a municipal corporation duly organized and existing under the laws of the State of New York. Defendant City is an employer as defined by the relevant federal, state, and city laws. Defendant City is a "person" for purposes of enforcement of the rights guaranteed under the relevant federal, state, and city laws.
12. Defendant City of New York maintains a fire department, the New York Fire Department, a/k/a the Fire Department of the City of New York ("FDNY"), and employs firefighters

who, among other things, are responsible for protecting individuals and property in the City of New York.

13. Defendant FDNY is a department, agency, bureau and/or subdivision of the City. Defendant FDNY is a local government agency of New York City and is the employer of Plaintiff.
14. At all relevant times herein, Defendants “employed” fifteen and thus four or more “employees,” and is thus an “employer” within the meaning of the ADA, USERRA the NYSHRL, and the NYCHRL.
15. At all relevant times herein, Plaintiff was an employee of Defendants.

#### **FACTUAL ALLEGATIONS**

16. Plaintiff retired as a Captain in the United States Marine Corps on August 6, 2014.
17. As a result of events that occurred during his military service, Plaintiff suffers from Post-traumatic Stress Disorder (“PTSD”).
18. Plaintiff was hired as a firefighter by Defendants on May 14, 2019.
19. On or about September 24, 2019, upon first reporting with four other probationary firefighters to his firehouse, Ladder 151, firefighters there dumped a bucket of water on Plaintiff from a window above the door.
20. When the door was opened to let Plaintiff and the other probationary firefighters in, a bag of flour was thrown on Plaintiff.
21. When the probationary firefighters were directed to go upstairs under the pretense of meeting their Lieutenant supervisor, they were greeted by a firefighter sitting behind a desk. When that firefighter stood up, he revealed that he was naked from the waist down except for a thong that left his testicles exposed.
22. During that incident, several firefighters standing behind the probationary firefighters

laughed while recording a video of the incident.

23. Upon information and belief, this behavior is a part of a hazing practice to which probationary firefighters are routinely subjected.
24. During his first month working the firehouse, Plaintiff was repeatedly insulted and demeaned by several firefighters, particularly Raymond Hassett (“Hassett”).
25. On October 19, 2019, when Plaintiff offered to cover another firefighter’s night shift in lieu of attending a firehouse event at a winery, Hassett verbally abused Plaintiff and insisted that he must attend the event.
26. On January 25, 2020, at an event hosted by Plaintiff’s firehouse, Plaintiff decried the lack of attention given to deaths of military service members.
27. An infuriated Hassett responded by degrading Plaintiff and demeaning his military service. Hassett said that Plaintiff had done nothing in the military, had been a paper pusher, and no one cares about military service members. Hassett’s comments were also joined by Miles Van Dina, another firefighter, who told Plaintiff, “no one gives a shit about your military service dude.”
28. Plaintiff repeatedly asked Hassett to stop his harassment and explained that he suffered from PTSD. Hassett was unrelenting and continued to make demeaning statements to Plaintiff. Hassett’s abuse escalated to physical threats toward Plaintiff.
29. Several firefighters witnessed Hassett’s physical aggression and insults regarding Plaintiff’s military service.
30. Although more senior firefighters expressed sympathy to Plaintiff over these incidents, they told him that as a probationary firefighter, he could not defend himself under any circumstances.
31. On or about February 1, 2020, Plaintiff received a telephone call from another firefighter

informing him that Hassett had defaced Plaintiff's photograph at the firehouse with comments mocking Plaintiff's disability, PTSD.

32. Plaintiff's defaced photograph remained on the wall of the firehouse until Plaintiff reported for work on the night of February 4, 2020. When Plaintiff arrived at the firehouse that evening, he saw his defaced photograph along with newspaper clippings ridiculing his PTSD, including, among others, clippings that stated "off the wall," "evidence of a problem" and "more like 'operation cuckoo.'"
33. Plaintiff removed the defaced photograph and newspaper clippings after his arrival at the firehouse. When Plaintiff removed the photograph, Terry Prahlah ("Prahlah"), a more senior firefighter, was present.
34. Prahlah later verbally attacked Plaintiff in the presence of several other firefighters for removing the picture and told him that as mere "probie" he was not to touch his picture. Upon information and belief, "probie" is a pejorative term for probationary firefighters.
35. Plaintiff explained to Prahlah the harmful effects that the defaced photograph and the harassment based on his disability had on him. Prahlah responded, "I don't care. You don't touch your picture and, if you have a problem with it, you will deal with the repercussions."
36. Plaintiff immediately reported the incident to his supervisor at the firehouse, Lieutenant Costa, who responded, "Don't show these guys it upsets you. They will do it more if they know you are upset."
37. Plaintiff then reported what had occurred to the senior firefighter in Ladder 151, Anthony Quinones. Quinones assured Plaintiff that it would never happen again and spoke with Prahlah and other firefighters telling them that the incident should not be repeated.
38. Prahlah told Plaintiff that he would have a bad reputation in the firehouse that would follow him throughout his career, thereby making his career difficult for him.

39. Despite assurances that the harassing incident would not be repeated, Plaintiff returned to work on or about February 8, 2020, to find his photograph again defaced with comments mocking his disability, including, *inter alia*, “[a]nd the award for the biggest victim goes to...”
40. Another firefighter at the firehouse confirmed to Plaintiff that his supervisor, Lieutenant Costa, had seen the defaced photograph on the wall and merely said, "Hughes is going to be pissed when he sees this."
41. The harassment continued throughout the following weeks with Hasset saying to Plaintiff things like "you're crazy" and muttering "crazy" whenever he walked past Plaintiff at the firehouse or sat across from him on the fire truck.
42. On or about February 4, 2020, Prahlad commented to Plaintiff, "Why are your hands always shaking? It's because you were in a war and you're crazy."
43. When Plaintiff arrived at the firehouse on March 8, 2020, he was feeling ill and several firefighters asked him to go home and call the medical office as he should not remain at the firehouse while he was unwell.
44. After Plaintiff went home, he received text messages from several firefighters saying that some were spreading a rumor that he returned home because he was drunk or hungover. Upon information and belief, these false statements were conveyed to his supervisors.
45. Alarmed, Plaintiff texted Quinones to express his dismay that he was being slandered at the firehouse, particularly to his supervisors.
46. Upon information and belief, after Plaintiff left the firehouse on March 8, 2020, Plaintiff's photograph was defaced for a third time.
47. A few days later, Plaintiff checked the Ladder 151 GroupMe group chat, maintained by firefighters at Ladder 151, and noticed that Prahlah had commented, "We can't fuck with

the new probies, they will just go and cry to Quinones."

48. When Plaintiff addressed Prahlah's comment in the GroupMe group chat, he was attacked by multiple members who used profanity to tell Plaintiff that he was sensitive and should leave the firehouse if he could not handle the abuse.
49. Subsequently, Nick Canonico ("Canonico"), a more senior firefighter, sent Plaintiff a direct message saying, in sum and substance, that "probies" do not have an opinion and that Plaintiff was worthless and not allowed to speak.
50. On March 20, 2020, Plaintiff filed a formal complaint with Defendants' Equal Employment Opportunity office.
51. Shortly thereafter, the Ladder 151 GroupMe group chat was deleted. Upon information and belief, the group chat was deleted in order to destroy evidence of the harassment that Plaintiff had endured.
52. The use of derogatory comments about his disability and military service created a hostile work environment for Plaintiff.
53. Plaintiff found it extremely difficult to go to work every day while anticipating a hostile environment and knowing that the animus directed toward him on account of his disability and military service would go unpunished.
54. Plaintiff made multiple complaints to his supervisors, Lieutenants Joseph Costa and Francisco Ruiz, as well as the senior firefighter at the firehouse, Quinones. Despite assurances that the harassment would stop, Defendants took no action to prevent the harassment from continuing.
55. Plaintiff felt demoralized by the fact that his supervisors ignored the humiliating and degrading comments directed toward him and that were allowed to continue with impunity. As a result of the unchecked harassment at his workplace, Plaintiff became increasingly

depressed and his medication was increased to combat nightmares he was having about his work environment. The demeaning comments and lack of discipline for their use contributed to his extreme stress, thereby aggravating his PTSD.

56. The effects of the discrimination that Plaintiff suffered linger and continue to negatively affect his health and mental well-being.
57. Defendants' harassment was sufficiently severe and/or pervasive to alter the conditions of Plaintiff's employment and create an abusive working environment.
58. Defendants' hostile conduct occurred because of Plaintiff's disability and military service.
59. As a result of Defendants' actions, Plaintiff felt humiliated, degraded, victimized, embarrassed and emotionally distressed.
60. As a result of the Defendants' discriminatory and intolerable treatment, Plaintiff suffered severe emotional distress.
61. As a result of the acts and conduct complained of herein, Plaintiff has suffered, and will continue to suffer, loss of benefits, and other compensation. Plaintiff has also suffered emotional pain, suffering, inconvenience, loss of enjoyment of life, and other non-pecuniary losses.
62. Defendants' actions and conduct were intentional and intended to harm Plaintiff.
63. As Defendants' conduct has been malicious, willful, outrageous, and conducted with full knowledge of the law, Plaintiff demands punitive damages as against Defendants.

**AS A FIRST CAUSE OF ACTION  
FOR DISCRIMINATION UNDER THE ADA**

64. Plaintiff repeats, reiterates, and realleges each and every paragraph above as if said paragraphs were more fully set forth herein at length.



65. Plaintiff claims Defendants violated the Americans with Disabilities Act of 1990 (Pub. L. 101-336) (ADA), as amended, as these titles appear in volume 42 of the United States Code, beginning at section 12101.
66. Title 42 of the Americans with Disabilities Act of 1990, Chapter 126, Subchapter I, Section 12112, Discrimination [Section 102] states: “(a) General rule. - No covered entity shall discriminate against a qualified individual on the basis of disability in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment.”
67. Plaintiff’s PTSD qualifies as a disability within the meaning of the ADA.
68. Defendants engaged in an unlawful discriminatory practice by discriminating against Plaintiff because of his disability (PTSD).
69. Defendants discriminated against Plaintiff on the basis of his disability, in violation of the ADA, by creating, fostering, condoning, accepting, ratifying, and/or negligently failing to prevent or remedy a hostile work environment that included, among other things, severe or pervasive harassment of Plaintiff based on his disability.
70. As a result of the unlawful discriminatory conduct of Defendants in violation of the ADA, Plaintiff has suffered, and continues to suffer, severe mental anguish and emotional distress, including, but not limited to depression, humiliation, embarrassment, stress and anxiety, loss of self-esteem and self-confidence, and emotional pain and suffering, for which he is entitled to an award of monetary damages and other relief.
71. The unlawful discriminatory actions of Defendants constitute malicious, willful, and wanton violations of the ADA, for which Plaintiff is entitled to an award of punitive damages.

**AS A SECOND CAUSE OF ACTION  
FOR DISCRIMINATION UNDER USERRA**

72. Plaintiff repeats and realleges each and every allegation made in the above paragraphs of this complaint.
73. USERRA prohibits discrimination in employment against an individual who has performed service in a uniformed service. Specifically, 38 U.S.C. § 4311 provides that an employee may not be denied a “benefit of employment” because of the employee's membership in the uniformed service.
74. “Benefit of employment” includes freedom from harassment and the ability to work in an environment free from discrimination, harassment, and retaliation.
75. Defendants discriminated against Plaintiff on the basis of his past military service, in violation of USERRA, by creating, fostering, condoning, accepting, ratifying, and/or negligently failing to prevent or remedy a hostile work environment that included, among other things, severe or pervasive harassment of Plaintiff based on his past uniformed service.
76. As a direct and proximate cause of Defendants’ actions, Plaintiff has suffered injuries and damages including but not limited to, loss of past and future benefits, damage to professional reputation, and undue pain and suffering.
77. Such violations of USERRA by Defendants were willful and Plaintiff requests an award of liquidated damages pursuant to 38 U.S.C. § 4323(d)(1)(C).

**AS A THIRD CAUSE OF ACTION  
FOR DISCRIMINATION UNDER NEW YORK STATE EXECUTIVE LAW**

78. 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.
79. Executive Law § 296 provides that:

It shall be an unlawful discriminatory practice: "(a) For an employer or licensing agency, because of an individual's age, race, creed, color, national origin, sexual orientation, **military status**, sex, **disability**, predisposing genetic characteristics, marital status, or domestic violence victim status, to refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment."

80. As described above, Defendants discriminated against Plaintiff on the basis of his disability and past military status, in violation of NYSHRL, by creating, fostering, condoning, accepting, ratifying, and/or negligently failing to prevent or remedy a hostile work environment that included, among other things, harassment of Plaintiff based on Plaintiff's disability and military status. As a result of Defendants' unlawful discriminatory conduct in violation of the NYSHRL, Plaintiff has suffered and continues to suffer economic loss, for which he is entitled to an award of monetary damages and other relief.
81. As a result of Defendants' unlawful discriminatory conduct in violation of NYSHRL, Plaintiff has suffered, and continues to suffer, severe mental anguish and emotional distress, including, but not limited to, depression, humiliation, embarrassment, stress and anxiety, and emotional pain and suffering, for which he is entitled to an award of monetary damages and other relief.
82. Defendants' unlawful discriminatory actions constitute malicious, willful, and wanton violations of the NYSHRL, for which Plaintiff is entitled to an award of punitive damages.

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

83. 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.
84. The Administrative Code of City of New York § 8-107(1)(a) provides that

It shall be an unlawful discriminatory practice: for an employer or

an employee or agent thereof, because of the actual or perceived age, race, creed, color, national origin, gender, **disability**, marital status, partnership status, caregiver status, sexual and reproductive health decisions, sexual orientation, **uniformed service** or alienage or citizenship status of any person... to refuse to hire or employ or to bar or to discharge from employment such person or to discriminate against such person in compensation or in terms, conditions or privileges of employment.

85. As described above, Defendants discriminated against Plaintiff on the basis of his disability and past uniformed service in violation of the NYCHRL by, including but not limited to, subjecting him to disparate working conditions, and denying him the opportunity to work in an employment setting free of unlawful discrimination and harassment. As a result of Defendants' unlawful discriminatory conduct in violation of the NYCHRL, Plaintiff has suffered and continues to suffer economic loss, for which he is entitled to an award of monetary damages and other relief.
86. As a result of Defendants' unlawful discriminatory conduct in violation of the NYCHRL, Plaintiff has suffered, and continues to suffer, mental anguish and emotional distress, including, but not limited to, depression, humiliation, embarrassment, stress and anxiety, loss of self-esteem and self-confidence, and emotional pain and suffering, for which he is entitled to an award of monetary damages and other relief.
87. Defendants' unlawful discriminatory actions constitute violations of the NYCHRL that amount to willful or wanton negligence, recklessness, and involve a conscious disregard of the rights of others or conduct so reckless as to amount to such disregard for which Plaintiff is entitled to an award of punitive damages.

**JURY DEMAND**

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

**WHEREFORE**, Plaintiff respectfully requests a judgment against Defendant:

- A. Declaring that Defendants engaged in unlawful employment practices prohibited by the

Americans with Disabilities Act of 1990, 42 U.S.C. § 12101, *et seq.* (“ADA”), Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. § 4301-4333 (“USERRA”), the New York State Human Rights Law, New York State Executive Law, § 296 (“NYSHRL”), and the New York City Human Rights Law, New York City Administrative Code § 8-107 *et seq.* (“NYCHRL”) in that Defendants discriminated against Plaintiff on the basis of his disability (PTSD);

- B. Awarding damages to Plaintiff for all damages resulting from Defendants’ unlawful discrimination and retaliation and to otherwise make him whole for any losses suffered as a result of such unlawful employment practices;
- C. Awarding Plaintiff compensatory damages for mental, emotional and physical injury, emotional distress, pain and suffering and injury to his reputation in an amount to be proven;
- D. Awarding Plaintiff liquidated damages;
- E. Awarding Plaintiff punitive damages;
- F. Awarding Plaintiff attorneys’ fees, costs, and expenses incurred in the prosecution of the action; and
- G. 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  
July 24, 2020

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

By: /s/ Marjorie Mesidor  
Marjorie Mesidor, Esq.  
Joseph Myers, Esq.  
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JS 44 (Rev. 02/19)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

CHARLES HUGHES

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)  
PHILLIPS & ASSOCIATES PLLC  
45 BROADWAY, SUITE 620  
NEW YORK, NEW YORK 10006

**DEFENDANTS**

THE CITY OF NEW YORK and THE FIRE DEPARTMENT OF THE CITY OF NEW YORK,

County of Residence of First Listed Defendant \_\_\_\_\_  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)  
N/A

**II. BASIS OF JURISDICTION (Place an "X" in One Box Only)**

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)**

- |   |                                       |                            |   |                            |                                       |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
|   | <b>PTF</b>                            | <b>DEF</b>                 |   | <b>PTF</b>                 | <b>DEF</b>                            |
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5            |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6            |

**IV. NATURE OF SUIT (Place an "X" in One Box Only)**

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input checked="" type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN (Place an "X" in One Box Only)**

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
Title 42 of the Americans with Disabilities Act of 1990, Chapter 126, Subchapter I, Section 12112  
Brief description of cause:  
Employment discrimination claims under The ADA, USERRA, and related state law

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **DEMANDS** CHECK YES only if demanded in complaint:  
**JURY DEMAND:**  Yes  No

**VIII. RELATED CASE(S) IF ANY**

(See instructions): JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE: 7/24/2020 SIGNATURE OF ATTORNEY OF RECORD: 

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

**CERTIFICATION OF ARBITRATION ELIGIBILITY**

Local Arbitration Rule 83.7 provides that with certain exceptions, actions seeking money damages only in an amount not in excess of \$150,000, exclusive of interest and costs, are eligible for compulsory arbitration. The amount of damages is presumed to be below the threshold amount unless a certification to the contrary is filed.

Case is Eligible for Arbitration

I, \_\_\_\_\_, counsel for \_\_\_\_\_, do hereby certify that the above captioned civil action is ineligible for compulsory arbitration for the following reason(s):

- monetary damages sought are in excess of \$150,000, exclusive of interest and costs,
- the complaint seeks injunctive relief,
- the matter is otherwise ineligible for the following reason

**DISCLOSURE STATEMENT - FEDERAL RULES CIVIL PROCEDURE 7.1**

Identify any parent corporation and any publicly held corporation that owns 10% or more of its stocks:

**RELATED CASE STATEMENT (Section VIII on the Front of this Form)**

Please list all cases that are arguably related pursuant to Division of Business Rule 50.3.1 in Section VIII on the front of this form. Rule 50.3.1 (a) provides that "A civil case is "related" to another civil case for purposes of this guideline when, because of the similarity of facts and legal issues or because the cases arise from the same transactions or events, a substantial saving of judicial resources is likely to result from assigning both cases to the same judge and magistrate judge." Rule 50.3.1 (b) provides that " A civil case shall not be deemed "related" to another civil case merely because the civil case: (A) involves identical legal issues, or (B) involves the same parties." Rule 50.3.1 (c) further provides that "Presumptively, and subject to the power of a judge to determine otherwise pursuant to paragraph (d), civil cases shall not be deemed to be "related" unless both cases are still pending before the court."

**NY-E DIVISION OF BUSINESS RULE 50.1(d)(2)**

- 1.) Is the civil action being filed in the Eastern District removed from a New York State Court located in Nassau or Suffolk County?  Yes  No
- 2.) If you answered "no" above:
  - a) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in Nassau or Suffolk County?  Yes  No
  - b) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in the Eastern District?  Yes  No
  - c) If this is a Fair Debt Collection Practice Act case, specify the County in which the offending communication was received:

If your answer to question 2 (b) is "No," does the defendant (or a majority of the defendants, if there is more than one) reside in Nassau or Suffolk County, or, in an interpleader action, does the claimant (or a majority of the claimants, if there is more than one) reside in Nassau or Suffolk County?  Yes  No

(Note: A corporation shall be considered a resident of the County in which it has the most significant contacts).

**BAR ADMISSION**

I am currently admitted in the Eastern District of New York and currently a member in good standing of the bar of this court.

Yes  No

Are you currently the subject of any disciplinary action (s) in this or any other state or federal court?

Yes (If yes, please explain)  No

I certify the accuracy of all information provided above.

Signature: 



AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

\_\_\_\_\_ District of \_\_\_\_\_

\_\_\_\_\_  
*Plaintiff(s)*

v.

Civil Action No.

\_\_\_\_\_  
*Defendant(s)*

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

DOUGLAS C. PALMER  
CLERK OF COURT

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_ .

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_ , who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*: \_\_\_\_\_ .

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:



Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I returned the summons unexecuted because \_\_\_\_\_; or

Other *(specify)*: \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc: