

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT COURT OF NEW YORK

JEREMY CLAWSON,

Plaintiff,

CIVIL COMPLAINT
JURY TRIAL DEMANDED

-against-

Civil Case No.: 1:20-cv-1449 (MAD/CFH)

THE CITY OF ALBANY DEPARTMENT OF FIRE AND
EMERGENCY a department of the CITY OF ALBANY
(A.K.A. ALBANY FIRE DEPARTMENT).

Defendants.

PRELIMINARY STATEMENT

Plaintiff, Jeremy Clawson, by and through his attorney, Patrick Sorsby, as and for his
Complaint against the above-named Defendant, respectfully alleges as follows:

1. Plaintiff, Jeremy Clawson, brings this action under Title VII of the Civil Rights Act of 1964, as amended, codified at 42 U.S.C. § 2000e et seq., the Civil Rights Act of 1991, the Americans With Disabilities Act, 42 U.S.C. §§12101, 12117 and the New York State Human Rights Law (“NYSHRL”), N.Y. Exec. Law § 290 et seq for employment discrimination based on disability and race.
2. The Plaintiff is now seeking compensatory damages, punitive damages, costs and attorney’s fees for the Defendants wrongful conduct under both New York and Federal law.

JURISDICTION

3. This Court has jurisdiction pursuant to 28 U.S.C. §§1331 and 1343. Plaintiff's claims are brought under the Americans With Disabilities Act, 42 U.S.C. §§12101, 12117. Supplemental jurisdiction exists under the New York Human Rights Law, Executive Law §§292 and 296 et seq.

VENUE

4. This action properly lies in the Northern District of New York, pursuant to 29 U.S.C. § 1391(b), because the claim arose in this judicial district, and pursuant to 42 U.S.C. § 2000e-5(f)(3), because the unlawful employment practice was committed in this judicial district.

5. On August 27th, 2020, the EEOC issued a "right to sue" letters, authorizing plaintiff to commence an action against Defendant within 90 days from receipt of the same. A copy of the right to sue letter is annexed hereto as Exhibit A. The right sue letter was received by email because of COVID-19 virus on September 9th 2020.

6. This action is commenced within 90 days of plaintiff's receipt of the right to sue letter.

PARTIES

7. Plaintiff is a United States Citizen and Resident of New York State, Albany County.

8. The Albany Fire Department is a division of the Department of Fire and Emergency Services which is one of several departments of the City of Albany in the State of New York. Any reference herein to employer, Department of Fire and Emergency Services, or Albany Fire Department is intended to mean the City of Albany Department of Fire and Emergency Services a department of the City of Albany.

STATEMENT OF FACTS

9. The Plaintiff is in a protected category within the New York State Human Rights Law (NYHRL) and Title VII of the Civil Rights Act of 1964, in that he is a 51 year old African American with a diagnosed disability.
10. The Plaintiff was sworn into the ranks of the Albany Fire Department on October 22, 1992, the first and only member of his family to ever become a firefighter.
11. The Department's physician, Peter H. Kelly, of Access Health Systems of 776 Watervliet Shaker Rd, Latham 12110, has performed the Plaintiff's annual departmental physical examination for the past decade.
12. Dr. Kelly is fully aware of all of Plaintiff's medical conditions including his diabetes disability. Plaintiff has been approved for NYS Class A, Interior Firefighting, each year that he was examined since 1992.
13. NYS Class A / Interior is the broadest category of firefighter's medical clearance, recognizing that the individual is suited for every type of firefighter duty, without restriction. The Plaintiff's diabetes disability does not interfere with his fire duties.
14. The Plaintiff has served the Albany Fire Department as a firefighter, paramedic, fire officer, fire investigator, fire instructor and successful fire grant writer.
15. Under previous administrations, for his efforts, the Plaintiff was promoted twice, to Lieutenant and then Captain. He is only the second African American firefighter to ever be promoted in the 153- year-history of the City of Albany Fire Department, and the only minority officer currently serving.

16. On January 7th of 2017, the Department held the Battalion Chief (herein after "BC") promotional examination open to all eligible Fire Captains. This was the third BC examination the Plaintiff has taken since becoming eligible.
17. On June 19th, 2017, the exam scores for the Battalion Chief examination were released and the Plaintiff was ranked first on the list of available candidates for the next available BC position.
18. Because of the Plaintiff's score, and due to another Fireman's medical leave, the Plaintiff was temporarily promoted to Acting Battalion Chief in February of 2018. He served in this position for the duration of other Fireman's leave, after training with Battalion Chiefs Henderson and Newton.
19. On April 5th, 2018, the Plaintiff returned from his temporary Battalion Chief position to his permanent Captain /Paramedic rank position.
20. On January 15th, 2019, BC Coleman retired which meant that a permanent BC position became available.
21. On January 18th, 2019, the permanent Battalion Chief position was offered to Plaintiff by Chief Gregory and the Plaintiff accepted the position.
22. On January 22nd, 2019, the department published an Interdepartmental notice of Plaintiffs scheduled promotion to Battalion Chief.
23. On February 1st, 2019, Albany Fire dispatch received an early morning call for EMS to respond to an injured man at a local Dunkin Donuts. The man was the Plaintiff who was not working on shift but had developed hypothermia symptoms including disorientation and confusion.
24. It was brutally cold the morning of February 1st, 2019 and Plaintiff's diabetes

disability made him more susceptible to certain types of environmental injuries, including frostbite and hypothermia.

25. Albany firefighters / Emergency Medical Technicians (herein after "EMT") responded to assist the Plaintiff on the morning of February 1st, 2019.

26. The Plaintiff did not know at the time, but he had begun to exhibit documented signs and symptoms of hypothermia. The Plaintiff was sent to the local hospital by ambulance.

27. AFD Chief Joseph Gregory alleged in his sworn affidavit in support of the Defendants EEOC position statement as follows “that later on the morning of February 1st, Deputy Chief Craig Wickham reported that Battalion Chief David Newton had heard about an incident that involved an AFD employee at Dunkin’ Donuts. Chief Gregory then asked City of Albany Police Department (“APD”) Deputy Chief Brian Hogan to watch the body camera video regarding APD’s response to the Dunkin’ Donuts 911 call. Deputy Chief Hogan said that nothing in the video was illegal, but that Mr. Clawson looked intoxicated.”(emphasis added).

28. Chief Gregory further alleged in his affidavit in support of the employer’s position statement to the EEOC that he “discussed the matter with the City Corporation Counsel’s Office and City Mayor Kathy Sheehan. The Mayor and Chief Gregory then decided that due to Mr. Clawson’s public display of intoxication and feculent indecency the offer of promotion to the position of Battalion Chief should be rescinded.” (emphasis added).

29. On Sunday February 3rd, 2019, during the Plaintiff’s next scheduled duty shift, the Plaintiff was called to the administration office with his union representatives, to meet

with Chief Gregory, Executive Deputy Chief Joseph Toomey, Deputy Chief Maria Walker and Deputy Chief Craig Wickham.

30. The Plaintiff was presented with a copy of the AFD Dispatcher's call ticket from the morning of February 1st, 2019.
31. The specific medical information regarding the Plaintiffs emergency dispatch is protected by HIPPA yet the Chiefs and or/their staff violated HIPPA to acquire the medical details of what happened the morning of February 1st .
32. The four Chiefs present at this February 3rd, 2019 meeting questioned Plaintiff about the February 1st, 2019 dispatcher's call ticket from the morning of February 1st, 2019.
33. It bears repeating that the Plaintiff received medical attention for symptoms indicative of hypothermia on his day off. Plaintiff was not working at the time nor was he on his employer's property.
34. Yet even though the Plaintiff's medical emergency of the morning of February 1st, 2019 occurred while Plaintiff was not working for the employer nor on its property the employer nonetheless went out of its even violating HIPPA regulations to acquire the details of the incident.
35. At this February 3rd, 2019 meeting the Plaintiff was informed that his promotion was rescinded.
36. The four Chiefs present at the February 3rd, 2019 indicated in form or substance that they rescinded his promotion because of his medical emergency 48 hours prior for which EMS had to be dispatched to provide him with medical care and transported him to the hospital.
37. By now (February 3rd), signs of 2nd degree frostbite, from the Plaintiff's exposure on

February 1st, had developed to the point that blisters were now visible on both hands and all ten fingers.

38. The very next day, February 4th, 2019, the department announced that the 2nd ranked name on BC exam list (a Caucasian non-disabled person) was going to be promoted.
39. On February 8th, 2019, Cpt. David Kowalski (a Caucasian non-disabled person) was promoted to Battalion Chief.
40. On July 19th, 2019, the Plaintiff received a call from Chief Gregory offering a possible promotion to a Deputy Fire Chief spot.
41. On July 22nd, 2019, the Plaintiff declined the Deputy Fire Chief position offer of promotion because that position was a non-civil service position.
42. The July 19th job offer provided no civil service protections and would thus expose the Plaintiff to possible immediate termination with little or no recourse as compared to his current civil service appointment, and that of the Battalion Chief position which was offered in January 2019.
43. In 2016, three of the four Chiefs described above were all in authority positions with a rank of Deputy Chief or higher. At that time, they faced a disability case involving a young recruit-applicant to the Fire Department who on information and belief had the disability of drug addiction/alcoholism and/or was acknowledged as having a disability of drug addiction/alcoholism. On information and belief that applicant failed his mandatory, pre-employment drug-screening examination multiple times, the department hired this Caucasian applicant fully aware of his disability (as oppose to violating HIPPA regulations to acquire information in the Plaintiff's case). That applicant was sworn into the Department as a firefighter recruit without conditions.

44. The Plaintiff accepted the position of Battalion Chief on January 18th, 2019 and sixteen days later his job was revoked. In those sixteen days, nothing work related occurred which would have formed the basis for his removal from the position of Battalion Chief.

AS AND FOR A FIRST CAUSE OF ACTION AGAINST
ALBANY FIRE DEPARTMENT

Disability Discrimination in violation of the ADA.

45. The allegation in paragraphs "1" through "43" are incorporated herein as if set forth in full.

46. Under both the ADA and NYSHRL it is unlawful to take any tangible employment action against any person based on a known disability or a perceived disability. Both statutes also prohibit discrimination on the basis of a perceived impairment. See N.Y. Exec. Law § 292(21)(c); 42 U.S.C. § 12102(1)(C), (3)(A).

47. Under the ADA a plaintiff must show that "(1) his employer is subject to [the statute]; (2) he was disabled within the meaning of [the statute]; (3) he was otherwise qualified to perform the essential functions of his job, with or without reasonable accommodation; and (4) he suffered an adverse employment action because of his disability." Sista v. CDC Ixis N. Am., Inc., 445 F.3d 161, 169 (2d Cir. 2006).

48. The Plaintiff has diabetes which is a recognized disability under the ADA.

49. On information and belief before rescinding the battalion chief position, the Defendant was aware that the Plaintiff had diabetes and the Plaintiff had a record of his diabetes known or accessible to the Defendant.

50. Plaintiff was regarded and/or perceived as having the disability of alcoholism.

51. Alcoholism is a disability under both the ADA and NYSHRL.

52. The Plaintiff was qualified to perform the job with or without an accommodation and the employer defendant has never contended otherwise. Indeed, the Plaintiff presented with his actual and perceived disability on his day off and not on the employer's property. Moreover, the Defendant selected the Plaintiff as the candidate with the highest score from a civil service list.
53. Under the ADA and NYSHRL before October 10th a Plaintiff could make out a prima facie showing of causation (i.e. discriminatory animus was the but-for cause of a tangible employment action) by showing among other things temporal proximity between a protected activity and a tangible employment action or by showing disparate.
54. In this case Plaintiff can meet his prima facie burden of causation under the ADA by showing that his position was rescinded 2 days after his medical incident and by showing that a Caucasian firemen who had repeatedly failed his drugs tests was none less sworn into service. Additionally, AFD Chief Gregory stated under oath on behalf of the Defendant that he and the Mayor rescinded the Plaintiffs Battalion Chief Position because the plaintiff was "publicly intoxicated". Thus, the Defendant has admitted that it took a tangible employment action because it perceived that the Plaintiff had a alcoholism disability. Plaintiff will also show that his diabetes and race also played a role in his termination.

AS AND FOR A SECOND CAUSE OF ACTION AGAINST
ALBANY FIRE DEPARTMENT

Disability Discrimination in violation of the New York Human Rights Law NY
Executive Law Section 296 et. seq.

55. The allegation in paragraphs "44" through "53" are incorporated herein as if set forth in full.

56. Until October of 2019, when the NYSHRL was amended, the standard for proving disability discrimination under the ADA and the NYSHRL was essentially the same, ie the well-established burden shifting standard applied in *McDonnell Douglas Corp. v. Green*. See *Mathew v. North Shore-Long Island Jewish Health Sys., Inc.*, 582 F. App'x 70, 71 (2d Cir. 2014) Applying *McDonnell Douglas Corp. v. Green* 411 U.S. 792 (1973) (although NYSHRL has a much broader definition of discrimination).
57. Thus for cases filed before October 2019 in order establish a prima facie claim for disability discrimination under NYSHRL, Plaintiff had to prove that: (1) he was disabled within the meaning of NYSHRL, (2) he was competent to perform his job or was performing his duties satisfactorily, (3) he suffered an adverse employment action, and (4) the adverse action occurred under circumstances giving inference to a rise of discrimination. See, e.g., *McDonnell v. Schindler Elevator Corp.*, No. 12cv-4614 (VEC), 2014 WL 3512772, at *5 (S.D.N.Y. July 16, 2014).
58. In this case Plaintiff has diabetes a recognized disability under the NYSHRL and on information and belief the Defendant had notice or access to knowledge of this disability before it rescinded Plaintiffs Battalion chief position.
59. In response to the Plaintiffs EEOC complaint the Defendant's Chief Joseph Gregory in his affidavit denied that the Defendant had notice of Plaintiffs disability and instead averred that he and the Mayor decided to rescind the position because they perceived that the Plaintiff was publicly intoxicated.
60. Both the ADA and NYSHRL prohibits discrimination on the basis of a perceived impairment. See N.Y. Exec. Law § 292(21)(c); 42 U.S.C. § 12102(1)(C), (3)(A).

61. Accordingly, Plaintiff asserts that he was discriminated against based on his known disability of diabetes and his perceived impairment of alcoholism.
62. The Employer has not contested that the Plaintiff was not qualified for the Battalion Chief position nor was that basis for the rescindment of the position. Indeed, the Plaintiff was selected from the civil service list for the Chief Battalion position on the basis that he was qualified for the position. Moreover there is no issue as to whether or not Plaintiff could perform the essential functions of his job with or without an accommodation because the Defendant rescinded his position because it perceived that the Plaintiff was intoxicated on his day off and while not even on the Defendants property nor wearing any clothing to identify him as employed by the fire department. Thus, there is no evidence that the Plaintiffs diabetes nor the Defendant's perception that he had alcoholism was in any way a hindrance to the Plaintiff performing the essential functions of his job.
63. The rescinding of the battalion chief was a tangible employment action in that it resulted in a pecuniary loss to the Plaintiff (i.e. less in annual salary & pension).
64. As indicated above the Plaintiff will show pretext for discrimination based on the short temporal proximity between notice of Plaintiffs actual disability or perceived disability and the tangible employment action, by disparate treatment of Caucasians who had a known substance abuse problem but were yet promoted/hired, and the outright admission by the defendant that the rescindment was "because of public intoxication" (alcoholism is a disability under NYSHRL) .

AS AND FOR A THIRD CAUSE OF ACTION BY PLAINTIFF
AGAINST ALBANY FIRE DEPARTMENT

**Racial Discrimination in violation of New York Human Rights Law NY Executive Law
Section 296 & Title VII**

65. The allegation in paragraphs "54" through "63" are incorporated herein as if set forth in full.
66. Discrimination based on race is prohibited by Title VII and the NYSHRL.
67. Under both state and federal law Courts apply the McDonnell Douglas framework established by the Supreme Court, "a plaintiff must first establish a prima facie case of discrimination by showing: (1) he belonged to a protected class, (2) was qualified for the position []he held or sought, and (3) suffered an adverse employment action (4) under circumstances giving rise to an inference of discriminatory intent." *Fanelli v. New York*, 200 F. Supp. 3d 363, 370 (E.D.N.Y. 2016) (citing *Terry v. Ashcroft*, 336 F.3d 128, 137-38 (2d Cir. 2003)).
68. The Plaintiff is African American and is thus in a protected class.
69. The Plaintiff was qualified for the position of Battalion chief which is precisely why he was given the position in the first place.
70. The Plaintiff suffered an adverse condition when his battalion chief position was rescinded because this rescindment resulted in a loss off pay. see also *Vega v. Hempstead Union Free Sch. Dist.*, 801 F.3d 72, 85 (2d Cir. 2015) ("A plaintiff sustains an adverse employment action if he or she endures a materially adverse change in the terms and conditions of employment.").

71. Defendants proffered reason for rescinding the Plaintiffs Battalion Chief position is mere pretext for discrimination. The Defendant's proffered reason for rescinding the Battalion Chief Position is that it perceived that he was intoxicated on his day off. The same chiefs who rescinded the Plaintiffs position because of a perceived alcohol problem also allowed a Caucasian Fire Department applicant to fill a position even though he failed multiple drug tests.
72. Additionally, the plaintiff is only the second African American to ever be promoted to an officer position in the 151 year history of the Fire Department and is currently the only African American officer serving in the Albany Fire Department. This would provide at least circumstantial evidence of racial animus when it comes to personal decisions at the department.

AS TO ALL NY STATE CAUSES OF ACTIONS BY PLAINTIFF
AGAINST ALBANY FIRE DEPARTMENT

**Disability & Racial Discrimination in violation of the New York Human Rights Law
NY Executive Law Section 296 et. seq. As Amended October 11th 2019**

73. The allegation in paragraphs "64" through "71" are incorporated herein as if set forth in full.
74. For cases alleging discrimination under NYSHRL after October 11th of 2019 the law was amended in relevant part to read that it is unlawful for an employer... "to subject any individual to harassment because of an individual's age, race, creed, color, ..., disability, predisposing genetic characteristics, ... or because the individual has opposed any practices forbidden under this article or because the individual has filed a complaint... regardless of whether such harassment would be considered severe or pervasive under precedent applied to harassment claims."

75. The Appellate Division 2nd department has held that the amendment to the law applies to all cases filed after the laws amendment even where the acts alleged occurred before the passage of the amendment. See *Golston-green v City of New York*, 2020 NY Slip Op 2768 - NY: Appellate Div., 2nd Dept. 2020.
76. In this case the Plaintiff is an African American with a diabetes disability who also perceived as having an alcoholism disability.
77. Under the amended NYSHRL a demotion or as in this case rescindment of a permanent position is unlawful harassment. See New York Human Rights Law NY Executive Law Section 296 et. seq. (“harassment is an unlawful discriminatory practice when it subjects an individual to inferior terms, conditions or privileges of employment because of the individual's membership in one or more of the protected categories.”)
78. In this case the Plaintiff position was rescinded which is clearly an inferior term, condition or privilege of employment.
79. As of October of 2019, a Plaintiff no longer has to show the existence of an individual to whom the employee's treatment must be compared in order to prevail on a discrimination claim under NYSHRL. Thus, a Plaintiff no longer must show that someone outside his protected class was treated more favorably in order to prove discrimination. New York Human Rights Law NY Executive Law Section 296 et. seq. (“Nothing in this section shall imply that an employee must demonstrate the existence of an individual to whom the employee's treatment must be compared”). Instead now the Plaintiff merely has to show that he was subjected to inferior terms of employment like for example a demotion.

80. Once a Plaintiff has shown that he has been subjected to inferior terms of employment.

The Defendant can raise as an affirmative defense that the harassing conduct does not rise above the level of what a reasonable victim of discrimination with the same protected characteristic or characteristics would consider petty slights or trivial inconveniences.

81. In this case the Plaintiff will benefit from the Amendments requirement of an independent liberal analysis to accomplish remedial purposes, as well as the narrow construction of exceptions and exemptions (see Executive Law § 300, as amended by L 2019, ch 160, § 6).

WHEREFORE, plaintiff respectfully requests that this court enter a judgment:

1. Declaring that the acts and practices of the agency as complained of herein are in violation of Title VII of the Civil Rights Act of 1964, NYSHRL, the ADA and constitute the basis for awarding back pay with interest, compensatory damages, other lost benefits, and such other further relief as to this Court seems just and proper.
2. Award to the Plaintiff Jeremy Clawson compensatory damages in each cause of action in an amount to be proven at trial.
3. Award to the Plaintiff Jeremy Clawson exemplary damages in each cause of action in an amount to be proven at trial.
4. Award Plaintiff Jeremy Clawson the costs, disbursements and attorney's fees for the prosecution of this matter along with such other and further relief as the Court may deem just and proper.
5. Award damages under State and Federal law in such way as to maximize the Plaintiffs possible award. In the Second Circuit various courts at their discretion have awarded all

punitive damages under federal law and compensatory damages under state law. Under New York State law there is no cap on compensatory damages in sexual discrimination cases, but punitive damages are not recoverable.

DATED:

November 24, 2020

LAW OFFICE OF PATRICK SORSBY PLLC

By S/

Patrick Sorsby

Bar Roll No.: 517840

Attorney for Plaintiff

1568 Central Avenue

Albany, NY 12205

Phone: (518) 545-4529

E-mail: sorsbylaw@gmail.com



U.S. Department of Justice
Civil Rights Division
NOTICE OF RIGHT TO SUE WITHIN 90 DAYS

VIA EMAIL

950 Pennsylvania Avenue, N.W.
Karen Ferguson, EMP, PHB, Room 4701
Washington, DC 20530

August 27, 2020

Mr. Jeremy Clawson
c/o Patrick Sorsby, Esquire
Law Office of Patrick Sorsby
1568 Central Ave.
Albany, NY 12205

Re: EEOC Charge Against City of Albany, Dept. of Fire & Emergency Services, et al.
No. 525202000302

Dear Mr. Clawson:

Because you filed the above charge with the Equal Employment Opportunity Commission, and more than 180 days have elapsed since the date the Commission assumed jurisdiction over the charge, and no suit based thereon has been filed by this Department, and because you through your attorney have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action against the above-named respondent under: Title I of the Americans with Disabilities Act of 1990, 42 U.S.C. 12111, et seq., and, Title V, Section 503 of the Act, 42 U.S.C. 12203.

If you choose to commence a civil action, such suit must be filed in the appropriate Court within 90 days of your receipt of this Notice.

The investigative file pertaining to your case is located in the EEOC Buffalo Local Office, Buffalo, NY.

This Notice should not be taken to mean that the Department of Justice has made a judgment as to whether or not your case is meritorious.

Sincerely,

Eric S. Dreiband
Assistant Attorney General
Civil Rights Division

by /s/ Karen L. Ferguson
Karen L. Ferguson
Supervisory Civil Rights Analyst
Employment Litigation Section

cc: Buffalo Local Office, EEOC
City of Albany, Dept. of Fire & Emergency Services, et al.

CIVIL COVER SHEET

JS 44 (Rev. 12/12)

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

JEREMY CLAWSON

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

(c) Attorneys (Firm Name, Address, and Telephone Number)
Law Office of Patrick Sorsby PLLC, 1568 Central Avenue, Albany NY,
518-545-4529

DEFENDANTS

ALBANY FIRE DEPARTMENT

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

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

Attorneys (If Known)

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)

	PTF	DEF		PTF	DEF
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	PERSONAL INJURY <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	PERSONAL INJURY <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 PERSONAL PROPERTY <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 LABOR <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 IMMIGRATION <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 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <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)) FEDERAL TAX SUITS <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"/> 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

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 VII of the Civil Rights Act of 1964, as amended, codified at 42 U.S.C. § 2000e et seq.,
 Brief description of cause:
 Discrimination based on gender including hostile work environment and aiding an abetting.

VII. REQUESTED IN COMPLAINT:

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

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE _____ DOCKET NUMBER _____

DATE 11/24/2020 SIGNATURE OF ATTORNEY OF RECORD S/ Patrick Sorsby

FOR OFFICE USE ONLY

RECEIPT # ANYNDC-5328230 AMOUNT \$400.00 APPLYING IFP JUDGE MAD MAG. JUDGE CFH

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading 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. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- Date and Attorney Signature.** Date and sign the civil cover sheet.