

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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PATRICE A. NOLAN,

Civil Action No: 24-CV-6035

Plaintiff,

**JURY TRIAL DEMANDED**

-Against-

LOUIS DEJOY, POSTMASTER GENERAL, and  
EMMANUEL UFOT, in his individual capacity,

Defendants.

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**COMPLAINT**

Plaintiff, Patrice A. Nolan (“Plaintiff” or “Nolan”), by Nolan's attorneys the Gender Equality Law Center, brings this Complaint against Defendants, United States Postal Service (“USPS”), and Emmanuel Ufot (“Acting Supervisor Ufot” or “Ufot”), to remedy violations of Title VII of the 1964 Civil Rights Act, 42 U.S.C. § 2000e *et seq.* (“Title VII”) and the New York City Human Rights Law, N.Y.C. Admin. Code § 8-107 *et seq.* (“NYCHRL”) for discrimination and harassment based on gender identity. Plaintiff also brings claims to remedy violations of the Victims of Gender-Motivated Violence Protection Law, N.Y.C. Admin. Code § 10-1101 (“GMVA”), which provides for civil remedies for actions which would be deemed crimes of violence motivated by gender, and for New York common-law claims of battery and assault.

## INTRODUCTION

1. Nolan is a 36-year-old individual who identifies as a transgender man. Nolan does not use third-person pronouns such as “he,” “she,” or “they.” As such, Plaintiff seeks to be addressed as “Nolan” in the third person.<sup>1</sup>
2. Nolan worked as a Letter Carrier for the USPS from about April 19, 2019 to present. Throughout Plaintiff’s employment, Nolan worked out of the local post office located at 1836 Mott Avenue, Far Rockaway, NY 11691-9998 (“Far Rockaway Post Office”).
3. Between November 2019 and August 30, 2023, when Nolan was forced to take a leave of absence, Nolan’s supervisors and coworkers harassed and humiliated Nolan on the basis of Plaintiff’s gender identity.
4. Multiple supervisors, including Marvalee Fraser (“Supervisor Fraser”) and Kenneth Mui (“Supervisor Mui”), intentionally and maliciously misgendered Nolan on a regular basis throughout Nolan’s multi-year employment with USPS, referring to Nolan as “she,” and “Miss.” Supervisor Fraser and Supervisor Mui continued this behavior despite Nolan constantly asking them to stop.
5. In fact, not only did Supervisor Fraser repeatedly and intentionally misgender Nolan, but she would do so in a mocking and humiliating fashion. For example, Supervisor Fraser would add the gendered prefix “Miss” to Nolan’s name while speaking both in person to Nolan and on the post office loudspeaker at work, so that everyone could hear her emphasize the word

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<sup>1</sup> Plaintiff does not use pronouns, such as “he,” “she,” or “they” when referring to Nolan in the third person. Plaintiff simply uses the name “Nolan.” While the omission of pronouns in referring to Plaintiff may be unfamiliar to the Court, it is used in this Complaint in order to respect Plaintiff’s identity. The use of incorrect pronouns, or “misgendering” for transgender individuals can cause significant emotional distress, and recent EEOC guidance explains that intentional misgendering in the workplace can create an objectively hostile work environment based on gender identity. *See* Equal Employment Opportunity Commission, Enforcement Guidance on Harassment in the Workplace, EEOC-CVG-2024-1 (Apr. 29, 2024), [https://www.eeoc.gov/laws/guidance/enforcement-guidance-harassment-workplace#\\_ftnref196](https://www.eeoc.gov/laws/guidance/enforcement-guidance-harassment-workplace#_ftnref196) (accessed Aug. 16, 2024).

“Miss,” despite Nolan's repeated requests for her to stop. Notably, Supervisor Fraser did not use this prefix or honorific with any other Post Office employees but referred to others simply by the gender-neutral term of calling them by their last name.

6. Supervisor Fraser, Supervisor Mui, and other USPS employees would also make harassing comments to Nolan implying that because Nolan's gender presentation was masculine but they perceived Nolan as female, i.e. Nolan is approximately five feet, five inches tall and slight of build, that Nolan was “pretending” to be a man. Such statements included: “You say you're a man, right? You can do it,” referring to the fact that Nolan should be able to lift heavy packages.
7. When Nolan corrected these supervisors, stating that Nolan did not use male pronouns, they would respond with something to the effect of, “well, whatever you are.” These comments were made on a weekly basis over the course of several years, continuing until Nolan was forced onto a leave of absence in August 2023 and were humiliating and belittling to Plaintiff.
8. On or about August 28, 2023, Supervisor Mui screamed at and berated Nolan on the floor of the Far Rockaway Post Office, while using profanity and repeatedly mocking Nolan, sarcastically referring to Nolan as “he” and “him,” not by mistake, but with deliberate malice. Supervisor Mui's conduct continued until Postmaster Abayomi “Jimmy” Bakare (“Postmaster Bakare”), who was in charge of the Far Rockaway Post Office, was forced to intervene and physically push Supervisor Mui away from Nolan.
9. On August 30, 2023, while on a postal route delivering packages, Nolan was physically attacked by Acting Supervisor Emmanuel Ufot.

10. While Nolan was delivering mail on Plaintiff's regular mail route that day, Acting Supervisor Ufot and Supervisor Fraser drove out to meet Plaintiff in order to confront Nolan about a discrepancy in delivering a package.
11. During this confrontation, Acting Supervisor Ufot flew into a rage, screaming, "I'm gonna f\*ck you up! You wanna be a man so bad, I'm gonna f\*ck you up like one!" While screaming these insults directly to Nolan, Ufot grabbed Nolan's shirt collar and began violently shoving Plaintiff back and forth, punching Nolan in the neck and throat.
12. Even when two passersby approached the scene and begged Acting Supervisor Ufot to leave Nolan alone, he did not stop hitting or yelling at Nolan. Instead, Acting Supervisor Ufot yelled at them to "mind [their] own f\*cking business."
13. At no time during this assault did Nolan fight back, hit or strike Acting Supervisor Ufot. Rather, at all times during the attack, Nolan was defending against the blows until Plaintiff was able to pull away, flee, and call the police.
14. Supervisor Fraser (the supervisor of both Ufot and Nolan) stood by at close range and witnessed the entire assault. She took no action to prevent Acting Supervisor Ufot from becoming violent, or to stop him from attacking Nolan.
15. As a result of the assault, Nolan suffered physical pain, discomfort, and trauma, and was forced to go to a hospital emergency room. Nolan's immediate physical injuries were treated. To this day, however Nolan still suffers with physical pain and limitations resulting from this attack. Moreover, Nolan still experiences significant emotional distress based on being beaten while gender-based slurs were being made by Acting Supervisor Ufot. This emotional distress includes, but is not limited to, severe anxiety and depression and related symptoms which have forced Nolan to seek treatment with a psychotherapist.

16. Since August 30, 2023, Plaintiff has been unable to work and has been on leave without pay. As of October 18, 2023, Plaintiff is currently receiving Workers' Compensation benefits as a result of Nolan's physical injuries and severe emotional distress, based on a diagnosis of Acute Stress Disorder ("ASD").

### **JURISDICTION AND VENUE**

17. This Court has jurisdiction over Plaintiff's claims under Title VII pursuant to 28 U.S.C. § 1331 and supplemental jurisdiction over Plaintiff's NYCHRL, GMVA, Assault, and Battery claims pursuant to 28 U.S.C. § 1367.

18. Plaintiff has exhausted all administrative prerequisites by filing a complaint for investigation with the USPS's internal Equal Employment Opportunity ("EEO") Office. By Notice dated July 10, 2024, the USPS EEO Office issued a "Final Agency Decision" giving Plaintiff ninety days from receipt of the Notice to file this action. That Notice was received on July 15, 2024.

19. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b).

### **PARTIES**

20. Nolan is a 36-year-old individual who identifies as a transgender man. Plaintiff does not use third person pronouns and seeks to be addressed only as "Nolan." Nolan resides in Nassau County, New York.

21. Nolan has been employed as a Letter Carrier by the USPS working out of the Far Rockaway Office from April 19, 2019 to present.

22. The USPS is an independent agency of the executive branch of the United States government expressly authorized to provide postal services.

23. The USPS is an employer within the meaning of Title VII.

24. During the relevant period related to this action, Acting Supervisor Ufot was employed as an Acting Customer Service Supervisor by the USPS, working out of the Far Rockaway Post Office. Upon information and belief, at all times relevant to this action, Ufot had supervisory authority over Nolan's work duties and responsibilities.

## **STATEMENT OF FACTS**

### **Plaintiff's Employment With USPS**

25. Nolan was hired by the USPS in 2019. Plaintiff was assigned to work out of the Far Rockaway Post Office, where Nolan began working on April 19, 2019. From the very beginning of Plaintiff's employment, Nolan informed supervisors and coworkers that Nolan identifies as LGBTQ+, and does not use any third-person pronouns. Plaintiff informed other USPS employees that they should refer to Plaintiff simply as "Nolan."

26. Nolan's initial job title after being hired was "City Carrier Assistant" ("CCA"). In or about January 2022, Nolan was promoted to the position of "Carrier." The job duties in these two positions are virtually the same, but the CCA position is the entry-level job title. After two years of employment in the CCA title, Nolan was eligible to be promoted to the Carrier position. The Collective Bargaining Agreement ("CBA") between the American Postal Workers Union ("the Union") and USPS provides for more benefits and seniority rights for Carriers as opposed to CCAs.

### **Nolan Experienced Ongoing Discrimination and Harassment from Both Supervisors and Coworkers on the Basis of Nolan's Gender Identity**

27. In or about November of 2019, approximately six to seven months after Nolan began working at the Far Rockaway Post Office, Supervisor Fraser was assigned to and began working at that location. Following that assignment, Nolan's supervisors and coworkers

under Supervisor Fraser's watch have been consistently harassing Nolan on the basis of Nolan's gender identity in a variety of ways.

28. Specifically, superiors and coworkers viewed Nolan as "female," based on some gender-related stereotypes about the way that Nolan outwardly appeared. Notwithstanding Nolan's repeated requests not to be gender stereotyped as female, Nolan's coworkers and supervisors refused to refrain from referring to Plaintiff as "she." Nolan does not identify as female.
29. The misgendering of Nolan was hardly accidental or inadvertent. First, it went on for over three years despite Nolan pleading with fellow workers not to use gendered language or to stereotype Plaintiff.
30. In addition, individuals such as Supervisor Fraser chose to emphasize female pronouns when addressing Nolan, including referring to Plaintiff with the feminine prefix or honorific "Miss." By contrast, Supervisor Fraser referred to other workers at the Far Rockaway Post Office using only their last names, which is exactly what Nolan was requesting when being addressed or spoken to by Supervisor Fraser.
31. To insult and humiliate Nolan further, Supervisor Fraser would refer to Nolan as "Miss Nolan" on the post office loudspeaker at work so that everyone could hear her, emphasizing the word "Miss." The loudspeaker can be heard from the entire Far Rockaway Post Office, including the outside areas, and is typically only used if a supervisor cannot locate an employee or they are outside.
32. No matter how many times Nolan asked Supervisor Frasier not to use the term "Miss Nolan," she would continue to do so both over the loudspeaker and face to face. On one occasion, she did this five minutes after Nolan asked her not to.

33. By contrast to Supervisor Frasier who always addressed Nolan as “she,” and “Miss,” Supervisor Mui always referred to Nolan as “him.” Supervisor Mui addressed Nolan this way with deliberate malice and sarcasm, in order to mock to Nolan’s gender identity. For example, Supervisor Mui would use a sarcastic tone while referring to Nolan as “he,” implying that he did not really believe that Nolan fit into male stereotypes.
34. Plaintiff’s gender presentation and identity, including the way Plaintiff dresses, is masculine. However, Nolan is of slight build and smaller stature leading many supervisors and coworkers to view Nolan as “female.” These individuals often made comments suggesting that they were uncomfortable with the fact that Nolan did not fit into male stereotypes, as if they felt that Nolan was “pretending” to be a man.
35. For example, Supervisors Fraser and Mui would make comments to Nolan such as: “You say you’re a man, right? You can do it,” referring to the fact that they thought Nolan should be able to lift heavy packages. Typically, at the Far Rockaway Post Office, female postal workers would be given lighter weight packages than their male counterparts. While Nolan identifies as a transgender man, Nolan could not lift these heavy packages.
36. Supervisor Mui continued to sarcastically address Nolan as “he” on a regular basis even though Nolan asked him not to refer to Nolan this way.
37. When Nolan would correct Supervisor Mui after he mocked Nolan, he would often say, “well, whatever you are.” Plaintiff found this statement to be extremely demeaning and offensive as Nolan was being referred to as an object, as opposed to a person.
38. These types of harassing comments made by Supervisors Fraser and Mui about Nolan’s gender identity were made to Nolan regularly, usually every few days, for a period of years continuing through to Nolan’s final day of active job duty on August 30, 2023.



**Plaintiff Complained to Management About the Gender-Based Harassment But It Did Not Stop**

39. Nolan complained to Supervisors Fraser and Mui on multiple occasions about the gender-based harassment at the Far Rockaway Post Office, but no corrective action was taken, and the harassment did not stop.
40. In addition to repeatedly imploring Supervisors Fraser and Mui to not to use pronouns when addressing Plaintiff, Nolan finally reported the gender-based harassment to Postmaster Bakare in October of 2020. At that time, Bakare was the Postmaster of the Far Rockaway Post Office.
41. Nolan asked Postmaster Bakare to speak with Supervisor Fraser about the fact that she continued to misgender Nolan and refer to Plaintiff as “Miss” in front of other coworkers. Nolan specifically told Postmaster Bakare that Supervisor Fraser was intentionally harassing Nolan on the basis of Nolan’s gender identity. Upon information and belief, Postmaster Bakare never spoke with Supervisor Fraser about this conduct.
42. Supervisor Fraser did not stop harassing Nolan or referring to Nolan as “Miss.” In fact, this conduct continued on a regular basis for the next several years.

**Supervisor Mui Verbally Attacked Nolan on August 28, 2023**

43. On or about August 28, 2023, while at the Far Rockaway Post Office, Nolan asked Supervisor Mui about receiving credit for certain packages assigned to Nolan that were not delivered the day before. Receiving credit for a package means a carrier will be authorized to spend extra time, often overtime, delivering the package. In turn, extra time spent making postal deliveries can frequently translate into overtime pay.
44. Without any explanation, Supervisor Mui responded explosively to Nolan, screaming, “Who the f\*ck is ‘he’ to ask me anything? Who does ‘he’ think he is to talk to me like that?”

45. Nolan was shocked at Supervisor Mui's unprovoked verbal attack, when Plaintiff had been merely asking a work-related question.
46. In addition, Nolan had repeatedly made clear to Supervisor Mui for years before August 28, 2023 that Nolan does not use he/him pronouns. This incident evidenced clear motives on the part of Supervisor Mui to humiliate Nolan on the basis of Plaintiff's gender identity. Supervisor Mui sarcastically utilized the third person pronoun in speaking directly to Nolan and emphasized "he," in a mocking and belittling manner in an effort to call attention to the fact that he did not feel that Nolan fit into male stereotypes.
47. As Supervisor Mui continued to scream at and berate Nolan on the floor of the Far Rockaway Post Office, he walked over to Nolan and began to threateningly wave his finger close to Nolan's face.
48. Finally, Postmaster Bakare intervened. In order to stop Supervisor Mui from continuing to berate Nolan and/or to physically assault Plaintiff, Postmaster Bakare had to physically push Supervisor Mui away from Nolan and out a set of double doors that led to the front dock area where all the mail trucks were parked. While doing this, Supervisor Mui kept screaming and yelled: "He has no right to talk to me!"
49. Despite witnessing and even intervening in Supervisor Mui's threatening conduct toward Nolan, upon information and belief, Postmaster Bakare did not take any steps to discipline or even warn Supervisor Mui about his inappropriate and threatening conduct.

**Nolan Was Physically Assaulted by Acting Supervisor Emmanuel Ufot on August 30, 2023**

50. On August 30, 2023, only two days after Supervisor Mui had verbally attacked and physically threatened Plaintiff, Nolan was assaulted by another USPS employee.

51. On that date, Nolan was out on a postal route delivering packages when Supervisor Fraser and Acting Supervisor Ufot pulled up behind Nolan's delivery truck in a separate vehicle, a car. At this time, Acting Supervisor Ufot was a supervisor in training.
52. Supervisor Fraser and Acting Supervisor Ufot told Nolan that they had driven out to meet Plaintiff while Nolan was making deliveries to bring out a package that Nolan had ostensibly left at the Far Rockaway Post Office.
53. Upon information and belief, it is not normal practice for one, let alone two supervisors to drive out to meet a carrier on their route to bring a package remaining at the Far Rockaway Post Office.
54. Indeed, the package that Nolan had left at the Far Rockaway Post Office was supposed to be delivered by a different person, who handled the heavier packages to be delivered out of that location. Upon information and belief, the package was over fifty pounds in weight.
55. Acting Supervisor Ufot, who was driving the car, parked the vehicle within feet of Nolan's delivery truck. He then got out of his vehicle, brought the package in question over to Nolan, and aggressively dropped the very heavy package within feet of Nolan. Again, it was highly unusual to drag a heavy box out to a mail carrier while on route and then aggressively drop it in front of the carrier.
56. As Ufot dropped the package, he said something to the effect of: "This is your package. You should be ashamed of yourself! What kind of carrier are you? You're leaving packages behind!"
57. Nolan did not understand why Acting Supervisor Ufot was asking Nolan this question, as heavier packages had commonly been delivered by someone else on Nolan's route. Plaintiff

was therefore bewildered by both the accusation that a package had been deliberately left behind and the intensity of the aggression behind Acting Supervisor Ufot's accusation.

58. At the same time as Ufot was confronting Plaintiff, Fraser got out of the car she had driven in with Ufot to the location where Nolan was delivering mail and walked over to Nolan's truck. The truck was locked, according to USPS protocol. Fraser then demanded Nolan open the mail truck that Plaintiff was driving to see how much mail Nolan still had to deliver.

Supervisor Fraser began castigating Nolan for not doing enough work.

59. Nolan told Fraser that Nolan felt harassed daily, and that Plaintiff believed they were holding Nolan to different standards of performance from other postal employees.

60. Acting Supervisor Ufot began getting noticeably angry and began berating Nolan for failing to perform Nolan's job duties.

61. In response, Nolan told Ufot that he had no right to criticize Plaintiff when Nolan had seen Acting Supervisor Ufot throw out magazines that should have been delivered on his route. Upon information and belief, throwing away any type of mail to be delivered through the United States Post Office system is at a minimum a serious workplace violation.

62. Immediately after Nolan made the statement about Acting Supervisor Ufot throwing away customer magazines, Ufot flew into a rage. He began screaming and threatening Nolan, yelling: "I'm gonna f\*ck you up! You wanna be a man so bad, I'm gonna f\*ck you up like one!"

63. At this point, Nolan became extremely afraid of what Ufot might do next and turned to Supervisor Fraser for help, who was at this time standing right next to Nolan's truck and within feet of where Acting Supervisor Ufot and Nolan were standing. Although it was clear

that this was a dangerous and escalating situation between two USPS employees, with Ufot clearly acting as the aggressor, Supervisor Fraser did nothing to intervene.

64. Nolan then began walking away to avoid any further confrontation, while telling Supervisor Fraser: “I am leaving for my own safety.”

65. Instead of deescalating the situation, Acting Supervisor Ufot moved closer to Nolan and grabbed the collar of Nolan’s shirt. He then started violently shoving Nolan back and forth, punching Nolan in the neck and throat.

66. Nolan tried to defend against the blows but was physically smaller and less powerful than Ufot. Plaintiff is approximately five feet, five inches and weighed at the time of the assault approximately 140 pounds. Upon information and relief, Acting Supervisor Ufot is taller and weighs significantly more than Nolan.

67. At some point while Acting Supervisor Ufot was punching Nolan, two passersby approached and attempted to intervene. They shouted out to Acting Supervisor Ufot to leave Nolan alone.

68. Upon information and belief, these passersby were Jah-mon Cox (“Cox”) and Carmen Santiago (“Santiago”), who later submitted signed statements attesting to witnessing Acting Supervisor Ufot yelling at Nolan, making reference to Nolan’s gender identity while hitting Nolan. Specifically, they overheard Ufot yelling at Plaintiff: “You wanna be a man so bad, I’m gonna f\*ck you up like one!”

69. Even after passersby Cox and Santiago implored Ufot to stop hitting Nolan, he did not stop. Instead, he yelled at the passersby to “mind [their] own f\*cking business.”

70. Although Acting Supervisor Ufot later claimed that Nolan is friends with Cox and Santiago, Nolan did not know either of them before this incident.

71. Despite witnessing this entire assault, including Ufot shoving and punching Nolan while making undisputedly gender-based insults, Supervisor Fraser, who was both individuals' supervisor, did nothing to stop the attack. In fact, during this entire ordeal, she stood by and did nothing, although she was just feet away.

72. Finally, after being berated and beaten by Acting Supervisor Ufot for some period of time, Nolan managed to pull away and ran to the front of Nolan's truck where Nolan asked the witnesses to stay while Plaintiff called 911. Both passersby obliged.

73. Hearing that Nolan was calling the police, Supervisor Fraser and Acting Supervisor Ufot both hastily got into the car they had arrived in and left the scene.

#### **Events After Defendant Ufot Assaulted Nolan**

74. A few minutes after the police arrived, an ambulance came and took Nolan to the hospital in order to treat Nolan's injuries. Nolan has not been back to work since the assault by Acting Supervisor Ufot.

75. While Nolan was in the hospital, a police officer took Nolan's statement and told Nolan that Supervisor Fraser gave a verbal statement to the police. Nolan later learned that Supervisor Fraser stated untruthfully that she was not present for this incident.

76. Nolan was later informed that after a homeowner's video placed Supervisor Fraser at the scene of the attack, Supervisor Fraser gave a revised statement admitting that she was at the address where Acting Supervisor Ufot had beaten Nolan. However, mysteriously, she could not remember what happened, even though she witnessed the entire assault.

77. Acting Supervisor Ufot was subsequently arrested for assaulting Nolan. Following this arrest, an order of protection was issued on behalf of Nolan by the Queens County Criminal Court of the City of New York.

78. Upon information and belief, Acting Supervisor Ufot was placed on an unpaid leave from the Post Office, following the assault. However, Nolan later learned that Postmaster Bakare had “unofficially” paid Defendant Ufot for over six months after the assault, even though Defendant Ufot was supposed to be on an unpaid leave of absence.

### **Effects of Discrimination on Plaintiff**

79. Following the assault, Nolan suffered physical pain and injuries as well as significant emotional distress, including severe anxiety, depression, and difficulty sleeping.

80. Since August 30, 2023, Nolan has been out of work on leave without pay, which has resulted in loss of pay and job-related benefits. Nolan has been unable to work and has not been able to seek other employment due to the physical injuries and psychological trauma from the assault.

81. Since being placed on leave without pay following Nolan’s assault on August 30, 2023, Nolan has been under the treatment of a psychiatrist who has diagnosed Nolan with Acute Stress Disorder (“ASD”), Anxiety and Depression.

82. Beginning on December 9, 2023, Nolan began taking anti-anxiety and depression medication to treat the ASD symptoms. Nolan continues to take these medications to date.

83. Nolan is also in psychotherapy with a psychologist for treatment of symptoms related to Nolan’s ASD diagnosis.

84. Following the attack, Nolan filed a claim for Workers’ Compensation benefits. In or about December 11, 2023, the United States Department of Labor Workers’ Compensation Board (“US DOL Workers Comp. Bd.”) issued a decision finding that Nolan’s Acute Stress Reaction and muscle strains constituted a work-related injury. Specifically, the US DOL Workers’ Comp. Bd found that Nolan’s Acute Stress Reaction and Muscle Strains of the

Neck, Lower Back and Rotator Cuff of the Right Shoulder were significant enough to warrant compensation.

85. The US DOL Workers' Comp Bd. has also awarded Nolan wage replacement income and monthly compensation for medical expenses so that Nolan can receive psychological and psychiatric treatment.

86. Nolan continues to be under medical treatment related to Nolan's assault and to Nolan's mental health treatment for ASD. Nolan has continued to experience flashbacks, insomnia, stress and anxiety since the assault.

**FIRST CAUSE OF ACTION AGAINST DEFENDANT USPS  
(Gender-Based Discrimination in Violation of Title VII)**

87. Plaintiff repeats and re-alleges the preceding paragraphs as if fully set forth herein.

88. By the acts and practices described above, Defendant USPS unlawfully discriminated against Plaintiff in the terms and conditions of Nolan's employment, including creating and permitting to exist an abusive and hostile work environment on the basis of Nolan's gender identity which continued through Nolan's last day of active work with Defendants.

89. Defendant's discriminatory acts caused Plaintiff to be forced onto a leave of absence, resulting in the loss of income and job-related benefits. These losses continue until today.

90. Defendant's discriminatory acts caused Plaintiff to suffer physical injuries and severe emotional distress, including but not limited to severe anxiety, depression, and difficulty sleeping.

91. Defendant acted with malice and reckless indifference to Plaintiff's rights under Title VII.

92. Defendant is liable to Plaintiff for lost income and work-related benefits, emotional distress and other compensatory damages, punitive damages, prejudgment interest, post-judgment interest, attorneys' fees, and costs.



**SECOND CAUSE OF ACTION AGAINST DEFENDANT UFOT  
(Gender Identity Discrimination in Violation of the NYCHRL)**

93. Plaintiff repeats and re-alleges the preceding paragraphs as if fully set forth herein.
94. By the acts and practices described above, Defendant Ufot unlawfully discriminated against Plaintiff in the terms and conditions of Plaintiff's employment, including creating and permitting to exist an abusive and hostile work environment on the basis of Plaintiff's gender identity.
95. Defendant's discriminatory acts caused Plaintiff to ultimately be placed on leave without pay following the assault, leading to the loss of wages and job-related benefits.
96. Defendant's discriminatory acts caused Plaintiff physical injuries and to suffer severe emotional distress, including but not limited to severe anxiety, depression, and difficulty sleeping.
97. Defendant acted with willful or wanton negligence, or recklessness, or a conscious disregard of Plaintiff's rights under the NYCHRL or conduct so reckless as to amount to such disregard.
98. Defendant is liable to Plaintiff for emotional distress and other compensatory damages, punitive damages, prejudgment interest, post-judgment interest, attorneys' fees, and costs.

**THIRD CAUSE OF ACTION AGAINST DEFENDANT UFOT  
(Crime of Violence Motivated by Gender in Violation of the Gender Motivated  
Violence Act, NYC Administrative Code § 10-1101)**

99. Plaintiff repeats and re-alleges the preceding paragraphs as if fully set forth herein.
100. By the acts and practices described above, Defendant Ufot unlawfully committed an act or series of acts that would constitute a misdemeanor or felony, presenting serious risk of physical injury, because of gender or on the basis of gender, and due, at least in part, to an animus based on Plaintiff's gender against Plaintiff, including having malice and/or ill will

toward the Plaintiff on the basis of Plaintiff's gender identity, which resulted in physical injury.

101. Defendant's unlawful acts caused Plaintiff to ultimately be placed on leave following the assault, leading to the loss of wages and job-related benefits.

102. Defendant's unlawful acts caused Plaintiff to suffer physical injuries, severe emotional distress, including but not limited to severe anxiety, depression, and difficulty sleeping.

103. Defendant acted with malice and/or ill will amounting to an animus based on the Plaintiff's gender under the Gender Motivated Violence Act.

104. Defendant is liable to Plaintiff for emotional distress and other compensatory damages, punitive damages, prejudgment interest, post-judgment interest, attorneys' fees, and costs.

**FOURTH CAUSE OF ACTION AGAINST DEFENDANT UFOT  
(Battery in Violation of New York Common-Law)**

105. Plaintiff repeats and re-alleges the preceding paragraphs as if fully set forth herein.

106. By the acts and practices described above, Defendant Ufot unlawfully made intentional wrongful physical contact with Plaintiff without consent.

107. Plaintiff was aware of such bodily contact and did not consent to this offensive bodily contact.

108. Defendant intended to make the offensive bodily contact without Plaintiff's consent. The bodily contact was extreme and outrageous, which exceeded all bounds usually tolerated by a decent society.

109. Defendant's offensive contact caused Plaintiff to ultimately be placed on leave without pay following the assault, leading to the loss of wages and job-related benefits.

110. Defendant's offensive contact caused Plaintiff to suffer physical injuries and severe emotional distress, including but not limited to severe anxiety, depression, and difficulty sleeping.

111. Defendant acted with the intent to make bodily contact that is offensive in nature to the Plaintiff.

112. Defendant acted with malice and reckless indifference to Plaintiff's rights under the New York common law.

113. Defendant is liable to Plaintiff for emotional distress and other compensatory damages, punitive damages, prejudgment interest, and post-judgment interest.

**FIFTH CAUSE OF ACTION AGAINST DEFENDANT UFOT**  
**(Assault in Violation of New York Common-Law)**

114. Plaintiff repeats and re-alleges the preceding paragraphs as if fully set forth herein.

115. By the acts and practices described above, Defendant Ufot intentionally placed Plaintiff in fear of imminent harmful or offensive contact.

116. Plaintiff was aware of such imminent harmful or offensive contact and did not consent to said imminent bodily contact.

117. The imminent offensive bodily contact was extreme and outrageous, which exceeded all bounds usually tolerated by a decent society.

118. Defendant's assault caused Plaintiff to ultimately be placed on leave without pay following the assault, leading to the loss of wages and job-related benefits.

119. Defendant's assault caused Plaintiff to suffer physical injuries and severe emotional distress, including but not limited to severe anxiety, depression, and difficulty sleeping.

120. Defendant acted with malice and reckless indifference to Plaintiff's rights under the New York common law.

121. Defendant is liable to Plaintiff for emotional distress and other compensatory damages, punitive damages, prejudgment interest, and post-judgment interest.

WHEREFORE, Plaintiff respectfully requests that this Court enter Judgment:

- (a) Declaring that by the acts and practices complained of herein, Defendant USPS violated Title VII;
- (b) Declaring that by the acts and practices complained of herein, Defendant Ufot violated the NYCHRL, the GMVA, and committed the torts of battery and assault;
- (c) Issuing an Order and Injunction directing USPS to remedy its policies and practices to comply with Title VII;
- (d) Directing Defendants to take such affirmative action as is necessary to ensure that the effects of these violations are eliminated and do not continue to affect Plaintiff's or future employees' employment opportunities;
- (e) Awarding Plaintiff compensatory damages for lost wages and benefits, mental anguish, emotional distress, and humiliation as relates to Defendants' discriminatory conduct in violation of Title VII and the NYCHRL and Defendants' unlawful conduct in violation of the GMVA and the New York common law;
- (f) Awarding Plaintiff punitive damages as relates to Defendants' malicious and willful or wanton negligence, or recklessness, or conscious disregard of Plaintiff's legal rights under Title VII, the NYCHRL, and the GMVA;
- (g) Awarding Plaintiff pre- and post-judgment interest;
- (h) Awarding Plaintiff costs and reasonable attorneys' fees; and
- (i) Granting Plaintiff such other and further relief as this Court deems necessary and proper.

Dated: Brooklyn, New York  
August 28, 2024.

*Vico Fortier*

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