

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

-----X **Case No.**

RANDA JAAFAR, M.D.,

PLAINTIFF,

COMPLAINT

- against -

NEW YORK SPINE & SPORT REHABILITATION
MEDICINE, P.C.,

**PLAINTIFF DEMANDS
A TRIAL BY JURY**

DEFENDANT.

-----X

Randa Jaafar, M.D. (“Plaintiff”), by and through her attorneys, PHILLIPS & ASSOCIATES, PLLC, against New York Spine & Sport Rehabilitation Medicine, P.C., (“Defendant”), alleges upon knowledge as to herself and her own actions and upon information and belief as to all other matters as follows:

NATURE OF THE CASE

1. Plaintiff complains pursuant to the discrimination and retaliation provisions of (i) **Title VII of the Civil Rights Act of 1964**, as amended, 42 U.S.C. § 2000e, *et. seq.* (“Title VII”); (ii) the **New York State Human Rights Law**, New York State Executive Law, § 296 *et seq.* (“NYSHRL”); (iii) the **New York City Human Rights Law**, New York City Administrative Code § 8-107(1), *et seq.* (“NYCHRL”), and any other claim(s) that can be inferred from the facts set forth herein and seeks damages to redress the injuries Plaintiff suffered as a result of being discriminated against and retaliated against by Defendant on the **basis of Plaintiff’s sex (female) by way of gender discrimination and sexual harassment.**

JURISDICTION AND VENUE

2. Jurisdiction of this Court is proper under 42 U.S.C. §12101, *et seq.*, and 28 U.S.C. §§ 1331

and 1343.

3. The Court has supplemental jurisdiction over Plaintiff's state and county claims pursuant to 28 U.S.C. § 1367.
4. Venue is proper in this district in that the events or omissions giving rise to the claims occurred within the Southern District of New York. 28 U.S.C. § 1391(b).

PROCEDURAL PREREQUISITES

5. Plaintiff timely filed a complaint, upon which this Complaint is based, with the United States Equal Employment Opportunity Commission ("EEOC").
6. Plaintiff received a Notice of Right to Sue from the EEOC dated June 4, 2024, 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. 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, in accordance with the New York City Administrative Code §8-502(c).

PARTIES

9. At all times material, Plaintiff was and is a female and a resident of the State of New York.
10. At all times material, Plaintiff was and is a "person" and an "employee" of Defendant and entitled to protection as defined by TITLE VII, NYSHRL, and NYCHRL.
11. At all times material, New York Spine & Sport Rehabilitation Medicine, P.C, ("Defendant") was and is a domestic corporation with headquarters located at 2008 Eastchester Road, Bronx, NY 10461.
12. At all times material, Plaintiff was employed by Defendant.
13. At all times material, Defendant employed over 15 employees.

14. At all times material, Defendant was an “employer” under TITLE VII, NYSHRL, and NYCHRL.

MATERIAL FACTS

15. On or about March 15, 2016, Plaintiff began working for Defendant as a full time Anesthesiologist and Pain Management Doctor, earning approximately \$240,000.00 annually.

16. Upon accepting the position with Defendant, Plaintiff and Defendant signed an employment agreement containing certain restrictive covenants. Specifically, the agreement restricted Plaintiff from practicing Pain Management medicine within two miles of Defendant’s location during Plaintiff’s employment and for the three years following Plaintiff’s departure. Notably, Defendant and Plaintiff agreed and initialed striking any restrictions on Plaintiff practicing Anesthesiology. As such, Plaintiff had no restrictions upon practicing Anesthesiology during or after Plaintiff’s time with Defendant.

17. At all times material, Plaintiff was qualified for her position.

18. At all times material, Plaintiff worked under the supervision of Manager Lora Lapietra (“Ms. Lapietra”) and Angela Demelo (“Ms. Demelo”).

19. At all times material, Plaintiff was an exemplary employee with no write-ups or disciplinary actions throughout her employment.

20. Throughout Plaintiff’s employment with Defendant, Plaintiff provided her clients with great care and created a steady stream of revenue for Defendant.

21. Nevertheless, throughout Plaintiff’s employment with Defendant, Plaintiff was subjected to constant harassment and discrimination based on Plaintiff’s sex/gender as a female.

22. Indeed, on multiple occasions President, and Founder, Sireen Gopal, M.D., (“Dr. Gopal”) made offensive and discriminatory comments to Plaintiff regarding Plaintiff’s abilities to

practice medicine as a woman. For example, Dr. Gopal would make offensive statements such as telling Plaintiff she did not have “what it takes” because Plaintiff is a woman.

23. On or about April 21, 2017, Plaintiff emailed Dr. Gopal and two office managers regarding general concerns in the office, concerns regarding untrained staff, concerns regarding supply shortages, and the need for more help. Additionally, Plaintiff mentioned having six outstanding invoices owed to Plaintiff which Defendant had not paid.
24. That following day, Dr. Gopal sent Plaintiff an email stating “to start with, please do not and in future start voicing your complaints about salary and amounts paid to you in a common email with other staff members or managers...to air your frustrations on a common email is disrespectful to me, I don’t deserve that.” Dr. Gopal went on to discuss his practice and his views on salaries as compared to other types of pain management offices.
25. In the months that followed, Dr. Gopal continued making offensive and derogatory comments to Plaintiff regarding Plaintiff’s abilities as a female doctor.
26. Around September 2017, Defendant added to Plaintiff’s salary by changing Plaintiff’s pay structure. Dr. Gopal added 50% of revenue she created and collected for the practice.
27. On or about November 7, 2017, Defendant Dr. Gopal changed Plaintiff’s salary to 40%.
28. That same day, after the substantial cut to Plaintiff’s income and salary, Dr. Gopal told Plaintiff in a condescending tone, “Look what I give you.”
29. Later that same day, Plaintiff texted Dr. Gopal to complain of the salary structure change and to object to Dr. Gopal’s comments regarding what Dr. Gopal “gives” Plaintiff.
30. Dr. Gopal replied, “this is rather disappointing, look what I gave you is not what I want to remind you off, it’s a shame that I have to. Can’t think of another word but ingrate though...you think you suddenly get all those referrals from Dr. Bo, Ortho, Kinon, Kazmi, Gulati Etc.

because you're independent??" and "...don't forget why and where you got them from..." which discriminatory referred to Plaintiff's prominent presence on social media because she is a woman.

31. On or about October 25, 2018, Dr. Gopal invited Plaintiff to a "sexy lingerie" themed Halloween party. Plaintiff felt obligated to attend given Dr. Gopal's position as President. As such, Plaintiff attended the party and was awarded "best costume." Dr. Gopal then informed Plaintiff the "award" for "best costume" was spending the night in Dr. Gopal's apartment (which was an invitation to have sex with Dr. Gopal). Plaintiff immediately rejected Dr. Gopal's sexual advance by declining the "award" and asked that someone else be "awarded" first place. Dr. Gopal was offended that Plaintiff rejected his sexual advance.
32. On various occasions Dr. Gopal would become upset and angry with Plaintiff and would make discriminatory and abusive comments to Plaintiff such as ridiculing Plaintiff for her Instagram account criticizing her for having a lot of male followers, threatening to sue Plaintiff for practicing at another nearby practice, and making disparaging comments regarding Plaintiff's abilities as a female doctor.
33. Often, Dr. Gopal would make these offensive and discriminatory comments in front of other employees in an effort to humiliate Plaintiff. As such, these other employees, including other doctors have both witnessed Dr. Gopal's harassing and abusive treatment towards Plaintiff.
34. As Dr. Gopal was the President and Founder of the medical practice, Plaintiff felt unable to complain to anyone regarding the constant harassment, discrimination, and hostile work environment. Indeed, Plaintiff had no reasonable avenue to complain or object to the ongoing harassment and discrimination, as any complaints would have to go to her harasser.
35. As such, Plaintiff's only option was to complain, to no avail, to her harasser, Dr. Gopal, by

asking Dr. Gopal to stop verbally abusing Plaintiff and that his actions and statements were inappropriate.

36. However, anytime Plaintiff objected to Dr. Gopal's harassment or issued any complaint, Dr. Gopal would immediately become more hostile and would threaten to sue Plaintiff for practicing medicine nearby, although Dr. Gopal knew and allowed Plaintiff to practice medicine elsewhere without issue.
37. Plaintiff made approximately twenty complaints to Dr. Gopal throughout her employment, asking Dr. Gopal to stop his verbal abuse, harassment, and discriminatory behavior.
38. Indeed, on several occasions Plaintiff would object to Dr. Gopal's discriminatory treatment and harassment in front of other staff. Dr. Gopal would become irate and would tell Plaintiff not to complain in front of the female managers and to only complain privately in Dr. Gopal's office.
39. Further, Dr. Gopal began taking adverse employment actions against Plaintiff in retaliation for Plaintiff's complaints.
40. For example, on or about December 21, 2020, Defendant tried to deduct from Plaintiff's pension from Plaintiff's paycheck without notice or authorization.
41. Plaintiff then requested to opt out of the pension plan which Dr Gopal continuously ignored and instead accused Plaintiff of not properly examining patients, which was false and a distraction.
42. Dr. Gopal's falsely insisted that the deduction for Plaintiff's "pension" was "fair" given that Plaintiff also worked at a different practice which was non-sensical.
43. On or about November 4, 2021, Plaintiff texted Dr. Gopal regarding a patient. Plaintiff then warned Dr. Gopal that the patient was "at risk for overdose and death, be careful do not fall for

her manipulation and try your best to take her off narcotics. I don't want to put you in this position, but I feel you are better than me at taking people off of narcotics.”

44. Dr. Gopal then replied, “ok but please do not call a patient a ‘drug addict’ even if they have those issues. Land you in serious issues including malpractice.” Notably, Plaintiff did not at any point call the patient a “drug addict” and only warned Dr. Gopal to be careful because the patient was high-risk.
45. Dr. Gopal then continued to berate Plaintiff and made discriminatory comments over text including: “your ivy league education is not impressive”; “Go do something that has actual meaning as a real doctor and then we can talk Monday”; “Right now you are an Instagram trigger point chiropractor Dr. far as I know...when you become a real doctor we can talk”; and again threatened Plaintiff with a law suit by claiming, “you should be happy I’m not litigious.”
46. After Plaintiff tried to defuse and end the text conversation by “wishing” Dr. Gopal “the best”, Dr. Gopal replied by text making a discriminatory comment: “you too...get some help maybe with a therapist...might be better...rather feeling imp on the likes of an Instagram star public account with the perverted men following.”
47. Dr. Gopal’s gender discrimination text message regarding Plaintiff’s “perverted men” Instagram followers was discriminatory and made the work environment so intolerable Plaintiff had no choice but to resign as of December 31, 2021.
48. On or about February 7, 2022, after Plaintiff resigned, Defendant mailed and emailed Plaintiff a termination letter outlining multiple false statements accusing Plaintiff of malpractice.
49. On or about February 17, 2022, Dr. Gopal emailed Plaintiff, threatening Plaintiff by claiming Plaintiff’s “transgressions” implicated Plaintiff’s medical license. Further, by stating Defendant had commenced a lawsuit against Plaintiff for breach of contract to enforce the

restrictive covenants. Dr. Gopal requested to meet with Plaintiff alone to “resolve” these fictitious and fabricated legal issues.

50. Later that same day, Plaintiff replied stating “[Plaintiff did] not feel comfortable meeting with [Dr. Gopal] alone or speaking with [Dr. Gopal] alone given [his] history of bullying behavior, verbal abuse, chauvinistic comments and actions, and your unprofessionalism in speaking regarding my education and background. I suffered harassment working for you and I refuse to allow the harassment to continue now. this pattern of abuse has continued even after I have resigned and I’m afraid it will continue unless I seek professional counsel.”
51. Plaintiff’s resignation was a constructive discharge, as Plaintiff was unable to continue enduring the hostile and abusive environment Dr. Gopal had created.
52. Dr. Gopal discriminated against Plaintiff based on her gender by, *inter alia*, stating that “Plaintiff did not have what it takes to succeed” because she is a woman; cutting her pay structure and compensation package; making sexual advances to have sex with him; and by criticizing her social media presence by stating she only has “perverted men” followers”.
53. Despite Plaintiff’s multiple objections to Dr. Gopal regarding his offensive and abusive treatment, Dr. Gopal continued to harass Plaintiff resulting in Plaintiff’s constructive discharge.
54. As a result of Defendant’s actions, Plaintiff feels extremely humiliated, degraded, victimized, embarrassed, traumatized and emotionally distressed.
55. As a result of the acts and conduct complained of herein, Plaintiff has suffered and will continue to suffer the loss of income, benefits, and other compensation which such employment entails, and Plaintiff has also suffered future pecuniary losses, emotional pain, suffering, inconvenience, loss of enjoyment of life, and other non-pecuniary losses. Plaintiff

further experienced severe emotional and physical distress.

**FIRST CAUSE OF ACTION
FOR DISCRIMINATION UNDER TITLE VII**

56. Plaintiff repeats and realleges each and every allegation in paragraphs one through sixty-one.

57. 42 U.S.C. § 2000e-2(a)(1), states in part:

It shall be an unlawful employment practice for an employer to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to their compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin.

58. As described herein, Defendant, through its employees, engaged in unlawful employment practices prohibited by Title VII, by discriminating against Plaintiff on the basis of her sex and gender (female) by creating, fostering, condoning, accepting, ratifying, and/or negligently failing to prevent or remedy a hostile work environment that included, among other things, discriminatory and disparate treatment of Plaintiff based on Plaintiff's gender (female) and by way of sexual harassment.

59. Defendant discriminated against Plaintiff on the basis of Plaintiff's sex and gender (female) as evidenced by Dr. Gopal claiming Plaintiff did not have "what it takes" to succeed because Plaintiff was a woman; by changing Plaintiff's pay structure so that Plaintiff only earned 50% of the revenue she created; then by changing the pay structure again so that Plaintiff only earned 40% of the revenue she created; by cutting Plaintiff's salary in half, and then claiming "look what I give you"; by treating Plaintiff with hostility and animosity; by chastising Plaintiff

in front of other Staff and Doctors in an effort to humiliate Plaintiff; And by consistently and repeatedly demeaning Plaintiff by saying offensive and derogatory claims such as “go do something that has actual meaning as a real doctor”, “right now you are an Instagram trigger point chiropractic as far as I know”, “your ivy league education is not impressive”, “you are ungrateful”, “you can never have a real organic practice, you don’t have the potential to” and “get some help maybe with a therapist, might be better, rather feeling imp on the likes of an Instagram star public account with perverted men following.”

60. Additionally, Defendant, through its President, Dr. Gopal, engaged in a pattern of severe and pervasive sexual harassment against Plaintiff by making offensive statements regarding Plaintiff’s Instagram account, by claiming “perverted men” follow Plaintiff and then following Plaintiff himself; and by inviting Plaintiff to a “sexy lingerie” Halloween party at which Dr. Gopal had Plaintiff win “best costume” and then advised Plaintiff the “prize for best costume” was spending the night at Dr. Gopal’s home.
61. As a result of Defendant’s unlawful discriminatory conduct in violation of the Title VII, Plaintiff has suffered, and continues to suffer, economic loss, for which she is entitled to an award of monetary damages and other relief.
62. As a result of the unlawful discriminatory conduct of the Defendants in violation of Title VII, 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 Plaintiff is entitled to an award of monetary damages and other relief.
63. The unlawful discriminatory actions of Defendants constitute malicious, willful, and wanton violations of Title VII, for which Plaintiff is entitled to the maximum allowable damages under

this statute and an award of punitive damages.

**SECOND CAUSE OF ACTION
FOR RETALIATION UNDER TITLE VII**

64. Plaintiff repeats and realleges each and every allegation in paragraphs one through sixty-nine.

65. 42 U.S.C. § 2000e-3(a) provides that it shall be unlawful employment practice for an employer:

[T]o . . . discriminate against any of his employees . . . because he has opposed any practice made an unlawful employment practice by this subchapter, or because he has made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under this subchapter.

66. As described herein, Plaintiff engaged in protected activities by repeatedly objecting to and complaining about Dr. Gopal's discriminatory treatment and sexual harassment towards Plaintiff. Specifically, Plaintiff was forced to complain directly to her harasser, Dr. Gopal, as there was no other avenue to report or escalate the harassment.

67. As described herein, after Plaintiff engaged in activities protected by Title VII, Defendant, through its President Dr. Gopal, retaliated against Plaintiff by changing Plaintiff's pay structure so that Plaintiff only earned 50% of the revenue she created, and then again by lowering Plaintiff's pay structure so that Plaintiff earned only 40% of the revenue she created; by purposefully deducting Plaintiff's pension from Plaintiff's paycheck, as punishment, without notice or consent, and claiming it was "fair" given Plaintiff's other work; by constantly and repeatedly threatening to sue Plaintiff despite Plaintiff upholding their employment agreement; and by creating a work environment so hostile and abusive that Plaintiff found no recourse but to resign, which was in effect a constructive discharge. Once Plaintiff resigned, Defendant continued harassing Plaintiff by sending letters criticizing Plaintiff's medical treatment of

patients, and by filing a lawsuit against Plaintiff falsely claiming Plaintiff had violated restrictive covenants.

68. Defendant would not have retaliated against Plaintiff but for Plaintiff's objections to the sexual harassment, gender discrimination, and a hostile work environment.
69. Such retaliatory treatment would dissuade any reasonable employee from making or supporting a similar complaint of discrimination.
70. As a result of Defendant's unlawful conduct in violation of the Title VII, Plaintiff has suffered, and continues to suffer, economic loss, for which Plaintiff is entitled to an award of monetary damages and other relief.
71. As a result of the unlawful conduct of Defendant in violation of Title VII, 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 Plaintiff is entitled to an award of monetary damages and other relief.
72. The unlawful discriminatory actions of Defendant constitutes malicious, willful, and wanton violations of Title VII, for which Plaintiff is entitled to the maximum allowable damages under this statute and an award of punitive damages.

**AS A THIRD CAUSE OF ACTION
FOR DISCRIMINATION UNDER THE NYSHRL**

73. Plaintiff repeats and realleges each and every allegation in paragraphs one through seventy-eight.
74. New York State Executive Law §296(1)(a) provides that

It shall be an unlawful discriminatory practice: 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. (Emphasis added)

75. Under New York State law, sexual harassment does not need to be “severe or pervasive” before it is unlawful. A single incident can be sufficient. Harassment is unlawful if it is anything more than what a “reasonable victim of discrimination would consider petty slights or trivial inconveniences.”
76. As described above, Defendant’s actions and harassment went far beyond “petty slights or trivial inconveniences.” As described herein, Defendant, through its President Dr. Gopal, engaged in unlawful employment practices prohibited by NYSHRL, by discriminating against Plaintiff on the basis of her sex and gender (female) by creating, fostering, condoning, accepting, ratifying, and/or negligently failing to prevent or remedy a hostile work environment that included, among other things, discriminatory and disparate treatment of Plaintiff by way of gender discrimination and sexual harassment.
77. Defendant discriminated against Plaintiff on the basis of Plaintiff’s sex and gender (female) as evidenced by Dr. Gopal claiming Plaintiff did not have “what it takes” to succeed because Plaintiff was a woman; by changing Plaintiff’s pay structure so that Plaintiff only earned 50% of the revenue she created; then by changing the pay structure again so that Plaintiff only earned 40% of the revenue she created; by cutting Plaintiff’s salary in half, and then claiming “look what I give you”; by treating Plaintiff with hostility and animosity; by chastising Plaintiff in front of other Staff and Doctors in an effort to humiliate Plaintiff; And by consistently and repeatedly demeaning Plaintiff by saying offensive and derogatory claims such as “go do something that has actual meaning as a real doctor”, “right now you are an Instagram trigger point chiropractic as far as I know”, “your ivy league education is not impressive”, “you are

ungrateful”, “you can never have a real organic practice, you don’t have the potential to” and “get some help maybe with a therapist, might be better, rather feeling imp on the likes of an Instagram star public account with perverted men following.”

78. Additionally, Defendant, through its employee Dr. Gopal, engaged in a pattern of actions and harassment that went far beyond “petty slights or trivial inconveniences.” Dr. Gopal sexually harassed Plaintiff by making offensive statements regarding Plaintiff’s Instagram account, by claiming “perverted men” follow Plaintiff and then following Plaintiff himself; and by inviting Plaintiff to a “sexy lingerie” Halloween party at which Dr. Gopal had Plaintiff win “best costume” and then advised Plaintiff the “prize for best costume” was spending the night at Dr. Gopal’s home.

79. As a result of Defendant’s unlawful discriminatory conduct in violation of the NYSHRL, Plaintiff has suffered, and continues to suffer, economic loss, for which she is entitled to an award of monetary damages and other relief.

80. As a result of the unlawful discriminatory conduct of the Defendant 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, loss of self-esteem and self-confidence, and emotional pain and suffering, for which Plaintiff is entitled to an award of monetary damages and other relief.

81. The unlawful discriminatory actions of Defendant’s constitute malicious, willful, and wanton violations of NYSHRL, for which Plaintiff is entitled to the maximum allowable damages under this statute and an award of punitive damages.

**FOURTH CAUSE OF ACTION
FOR RETALIATION UNDER THE NYSHRL**

82. Plaintiff repeats and realleges each and every allegation in paragraphs one through eighty-

seven.

83. Executive Law § 296 provides that:

“[i]t shall be an unlawful discriminatory practice for any person engaged in any activity to which this section applies to retaliate or discriminate against any person because he or she has filed a complaint, testified, or assisted in any proceeding under this article.”

84. As described herein, Plaintiff engaged in protected activities by repeatedly objecting to and complaining about Dr. Gopal’s discriminatory treatment and sexual harassment. Specifically, Plaintiff was forced to complain directly to her harasser, Dr. Gopal, as there was no other avenue to report or escalate the harassment.

85. As described herein, after Plaintiff engaged in activities protected by NYSHRL, Defendant, through its President Dr. Gopal, retaliated against Plaintiff by changing Plaintiff’s pay structure so that Plaintiff only earned 50% of the revenue she created, and then again by lowering Plaintiff’s pay structure so that Plaintiff earned only 40% of the revenue she created; by purposefully deducting Plaintiff’s pension from Plaintiff’s paycheck, as punishment, without notice or consent, and claiming it was “fair” given Plaintiff’s other work; by constantly and repeatedly threatening to sue Plaintiff despite Plaintiff upholding their employment agreement; and by creating a work environment so hostile and abusive that Plaintiff found no recourse but to resign, which was in effect a constructive discharge. Once Plaintiff resigned, Defendant continued harassing Plaintiff by sending letters criticizing Plaintiff’s medical treatment of patients, and by filing a lawsuit against Plaintiff falsely claiming Plaintiff had violated restrictive covenants.

86. Defendant would not have retaliated against Plaintiff but for Plaintiff’s objections to the sexual harassment, gender discrimination, and a hostile work environment.

87. Such retaliatory treatment would dissuade any reasonable employee from making or

supporting a similar complaint of discrimination.

88. As a result of Defendant's unlawful conduct in violation of the NYSHRL, Plaintiff has suffered, and continues to suffer, economic loss, for which Plaintiff is entitled to an award of monetary damages and other relief.
89. As a result of the unlawful conduct of the Defendants 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, loss of self-esteem and self-confidence, and emotional pain and suffering, for which Plaintiff is entitled to an award of monetary damages and other relief.
90. The unlawful discriminatory actions of Defendants constitute malicious, willful, and wanton violations of NYSHRL, for which Plaintiff is entitled to the maximum allowable damages under this statute and an award of punitive damages.

**FIFTH CAUSE OF ACTION
FOR DISCRIMINATION UNDER THE NYCHRL**

91. Plaintiff repeats and realleges each and every allegation in paragraphs one through ninety-six.
92. New York City Administrative Code §8-107(1) 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, sexual orientation 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.

93. Under New York City law, sexual harassment does not need to be "severe or pervasive" before it is unlawful. A single incident can be sufficient. Harassment is unlawful if it is anything more

than what a “reasonable victim of discrimination would consider petty slights or trivial inconveniences.”

94. As described above, Defendant’s actions and harassment went far beyond “petty slights or trivial inconveniences.” As described herein, Defendant, through its President Dr. Gopal, engaged in unlawful employment practices prohibited by NYCHRL, by discriminating against Plaintiff on the basis of her sex and gender (female) by creating, fostering, condoning, accepting, ratifying, and/or negligently failing to prevent or remedy a hostile work environment that included, among other things, discriminatory and disparate treatment of Plaintiff by way of gender discrimination and sexual harassment.
95. Defendant discriminated against Plaintiff on the basis of Plaintiff’s sex and gender (female) as evidenced by Dr. Gopal claiming Plaintiff did not have “what it takes” to succeed because Plaintiff was a woman; by changing Plaintiff’s pay structure so that Plaintiff only earned 50% of the revenue she created; then by changing the pay structure again so that Plaintiff only earned 40% of the revenue she created; by cutting Plaintiff’s salary in half, and then claiming “look what I give you”; by treating Plaintiff with hostility and animosity; by chastising Plaintiff in front of other Staff and Doctors in an effort to humiliate Plaintiff; And by consistently and repeatedly demeaning Plaintiff by saying offensive and derogatory claims such as “go do something that has actual meaning as a real doctor”, “right now you are an Instagram trigger point chiropractic as far as I know”, “your ivy league education is not impressive”, “you are ungrateful”, “you can never have a real organic practice, you don’t have the potential to” and “get some help maybe with a therapist, might be better, rather feeling imp on the likes of an Instagram star public account with perverted men following.”
96. Additionally, Defendant, through its employee Dr. Gopal, engaged in a pattern of actions and

harassment that went far beyond “petty slights or trivial inconveniences.” Dr. Gopal sexually harassed Plaintiff by making offensive statements regarding Plaintiff’s Instagram account, by claiming “perverted men” follow Plaintiff and then following Plaintiff himself; and by inviting Plaintiff to a “sexy lingerie” Halloween party at which Dr. Gopal had Plaintiff win “best costume” and then advised Plaintiff the “prize for best costume” was spending the night at Dr. Gopal’s home.

97. As a result of Defendant’s unlawful discriminatory conduct in violation of the NYCHRL, Plaintiff has suffered, and continues to suffer, economic loss, for which she is entitled to an award of monetary damages and other relief.
98. As a result of the unlawful discriminatory conduct of the Defendant in violation of NYCHRL, 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 Plaintiff is entitled to an award of monetary damages and other relief.
99. The unlawful discriminatory actions of Defendant’s constitute malicious, willful, and wanton violations of NYCHRL, for which Plaintiff is entitled to the maximum allowable damages under this statute and an award of punitive damages.

**SIXTH CAUSE OF ACTION
FOR RETALIATION UNDER THE NYCHRL**

100. Plaintiff repeats and realleges each and every allegation in paragraphs one through one-hundred-five.
101. The New York City Administrative Code §8-107(7) provides that it shall be unlawful discriminatory practice: “For an employer . . . to discriminate against any person because such person has opposed any practices forbidden under this chapter...”

102. As described herein, Plaintiff engaged in protected activities by repeatedly objecting to and complaining about Dr. Gopal's discriminatory treatment and sexual harassment. Specifically, Plaintiff was forced to complain directly to her harasser, Dr. Gopal, as there was no other avenue to report or escalate the harassment.
103. As described herein, after Plaintiff engaged in activities protected by NYCHRL, Defendant, through its President Dr. Gopal, retaliated against Plaintiff by changing Plaintiff's pay structure so that Plaintiff only earned 50% of the revenue she created, and then again by lowering Plaintiff's pay structure so that Plaintiff earned only 40% of the revenue she created; by purposefully deducting Plaintiff's pension from Plaintiff's paycheck, as punishment, without notice or consent, and claiming it was "fair" given Plaintiff's other work; by constantly and repeatedly threatening to sue Plaintiff despite Plaintiff upholding their employment agreement; and by creating a work environment so hostile and abusive that Plaintiff found no recourse but to resign, which was in effect a constructive discharge. Once Plaintiff resigned, Defendant continued harassing Plaintiff by sending letters criticizing Plaintiff's medical treatment of patients, and by filing a lawsuit against Plaintiff falsely claiming Plaintiff had violated restrictive covenants.
104. Defendant would not have retaliated against Plaintiff but for Plaintiff's objections to the sexual harassment, gender discrimination, and a hostile work environment.
105. Such retaliatory treatment would dissuade any reasonable employee from making or supporting a similar complaint of discrimination.
106. As a result of Defendants unlawful conduct in violation of the NYCHRL, Plaintiff has suffered, and continues to suffer, economic loss, for which Plaintiff is entitled to an award of monetary damages and other relief.

107. As a result of the unlawful conduct of Defendant in violation of NYCHRL, 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 Plaintiff is entitled to an award of monetary damages and other relief.
108. The unlawful discriminatory actions of Defendant constitute malicious, willful, and wanton violations of NYCHRL, for which Plaintiff is entitled to the maximum allowable damages under this statute and an award of punitive damages.

JURY DEMAND

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

WHEREFORE, Plaintiff respectfully requests a judgment against the Defendant:

- A. Declaring that Defendant engaged in unlawful employment practices prohibited by Title VII, NYSHRL, and NYCHRL in that Defendant discriminated against Plaintiff on the basis of sex/gender discrimination and sexual harassment;
- B. Declaring that Plaintiff has been damaged in an amount in excess of the jurisdiction of the Court;
- C. Awarding damages to Plaintiff for all lost wages and benefits resulting from Defendant's unlawful discrimination and to otherwise make her whole for any losses suffered as a result of such unlawful employment practices;
- D. Awarding Plaintiff compensatory damages for mental, emotional injury, distress, pain and suffering and injury to her reputation in an amount to be proven;
- E. Awarding Plaintiff punitive damages;
- F. Awarding Plaintiff attorneys' fees, costs, disbursements, 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 Defendant's unlawful employment practices.

Dated: Garden City, New York
August 30, 2024

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

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