

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

Index No.:
Date Purchased:

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DOMONIQUE R. SANTIAGO,

Plaintiff designates: NEW YORK COUNTY as the Place of trial

Plaintiff,

-against-

SUMMONS

MEDRITE TESTING LLC,

The basis of the venue is Plaintiff's place of residence in NEW YORK COUNTY

Defendants.
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To the above-named Defendant(s):

YOU ARE HEREBY SUMMONED, to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's attorney within twenty (20) days after the service of this summons, exclusive of the day of service (or within thirty (30) days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear to answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York
February 9, 2021

Yours, etc.,

SEKENDIZ LAW GROUP P.C.

By: ___s/Ismail Sekendiz/ _____
Ismail S. Sekendiz, Esq.
Attorneys for Plaintiff
45 Broadway, Suite: 1420
New York, New York 10006
Tel.: (212) 380-8087

Defendant's Address:

MEDRITE TESTING LLC (via secretary of State)
46 Main St Suite 148
Monsey, New York, 10952

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

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DOMONIQUE R. SANTIAGO,

Index No.

VERIFIED COMPLAINT

Plaintiff,

-against-

MEDRITE TESTING LLC,

Defendants.

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:

Plaintiff, **DOMONIQUE R. SANTIAGO** by her attorneys, **SEKENDIZ LAW GROUP**

P.C., complaints of Defendants upon information and belief:

1. Plaintiff, **DOMONIQUE R. SANTIAGO**, (hereinafter also referred to as “Plaintiff” complains pursuant to the laws of the State and City of New York seeking damages to redress the injuries Plaintiff has suffered as a result of being discriminated, and emotionally distressed by the Defendants on the basis of his sexual orientation.
2. Plaintiff is a female to male transgender and a resident of the County of New York, State of New York.
3. Plaintiff is a male presenting lesbian.
4. At all times material, Defendant MEDRITE TESTING LLC, (hereinafter referred to as “MEDRITE”) is a domestic limited liability corporation duly existing by the virtue and laws of the State of New York that does business in the State of New York.
5. Defendant MEDRITE has an office located at 344 W 51st St New York, NY 10019
6. Defendant MEDRITE has an office located at 46 Main St Suite 148 Monsey, New York,

10952.

7. Kaya Youmans is a resident of the State of New York.
8. Kaya Youmans is an employee of “MEDRITE”
9. Kaya Youmans is a Medical Assistant.
10. Gregory Jeffries is a resident of the State of New York
11. Gregory Jeffries was and still is an employee of “MEDRITE”
12. Gregory Jeffries was and still is the Human Resources Director of “MEDRITE.”
13. Natalie Mizrahi was and still is a resident of the State of New York.
14. Natalie Mizrahi was and still is an employee of “MEDRITE”
15. Natalie Mizrahi was and still is a site manager at “MEDRITE.”

MATERIAL FACTS

16. Plaintiff is a female to male transgender.
17. Plaintiff is a male presenting lesbian.
18. Plaintiff is a Medical Assistant.
19. On or about January 28, 2021, Plaintiff had a job interview for a medical assistant position with Gregory Jeffries at defendant’s headquarters located at 344 West 51st Street, New York, New York.
20. The medical assistant job available at defendant offered \$17.00 an hour 40 hours a week position. Plaintiff was ready to accept \$15.00 an hour.
21. Plaintiff has two years of clinical experience at the time of the interview.
22. Plaintiff knew how to take vital signs.
23. Plaintiff knew how to do COVID-19 swabbing.

24. Plaintiff qualified for the position.
25. Prior to the interview, as Plaintiff was waiting in the corridor, she noticed several men who assumed administrative positions for the defendant walking past Plaintiff while giving Plaintiff dirty looks. Some of the men took double looks and shook their heads in disapproval. Plaintiff immediately felt uncomfortable and unwanted.
26. On or about January 28, 2021 at approximately 1:55PM Greg Jeffries came out of his office and introduced himself to the two other individuals waiting with Plaintiff in the corridor. While Greg Jeffries shook hands with the two other individuals and introduced himself to them, he did not shake Plaintiff's hand. Greg Jeffries did not even ask Plaintiff's name, who was standing right in the middle of two other individuals while he asked the two individuals their names.
27. Immediately after Greg Jeffries invited Plaintiff to his office for an interview, he excused himself for few minutes to "talk to his boss"
28. During the interview Greg Jeffries did not make eye contact with the Plaintiff. He did not go through Plaintiff's credentials and did not ask any questions concerning Plaintiff's prior work experience. Greg Jeffries said "we have a spot in the Bronx. Would you like to work there?" and Plaintiff said "Yes." Greg Jeffries asked, "How much you want?" and Plaintiff responded "\$15.00 an hour." Subsequently, Greg Jeffries said "'I will be calling you by the end of the night for a second interview' which he never did.
29. By way of background, during the week of January 18, 2021, Kaya Youmans went to Greg Jeffries' office for a work-related issue and Greg Jeffries asked Kaya Youmans if Kaya Youmans knew of anyone looking for work. Kaya Youmans replied, "No one comes to my mind but when I think of someone, I will let you know." Greg Jeffries

replied “Okay because I need people for all of these positions” pointing to a wall beside his assistant’s desk which was filled with colored post-its with job positions written on each. The following week of January 25, 2021 Kaya Youmans spoke to Plaintiff, a former co-worker from a previous job. Plaintiff asked Kaya Youmans if her job was hiring as Plaintiff’s employer closed its doors. Kaya Youmans remembered the conversation between herself and Greg Jeffries. Subsequently on Wednesday, January 27, 2021 Kaya Youmans went to Greg Jeffries’ office and said “I have a friend with clinical experience who was recently laid off and is interested in joining the Yonkers team. Can you give her an interview?” Greg Jeffries responded “Yonkers is full, but I can put her somewhere else. Send me her resume” Kaya Youmans emailed Gregory Jeffries Plaintiff’s resume at 3:30pm on Wednesday, January 27, 2021, along with a statement as to why she believed Plaintiff should be hired. The next morning Thursday, January 28, 2021 at 9:30am Kaya Youmans spoke with her site manager Natalie Mizrahi. Kaya Youmans told her “Mr. Jeffries informed me that there are no more spots on the Yonkers team.” Natalie Mizrahi responded “No, I want to add 3 more MA’s”. Ms. Mizrahi, Mr. Jeffries, and Kaya Youmans were standing in the hallway near Greg Jeffries office. Natalia Mizrahi explained to Greg Jeffries that she did want to hire more MA’s for the Yonkers site. Greg Jeffries was completely on board with it. Greg Jeffries asked Kaya Youmans “Have her come in for an interview. Can she come in today?” Kaya Youmans replied, “Yes but let me call her to make sure.” Kaya Youmans called the Plaintiff and Plaintiff confirmed that she could come in for an interview. At approximately 1:30pm, Natalia Mizrahi and Kaya Youmans were outside of the 51 Street headquarters of the defendant when Natalia Mizrahi was informed that there was a COVID testing site in

Connecticut that upcoming Sunday, January 31, 2021. Natalia Mizrahi began asking other MA's if they would be available to come in. Kaya Youmans told Natalia Mizrahi "I can come in and when Mr. Jeffries hires Ms. Santiago, she would be able to work as well." Natalia Mizrahi responded "Okay, great." Later that afternoon Plaintiff contacted Kaya Youmans to let her know that Plaintiff arrived at MEDRITE headquarters at 344 West 51st Street, New York, New York and was waiting to be interviewed. Plaintiff texted Kaya Youmans indicating "Mr. Jeffries said he would call by tonight and offered me a second interview." The next day Friday January 29, 2021 at 9:30am Plaintiff reached out and Kaya Youmans asked her if she received a call back. Plaintiff replied "No." Kaya Youmans told Plaintiff "I would follow up with Mr. Jeffries." At 10:04am Kaya Youmans went to Greg. Jeffries office and asked, "What time should Plaintiff be in for her second interview because she never received a call." Greg Jeffries responded by saying "That one.....I'm still in the talks with management about that one..." and he began rubbing his chin with a puzzled face. Kaya Youmans left Greg Jeffries office and she immediately began to feel that something was not right. At approximately 1:30pm Natalia Mizrahi, India Alonzo, Jeremy Salce, and Kaya Youmans were in Natalia Mizrahi's personal car on their way to the testing site for the day. While in the car Natalia Mizrahi mentioned that she needed one (1) more MA for the Yonkers site. Natalia Mizrahi asked Jeremy Salce if he "still knew someone to bring the Yonkers team." Upon arriving at the testing facility there were three different stations setup. One station was for registration which is where five (5) MA's including Kaya Youmans were stationed. The next station was for vitals and only one (1) MA was stationed there. The next table was a COVID-19 swabbing station which Jeremy Sace was stationed alone.

The following table was also for COVID-19 swabbing. Ms. India Alonzo and Ms. Shaless were stationed there. At the last table was also a vitals station where Gabriel Sabino and Lizbeth Grant were stationed. From where Kaya Youmans was sitting she could see all the stations. As they began taking patients, Kaya Youmans noticed the new hire who was working at the vitals station alone incorrectly taking vitals. He had his cuff placed upside on the patient and placed below heart level which is an incorrect placement. Plaintiff witnessed Natalia Mizrahi come over to his station numerous times to show him the proper way to take blood pressure. Based on his lack of knowledge of vital signs it was clear that he had no type of clinical experience. Kaya Youmans also witnessed Gabriel Sabino put the blood pressure upside down on patients. Kaya Youmans notified coordinator Ms. Mariana Dasilva about this issue At approximately 3:45pm Kaya Youmans asked Natalia Mizrahi if they could speak somewhere privately. Natalia Mizrahi escorted Plaintiff to the office space that she was using while they were at the site. Kaya Youmans told her “Mr. Jeffries is delaying or refusing employment to Ms. Santiago (Plaintiff) who has clinical experience. None of these new hires have clinical experience.” Natalia Mizrahi asked Kaya Youmans to email Plaintiff’s resume so she could look it over. Kaya Youmans, emailed Plaintiff’s resume to her and Natalia Mizrahi looked over the resume and saw the clinical experience of Plaintiff. Natalia Mizrahi then said “I am going to check with Greg to see what’s going on with her hire.” Natalia Mizrahi then left the site. When Kaya Youmans returned to the headquarters at 344 W 51 Street, New York, New York. at 6:45pm she reached out to project manager Emiliya Bagdasarian. Kaya Youmans asked her to speak privately. Emiliya Bagdasarian and Kaya Youmans walked from her office to the Natalia Mizrahi’s empty office. Emiliya

Bagdasarian and Kaya Youmans spoke for 15 minutes where Kaya Youmans told her about the discrimination that Plaintiff was faced at the judgement of Mr. Jeffries. Emiliya Bagdasarian told Kaya Youmans ” I can assure you Yonkers is full and I will not be approving any more MA hires for that site.” She also said that she “is not defending Mr. Jeffries by any means but he is all over the place.” Emilia. Bagdasarian also let Kaya Youmans know that she “would put Kaya Youmans in contact with HR Manager Izzy.” On Friday, February 5, 2021 Kaya Youmans arrived at defendant’s headquarters at 1:00pm. When Kaya Youmans arrived, she witnessed Mr. Hankook John Kang who just trained two new male hires by the names of Mr. Jeremy and Mr. Jose.

30. Upon information and belief, at the time of the filing of this complaint the defendant is still looking for Medical assistants (MA) is still actively hiring for medical assistant positions.
31. During her time at Defendant, Kaya Youmans did not see any transgender employees.
32. Defendant did not hire Plaintiff because she is a transgender.
33. Defendant did not hire Plaintiff because she is a male presenting lesbian.
34. Defendant failed to take appropriate action regarding the unlawful conduct mentioned herein.
35. Plaintiff has suffered numerous emotional injuries and physical injuries as a result of Defendant’s conduct.
36. Plaintiff was subjected to such hostile conditions that no reasonable person in Plaintiff’s shoes would be expected to tolerate.
37. Defendant treated Plaintiff differently because of her sexual orientation.
38. Plaintiff has been unlawfully discriminated against, was humiliated, has been degraded

and belittled; and as a result, suffers loss of civil rights, emotional distress, loss of income, earnings, and benefits.

39. Plaintiff's situation at the job was intolerable as a result of the discrimination to which she was subjected.

40. Defendant's actions and conduct were intentional and intended to harm the Plaintiff.

41. As a result of Defendant's actions, Plaintiff felt extremely humiliated, degraded, victimized, embarrassed, and emotionally distressed.

42. As a result of the Defendant's discriminatory and intolerable treatment of Plaintiff, she suffered severe emotional distress and physical ailments.

43. As a result of the acts and conduct complained of herein, Plaintiff has suffered and will continue to suffer the loss of income, the loss of a salary, bonuses, 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 has further experienced severe emotional and physical distress.

44. As a result of the above Plaintiff has been damaged in the amount in excess of the jurisdiction of all lower courts.

45. As Defendant's conduct has been willful, outrageous, malicious, Plaintiff also demanded punitive damages against the Defendant.

46. The above are just some of the offensive and unlawful conduct by Defendant and are stated by way of example.

47. Defendant had a pattern and practice of discrimination.

48. Defendant had a policy of discrimination against transgenders.

AS A FIRST CAUSE OF ACTION FOR DISCRIMINATION UNDER STATE LAW

49. Plaintiff repeats, reiterates and realleges each and every allegation made in the above paragraphs of this Complaint as if more fully set forth herein at length.

50. Executive Law § 296 provides that “1. It shall be an unlawfully discrimination practice:

(a) For an employer or licensing agency, because of the age, race, creed, color, national origin, sex, or disability, or marital status of any individual, 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.”

51. Defendants engaged in an unlawful discriminatory practice by discriminating against the Plaintiff because of her sexual orientation

52. The defendant violated this section.

AS A SECOND CAUSE OF ACTION FOR DISCRIMINATION UNDER THE NEW YORK CITY ADMINISTRATIVE CODE

53. Plaintiff repeats, reiterates and realleges each and every allegation made in the above paragraphs of this Complaint as if more fully set forth herein at length.

54. The Administrative Code of City of NY § 8-107 [1] provides that "It shall be an unlawful discriminatory practice: "(a) For an employer or an employee or agent thereof, because of the actual or perceived 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."

55. Defendant engaged in an unlawful discriminatory practice in violation of New York City Administrative Code Title 8, §8-107(1)(a) by creating and maintaining discriminatory working conditions, and otherwise discriminating against the Plaintiff because of her sexual orientation.

56. The defendant violated the above section.

AS A THIRD CAUSE OF ACTION FOR DISCRIMINATION UNDER THE NEW YORK CITY ADMINISTRATIVE CODE

57. Plaintiff repeats, reiterates and realleges each and every allegation made in the above paragraphs of this Complaint as if more fully set forth herein at length.

58. New York City Administrative Code Title 8-107(13) Employer liability for discriminatory conduct by employee, agent or independent contractor.

a. An employer shall be liable for an unlawful discriminatory practice based upon the conduct of an employee or agent which is in violation of any provision of this section other than subdivisions one and two of this section.

b. An employer shall be liable for an unlawful discriminatory practice based upon the conduct of an employee or agent which is in violation of subdivision one or two of this section only where:

(1) the employee or agent exercised managerial or supervisory responsibility; or

(2) the employer knew of the employee's or agent's discriminatory conduct, and acquiesced in such conduct or failed to take immediate and appropriate corrective action; an employer shall be deemed to have knowledge of an employee's or agent's discriminatory conduct where that conduct was known by another employee or agent who exercised managerial or supervisory responsibility; or

(3) the employer should have known of the employee's or agent's discriminatory conduct and failed to exercise reasonable diligence to prevent such discriminatory conduct.

59. The Defendant violated the section cited herein as set forth.

INJURY AND DAMAGES

60. As a result of the acts and conduct complained of herein, Plaintiff has suffered and will continue to suffer the loss of a career and the loss of a salary, bonuses, benefits and other compensation which such employment entails, out-of-pocket medical expenses and Plaintiff has also suffered future pecuniary losses, emotional pain, suffering, inconvenience, injury to reputation, loss of enjoyment of life, and other non-pecuniary losses. Plaintiff has further experienced severe emotional and physical distress.

WHEREFORE, Plaintiff respectfully requests a judgment against the Defendants:

- A. Declaring that the Defendants engaged in unlawful employment practice prohibited by state common law, New York State Executive Law §296 et. Seq. and The New York City Administrative Code Title 8, §8-107 et. Seq.; and that the Defendants discriminated against Plaintiff on the basis of sexual orientation.
- B. Awarding damages to the Plaintiff, retroactive to the date of failure to hire, for all lost wages and benefits, past and future, back pay and front pay, resulting from Defendant's unlawful cease of employment and to otherwise make Plaintiff whole for any losses suffered as a result of such unlawful employment practice;

- C. Awarding Plaintiff compensatory damages for mental, emotional and physical injury, distress, pain and suffering and injury to reputation in a amount in excess of the jurisdiction of all lower courts;
- D. Awarding Plaintiff punitive damages;
- E. Awarding Plaintiff attorney's fees, costs, and expenses incurred in the prosecution of the action;
- F. Awarding Plaintiff such other and further relief as the Court may deem equitable, just and proper to remedy the Defendant's unlawful employment practices.

JURY DEMAND

Plaintiff Demands a Jury of all issues to be tried.

Dated: New York, New York
February 10, 2021

Yours,

SEKENDIZ LAW GROUP P.C.

By: s/Ismail Sekendiz/
Ismail S. Sekendiz, Esq.
Attorneys for Plaintiff
45 Broadway
New York, New York 10006
Tel.: (212) 380-8087

INDIVIDUAL VERIFICATION

STATE OF NEW YORK }
 } ss.
COUNTY OF NEW ~~YORK~~ YORK }

I, DOMINGUE R. SANTAGO, being duly sworn, depose and say;

I am the plaintiff in the within action and am over the age of eighteen years;

I have read the foregoing COMPLAINT, and know the contents thereof; the same is true to my own knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matters I believe them to be true.

The grounds of my belief as to matters not stated upon my own knowledge are as follows: I am the plaintiff in the within action, investigation and conversation with my attorneys.

Sworn to before me on this
10th day of February 2021

Ismail Simon Sekandu
Notary Public State of New York
Qualified in Suffolk County
Certificate filed in NY County
Registration # 02566322907
Commission expires 02566320927
March 9, 2023

Index: Number:

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

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DOMINIQUE R. SANTIAGO,

Plaintiff,

-against-

MEDRITE TESTING LLC

Defendant.

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SUMMONS & COMPLAINT

SEKENDIZ LAW GROUP P.C.
Attorneys for Plaintiff
45 Broadway Suite: 1420
New York, New York 10006
Tel.: (212) 380-8087