UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TERI ORSBURN,	:	____Civ. ____
Plaintiff,	:	**COMPLAINT**
	:	**WITH JURY DEMAND**
-against-	:	
THE METROPOLITAN OPERA and ARTHUR BARNETT,	:	
Defendants.	:	

COMPLAINT

Teri Orsburn, by her attorneys, Liddle & Robinson, L.L.P., alleges as follows:

THE NATURE OF THE ACTION

1. This is a civil action for damages and remedies for: (1) sexual harassment and sexual discrimination in employment against Ms. Orsburn in violation of (a) the New York State Executive Law § 296 et seq. ("New York State Human Rights Law") and (b) the Administrative Code of the City of New York § 8-101 et seq. ("New York City Human Rights Law"); (2) retaliation against Ms. Orsburn for complaining of such harassment and discrimination in violation of (a) the New York State Human Rights Law and (b) the New York City Human Rights Law; (3) assault; (4) battery; (5) intentional infliction of emotional distress; (6) negligent infliction of emotional distress; (7) negligent supervision and retention; and (8) constructive termination of employment.

THE PARTIES

2. Ms. Orsburn is a 53 heterosexual year old female. She presently resides in Arizona.

3. Defendant The Metropolitan Opera is located at Lincoln Center New York, New York 10023.

4. Upon information and belief, Arthur Barnett resides in New York State.

JURISDICTION

5. This Court has subject matter over this action pursuant to 28 U.S.C. § 1332 (diversity jurisdiction) and principles of supplemental jurisdiction pursuant to 28 U.S.C. § 1367.

6. Diversity of citizenship exists and, upon information and belief, the matter in controversy exceeds $75,000 exclusive of interest and costs.

VENUE

7. Venue is proper in this district under 28 U.S.C. § 1391(b) because Defendant The Metropolitan Opera resides in the Southern District of New York and a substantial part of the events giving rise to Ms. Orsburn's claims occurred within the Southern District of New York.

SUMMARY

8. Ms. Orsburn was employed by The Metropolitan Opera (hereinafter, "The Met") as a full time Stage Carpenter from June of 2009 until October 2011, when she was forced to stop working due to permanent physical injuries inflicted upon her by a male colleague. Prior to

October 2011, in addition to physical assault, she was the victim of a hostile work environment, repetitive sexual harassment and discrimination. and retaliation for complaining of such conduct.

9. Prior to working at The Met. Ms. Orsburn had over thirty-five years of experience in entertainment production. She has served as a Personal Assistant, Production Office Manager, and Events Coordinator for major rock bands, and celebrities such as the Rolling Stones, the Bee Gees, and the Jerry Garcia Band, amongst others.

10. In addition to the administrative positions which she held throughout her career, she has also held positions which required her to engage in extensive physical labor, both as a stagehand and as a cowgirl. She excelled in these positions and was respected by her peers — the overwhelming majority of which were male — for her strong work ethic and the deft of her craft. Prior to working at The Met, she was never the victim of sexual harassment.

FACTS

11. Ms. Orsburn began working at The Met part time in the summer of 2008. Due to her hard work, extensive experience, and dexterous capabilities, Steve Diaz (hereinafter, "Diaz"), then senior manager of the Stage Carpenter Crew, recruited her to work full time in June of 2009. She was tasked, among other things, to engage in the building and assembling of stage sets, and operate stage set and equipment during live shows.

12. Upon information and belief, Ms. Orsburn was the first woman in the one-hundred and twenty-eight year history of The Met, to complete a full opera season with the daytime Stage Carpenter's Crew.

13. From the very beginning of her employment at The Met, Ms. Orsburn was the victim of rampant sexual harassment and discrimination from certain men with whom she worked.

14. Indeed, even Ms. Orsburn's direct boss, Omar Ochario, discriminated against her on the basis of her sex. Throughout her employment at The Met, Mr. Ochario referred to her as "Girl." Mr. Ochario would tell Ms. Orsburn "Girl, get me this!" and "Girl, do that!" Ms. Orsburn regularly reminded Mr. Ochario that her name was Teri, and that is what she preferred to be called. Yet, Mr. Ochario continued to refer to her as "Girl."

15. Mr. Ochario held a senior position as the Second Supervisor on Stage Right and is respected by his peers. Upon information and belief, Mr. Ochario's public and disrespectful comments towards Ms. Orsburn created an environment where other male colleagues felt that they could also treat her in a disrespectful manner.

16. The sexual discrimination against Ms. Orsburn that started at the very beginning of her employment was not confined to Mr. Ochario. It was pervasive. For example, two staff members, Mike Val and Larry Clarke told Ms. Orsburn that because she was a woman she did not belong in the Stage Carpenters Lounge, where there were televisions, tables, and sofas and where those in her position customarily took their breaks.

17. Ms. Orsburn complained to Mr. Diaz, her managing supervisor, of the sexual discrimination described above.

18. Thereafter, Rob Cole (hereinafter, "Cole") made a number of sexual advances towards Ms. Orsburn. After Mr. Orsburn learned that Mr. Cole had previously been incarcerated, she unequivocally rebuffed his sexual advances and even sent Mr. Cole an e-mail telling him to respect her boundaries. Upon information and belief, Mr. Cole had previously been incarcerated for breaking and entering into the home of a woman he had been stalking.

19. Nevertheless, Mr. Cole continued to stalk to Ms. Orsburn, and also had the hubris to complain to Mr. Diaz that it was she who was stalking him.

20. Mr. Cole attempted to get Ms. Orsburn fired by spreading false statements regarding her integrity. All of these statements were later proven to be unequivocally false. Mr. Diaz, being aware of these incidents, directed Mr. Cole to cease all inappropriate behavior towards Ms. Orsburn — yet Mr. Cole failed to do so. Periodically, Mr. Diaz would inquire with Ms. Orsburn as to whether Mr. Cole was leaving her alone and Ms. Orsburn would complain to him that Mr. Cole had not ceased.

21. Throughout Ms. Orsburn's employment at The Met, numerous male colleagues repeatedly followed her around the work premises in an attempt to make her feel uncomfortable because she was a woman. For example:

(a) Mr. Cole regularly followed Ms. Orsburn around the stage making offensive noises and sounds;

(b) Chris Bassi regularly followed Ms. Orsburn around the stage repeatedly saying to me "nobody likes you"; and

(c) Arthur Barnett regularly followed Ms. Orsburn around stage bombarding her with questions regarding her prior credentials.

22. Numerous colleagues repeatedly questioned Ms. Orsburn's qualifications and prior experiences as both an administrator and as stagehand — despite her long career, clear technical abilities and prior accomplishments. For example:

(a) Mr. Bassi often questioned Ms. Orsburn's overall intellectual capabilities; and

(b) Tony Parker and Mr. Barnett unable to believe that a woman could be a stagehand, regularly accused Ms. Orsburn of lying about her prior work experience and credentials.

23. Ms. Orsburn never witnessed anyone at The Met question the qualifications of any of her male peers.

24. Numerous examples demonstrate that Ms. Orsburn worked in an environment where her male colleagues openly expressed their hostility towards here because she was a woman:

(a) For example, one or more colleagues screwed Ms. Orsburn's tool belt into the deck of the stage. When she went to pick up her tool belt, she was unable to remove it. Due to the nature of the equipment used, and the position of the belt, this act was obviously done intentionally.

(b) For example, one or more colleagues stole tools from Ms. Orsburn's tool belt, presumably in an attempt to prevent her from doing her job. These tools were marked with pink nail polish, bright pink tape, had flower print on the handles, and Ms. Orsburn's name etched into the tools. They were not misplaced or confused with the tools that belonged to Ms. Orsburn's male colleagues. During her long career, Ms. Orsburn has never lost

one of her tools. As a handywoman, she prides herself on the maintenance of her tools.

(c) For example, one or more male colleagues put Superglue in the padlock of Ms. Orsburn's stage locker.

25. One male colleague, however, Mr. Barnett, was more disrespectful and hostile towards Ms. Orsburn than any other individual.

26. Mr. Barnett verbally harassed Ms. Orsburn on a daily basis by calling her names, constantly questioning her qualifications; and giving her false instructions — instructions that if followed could have put her physical safety at risk.

27. Mr. Barnett physically pushed Ms. Orsburn around. For example, if Ms. Orsburn was standing in a specific location, Mr. Barnett would physically and forcefully shove her aside.

28. Mr. Barnett would grab items and tools out of Ms. Orsburn's hand — incidents which on occasion led her to receive minor injuries.

29. So blatant and outrageous was Mr. Barnett's behavior that it made Ms. Orsburn's other colleagues uncomfortable. Throughout Ms. Orsburn's employment at The Met, colleagues expressed shock at Mr. Barnett's behavior.

30. Ms. Orsburn complained to Mr. Diaz, her managing supervisor, about Mr. Barnett's treatment of her. Ultimately, Mr. Diaz reported Mr. Barnett to the local union. Mr. Diaz told Ms. Orsburn that he did not want an individual like Mr. Barnett to be part of his team. Unfortunately, however, Mr. Diaz's efforts were not successful and The Met reinstated Mr. Barnett.

31. The Met's reinstatement of Mr. Barnett only emboldened his predatory instincts and his daily harassment of Ms. Orsburn continued. This led Ralph DeBari, one of Ms. Orsburn's supervisors, to tell Mr. Barnett that considering his history with the union, he should cease behaving inappropriately towards Ms. Orsburn. (The Met had also previously fired Mr. Barnett for repeatedly stealing coffee from the cafeteria, yet reinstated Mr. Barnett.)

32. Unchecked by The Met despite Ms. Orsburn's complaints, the frequency and the brazen nature of Mr. Barnett's actions increased.

33. One Friday morning, after Mr. Barnett had harassed Ms. Orsburn, she told him that he would lose his job if he continued to harass her. Mr. Barnett responded, "I'll have your life!" and Ms. Orsburn responded, "What, so you are threatening me now? You are threatening my life?"

34. Ralph DeBari witnessed this incident and told Mr. Barnett, "Artie, go to coffee."

35. That Friday afternoon, when Ms. Orsburn took her lunch break, she took off her fifteen pound tool belt and placed it in a safe location. When she returned, she put on her tool belt and returned to her duties. Ms. Orsburn immediately began to smell Superglue yet she could not identify its source. Confused as to its origin, Ms. Orsburn assumed that one of her colleagues had used Superglue on the stage set — despite the fact that none of their then present tasks called for such.

36. Later that afternoon, Ms. Orsburn was scheduled, along with her group, to set up a raked floor on the stage. To do this, Ms. Orsburn needed to go under the stage to attach C-clamps to the underside of the floor. Because Ms. Orsburn is smaller than her peers, Ms. Orsburn was frequently the person that went under the stage. Sometimes Ms. Orsburn would

remain underneath the stage for several hours as she worked. Ms. Orsburn often brought relevant equipment with her.

37. Before Ms. Orsburn went underneath the stage, she removed her tool belt. After completing the task, Ms. Orsburn put her tool belt back on and discovered that someone had intentionally poured Superglue into her tool bag and that it had spread onto her tools.

38. Ms. Orsburn had not been using Superglue that day, and upon information and belief — neither had anyone else. Thus, it is reasonable to conclude that someone intentionally poured Superglue into her tool bag.

39. Ms. Orsburn was furious about what happened. Due to the unwritten "what happens on stage, stays on stage" policy at The Met, Ms. Orsburn decided to refrain from reporting the incident to Human Resources until she could first complain to Mr. Diaz, her managing supervisor, about it.

40. That Friday night, when Ms. Orsburn began to think about what had happened to her, she became sick to her stomach. The thought that one or more colleagues would threaten her in that way and pour Superglue into her tool belt infuriated her.

41. Ms. Orsburn was scheduled to work that Saturday. However, due to the incident which had happened the day before, Ms. Orsburn decided to take Saturday as a sick day — because she was literally sick to her stomach about what had happened.

42. That Monday, Ms. Orsburn complained to Mr. Diaz about what had transpired with the Superglue. During the meeting, Ms. Orsburn also expressed her belief that Mr. Barnett had been the one who poured Superglue into her tool belt — him having threatened her life only hours earlier.

43. Mr. Diaz expressed to Ms. Orsburn that he also believed that Mr. Barnett had poured Superglue into her tool bag.

44. At that the same meeting with Mr. Diaz, Ms. Orsburn also complained, again, about Mr. Ochario's continued calling me "Girl" and how this created a culture that allowed some male colleagues to feel that they could treat Ms. Orsburn in a disrespectful manner because she was a woman.

45. Mr. Diaz called Mr. Ochario into office to ask him why he was still calling Ms. Orsburn "Girl."

46. Mr. Ochario did not deny calling me "Girl" but instead offered justifications for his statements.

47. After the meeting, Mr. Diaz called the union, and The Met's Human Resources department and informed them about the Superglue incident, and expressed his belief that Mr. Barnett was responsible.

48. Thereafter, some men from the local union visited Ms. Orsburn at work to interview her about what transpired. To Ms. Orsburn's knowledge, The Met's Human Resources department did nothing to intervene and stop the pervasive sexual harassment and discrimination against Ms. Orsburn.

49. The Met's inaction led to tragic results for Ms. Orsburn's personal safety. On Wednesday, September 14, 2011, John Buscemi and Ms. Orsburn were working in a closed and isolated area of the stage which contained a multi-level building on wheels. Mr. Buscemi and Ms. Orsburn were pushing the building when Mr. Barnett approached Ms. Orsburn from the side, intentionally kicked her feet out from under her, and knocked her to the ground. Ms. Orsburn fell flat on her stomach — her face pressed into the hard wooden floor.

50. Mr. Barnett rolled over the top of Ms. Orsburn's spine and landed into the uplifted building which was situated above her head.

51. Ms. Orsburn immediately was taken to the nurses' office. While Ms. Orsburn was there, Mr. Barnett came into the nurses' office smiling and asked for ice to put on the foot with which he kicked Ms. Orsburn.

52. Ms. Orsburn was not able to return to work for a week. Once Ms. Orsburn returned to work, however, she discovered that she was not able to perform her job.

53. Ms. Orsburn currently wears a brace for her left foot, a sacral belt, and often wears a back brace. She has constant pain in her neck, shoulders, upper, and lower back, as well as pain in her hip. The entire left side of her body is disabled. When she walks, her left arm doesn't swing but rather bounces with her body and her left foot drops. Ms. Orsburn lacks strength and mobility in her left arm and leg. Her left arm and left leg aches, burns, itches, and has pins and needles. Her arms and hands often tremble and sometimes her arms feel numb. Sometimes, a pain shoots up from Ms. Orsburn's upper back, into the right side of her neck and straight into her skull. As a result, Ms. Orsburn has intense headaches, different and more painful than any she has experienced before. Her hands frequently have tremors, and her arms frequently go numb, which causes pain throughout her chest.

54. Throughout Ms. Orsburn's employment at The Met, Ms. Orsburn was physically and intellectually qualified for her position, and she performed her job at a level that met or exceeded The Met's expectations.

55. Throughout Ms. Orsburn's time of employment at The Met, she took her daily harassment in stride. Ms. Orsburn enjoyed working with her hands. She found value in physical labor and appreciated working for a prestigious institution such as The Met. Ms. Orsburn's

salary was competitive and she did not wish to let sexist individuals force her to leave the work that she loved.

56. Yet, throughout Ms. Orsburn's employment at The Met, she was treated with disdain and hostility by many of her peers and colleagues simply because she is a woman.

57. Upon information and belief, Ms. Orsburn was the first woman in the one-hundred and twenty-eight year history of The Met, to complete a full opera season with the daytime Stage Carpenter's Crew.

58. Conscious of this history, and of the men and women that have fought for gender equality, Ms. Orsburn refused to let sexists chase her way from her dream. Ms. Orsburn, too, deserved the right to be a stage carpenter just like the men with whom she worked. Despite daily discrimination, harassment, and retaliation — Ms. Orsburn persevered. Ms. Orsburn refused to quit.

59. Not all of Ms. Orsburn's male colleagues were sexist and hostile. Some of them, powerless, stood silently by as Ms. Orsburn was harassed — and some offered words of support.

60. The above are just examples of what Ms. Orsburn endured on a daily basis that demonstrate that The Met tolerates a culture where women are simply not welcome to serve as Stage Carpenters, despite their qualifications.

61. Over a period of two years and four months, many of Ms. Orsburn's male colleagues did everything in their power to force Ms. Orsburn to resign. What they could not do by verbal and physical harassment, ultimately was accomplished through physical assault.

62. Upon information and belief, The Met and its employees have engaged in a pattern and practice of sexual harassment and discrimination and will continue to do so should any women seek to work as Stage Carpenters.

FIRST CLAIM

(Sexual Harassment And Sexual Discrimination Under
The New York State Human Rights Law Against The Met)

63. Plaintiff repeats and realleges all of the allegations contained in this Complaint, as if separately set forth herein.

64. At all relevant times, Ms. Orsburn was an "employee" for purposes of §§ 292 and 296 of the New York State Human Rights Law.

65. The Met is an "employer" for purposes of §§ 292 and 296 of the New York State Human Rights Law.

66. By its actions detailed above. The Met has unlawfully discriminated against Ms. Orsburn on the basis of her sex in violation of the New York State Human Rights Law.

67. Upon information and belief, The Met's conduct towards Ms. Orsburn constitutes willful discrimination.

68. As a result of the willful discrimination described above, Ms. Orsburn has suffered substantial damages, including physical injury and emotional distress and mental anguish, in an amount to be determined at trial.

69. As a result of the willful discrimination described above, Ms. Orsburn has suffered substantial loss of earnings and benefits, and she will continue to do so in the future. Accordingly, Defendants are liable to Ms. Orsburn for both back pay and reinstatement or front pay in an amount to be determined at trial, plus interest and costs.

SECOND CLAIM

(Sexual Harassment And Sexual Discrimination Under
The New York City Human Rights Law Against The Met And Arthur Barnett)

70. Plaintiff repeats and realleges all of the allegations contained in this Complaint, as if separately set forth herein.

71. Ms. Orsburn is a "person" under § 8-102(1) of the New York City Human Rights Law.

72. Defendants are "employers" subject to provisions of the New York City Human Rights Law under § 8-102(5) of the Administrative Code.

73. By their actions detailed above, Defendants have unlawfully discriminated against Ms. Orsburn on the basis of her sex in violation of § 8-107(1)(a) of the New York City Human Rights Law.

74. As a result of the willful discrimination described above, Ms. Orsburn has suffered substantial damages, including physical injury and emotional distress and mental anguish, in an amount to be determined at trial.

75. As a result of the willful discrimination described above, Ms. Orsburn has suffered substantial loss of earnings and benefits, and she will continue to do so in the future. Accordingly, Defendants are liable to Ms. Orsburn for both back pay and reinstatement or front pay in an amount to be determined at trial, plus interest and costs.

76. Upon information and belief, Defendants' discriminatory conduct was taken with reckless indifference to Ms. Orsburn's rights, entitling her to punitive damages under the New York City Human Rights Law.

77. Defendants are also liable for reasonable attorneys' fees.

THIRD CLAIM

(Retaliation In Violation Of The
New York State Human Rights Law Against The Met)

78. Plaintiff repeats and realleges all of the allegations contained in this Complaint, as if separately set forth herein.

79. Ms. Orsburn opposed The Met's unlawful, discriminatory employment practices and engaged in protected activity under the New York State Human Rights Law by asserting that she was being discriminated against in complaints she made to The Met.

80. Defendant retaliated against Ms. Orsburn for having engaged in protected activity.

81. Defendant's actions constitute retaliation against Ms. Orsburn in violation of the New York State Human Rights Law, § 296.

82. As a result of the willful discrimination described above, Ms. Orsburn has suffered substantial damages, including physical injury and emotional distress and mental anguish, in an amount to be determined at trial.

83. As a result of the willful discrimination described above, Ms. Orsburn has suffered substantial loss of earnings and benefits, and she will continue to do so in the future. Accordingly, Defendants are liable to Ms. Orsburn for both back pay and reinstatement or front pay in an amount to be determined at trial, plus interest and costs.

FOURTH CLAIM

(Interference With Protected Rights Under New York City Human Rights Law, § 8-107(19),
Against The Met And Arthur Barnett)

84. Plaintiff repeats and realleges all of the allegations contained in this Complaint, as if separately set forth herein.

85. Ms. Orsburn is a "person" under § 8-102(1) of the New York City Human Rights Law.

86. Defendants are an "employer" subject to provisions of the New York City Human Rights Law under § 8-102(5) of the Administrative Code.

87. By their actions detailed above, Defendants have unlawfully discriminated against Ms. Orsburn by interfering with the exercise and enjoyment of her protected rights in violation of § 8-107(19) of the New York City Human Rights Law.

88. As a result of the willful discrimination described above, Ms. Orsburn has suffered substantial loss of earnings and benefits, and she will continue to do so in the future. Accordingly, Defendants are liable to Ms. Orsburn for both back pay and reinstatement or front pay in an amount to be determined at trial, plus interest and costs.

89. Upon information and belief, Defendants' discriminatory conduct was taken with reckless indifference to Ms. Orsburn's rights, entitling her to punitive damages under the New York City Human Rights Law.

90. Defendants are also liable for reasonable attorneys' fees.

FIFTH CLAIM

(Employer Liability For Discriminatory Conduct By Employee, Agent Or Independent Contractor Under New York City Human Rights Law, § 8-107(13)(b)(3), Against The Met)

91. Plaintiff repeats and realleges all of the allegations contained in this Complaint, as if separately set forth herein.

92. Ms. Orsburn is a "person" under § 8-102(1) of the New York City Human Rights Law.

93. The Met is an "employer" subject to provisions of the New York City Human Rights Law under § 8-102(5) of the Administrative Code.

94. By Defendant Barnett's actions, along with the actions of other agents of Defendant The Met set forth above, Defendant The Met is liable under § 8-107(13)(b)(3) which sets forth that:

> 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 where:
>
> (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.

95. Defendant Barnett is an "agent" of Defendant The Met.

96. By Defendant Barnett's actions and conduct set forth above, he engaged in unlawful discriminatory practices.

97. Defendant The Met should have known of Barnett's discriminatory conduct and failed to exercise reasonable diligence to prevent such discriminatory conduct.

98. By the unlawfully discriminatory actions of its employees detailed above, Defendant has unlawfully discriminated against Ms. Orsburn under § 8-107(13) of the New York City Human Rights Law.

99. As a result of the willful discrimination described above, Ms. Orsburn has suffered substantial loss of earnings and benefits, and she will continue to do so in the future. Accordingly, Defendants are liable to Ms. Orsburn for both back pay and reinstatement or front pay in an amount to be determined at trial, plus interest and costs.

100. Upon information and belief, Defendants' discriminatory conduct was taken with reckless indifference to Ms. Orsburn's rights, entitling her to punitive damages under the New York City Human Rights Law.

101. Defendants are also liable for reasonable attorneys' fees.

SIXTH CLAIM

(Aiding And Abetting Under The New York City Human Rights Law, § 8-107(6), Against The Met And Arthur Barnett)

102. Plaintiff repeats and realleges all of the allegations contained in this Amended Complaint, as if separately set forth herein.

103. Defendants' actions set forth above violated § 8-107(6), which sets forth that:

> It shall be an unlawful discriminatory practice for any person to aid, abet, incite, compel or coerce the doing of any of the acts forbidden under this chapter, or to attempt to do so.

104. As a result of the willful discrimination described above, Ms. Orsburn has suffered substantial loss of earnings and benefits, and she will continue to do so in the future. Accordingly, Defendants are liable to Ms. Orsburn for both back pay and reinstatement or front pay in an amount to be determined at trial, plus interest and costs.

105. Upon information and belief, Defendants' discriminatory conduct was taken with reckless indifference to Ms. Orsburn's rights, entitling her to punitive damages under the New York City Human Rights Law.

106. Defendants are also liable for reasonable attorneys' fees.

SEVENTH CLAIM

(Retaliation In Violation Of The New York City Human Rights Law
Against The Met And Arthur Barnett)

107. Plaintiff repeats and realleges all of the allegations contained in this Complaint, as if separately set forth herein.

108. Ms. Orsburn opposed Defendants' unlawful, discriminatory employment practices and engaged in protected activity under the New York City Human Rights Law by asserting that she was being discriminated against in complaints she made.

109. Defendants retaliated against Ms. Orsburn for having engaged in protected activity.

110. Defendants' actions constitute discrimination and retaliation against Ms. Orsburn in violation of the New York City Human Rights Law, § 8-107(7).

111. As a result of the willful discrimination described above, Ms. Orsburn has suffered substantial loss of earnings and benefits, and she will continue to do so in the future. Accordingly, Defendants are liable to Ms. Orsburn for both back pay and reinstatement or front pay in an amount to be determined at trial, plus interest and costs.

112. Upon information and belief, Defendants' discriminatory conduct was taken with reckless indifference to Ms. Orsburn's rights, entitling her to punitive damages under the New York City Human Rights Law.

113. Defendants are also liable for reasonable attorneys' fees.

EIGHTH CLAIM

(Assault Against The Met And Arthur Barnett)

114. Plaintiff repeats and realleges all of the allegations contained in this Complaint, as if separately set forth herein.

115. Mr. Barnett intentionally placed Ms. Orsburn in apprehension of imminent harmful or offensive contact.

116. As a result of Mr. Barnett's conduct, Ms. Orsburn was placed in apprehension of imminent harmful or offensive contact and suffered such offensive physical contact without her consent.

117. Because Mr. Barnett's treatment of Ms. Orsburn was in gross and egregious disregard for the consequences of the invasion of Ms. Orsburn's legal rights, Ms. Orsburn is entitled to punitive damages.

118. Defendant The Met is vicariously liable for Mr. Barnett's assault.

119. Mr. Barnett was acting within the scope of his employment when he carried out the assault against Ms. Orsburn.

120. By its actions set forth above, The Met condoned Mr. Barnett's behavior toward Ms. Orsburn.

NINTH CLAIM

(Battery Against The Met And Arthur Barnett)

121. Plaintiff repeats and realleges all of the allegations contained in this Complaint, as if separately set forth herein.

122. Mr. Barnett intentionally had bodily contact with Plaintiff, without her consent, which was harmful and offensive in nature.

123. As a result of Mr. Barnett's conduct described above, Plaintiff has suffered such offensive physical contact without her consent, and has suffered physical injury.

124. Defendant The Met is vicariously liable for Mr. Barnett's battery.

125. When Mr. Barnett engaged in battery against Ms. Orbsurn he was acting within the scope of his employment.

126. By its actions set forth above, The Met condoned Mr. Barnett's behavior toward Ms. Orsburn.

TENTH CLAIM

(Intentional Infliction of Emotional Distress Against The Met And Arthur Barnett)

127. Plaintiff repeats and realleges all of the allegations contained in this Complaint, as if separately set forth herein.

128. Defendants acted with intent to cause, or in disregard of a substantial probability of causing, severe emotional distress.

129. Defendants' conduct was extreme and outrageous.

130. Defendants' egregious conduct caused Plaintiff to suffer severe emotional distress and incur damages and injuries.

ELEVENTH CLAIM

(Negligent Infliction of Emotional Distress Against The Met And Arthur Barnett)

131. Plaintiff repeats and realleges all of the allegations contained in this Complaint, as if separately set forth herein.

132. Defendants had a duty not to expose Plaintiff to an unreasonable risk of bodily injury.

133. Defendants, by their actions described above, breached the duty owed to Plaintiff.

134. Defendants' conduct unreasonably endangered Plaintiff's physical safety and caused Plaintiff to fear for her own safety.

135. Defendants' egregious conduct caused Plaintiff to suffer severe emotional distress and incur damages and injuries.

TWELFTH CLAIM

(Negligent Supervision And Retention Against The Met)

136. Plaintiff repeats and realleges all of the allegations contained in this Complaint, as if separately set forth herein.

137. Defendant The Met had a duty to exercise reasonable care in the supervision and retention of its agents, servants, and/or employees.

138. Defendant The Met breached its duty by failing to exercise due care in the training, retention, and supervision of Mr. Barnett.

139. Defendant The Met should not have continued to retain Defendant Barnett once it learned of his egregious and unlawful conduct toward Plaintiff.

140. Defendant The Met breached its duty by failing to exercise due care in the training, retention, and supervision of Mr. Barnett.

141. As a proximate and foreseeable consequence of the negligent acts of Defendant The Met, its agent, servant and employee, Mr. Barnett, engaged in assault and battery against Plaintiff.

142. By reason of the aforesaid assault and battery of Plaintiff, she suffered and sustained serious personal injuries, and emotional distress and mental anguish. Plaintiff has also suffered lost income.

THIRTEENTH CLAIM

(Constructive Discharge Against The Met And Artie Barnett)

143. Plaintiff repeats and realleges all of the allegations contained in this Complaint, as if separately set forth herein.

144. Defendants made Ms. Orsburn's working conditions intolerable.

145. Upon information and belief, Ms. Orsburn's sex and the fact that she opposed Defendants' unlawful and discriminatory employment practices were motivating factors in Defendants' actions.

146. Ms. Orsburn being made no longer able to work was a reasonably foreseeable result of Defendants' actions.

147. Upon information and belief, Defendants acted with the intent of forcing Ms. Orsburn to quit.

148. Ms. Orsburn's end of employment occurred directly as a result of the intolerable atmosphere created by Defendants.

149. Because Defendants' treatment of Plaintiff was in gross and egregious disregard for the consequences of the invasion of Plaintiff's rights, Plaintiff is entitled to punitive damages.

WHEREFORE, while reserving the right to seek additional damages as available, Plaintiff demands judgment against Defendants as follows:

1. An award of Plaintiff's actual damages in an amount to be determined at trial for loss of compensation and professional opportunities, including an award of back pay and an award of reinstatement or front pay;

2. An award of damages in an amount to be determined at trial to compensate Plaintiff for her physical injury, mental anguish, humiliation, embarrassment, and emotional injury;

3. An award of punitive damages;

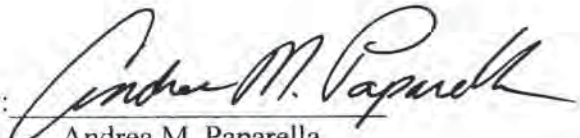
4. An order enjoining Defendants from engaging in the wrongful practices alleged herein;

6. An award of reasonable attorneys' fees and the costs of this action; and

7. Such other and further relief as this Court may deem just and proper.

Dated: New York, New York
September 14, 2012

LIDDLE & ROBINSON, L.L.P.

By: 

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