

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSEPHINE ROBINSON,

Plaintiff,

-against-

GUCCI AMERICA, STAN SHERWOOD, MATTEO
MASCAZZINI, and CHRISTY LELECK,

Defendants.

DOCKET NO.: 11-CV-3742

JUDGE PAULEY

COMPLAINT

Jury Trial Demanded

Plaintiff, JOSEPHINE ROBINSON, by her attorneys, Leeds Morelli & Brown, P.C.,
complaining of Defendant herein, alleges, upon knowledge as to herself and her own actions, and
upon information and belief as to all other matters:

JURISDICTION AND VENUE

1. This is a civil action based upon Defendants' violations of Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. § 2000e, et seq; the Americans with Disability Act, New York State Executive Law, Human Rights Law, § 290 et seq; and the New York City Human Rights Law, N.Y.C. Admin. Code Title 8, as well as any other cause of action that can be inferred from the facts set forth herein.
2. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1331, 28 U.S.C. § 1343(4). The supplemental jurisdiction of the Court (28 U.S.C. § 1367) is invoked over state and local law causes of action.

COPY

3. Venue is proper pursuant to 28 U.S.C. § 1391.

4. The jurisdictional prerequisites to this lawsuit have been satisfied. Specifically, Plaintiff filed an administrative complaint with the Equal Employment Opportunity Commission and was issued a Right to Sue letter dated March 1, 2011.

PARTIES

5. Plaintiff, Josephine Robinson (“Robinson”), was and still is a resident of Bronx County, New York.

6. Defendant, Gucci America, Inc. (“Gucci”) is a corporation organized and existing under the laws of the State of New York with its principle place of business at 685 Fifth Avenue, New York, New York 10022.

7. Defendant, Stan Sherwood (“Sherwood”), at all times hereinafter mentioned, was and still is an agent, servant, and/or employee of Gucci and was engaged in the course of his duties, responsibilities, and/or employment. Sherwood was Robinson’s supervisor and participated and aided and abetted in the acts of discrimination and retaliation alleged herein.

8. Defendant, Christy Leleck (“Leleck”), at all times hereinafter mentioned, was and still is an agent, servant, and/or employee of Gucci and was engaged in the course of his duties, responsibilities, and/or employment. Leleck was Gucci’s Director of Human Resources

and participated and aided and abetted in the acts of discrimination and retaliation alleged herein.

9. Defendant, Matteo Mascazzini ("Mascazzini"), at all times hereinafter mentioned, was and still is an agent, servant, and/or employee of Gucci and was engaged in the course of his duties, responsibilities, and/or employment. Sherwood was Robinson's supervisor, (Associate President of Gucci), and participated and aided and abetted in the acts of discrimination and retaliation alleged herein.

FACTS

10. Claimant, Josephine Robinson ("Robinson") is a dark-skinned, Latin, female, of West Indian national origin.

11. In March 2008, Robinson commenced her employment with Gucci as a tax attorney.

12. In May 2008, Robinson's immediate supervisor, Sherwood (Executive International Tax Counsel), told Robinson that Alexis Babaeu (Global CFO) likely would not speak to Robinson because she is a black.

13. In summer 2008, Robinson was working on a contract for a famous pop star, Rihanna. When Sherwood discovered that Rihanna was from a Caribbean Island, he told Robinson to "tax the hell out of her" and find a way to allow Gucci to withhold 30% of her fee. Sherwood did not make similar comments to Robinson about European clients.

14. In April 2009, Sherwood made other inappropriate comments to Robinson. For example, Sherwood wrote an email to Francesco Giliberti (Tax Specialist with Gucci Group) and Carmine Rotondaro (Sherwood's boss and the Global Tax Director) stating that Robinson loved Francesco and wanted to have his babies.
15. In April 2009, Sherwood forwarded an email to Robinson from Frank Desiderio (an attorney and outside counsel to Gucci Group) in which Frank wrote, "I hope [Robinson] knows what she's in for. A beautiful women [sic] with a bunch of Italian men 5000 miles from spouses/girlfriends/mistresses. I suggest she come armed."
16. On April 8, 2009, Robinson attended a work dinner, which was attended by many Gucci executives. During the dinner, Ed Ackerman (Sherwood's friend and also outside counsel to Gucci Group) made a racist joke about Arabs. Sherwood laughed at the racist joke.
17. On April 9, 2009, Sherwood called Robinson a loose woman. Robinson told Sherwood she was offended and did not appreciate his comment. Sherwood replied that she was a typical black girl from Bronx. Sherwood also said that Latin women have a reputation for being loose and Robinson proved that to be true.
18. In May 2009, while discussing the CEO marrying a woman of Mexican origin, Sherwood stated that Mexicans were taking over the company.

19. Starting in mid-2009, Sherwood often would put his hands in his pants/crotch area, in Robinson's presence and on an almost daily basis.
20. Sherwood would also often refer to Robinson as "cheap day labor." He told interns that he picked her up off the street.
21. In spring 2010, Sherwood said that Robinson was a real fucking bitch, like his ex-wife. He said this while in the presence of Jared Spiegel (a law student intern) and Robinson.
22. On May 12, 2010, while on a work retreat in Italy, Sherwood blamed Robinson for being put in the "horse stables and not the main house." Sherwood suggested that Robinson's race was the reason they were not in the main part of the house.
23. Also on May 12, 2010, Sherwood told Robinson that she should not set her sight on a higher position since the company would never promote a black person. Robinson complained about the racist comment to Stefania Sicari (Assistant General Counsel for Gucci America). Sicari agreed that Sherwood's statement was inappropriate.
24. Sherwood told Robinson that Francois Pinault (CEO of Gucci's parent company) wanted to limit the number of black people in corporate headquarters as part of restructuring.
25. Robinson mentioned that Pinault's wife is a Mexican actress (not a French actress, as Sherwood insisted). Sherwood responded that no one would want to marry a Mexican

and that Mexicans are at the bottom of the barrel. Robinson complained to Sicari who agreed that Sherwood's racist jokes are not funny but said that the company will probably not stop them since there is a high tolerance for racism. Sherwood made racist jokes regularly even more so after Robinson complained about Sherwood's offensive remarks.

26. On May 27, 2010, Robinson complained to Hilarie Nenner (Manager of Gucci America HR) about harassment and discrimination based on her gender, race, color and national origin.

27. Following her complaints, Sherwood joked about Robinson's complaints. Specifically, when Sherwood would use foul language, he would sarcastically tell those who were present "please, no one go to Human Resources to complain about me." Sherwood never said such things prior to Robinson's complaints to HR.

28. In June 2010, Robinson again complained to HR. In an email to Nenner, Robinson requested a meeting to discuss Sherwood's conduct towards her and referred to it as an "on going issue." Nenner never responded and did not intercede to prevent further harassment and/or discrimination.

29. In June 2010, Sherwood told Robinson and the law student interns that during his trip to the Global CFO meeting for Gucci Group, everyone was forced to stay in the "black area" of France and that he did not care for his accommodations.

30. On June 30, 2010, during a car trip to the New Jersey office, Sherwood told the interns that he was violating the Mann Act by taking a prostitute across state lines, referring to Robinson.

31. On numerous occasions in June and July 2010, while preparing answers to an IRS audit, Sherwood repeatedly told Robinson that people do not like the color black since it is undesirable and unwanted, but white color was preferential.

32. After Robinson's June 2010 second discrimination and retaliation complaint to HR, Sherwood frequently referred to her as "black, very very black." Sherwood regularly stated how black was very undesirable and that no one liked black or black alligators. Sherwood would refer to Robinson as an alligator because of her preference for snakeskin handbags.

33. In June 2010, at a meeting, when asked for coffee, Sherwood stated, I will take coffee, "black, black, black coffee with three-fifths of equal sugar. So black coffee, ok? Three fifths of a packet of equal." This was in clear reference to the 3/5th Clause of the United States Constitution. Sherwood also stated that the people in Aruba prefer white people and white clothing and that black is only acceptable in New York. Sherwood added, "Who wants black?"

34. On July 13, 2010, at a meeting with Robinson and Sandro Risi (CFO for Gucci America) Sherwood referred to Mexicans as very short people. In that same meeting, while writing

an email to a colleague in Guam, Robinson stated that Guam was once a colony of Spain.

Upon hearing that, Sherwood said he would have to write the email with the important words in CAPS since the Spanish blood probably made the natives stupid. Upon hearing this, Marshall Inerfeld (Tax Director) accused Sherwood of making racial slurs.

35. On July 17, 2010, shortly after the second complaint of discrimination, Robinson received a letter from HR reprimanding her for behaving inappropriately at the work dinner she attended over a year before, even though she was not advised of the nature of the alleged inappropriate conduct. Robinson received the letter in retaliation for making complaints to HR.

36. On July 17, 2010, Robinson responded to the letter by e-mailing Nenner and Leleck. Robinson specifically stated that, "Stan's friend told racist jokes – something that obviously Stan believes is acceptable, and continues to engage in up to last week when he was accused by another person of making racist jokes."

37. On July 24, 2010, Sicari advised Robinson that Tayanita Hayes (Robinson's predecessor) a black female was also the target of racist jokes. Sicari advised Robinson that if she complains about harassment or discrimination, "you are asking to be fired."

38. Immediately thereafter, Robinson requested a meeting with Nenner, but Nenner was unavailable and never responded to Robinson's request. Sicari informed Robinson that Sherwood had directed HR to write the warning letter to Robinson and that Cheryl

Solomon (Global General Counsel) directed Nicole Marra (Legal Counsel) to ignore Robinson's requests for help.

39. In retaliation, on July 26, 2010, Gucci placed Robinson on administrative leave, which lasted until September 14, 2010. She was asked to relinquish her company property and was escorted out of the building by security.

40. A few days prior to Robinson's administrative leave, Raquel Fisher (assistant to CFO Sandro Risi) was terminated after she complained that Gucci does not treat women equal to men.

41. On September 13, 2010, Robinson was instructed to return to work the following day (September 14). Robinson was given an option to work in the Secaucus, New Jersey office or return to work in the New York office. Robinson chose the New York office.

42. When Robinson reported to work on September 14, Mascazzini and Leleck ordered Robinson to report to work in the New Jersey office. Robinson objected and explained that the commute was too burdensome and she cannot lawfully practice law in New Jersey because she is not licensed to do so. Nonetheless, Leleck and Mascazzini ordered Robinson to report to work in New Jersey.

43. Robinson complained to Mascazzini and Leleck that she was being subjected to retaliation. Despite this, Leleck repeated multiple times "You are to be at the New Jersey office September 15th at 8:30 in the morning."

44. When Robinson reported to work the next day, she was placed in a very hot and dirty office with no computer and no work assignments. Robinson noticed she was experiencing symptoms of depression.

45. On September 17, 2010, Robinson was treated by a doctor for depression.

46. On September 26, 2010, Robinson was hospitalized for anxiety and severe depression due to the harassment, discrimination and retaliation. Robinson notified Leleck of her disability and was placed on medical leave until October 20, 2010.

47. Upon returning to work on October 20, 2010, Robinson informed HR that she had weekly follow-up medical appointments, one of which was scheduled during the day on October 27. In addition, she had two other scheduled day time appointments on November 24 and December 22.

48. Li Kim (HR Benefits Clerk) emailed Robinson several times on October 22 ordering her to report to work before her medical appointment and to return to the office immediately after the appointment.

49. Robinson asked Kim for permission to take an unpaid day off to visit her doctor because of her anxiety and severe depression. She explained that her doctor's office was two hours away in Connecticut and it did not make sense to come to the office for one hour in the morning, drive two hours from Secaucus, New Jersey to New Canaan, Connecticut, for a noon appointment, and return to the office.

50. On October 25, 2010, Leleck also refused Robinson's request for a day off under the Family Medical Leave Act ("FMLA") despite the fact that her doctor stated that it was "medically necessary."

51. On October 26, 2010, Robinson's doctor, Dr. Shander, provided a letter to HR requesting that the company make reasonable accommodations for her disabilities. Specifically, the doctor requested that Robinson be placed on a reduced schedule and be permitted to telecommute for a fixed number of hours per week. In addition, the doctor requested that Robinson's office be moved to another office with lighting and ventilation. All of the requests were denied.

52. On October 26, 2010, Kim sent Robinson a letter formally denying the request for a day off pursuant to FMLA.

53. On October 25, 2010, Robinson received a warning letter from Christy reprimanding her for being unprofessional and aggressive with Kim. The warning letter was in retaliation for Robinson's complaints and/or her requests for reasonable accommodations. Robinson also informed Mr. Polet (CEO) that she was being harassed, discriminated and retaliated against. There was no response or attempts by Gucci to rectify the situation.

54. On October 26, 2010, Kim acknowledged Robinson was entitled to take a day off under FMLA; however, Robinson had already rescheduled her appointment.

55. On October 27, 2010, Robinson received an email from Nenner, requesting that she report to the New York office by 4:00 p.m. for a meeting.

56. During the October 27, 2010 meeting, Nenner reprimanded her for being unprofessional and rude in the email to Leleck wherein Robinson expressed her belief that Gucci violated her right to FMLA leave.

57. On October 27, 2010, Nenner and Nicole Marra (Gucci America legal counsel), placed Robinson on administrative leave pending an investigation and until further notice. Robinson handed in her blackberry and building pass, as directed, and was escorted out of the building.

58. On November 2, 2010, Robinson received a letter from Leleck terminating Robinson's employment effective November 1, 2010.

CLAIMS FOR RELIEF

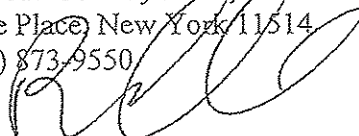
59. As described above, Defendant Gucci, has taken adverse employment actions against Plaintiff (including suspension, discipline, and termination), subjected her to a hostile work environment and/or maintained an atmosphere of adverse actions, where were motivated, in part, upon Plaintiff's gender/sex, national origin, race, and disability and/or perceived disability, as well as her opposition to discriminatory practices, in violation of Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. § 2000e, et seq., the Americans with Disabilities Act, New York State Executive Law § 296, and the New York City Human Rights Law, N.Y.C. Admin. Code Title 8.

60. As more fully set forth above, the individual Defendants, aided, abetted, incited, compelled and/or coerced the aforementioned unlawful conduct in violation of New York State Executive Law, Human Rights Law §296 (6).

WHEREFORE, Plaintiff demands judgment in the amount of \$5,000,000 (FIVE MILLION DOLLARS) as compensation for compensatory, emotional, physical, and punitive damages (where applicable), as well as lost pay, front pay, interest, and any other damages permitted by law. Plaintiff also demands judgment against defendant for each cause action and for all applicable and permissible damages, in an amount to be assessed at the time of trial. Plaintiff further seeks injunctive relief, including but not limited to, the clearing of her personnel file of any writings reflecting wrongful disciplinary actions, reinstatement, and a permanent injunction enjoining all Defendant and their agents from any further actions abridging Plaintiff's rights or otherwise engaging in unlawful acts of discrimination/retaliation. Plaintiff further demands all attorneys' fees, disbursements and other costs and all further relief, equitable or otherwise, to which Plaintiff is entitled and/or which the court deems just and proper.

Dated: Carle Place, New York
June 1, 2011

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