

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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LANA HILL,

Plaintiff,

vs.

HUGO BOSS FASHIONS, INC.,  
JOHN DOE #1-5 and XYZ CORP. #1-5

Defendants.

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CIVIL ACTION NO.  
12 cv 1281 (GBD)

**COMPLAINT AND  
JURY DEMAND**

Plaintiff, Lana Hill, by and through her attorney Joseph H. Neiman, complaining of the Defendants, alleges the following upon information and belief:

**NATURE OF THE CASE**

1. This is an action brought by Lana Hill against her former employer, Hugo Boss Fashions, Inc., alleging that she was unlawfully discriminated against as a result of her former employers' policies and practices of discrimination on the basis of race. In addition, Plaintiff alleges claims for damages for breach of the employment agreement between Defendant and herself. By this action, Plaintiff seeks money damages for lost wages and benefits, liquidated, compensatory and punitive damages and attorney's fees.

**EXHAUSTION OF ADMINISTRATIVE REMEDIES**

2. The Plaintiff, Lana Hill, filed a complaint in writing with the EEOC charging Defendant, Hugo Boss Fashions, Inc., with unlawful discrimination under Title VII.

3. More than six (6) months have elapsed and the Plaintiff, Lana Hill, has received notice of her right to sue under the aforementioned statute.

### **JURISDICTION AND VENUE**

4. Jurisdiction over this action is based upon the unlawful discrimination under Title VII of the Civil Rights Act of 1964, as amended, (Title 7) 42 U.S.C. Section 1981 *et seq*; 42 U.S.C. Section 2000 *et seq*; and the pendent jurisdiction of this Court.

5. In the alternative, jurisdiction over the New York State claims is conferred pursuant to section 297 of the New York State Executive Law and jurisdiction over the New York City claims is conferred pursuant to section 8-502 of the New York City Administrative Code.

6. All civil rights violations alleged occurred within the Southern District of New York where Defendant, Hugo Boss Fashions, Inc. presently does business. Venue is properly had in the Southern District of New York pursuant to 42 U.S.C. Section 2000e-5(f) (3) and 28 U.S.C. Section 1391.

### **PARTIES**

7. Plaintiff, Lana Hill, is an individual of legal age, residing at 330 West 145<sup>th</sup> Street, New York, New York 10039.

8. Plaintiff Lana Hill was hired with the above-named employer on January 2, 2006 as a front desk receptionist.

9. Upon information and belief, the Defendant, Hugo Boss Fashions, Inc., is a business entity having a principal place of business in the State of New York and does business at 601 West 26<sup>th</sup> Street, Suite 845, New York, New York 10001.

10. Defendants, JOHN DOE #1-5 and XYZ CORP. #1-5, are Defendants who

may be liable to Plaintiff by their action and or legal standing, but at this time are unknown to plaintiff. More specifically, but not limited to, John Does #1-5 being individuals who by their actions or policies contributed to the complained of conduct. XYZ Corp. #1-5 may be entities who either own or control entities legally responsible for the actions complained of.

### **FIRST CAUSE OF ACTION**

11. Plaintiff, Lana Hill, repeats and realleges each and every allegation contained in the Paragraphs 1 through 10 of this Complaint as though each were fully set forth and length herein.

12. Plaintiff was hired by Hugo Boss Fashions, Inc. on January 2, 2006 as a front desk receptionist.

13. On January 20, 2011, Grace Eapen, Director of Human Resources of Hugo Boss Fashions, Inc. advised Plaintiff that Plaintiff would be terminated as of January 20, 2011.

14. The reason given for Plaintiff's termination was "poor judgment in sending out the e-mail" and "lack of judgment should have known not to forward e-mail".

15. Plaintiff was paid through January 20, 2011 and was out of work from January 20, 2011 through present.

16. During her employment, plaintiff was deprived the opportunity to advance with the company. Plaintiff was made to clean the bathrooms and a kitchen area when it was not in the job description and was not provided any coverage when she needed to use the bathroom. Also, she was not allowed to use the restrooms.

17. Plaintiff was also denied access to interview. African American receptionists were not given the opportunity to advance up the corporate ladder. Plaintiff was told by the human resource manager that she was not “sales material”. She was told that she was not allowed to interview unless someone specifically asked for her to interview with them. To the best of her knowledge, this was not the policy for prior receptionists who were not of African American decent.

18. Upon information and belief, plaintiff was terminated because of her race and denied access to move up the corporate latter because of her race.

19. In terminating Plaintiff, Defendant willfully, knowingly and intentionally discriminated against Plaintiff on the basis of race.

20. As a proximate result of Defendant’s willful, knowing and intentional discrimination against Plaintiff, Lana Hill, she has sustained and continues to sustain substantial losses in earnings, retirement benefits and other employment benefits and has suffered and continues to suffer humiliation and mental and physical pain and anguish. In light of Defendant’s willful, knowing and intentional discrimination against Plaintiff, Lana Hill, Plaintiff seeks an award of liquidated damages equal to the amount found owing and an award of punitive damages to be determined by the trier of fact.

### **SECOND CAUSE OF ACTION**

21. Plaintiff, Lana Hill, repeats and realleges each and every allegation contained in the Paragraphs 1 through 18 of this Complaint as though each were fully set forth at length herein.

22. During all times Plaintiff, Lana Hill, was employed by the

Defendant, Hugo Boss Fashions, Inc., Defendant had certain policies and practices, both in the written handbook and otherwise which taken together constitute an express agreement on the part of the Defendant, which would have awarded the Plaintiff, Lana Hill, her continued position as front desk receptionist, had the agreement been followed. The Plaintiff at all times had been ready, willing and able to perform, had offered to perform all of the conditions of the agreement to be performed by her. By terminating the Plaintiff, Defendant breached said total employment agreement.

23. As a proximate result of Defendant's breach of the total employment agreement with Plaintiff, the Plaintiff has suffered and continues to suffer substantial losses, earnings, retirement benefits and other employment benefits which he would have received if the Defendant did not breach the agreement.

24. The Plaintiff as been damaged in an amount to be determined by the trier of fact.

**THIRD CAUSE OF ACTION  
THE NEW YORK STATE HUMAN RIGHTS LAW  
AGAINST ALL DEFENDANTS:  
DISCRIMINATION**

25. Plaintiff, Lana Hill, repeats and realleges each and every allegation contained in the Paragraphs 1 through 22 of this Complaint as though each were fully set forth at length herein.

24. The acts herein alleged are in violation of Section 296, at seq., of the New York State Executive Law.

25. As a direct and proximate result of defendant's discriminatory employment practices, plaintiff has suffered irreparable harm, economic loss, physical and mental distress, embarrassment, humiliation and indignity.

26. The discriminatory and unlawful employment practices complained of have been willful, wanton, malicious, and in negligent disregard of plaintiff's rights.

27. As a result, Plaintiff is entitled to compensatory damages, counsel fees, punitive damages and for such other and further relief as this court deem just and proper.

**FIFTH CAUSE OF ACTION  
THE NEW YORK CITY ADMINISTRATIVE CODE  
AGAINST ALL DEFENDANTS:  
DISCRIMINATION**

28. Plaintiff, Lana Hill, repeats and realleges each and every allegation contained in the Paragraphs 1 through 27 of this Complaint are realized and incorporated herein by reference as though fully set forth at length herein.

29. The actions of the defendants' herein are in violation of the Administrative Code of the City of New York, Sections 8-101 et. seq.

30. The discriminatory and unlawful employment practices complained of have been willful, wanton, malicious, and in negligent disregard of Plaintiff's rights.

WHEREFORE, Plaintiff respectfully prays this court enter judgment on all Counts for compensatory damages in the sum of \$5,000,000.00, punitive damages to be determined by the trier of fact, attorney's fees to be determined by the court, liquidated damages in the amount found owing, as well as interest and costs incurred in this action and for such other further relief as this court deems just and proper.

Dated: February 13, 2012

*s/ Joseph H. Neiman, Esq.* \_\_\_\_\_

Joseph H. Neiman, Esq.

Attorney for Plaintiff

39 Hudson Street, Suite 203

Hackensack, New Jersey 07601

(201) 487-0061

**JURY DEMAND**

Plaintiff demands trial by jury with respect to all issues so triable.

Dated: February 13, 2012

*s/ Joseph H. Neiman, Esq.*\_\_\_\_\_

Joseph H. Neiman, Esq.

Attorney for Plaintiff

39 Hudson Street, Suite 203

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