UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
---X
VICTORIA YING,

Plaintiff,

-against-

THE CITY UNIVERSITY OF NEW YORK,
NEW YORK CITY COLLEGE OF TECHNOLOGY,
RUSSELL K. HOTZLER, individually,
PAMELA BROWN, individually,

Defendants.
---X

AMENDED COMPLAINT

Docket No.: 10 Civ. 4990

JURY TRIAL DEMANDED

Plaintiff, VICTORIA YING, ("Plaintiff" or "Dr. Ying") by and through her attorneys, The Law Office of BORRELLI & ASSOCIATES, P.L.L.C., alleges upon knowledge as to herself and her own actions and upon information and belief as to all other matters, as follows:

NATURE OF CASE

1. This is a civil action based upon violations committed by Defendants, THE CITY UNIVERSITY OF NEW YORK ("CUNY"), NEW YORK CITY COLLEGE OF TECHNOLOGY ("City Tech"), RUSSELL K. HOTZLER, in his individual capacity ("Defendant Hotzler"), and PAMELA BROWN, in her individual capacity ("Defendant Brown") (collectively hereinafter as "Defendants"), of Plaintiff's rights guaranteed by: (i) 42 USC § 1983 (vis-à-vis violations of the 14th Amendment pertaining to procedural due process); (ii) Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991 ("Title VII"); (iii) the New York State Human Rights Law § 290 *et seq.* ("NYSHRL"); (iv) the New York City Human Rights Law § 8-107 *et seq.* ("NYCHRL"); (v) 42 U.S.C. Section 1983 (vis-à-vis

violations of the First Amendment pertaining to the Rights to Free Speech) and (vi) any other cause(s) of action that can be inferred from the facts set forth herein.

JURISDICTION AND VENUE

2. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1331, *vis-à-vis* 42 U.S.C. §2000(e), *et seq.*, and 42 U.S.C. § 1983. The supplemental jurisdiction of the Court is invoked pursuant to 28 U.S.C. § 1367 over all state and local causes of action.

3. Venue is appropriate in this court pursuant to 28 U.S.C. § 1391(b)(ii), as all actions comprising the claims for relief occurred within this judicial district, and pursuant to 28 U.S.C. § 1391(b)(i), as one (1) or more of the defendants resides within this judicial district.

4. Plaintiff has exhausted her administrative remedies by filing an Equal Employment Opportunity Commission ("EEOC") charge on or about June 5, 2009, under EEOC Charge No. 520-2009-01486.

5. Plaintiff received her Right to Sue Letter from EEOC on or about September 20, 2010. Thus, the initial Complaint in this matter has been timely filed.

6. The EEOC charge was filed within 90 days after Plaintiff's claim arose.

PARTIES

7. At all relevant times herein, Plaintiff, a female, was and is opposed to discriminatory practices.

8. At all relevant times herein, Plaintiff was and is a resident of the State of New York, County of Queens.

9. At all relevant times herein, Defendant CUNY was and is an agent/entity of the State of New York, which operates the public university system of New York City.

10. At all relevant times herein. Defendant City Tech was and is an agent/entity of Defendant CUNY and has its administrative offices located at 300 Jay Street, Brooklyn, New York, 11201.

11. At all relevant times herein, Defendants CUNY and City Tech each employ more than 15 employees.

12. At all relevant times herein, Defendants CUNY and City Tech are each a public employer within the meaning of Title VII.

13. At all relevant times herein, Defendant Hotzler is and was President of City Tech and in such capacity was an employee of Defendants CUNY and/or City Tech.

14. At all relevant times herein, Defendant Brown is and was Dean of Arts and Sciences and in such capacity was an employee of Defendants CUNY and/or City Tech.

15. At all relevant times herein, Plaintiff was an employee entitled to protection within the meaning of the NYSHRL § 292(6), and a "person" entitled to protection under § 8-101, *et seq.* of the NYCHRL.

16. At all relevant times herein, Plaintiff was an employee within the meaning of NYSHRL and NYCHRL.

PRELIMINARY STATEMENT

17. While acting under color of law and by way of authority and power granted to them by the laws of the State and City of New York, Defendants CUNY, City Tech, Hotzler and Brown, via actions taken by themselves as well as the Defendants' agents, officers, servants and/or employees, engaged in unlawful conduct when they sexually harassed and retaliated against Plaintiff for her complaints. Defendants Hotzler and Brown, in an act of deliberate willful indifference, deprived Plaintiff of her fundamental liberty and property rights without due

process of law under the Fourteenth Amendment. Defendants Hotzler and Brown, pursuant to their policy, custom or practice, intentionally, willfully, knowingly, falsely, recklessly, or with gross negligence accused Plaintiff of having a sexual relationship with a student, without conducting any investigation prior to or after the accusation. Defendants' subsequent discharge of Plaintiff has deprived her of a liberty interest without due process of law, in that she has been foreclosed from pursuing her chosen career as a college professor.

18. Plaintiff reasonably believed that as a result of this accusation against her, that she had been subjected to sexual harassment, and made a good faith complaint about the incident. As a result of Plaintiff's reporting the incident, Defendants unlawfully retaliated and discriminated against Plaintiff by not reappointing Plaintiff in her position as Assistant Professor, thereby terminating her employment. Plaintiff was terminated, with the stigma of the false accusation that she had an inappropriate sexual relationship with a student. Defendants' potentially career-ending allegation was so outrageous and egregious that it could be fairly said to shock the conscience. This accusation against Plaintiff put Plaintiff's integrity into question, and was so serious as to implicate Plaintiff's liberty interest of being able to pursue her chosen career of teaching. Plaintiff was denied this liberty interest without pre- or post-deprivation due process of law as a result of Defendants' reckless conduct.

19. While acting under color of law and by way of authority and power granted to them by the State of New York, the Defendants, their agents, officers, servants and/or employees, engaged in unlawful conduct by retaliating against Plaintiff for exercising her First Amendment rights to free speech. Specifically, as a result of Plaintiff engaging in speech as a citizen, Defendants retaliated against Plaintiff by: creating defamatory and false allegations against Plaintiff that she engaged in an inappropriate sexual relationship with a student; engaging

in reckless, intentionally damaging and defamatory behavior against Plaintiff thereby foreclosing Plaintiff from pursuing her chosen career as a professor; and soon thereafter discharging Plaintiff wrongfully.

BACKGROUND FACTS

20. On January 26, 2006, Defendant Hotzler hired Plaintiff as a tenure-track Assistant Professor in the Biological Sciences Department at City Tech. During her employment, Plaintiff reported to Biological Sciences Department Chair, Rena Dabydeen ("Department Chair Dabydeen"), and Defendant Brown.

21. Throughout Plaintiff's employment at City Tech, her duties as Assistant Professor in the Biological Sciences Department consisted of undertaking her own research in the field, teaching students in a classroom setting, and acting as an advisor to students conducting their own research. Plaintiff performed all of these duties in an exemplary manner during her years at City Tech.

22. Faculty at City Tech was subject to an Annual Professional Evaluation, completed by the Chair of the Department. On or about June 3, 2006, Plaintiff received her first evaluation. Biological Sciences Department Chair Henry Zimmerman gave Plaintiff a rating of "Excellent" in her evaluation for the period of February 1, 2006 – June 3, 2006.

23. Plaintiff also received good reviews of her ability to teach students in the classroom setting. On or about March 28, 2006, after only having been a City Tech professor for two (2) months, Plaintiff received a rating of "Very Good" for the Classroom Teaching Observation conducted by Professor Balfour Dunkley.

24. On or about September 8, 2006, Plaintiff's handbag and wallet were stolen from the faculty desk during her second year Anatomy and Physiology class. Plaintiff presumed the theft was committed by a student, since only students were present in the room during the period

when the handbag was stolen. When Plaintiff noticed the theft, she filed a report with the City Tech security office that same day.

25. On or about September 11, 2006, City Tech Sergeant Jones found the stolen handbag in a bathroom at City Tech. Plaintiff's wallet and its contents were missing.

26. Sergeant Jones directed Plaintiff to file a report of grand larceny with the New York City Police Department ("NYPD") at the precinct located at 301 Gold Street, Brooklyn, New York, due to the fact that her wallet and its contents were still missing, and in order to prevent future identity theft.

27. An NYPD detective was assigned to the case. On or about September 11, 2006, Plaintiff provided the detective with a roster of student names, which he used to aid in his investigation of the felony. The roster contained only the first and last names of the students.

28. The NYPD detective later informed Plaintiff that he was unable to conduct further investigation, because most of the students on the roster were less than 18 years of age, making it impossible to access their criminal histories. Plaintiff was very surprised to learn that high school-aged students were enrolled in her second year Anatomy & Physiology course, since it was college level and had prerequisite introductory level courses. Plaintiff soon learned that many of the students in her class, in addition to being underage, had also not satisfied the prerequisites for the course.

29. On or about December 4, 2006, Plaintiff, despite the fact that it exceeded her duties as a professor in this context, engaged in protected speech and informed Defendant Brown and Defendant Hotzler of the situation regarding the underage students. Plaintiff informed them that many of her students were under 18 years of age, and lacked the basic prerequisites that were necessary to take the courses in which they were enrolled.

30. On or about March 7, 2007, as a result of her good performance in her first year as Assistant Professor, Plaintiff received a reappointment from the Biology Appointments Committee for the September 1, 2008 – August 31, 2009 academic year, as an Assistant Professor.

31. Plaintiff continued to perform at a high level in her position as Assistant Professor. Classroom Teaching Observations were again conducted of Plaintiff by Professor Vasily Kolchenko on or about November 7, 2006 and by Professor Sanjoy Chakraborty on or about April 24, 2007. For each observation, Plaintiff received a score of "Excellent," the highest rating possible.

32. Plaintiff received her second Annual Faculty Professional Evaluation, this time for the period of September 1, 2006 – June 6, 2007. Department Chair Dabydeen gave Plaintiff a score of "Excellent." Despite Plaintiff's consistent exemplary reviews, Plaintiff's employment at City Tech began to take a turn on or about December 3, 2007.

33. On that day, Defendant Brown called Plaintiff into her office, and in the presence of Department Chair Dabydeen, intentionally and falsely accused Plaintiff of engaging in romantic relationships with a student by the name of MM. Plaintiff was shocked and caught completely off guard, as this was a career-ending allegation for a professor. Plaintiff categorically denied Defendant Brown's accusations. After Plaintiff's meeting with Defendant Brown, Plaintiff reviewed Section F of the City Tech Handbook of Instructional Staff Policies and Procedures, which states that "sexual harassment includes false and malicious accusations." At this point, Plaintiff reasonably believed in good faith that this false and malicious accusation against her was an act of sexual harassment.

34. Later in December 2007, Department Chair Dabydeen told Plaintiff that City Tech policy dictated that students who missed more than 10% of their classes were to be given failing grades. The policy was delineated in a document entitled, "Unofficial Withdrawal Policy" that was distributed to all City Tech faculty and staff by Professor Martin Garfinkle at the City Tech College Council meeting.

35. On or about December 27, 2007, and in accordance with the aforementioned policy, Plaintiff failed six (6) Dental Hygiene students out of a class of over 40 students. Plaintiff failed four (4) of these six (6) students as a result of their missing more than 10% of their classes, as she had been instructed to do so, and the other two (2) students because they had received failing exam grades.

36. On or about February 4, 2008, Plaintiff attended a meeting with Michelle Harris, the Director of Instructional Staff Relations and Human Resources ("Harris") and Provost Bonne August ("Provost August"). In the meeting, Plaintiff made clear that Defendant Brown's false, malicious, and reckless accusation against Plaintiff on December 3, 2007, constituted sexual harassment.

37. Plaintiff was later told by Defendants that after Plaintiff's meeting with Harris and Provost August, Affirmative Action Officer Gilen Chan ("Chan") was directed to investigate Plaintiff's sexual harassment complaint.

38. On or about May 4, 2008, Plaintiff received a letter from Harris, falsely accusing her of violating the Family Educational Rights and Privacy Act ("FERPA). Within the letter, Harris falsely accused Plaintiff of conducting a "private investigation" into her missing purse and wallet, and of providing a student information about the grades of other students. Furthermore, Harris falsely accused Plaintiff of admitting to improperly providing a student with information

about the grades of other students during their February 4, 2008, meeting. This letter of accusation against Plaintiff was in retaliation for Plaintiff's good faith complaint about Defendant Brown's sexual harassment.

39. On or about May 7, 2008, Plaintiff responded to the letter. Plaintiff first stated that the criminal investigation into the stolen purse was not private, but publicly conducted by a detective from the NYPD. Additionally, Plaintiff wrote that the disclosure of the student roster to the NYPD was necessary for the criminal investigation to proceed, and that schools are permitted to disclose such records to state and local authorities within a juvenile justice system, of which the NYPD was one, under 34 CFR § 99.31.

40. This letter written by Plaintiff was in the course of her duties as a Professor.

41. On or about July 9, 2008, Provost August wrote a letter to Plaintiff stating her claim of sexual harassment against Defendant Brown, was "unsubstantiated and without merit." In the letter, Provost August failed to include any information as to the nature and extent of Provost August's alleged investigation. Provost August also falsely accused Plaintiff that she had admitted at the February 4, 2008, meeting that she improperly disclosed grade information to a student. This false allegation against Plaintiff was another example of Defendants' acts of retaliation against Plaintiff. Finally, Provost August falsely accused Plaintiff of inappropriately disclosing to student MM that Defendant Brown accused Plaintiff of having an inappropriate student relationship with MM. During this time, Plaintiff continued to receive excellent reviews and commendations from City Tech.

42. Plaintiff received her third score of "Excellent" in a row on her September 1, 2007 – June 5, 2008 Annual Faculty Professional Evaluation, completed by Department Chair Dabydeen.

43. Two (2) more Classroom Teaching Observations were also conducted of Plaintiff, by Professor Isaac Barjis on or about November 7, 2007, and by Professor Niloufar Haque on or about May 7, 2008. Plaintiff again received ratings of "Excellent" on both observations, the highest score obtainable.

44. On or about July 15, 2008, Plaintiff wrote a letter in response to Provost August and copied Defendant Hotzler. In the letter, Plaintiff insisted that City Tech was not fairly dealing with her complaint, and in good faith, again said that she believed that Defendant Brown had subjected her to sexual harassment, by intentionally and falsely accusing her of having a romantic or sexual affair with a student.

45. To Plaintiff's knowledge, Defendants never investigated her claim of sexual harassment, never conducted any interviews with respect to the claim, and never took any reasonable steps to remedy the situation and ensure similar incidents did not occur in the future.

46. On or about October 6, 2008, Plaintiff unexpectedly received a notice from the Biological Sciences Appointments Committee that she was not being reappointed as an Assistant Professor the next academic year, and that her employment would be terminated. The notice provided no reasons for the decision whatsoever, much less a legitimate reason.

47. On or about October 22, 2008, Plaintiff submitted an appeal for reappointment to Personnel Appeals Committee Chair Alan Huffman, the committee that sits in review of the department-level appointment committees, including the Biological Sciences Appointments Committee. In the appeal, Plaintiff, through her prior attorney, wrote the following:

> "According to the City Tech Handbook of Instructional Staff Policies and Procedures, 'the purpose of professional evaluations shall be...to provide a basis for decisions on reappointment.' From Sept 1, 2007 to June 5, 2008, Plaintiff received two excellent classroom observation reports. Her overall evaluation rating was

> "Excellent." The 2007-2008 evaluation was signed on June 9, 2008. On Oct 7, 2008, Plaintiff received a notice stating that the Biology Appointments Committee 'did not recommend her to reappointment.' Between June 9, 2008, and Oct 7, 2008, Plaintiff did not receive any negative evaluation documents in her personnel file...Therefore it is clear that a decision not to reappoint a professor with excellent evaluations could not have resulted from a fair consideration of the merits of her application for reappointment. Something else must be going on – something unrelated to her actual professional performance."

48. On or about November 20, 2008, Plaintiff received a letter from Personnel Appeals Committee Chair Alan Huffman, in which he stated that her appeal for reappointment had merit. The Personnel Appeals Committee, consisting of eight (8) faculty members from all different departments, unanimously voted in favor of reconsideration of Plaintiff for reappointment.

49. On or about March 4, 2009, Defendant Hotzler wrote a letter to Plaintiff, copied to Provost August and Harris. In the letter, Defendant Hotzler stated that he had reviewed the recommendations of the Biological Sciences Appointments Committee, the College Personnel Appeals Committee, Plaintiff's documents, and materials related to Plaintiff's employment, and that he was sustaining the Biological Sciences Appointments Committee's previous decision not to reappoint Plaintiff.

50. On or about March 10, 2009, Plaintiff wrote both an e-mail and a letter to Defendant Hotzler, asking for an explanation as to why her reappointment was being denied, despite the unanimous decision of the Personnel Appeals Committee.

51. Defendant Hotzler responded in a letter on or about March 24, 2009, listing various pretextual reasons for Plaintiff's termination. Based upon Defendant Hotzler's unsubstantiated and baseless justification for Plaintiff's termination, Plaintiff was denied

reappointment and discharged in retaliation for her statements regarding underage and unqualified students attending her classes and complaints of sexual harassment.

52. Plaintiff was terminated in the midst of the stigma surrounding her, without any type of pre- or post-deprivation process.

53. The fact that Defendant Hotzler and Brown made this outrageous accusation without conducting any pre- or post-investigation is reflective of Defendant CUNY's and City Tech's policy or custom with regard to such matters.

54. Therefore, Defendants' termination of Plaintiff has deprived her of a liberty interest without due process of law, in that she has been foreclosed from being able to continue her chosen career of college professor, because of the stigma and damage to her reputation to which she has been subjected as a result of Defendant Brown's false accusation.

COUNT I AGAINST DEFENDANTS CUNY AND CITY TECH

Title VII of the Civil Rights Act of 1964
Sex Discrimination and Retaliation for Engaging in a Protected Activity

55. Plaintiff repeats, reiterates and re-alleges each and every allegation set forth above with the same force and effect as if more fully set forth herein.

56. Plaintiff was subject to sexual harassment by an employee of City Tech and/or CUNY.

57. Plaintiff, in good faith, made a complaint about sexual harassment to which she reasonably believed she had been subjected, and therefore engaged in a protected act under Title VII.

58. Defendants were aware of Plaintiff's opposition.

59. Plaintiff suffered an adverse employment action soon after Defendants became aware of the protected activity.

60. The action was a materially adverse change in the terms and conditions of Plaintiff's employment.

61. Defendants had no legitimate reason for the adverse employment action.

62. Defendants' proffered reasons for the adverse employment action were pretextual in nature.

COUNT II AGAINST DEFENDANTS HOTZLER AND BROWN

New York State Human Rights Law
Aiding and Abetting Sex Discrimination and Retaliation for Engaging in a Protected Activity

63. Plaintiff repeats, reiterates and re-alleges each and every allegation set forth above with the same force and effect as if more fully set forth herein.

64. Plaintiff was subject to sexual harassment by employees of City Tech and/or CUNY.

65. Plaintiff, in good faith, made a complaint about sexual harassment to which she reasonably believed she had been subjected, and therefore engaged in a protected act under the NYSHRL.

66. Defendants were aware of Plaintiff's opposition.

67. Plaintiff suffered an adverse employment action soon after Defendants became aware of the protected activity.

68. The action was a materially adverse change in the terms and conditions of Plaintiff's employment.

69. Defendant Hotzler and Brown aided and abetted in the discrimination and retaliation against Plaintiff.

70. Defendants had no legitimate reason for the adverse employment action.

71. Defendants' proffered reasons for the adverse employment action were pretextual in nature.

COUNT III AGAINST DEFENDANT HOTZLER AND BROWN

New York City Human Rights Law
Aiding and Abetting Retaliation and Discrimination for Engaging in a Protected Activity

72. Plaintiff repeats, reiterates and re-alleges each and every allegation set forth above with the same force and effect as if more fully set forth herein.

73. Plaintiff was subject to sexual harassment by an employee of City Tech and/or CUNY.

74. Plaintiff, in good faith, made a complaint about sexual harassment to which she reasonably believed she had been subjected, and therefore engaged in a protected act under the NYCHRL.

75. Defendants were aware of Plaintiff's opposition.

76. Plaintiff suffered an adverse employment action soon after Defendants became aware of the protected activity.

77. The action was a materially adverse change in the terms and conditions of Plaintiff's employment.

78. Defendant Hotzler and Brown aided and abetted in the discrimination and retaliation against Plaintiff.

79. Defendants had no legitimate reason for the adverse employment action.

80. Defendants' proffered reasons for the adverse employment action were pretextual in nature.

COUNT IV AGAINST DEFENDANTS HOTZLER AND BROWN

42 USC § 1983
Deprivation of Fourteenth Amendment Due Process Rights

81. Plaintiff repeats, reiterates and re-alleges each and every allegation set forth above with the same force and effect as if more fully set forth herein.

82. As described fully above, Defendants Hotzler and Brown, in an act of deliberate willful indifference, by and through their employees, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjected, or caused to be subjected, Plaintiff to the deprivation of rights, privileges, or immunities secured by the Constitution and laws, and shall be liable to Plaintiff.

83. As a result of Defendants Hotzler and Brown's actions, Plaintiff was deprived of her fundamental liberty and property rights without due process of law under the Fourteenth Amendment.

84. Hotzler and Brown intentionally, willfully, knowingly, recklessly, or with gross negligence subjected Plaintiff to allegations that she had been having a romantic or sexual relationship with a student.

85. Defendants, pursuant to their policy, custom or practice, deliberately and indifferently failed to investigate the accusation before or after presenting it to Plaintiff in the presence of another staff member, and disclosing its contents to other staff members within City Tech.

86. Hotzler and Brown's accusation against Plaintiff put her good name, honor, and integrity into question.

87. As a result of Defendants' deliberate indifference to the rights of Plaintiff, Plaintiff was stigmatized and foreclosed from being able to pursue her chosen career in the field of education, a valid liberty interest.

88. Plaintiff was denied a hearing or other adequate pre- or post-deprivation remedy and therefore was denied of her liberty interest without due process of law.

89. Defendants' accusations were so severe as to shock the contemporary conscience, thereby depriving Plaintiff of her substantive due process rights.

90. Defendants' reckless, damaging behavior has caused Plaintiff physical and mental damages.

COUNT V AGAINST DEFENDANTS HOTZLER AND BROWN

42 U.S.C. § 1983
First Amendment Retaliation

91. Plaintiff repeats and realleges each and every allegation set forth above with the same force and effect as if more fully set forth herein.

92. The aforementioned denial of reappointment, false accusations, and adverse treatment and other acts of retaliation described above by the Defendants Hotzler and Brown are a violation of Plaintiff's rights under the First Amendment and 42 U.S.C. § 1983.

93. As also described above, Plaintiff engaged in activity protected under the 1st Amendment by speaking out as a citizen, not pursuant to her job duties, with regard to Defendants' enrollment of underage and unqualified students in advanced courses; Defendants' baseless claims that Plaintiff engaged in a sexual relationship with a student; and Defendants' subjection of Plaintiff to sexual harassment.

94. Acting under color of law. Defendants Hotzler and Brown willfully and maliciously retaliated against Plaintiff for Plaintiff's engagement in the aforementioned constitutionally protected activity by taking various adverse employment actions against her.

95. As a result of Defendants' aforementioned conduct against Plaintiff, Plaintiff has suffered both economic and non-economic damages including mental anguish, public ridicule, public stigmatization and emotional distress.

DEMAND FOR A JURY TRIAL

96. Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff demands a trial by jury in this action.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, demands judgment against Defendants as follows:

a. Preliminary and permanent injunctions against Defendants and their officers, owners, agents, successors, employees, representatives, and any and all persons acting in concert with them, from engaging in each of the unlawful practices, policies, customs, and usages set forth herein;

b. A judgment declaring that the practices complained of herein are unlawful and in violation of the aforementioned laws protected by the United States Constitution and the laws of New York State.

c. An order restraining Defendants from any retaliation against Plaintiff for participation in any form in this litigation;

d. Reinstatement, including restoration of lost fringe benefits;

e. Damages which Plaintiff has sustained as a result of Defendants' conduct, including back pay, front pay, general and special damages for lost compensation and employee benefits

she would have received but for Defendants' conduct, and for emotional pain, suffering, inconvenience, mental anguish, and loss of enjoyment of life;

f. Punitive damages to the extent authorized by law in an amount commensurate with Defendants' ability and so as to deter future unlawful conduct;

g. Awarding Plaintiff costs and disbursements incurred in connection with this action, including reasonable attorneys' fees, expert witness fees and other costs;

h. Pre-judgment and post-judgment interest, as provided by law; and

i. Granting Plaintiff other and further relief as this Court finds necessary and proper.

Dated: Carle Place, New York
March 24, 2011

Respectfully submitted,
The Law Office of
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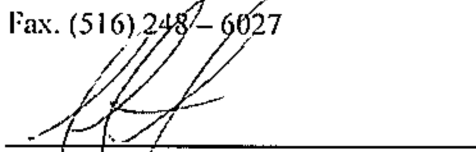

By: ______________________
Stephanos Zannikos (SZ0893)