UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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KIM L. TAFOLLA,

Plaintiff,

- against -

COUNTY OF SUFFOLK, EDWARD HEILIG, and JOSEPH CARROLL,

Defendants.

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Case No. 17-CV-4897 (JS)(AKT)

AMENDED COMPLAINT

PLAINTIFF DEMANDS A TRIAL BY JURY

Plaintiff, KIM L. TAFOLLA, by her attorneys, PHILLIPS & ASSOCIATES, Attorneys at Law, PLLC, hereby complain of Defendants, upon information and belief, as follows:

NATURE OF THE CASE

1. Plaintiff complains pursuant to the **42 U.S.C. § 1983**, **Americans with Disabilities Act of 1990**, 42 U.S.C. § 12101, et seq. ("ADA"), and the **New York State Human Rights Law**, New York State Executive Law, § 296 ("NYSHRL"), et seq., and seeks damages to redress the injuries Plaintiff suffered as a result of being discriminated and retaliated against, and ultimately terminated by her employer solely due to her **perceived and or actual disabilities (caused by multiple personal injuries described herein)**.

JURISDICTION AND VENUE

2. Jurisdiction of this Court is proper under 42 U.S.C. § 1983, 42 U.S.C. § 12101, et. seq., and 28 U.S.C. §§ 1331 and 1343.

3. The Court has supplemental jurisdiction over the claims of Plaintiff brought under state law pursuant to 28 U.S.C. § 1367.

4. Venue is proper in this district in that a substantial part of the events or omissions giving rise

to the claim occurred within the Eastern District of the State of New York. 28 U.S.C. §1391(b).

PROCEDURAL PREREQUISITES

5. Plaintiff filed charges of discrimination upon which this Complaint is based with the Equal Employment Opportunities Commission ("EEOC").

6. Plaintiff received a Notice of Right to Sue from the EEOC, dated May 23, 2017, with respect to the herein charges of discrimination. A copy of the Notices is annexed hereto.

7. This Action is being commenced within 90 days of receipt of said Right to Sue.

PARTIES

8. That at all times relevant hereto, Plaintiff, KIM L. TAFOLLA ("TAFOLLA"), is a resident of the State of New York and County of Suffolk.

9. That at all times relevant hereto, Defendant, COUNTY OF SUFFOLK ("Defendant COUNTY"), was and is a municipal corporation, located within the State of New York.

10. That at all times relevant here to, the Suffolk County District Attorney's Office ("SCDAO") is an agency of Defendant COUNTY.

11. That at all times relevant hereto, Plaintiff TAFOLLA was an employee of Defendant COUNTY.

12. Upon information and belief, at all times material, Defendant EDWARD HEILIG ("HEILIG"), was and is an individual residing in the State of New York.

13. That at all times relevant hereto, Defendant HEILIG was an employee of Defendant COUNTY, holding the position of "Division Chief" for the SCDOA.

14. That at all times relevant hereto, Defendant HEILIG was Plaintiff TAFOLLA's supervisor and/or had supervisory authority over Plaintiff. Defendant HEILIG had the ability to hire, fire

and affect the terms and conditions of Plaintiff's employment.

15. Upon information and belief, at all times material, Defendant JOSEPH CARROLL ("CARROLL"), was and is an individual residing in the State of New York.

16. That at all times relevant hereto, Defendant CARROLL was an employee of Defendant COUNTY, holding the position of "Bureau Chief" for the SCDOA.

17. That at all times relevant hereto, Defendant CARROLL was Plaintiff TAFOLLA's supervisor and/or had supervisory authority over Plaintiff. Defendant CARROLL had the ability to hire, fire and affect the terms and conditions of Plaintiff's employment.

18. Defendants, COUNTY, HEILIG, and CAROLL, are collectively referred to herein as "Defendants."

MATERIAL FACTS

19. On or about November 17, 2008, Plaintiff began working for Defendant COUNTY as a "Clerk Typist", for the SCDAO, with a starting rate of $15.22 per hour.

20. By the time Plaintiff's employment ended, Plaintiff was receiving approximately $22.00 per hour and was making approximately $38,599.00 per year. Plaintiff has a 2017 expected annual salary of approximately $47,200.00, which factors in annual raises Plaintiff would have received, had Defendants not discriminatorily terminated Plaintiff.

21. On or about March 5, 2009, Plaintiff had a slip and fall accident, on her way to work. Plaintiff injured her cervical spine, right ankle, right knee, and right arm. ("March 5th Fall").

22. On or about November 3, 2011, Plaintiff had surgery for Cervical Spondylosis, as a result of the March 5th Fall.

23. On or about February 13, 2013, Plaintiff applied for Family Medical Leave Act ("FMLA"), due to her March 5th Fall.

24. On or about February 21, 2013, Defendant SCDAO denied Plaintiff's Request for FMLA.

25. On or about May 7, 2013, Plaintiff underwent an Independent Medical Examination ("IME") for the March 5th Fall. During this procedure, Plaintiff's right foot and ankle were injured. ("May 7th Injury").

26. On or about November 25, 2013, Plaintiff was in an automobile accident, where she was struck from behind. (the "November 25th Accident").

27. The November 25th Accident injured Plaintiff's Cervical and Lumbar Spine.

28. On or about November 26, 2013, Plaintiff text messaged Defendant CARROLL, informing him of the November 25th Accident and that she would not be able to come into work that day.

29. On or about December 2, 2013, Plaintiff returned to work to find large boxes on her desk, as well as, case files throughout her office. Plaintiff was required to archive two of the outgoing Assistant District Attorneys' ("ADAs") case files.

30. On or about December 6, 2013, ADA Tracy Hoffman ("ADA Hoffman") inquired with Plaintiff when the files in Plaintiff's office would be archived.

31. That day, Plaintiff e-mailed Defendant CARROLL requesting that Jen Greezang ("Ms. Greezang"), a Clerk Typist, assist Plaintiff with the archiving, since she was still in pain from the November 25th Accident. This was a request for an accommodation.

32. Defendant CARROLL requested that Plaintiff provide him with her DMV 104 Accident Report documenting the November 25th Accident. However, Plaintiff explained that cops were never called and that she exchanged insurance information with the other driver. Plaintiff offered this information, however, Defendant CARROLL never responded.

33. On or about December 9, 2013, Plaintiff went to see Eugene King ("Mr. King"), Plaintiff's

Doctor's Physician Assistant. Mr. King reviewed Plaintiff's MRI reports and provided Plaintiff with pain medication and a muscle relaxer. Plaintiff was also provided a Doctor's Note stating that she: (1) should not be lifting over five (5) pounds; and (2) should not be doing any bending or pushing movements. In addition, Mr. King indicated that Plaintiff would be re-evaluated in two (2) months. (the "December 9th Doctor's Note").

34. On or about December 10, 2013, upon returning to work, Plaintiff provided the December 9th Doctor's Note to Defendant CARROLL. In addition, Plaintiff provided an additional copy of the December 9th Doctor's Note with her time sheet to Diane Stankowicz ("Ms. Stankowicz"), in Administration.

35. However, Defendant CARROLL never responded.

36. Upon information and belief, Defendant CARROLL had read Plaintiff's December 9th Doctor's Note and was aware of Plaintiff's medical needs.

37. On or about December 13, 2013, Defendant CARROLL asked Plaintiff to provide him with a list of all of the cases that have been sent to the archives, since June 24, 2013 through the Present (December 2013), as well as, the box numbers that each file could be found in.

38. On or about January 6, 2014, at approximately 4:15 p.m., Plaintiff was approached by ADA Pete Timmons ("ADA Timmons"), to drop off files to be archived and inquired with Plaintiff when they would be picked up. Plaintiff explained that it was addressed with Defendant CARROLL already and that ADA Timmons could inquire with him.

39. On or about January 7, 2014, Defendant CARROLL came to Plaintiff's Office, with ADA Deirdre Horney ("ADA Horney"), and demanded an explanation as to why the archives were not getting filed.

40. When Plaintiff attempted to explain that the December 9th Doctor's Note instructed that she

could not perform that duty, Defendant CARROLL continued to speak over her.

41. Defendant CARROLL gave Plaintiff an ultimatum: (1) Plaintiff was either to do the tasks; or (2) Defendant CAROLL would call Defendant HEILIG, Stephanie Macauley ("Ms. Macauley"), Plaintiff's Union Liaison, and Cindy Topper ("Ms. Topper"), Plaintiff's Shop Steward, and put her out on disability.

42. Plaintiff began pleading with Defendant CARROLL that she could not go out on disability because she would be financially harmed.

43. However, Defendant CARROLL continued to yell at Plaintiff and told her to put the box on the floor, enter the information into the computer, from a sitting position, and put the files in the box. In addition, once that is completed, he or someone else would move the boxes for Plaintiff.

44. Never once did Defendants engage in an interactive process with Plaintiff to address her request for an accommodation.

45. Plaintiff attempted to explain that to do what he was asking would cause her severe pain, due to her cervical and lumbar spine injuries, as well as, her severe whiplash. However, Defendant CARROLL did not care. In response, Defendant CARROLL picked up a lighter file from Plaintiff's desk and in a mocking manner stated, "I don't think this file weights five pounds."

46. Plaintiff again tried to explain her predicament. However, Defendant CARROLL told Plaintiff, if she was not happy at SIB, he would have no problem transferring Plaintiff anywhere she wanted to go.

47. Plaintiff was taken aback by Defendant CARROLL's disregard for Plaintiff's disability and attempts at requesting an accommodation for her disability.

48. In fear for her job and livelihood, Plaintiff did as she was instructed to by Defendant

CARROLL. By the end of the day, Plaintiff was in such excruciating pain, she could barely walk to her car.

49. On or about January 8, 2014, Plaintiff was in so much pain, she was forced to call out of work.

50. Later that day, Plaintiff called her spinal surgeon, Dr. Robert Galler's, D.O. ("Dr. Galler"), office, and advised them about the pain she was in. Plaintiff was instructed to come into the office.

51. Upon leaving Dr. Galler's office, Plaintiff was provided a second note emphasizing how important it was that Plaintiff be excused from filing archives in order to prevent further injury to her spine. (the "January 8th Doctor's Note"). The January 8th Doctor's Note also specified that Plaintiff could perform her sedentary job duties.

52. On or about January 9, 2014, Plaintiff returned to work and called Ms. Topper.

53. Upon speaking to Ms. Topper, Plaintiff was instructed to wait until her return in order to provide Defendant CARROLL with the additional doctor's notes.

54. In addition, Ms. Topper reached out to Ms. Macauley, who put Plaintiff in touch with Max Sicherman, the Union lawyer.

55. On or about January 14, 2014, Plaintiff faxed a copy of her request for a reasonable accommodation and the January 8th Doctor's Note to Ms. Stankowicz.

56. Almost immediately, without engaging in any interactive process, Ms. Stankowicz alleged that the County did not offer light duty assignments.

57. This decision represented that there was a systematic, custom, policy and/or practice, that routinely denied Defendant COUNTY's disabled employees of rights afforded to them under the federal law. This conduct was unreasonable and done under the color of the law.

58. Plaintiff explained that she was not requesting a light duty assignment, rather she was requesting a temporary reasonable accommodation. Ms. Stankowicz stated that Defendant CARROLL would be the one who must approve Plaintiff's request.

59. Plaintiff explained that Defendant CARROLL already gave Plaintiff unreasonable instructions and told her if she did not complete them, he would contact Defendant HEILIG, Ms. Macauley, and Ms. Topper and have Plaintiff put out on disability.

60. Ms. Stankowicz responded if that is what Defendant CARROLL told her, then Plaintiff would have to go out on disability.

61. For approximately two days, Plaintiff spoke to Ms. Stankowicz about getting the letter. However, Ms. Stankowicz refused stating that Defendant SCDAO was not putting her out on disability, rather her doctor would have to put her out on disability.

62. Plaintiff repeatedly explained that Defendant CARROLL was putting Plaintiff out on disability, not her doctor. However, Ms. Stankowicz refused to provide Plaintiff with the requested note.

63. During this whole ordeal, Plaintiff was also speaking with Caroline Stolz ("Ms. Stolz"), from Risk Management, in order to make sure she did not lose her job due to job abandonment. Ms. Stolz told Plaintiff that Ms. Stankowicz was right and if Defendant CARROLL was refusing Plaintiff's accommodation, then there was nothing Plaintiff could do.

64. Defendant COUNTY again denied to participate in any interactive process related to Plaintiff's request for a reasonable accommodation.

65. On or about January 15, 2014, Plaintiff submitted a second application for FMLA with Ms. Stankowicz, and submitted paperwork that Dr. Galler filled out.

66. As of January 15, 2014, Plaintiff still had not heard back from anyone with her Union.

67. Later that day, ADA Mary Skiber ("ADA Skiber") came into Plaintiff's office and dropped off a closed file. ADA Skiber, mockingly told Plaintiff, "Kim, if this pile gets any higher we are not going to be able to find you back there."

68. It was then that Plaintiff realized that Defendant CARROLL was not going to provide Plaintiff an accommodation, which included another employee to help file the documents.

69. That evening, upon reflecting on Defendants' conduct, Plaintiff realized that she was never going to receive a reasonable accommodation.

70. On or about January 16, 2014, Plaintiff called out sick.

71. On or about January 17, 2014, Plaintiff received two letters from Defendant HEILIG. The first was dated January 16, 2014, which indicated that Defendant CARROLL previously provided Plaintiff with a reasonable accommodation. The second letter stated:

> Please be further advised that the county does not have light duty assignments. If you are not capable of performing your job duties for any reason, including medical limitations, you will have to be out on a medical leave until you can return to work with a Doctor's note indicating that you can work with no restrictions.

72. This decision represented that there was a systematic, custom, policy and/or practice, that routinely denied Defendant COUNTY's disabled employees of rights afforded to them under the federal law. This conduct was unreasonable and done under the color of the law.

73. In addition, Defendant COUNTY again refused to participate in an interactive process related to Plaintiff's request for a reasonable accommodation.

74. On or about January 28, 2014, Plaintiff went to the Sixth Precinct, in Suffolk County, located at 40 Middle Country Road, Selden, New York 11784, explained her situation, and filled out the form, for the DMV to have on file.

75. On or about February 4, 2014, Plaintiff received a Time Out of Work notice, stating that she

needed a doctor's note, since she had been out of work since January 15, 2014.

76. On or about March 3, 2014, Plaintiff received approval for her second FMLA request.

77. On or about January 13, 2015, Plaintiff was terminated under the guise that Plaintiff was absent from work due to a non-work-related illness, not compensable under the New York State Workers' Compensation law.

78. **The reason for termination is merely pretextual. But for the fact that Plaintiff was requesting a reasonable accommodation for her disability, Defendants would not have treated her any differently**.

79. Since Plaintiff's accidents she continues to suffer from side effects. These side effects include: not being able to stand for long periods of time; needing breaks to sit down; difficulty walking; inability to lay down for long periods of time; inability to fall asleep and stay asleep; and difficulty moving. In addition, Plaintiff suffers from severe headaches, due to the slip and fall accident.

80. **Defendants' actions and conduct were intentional and intended to harm Plaintiff**.

81. As a result of Defendants' actions, Plaintiff feels extremely humiliated, degraded, victimized, embarrassed, and emotionally distressed.

82. As a result of the acts and conduct complained of herein, Plaintiff has suffered a loss of income, the loss of a salary, bonus, 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.

83. Plaintiff's medical condition constituted an impairment that substantially limited one or more of her major life activities within the meaning of § 12102(1)(A) of the ADA, including

walking, sitting or standing for extended periods of time, laying down, lifting heavy objects over a limited number of pounds, and limited range of motion in her neck.

84. Plaintiff was, and remains, a qualified individual who can perform the essential functions of her employment with or without a reasonable accommodation as defined by § 12111(8) of the ADA.

85. As a result of the above, Plaintiff has been damaged in an amount which exceeds the jurisdiction limits of the Court.

86. Defendants' conduct has been malicious, willful, outrageous, and conducted with full knowledge of the law. As such, Plaintiff demands Punitive Damages as against all Defendants, jointly and severally.

AS A FIRST CAUSE OF ACTION
UNDER 42 U.S.C. § 1983

87. Plaintiff repeats, reiterates, and realleges each and every paragraph above as if said paragraph was more fully set forth herein at length.

88. 42 U.S.C. § 1983 states in relevant part as follows:

> Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable.

89. Defendants denied Plaintiff her rights as provided under 42 U.S.C. § 12101, et. seq., and has suffered damages as set forth herein.

AS A SECOND CAUSE OF ACTION

FOR DISCRIMINATOIN UNDER THE ADA
(Not as Against the Individual Defendant)

90. Plaintiff repeats, reiterates, and realleges each and every paragraph above as if said paragraphs were more fully set forth herein at length.

91. Plaintiff claims Defendant COUNTY, violated the Americans with Disabilities Act of 1990 (Pub. L. 101-336) (ADA), as amended, as these titles appear in volume 42 of the United States Code, beginning at section 12101.

92. Title 42 of the Americans with Disabilities Act of 1990, Chapter 126, Subchapter I, Section 12112, Discrimination [Section 102] states: "(a) General rule. - No covered entity shall discriminate against a qualified individual on the basis of disability in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment."

93. Defendant COUNTY, engaged in an unlawful discriminatory practice by discriminating against Plaintiff because of her actual and/or perceived disabilities.

94. As such, Plaintiff has been damaged as set forth herein.

AS A THIRD CAUSE OF ACTION
FOR RETALIATION UNDER THE ADA
(Not as Against the Individual Defendant)

95. Plaintiff repeats, reiterates, and realleges each and every paragraph above as if said paragraph was more fully set forth herein at length.

96. The ADA prohibits retaliation, interference, coercion, or intimidation.

97. 42 U.S.C. § 12203 provides:

a. Retaliation. No person shall discriminate against any individual because such individual has opposed any act or practice made unlawful by this chapter or because such individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this chapter.

b. Interference, coercion, or intimidation. It shall be unlawful to coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other individual in the exercise or enjoyment of, any right granted or protected by this chapter.

98. Defendant COUNTY, violated this section as set forth herein.

AS A FOURTH CAUSE OF ACTION
UNDER THE NEW YORK STATE LAW

99. 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.

100. Executive Law § 296 provides that

> 1. It shall be an unlawful discriminatory practice: "(a) For an employer or licensing agency, because of an individual's age, race, creed, color, national origin, sexual orientation, military status, sex, **disability**, predisposing genetic characteristics, marital status, or domestic violence victim status, 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."

101. Defendants engaged in an unlawful discriminatory practice by discriminating against the Plaintiff because of her actual and/or perceived disabilities.

AS A FIFTH CAUSE OF ACTION
UNDER THE NEW YORK STATE EXECUTIVE LAW

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

103. Executive Law § 296 provides that, "7. It shall be an unlawful discriminatory practice for any person engaged in any activity to which this section applies to retaliate or discriminate against any person because he or she has filed a complaint, testified, or assisted in any proceeding under this article."

104. Defendants engaged in an unlawful discriminatory practice by discriminating against Plaintiff

because of her opposition to the unlawful employment practices of the Defendants.

AS A SIXTH CAUSE OF ACTION FOR DISCRIMINATION
UNDER THE NEW YORK STATE EXECUTIVE LAW
(As Against the Individual Defendants Only)

105. Plaintiff repeats and realleges each and every allegation made in the above paragraphs of this complaint.

106. New York State Executive Law § 296(6) provides that it shall be an unlawful discriminatory practice: "For any person to aid, abet, incite compel or coerce the doing of any acts forbidden under this article, or attempt to do so."

107. Defendants, HEILIG and CAROLL, violated the section cited herein as set forth.

JURY DEMAND

108. Plaintiff requests a jury trial on all issues to be tried.

WHEREFORE, Plaintiff respectfully requests a judgment against the Defendants:

A. Declaring that Defendants engaged in unlawful employment practices prohibited by **42 U.S.C. § 1983**, the **Americans with Disabilities Act of 1990**, 42 U.S.C. § 12101, et seq. ("ADA"), the **New York State Human Rights Law**, New York State Executive Law, § 296 ("NYSHRL"), et seq., in that Defendants discriminated and retaliated against Plaintiff on the basis of her disability;

B. Awarding damages to Plaintiff for all lost wages and benefits resulting from Defendants' unlawful discrimination and retaliation, and to otherwise make him whole for any losses suffered as a result of such unlawful employment practices;

C. Awarding Plaintiff compensatory damages for mental, emotional and physical injury, distress, pain and suffering and injury to her reputation in an amount to be proven;

D. Awarding Plaintiff punitive damages;

E. Awarding Plaintiff attorneys' fees, costs, disbursements, 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 Defendants' unlawful employment practices.

Dated: New York, New York
January 22, 2018

PHILLIPS & ASSOCIATES,
ATTORNEYS AT LAW, PLLC

By: /s/Marjorie Mesidor

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U.S. Department of Justice

United States Attorney's Office
Eastern District of New York

271 Cadman Plaza East
Brooklyn, New York 11201

May 23, 2017

Sarina Shaver
Investigator
U.S. Equal Opportunity Commission
New York District Office
33 Whitehall Street, 5th floor
New York, NY 10004

Re: Tafolla v. Suffolk County District Attorney's Office
EEOC Charge No.: 520-2016-00030

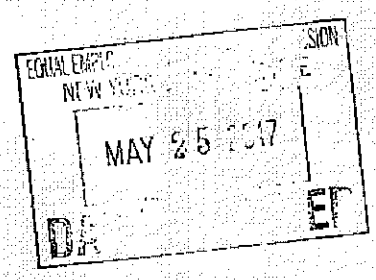
Dear Ms. Shaver:

The Department of Justice issued a Right to Sue Letter to the charging party in the above-referenced case; a copy of that letter is attached. By this letter, we return to the EEOC its original file.

Yours truly,

BRIDGET M. ROHDE
United States Attorney

By: _____
MICHAEL J. GOLDBERGER
Assistant U.S. Attorney
(718) 254-6052



U.S. Department of Justice

United States Attorney's Office
Eastern District of New York

271 Cadman Plaza East
Brooklyn, New York 11201

NOTICE OF RIGHT TO SUE WITHIN 90 DAYS

May 23, 2017

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Kim Tafolla
3 Jay Road
Centerreach, NY 11787

Re: Tafolla v. Suffolk County District Attorney's Office
EEOC Charge No. 5202016-00030

Dear Ms. Tafolla:

As you know, the Equal Employment Opportunity Commission (EEOC) has referred your charge of discrimination against the Suffolk County District Attorney's Office to the United States Attorney's Office for the Eastern District of New York after conciliation efforts by the EEOC failed. After careful consideration, this Office has determined that it will not file suit on the above-referenced charge of discrimination. This should not be taken to mean that the United States Attorney's Office has made a judgment as to whether or not your charge is meritorious.

You are therefore hereby notified that you have the right to institute a civil action under Title I of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12111, et seq., against the above-named respondent. If you choose to commence a civil action, **such suit must be filed in the appropriate court within 90 days of your receipt of this Notice.**

If you wish to pursue this matter, you should consult an attorney at your earliest convenience. If you are unable to locate an attorney, you may wish to contact the EEOC or apply to the appropriate court, since that court may appoint an attorney in some circumstances under Section 706(f)(1) of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-5(f)(1), referenced in Section 107(a) of the ADA, 42 U.S.C. § 2117(a).

We are returning the files in this matter to EEOC's District Office. If you or your attorney have any questions concerning this matter or wish to inspect the investigative file, please address your inquiry to the undersigned or to:

Kevin J. Berry
District Director
Equal Employment Opportunity Commission
New York District Office
33 Whitehall Street, 5th Floor
New York, New York 10004

We are forwarding a copy of this Notice of Right to Sue to the Respondent in this case.

Very truly yours,

BRIDGET M. ROHDE
Acting United States Attorney

By: _____
MICHAEL J. GOLDBERGER
Chief of Civil Rights, Civil Division
(718) 254-6052

cc: Dennis M. Brown, Esq.
Suffolk County Department of Law
P.O. Box 6100
Hauppauge, NY 11788-0099