

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

KRISTIN LEVY,)	
)	
Plaintiff)	
v.)	Docket No: _____
)	
)	JURY TRIAL
)	DEMANDED
NYC HEALTH + HOSPITALS AND)	
MEDICAL STAFFING SERVICES, INC.)	
)	
Defendants)	

COMPLAINT AND JURY DEMAND

PARTIES

1. The plaintiff, Kristin Levy (“Ms. Levy” or “Plaintiff”), is a female resident of the State of New York residing at 3239 Seymour Avenue, Bronx, NY 10469.

2. Defendant NYC Health + Hospitals (the “Hospital”) is a public benefit corporation created by the New York State Legislature to operate New York City’s municipal hospitals.

3. Defendant Medical Staffing Services, Inc. (“Medical Staffing”) is a foreign corporation with its principal office located at 25 Kennedy Blvd., Suite 200, East Brunswick, NJ 08816.

JURISDICTION AND VENUE

4. The court has subject matter jurisdiction under 28 U.S.C. § 1331 because the Plaintiff has brought federal claims, including claims under Title VII, 42 U.S.C. § 2000e-2, et al. and 42 U.S. Code § 1981 (“1981”). The court may exercise supplemental jurisdiction over Ms. Levy’s state and city law claims. 28 U.S.C. § 1367.

5. Venue is appropriate in the United States District Court for the Southern District of New York, as the Plaintiff is, and at all relevant times was, a resident of the borough of the Bronx within New York City, which is within the Southern District of New York.

6. This court has personal jurisdiction over the Hospital because it is a resident of New York, including because it is incorporated in New York and its principal place of business is in New York at 125 Worth St., New York, NY 10013. Additionally, the Hospital engaged in and transacted business in the State of New York, including by managing and/or operating a business in the State of New York and/or by employing Ms. Levy in the State of New York, and Ms. Levy’s causes of action stem largely from the Hospital’s business transactions within the State of New York. Indeed, Ms. Levy was employed by the Hospital in New York, Ms. Levy worked in the State of New York, and Ms. Levy was managed and terminated by the Hospital in the State of New York.

7. The court has personal jurisdiction over Medical Staffing because it engaged in and transacted business in the State of New York, including by managing and/or operating a business in the State of New York and/or by employing Ms. Levy in the State of New York, and Ms. Levy’s causes of action stem largely from Medical Staffing’s business transactions within the State of New York. Indeed, Ms. Levy was employed by Medical Staffing in New York, Ms. Levy worked in the State of New York, and Ms. Levy was managed and terminated by Medical

Staffing in the State of New York. Additionally, Medical Staffing is registered in the State of New York as a foreign corporation doing business in the state.

STATEMENT OF FACTS

8. Ms. Levy is an African American woman with dark skin color (darker than the skin color of many other African American individuals).

9. On or around April 28, 2020, Ms. Levy was hired by the Hospital and Medical Staffing (individually and collectively, the “Company”) as a mortuary technician based in the borough of Queens within New York City.

10. Ms. Levy worked at the Hospital at the Queens Hospital location (located at 82-68, 164th Street, Queens, NY). The Hospital and Medical Staffing (both collectively and each individually) exercised control over the day-to-day aspects of Ms. Levy’s job. For example, employees of both entities (the Hospital and Medical Staffing) had supervisory capacities over Ms. Levy and/or had the ability to direct, discipline, and provide work assignments to Ms. Levy.

11. For example, both of Ms. Levy’s supervisors, Shruti Dimri (“Dimri”) and Jennifer Coard (“Coard”), were employees of the Hospital.

12. Indeed, employees from both entities dictated Ms. Levy’s job duties and/or controlled the conditions of Ms. Levy’s work on a daily basis.

13. Furthermore, employees from both entities provided Ms. Levy with training, including onboarding certification sessions required for employees in the hospital facilities.

14. Additionally, upon information and belief, both entities played a role in setting pay, maintaining personnel files, and making hiring and firing decisions related to Ms. Levy.

15. As such, at all relevant times from April 2020 on, Ms. Levy was jointly employed by the Hospital and Medical Staffing.

16. At all relevant times, the Company (including each of the Hospital and Medical Staffing, both individually and collectively) employed 15 or more employees during 20 or more weeks within the current or preceding calendar years.

17. Indeed, at all relevant times, the Company (including each of the Hospital and Medical Staffing, both individually and collectively) employed 500 or more employees.

18. At all relevant times, Ms. Levy was a qualified employee and her job performance was satisfactory.

19. However, shortly after Ms. Levy's hiring, her supervisor Dimri began to treat Ms. Levy in a discriminatory manner due to her race and/or color.

20. Dimri was not the person who hired Ms. Levy and is a woman of South Asian (Indian) race and ancestry with skin color lighter than Ms. Levy's.

21. Importantly, Dimri was the person in charge whenever Coard was not around, which was frequently. As such, Dimri frequently served as Ms. Levy's direct supervisor.

22. On or around May 6, 2020, Ms. Levy was in the mortuary loading bodies for transport.

23. While doing this task, Dimri came into the mortuary and looked at Ms. Levy and said, "Niggers need to do more calls," referring to the speed at which Ms. Levy was loading bodies for transport.

24. Ms. Levy was deeply hurt by this harassing and discriminatory comment and raised protected concerns to Dimri that the use of this racial slur was extremely discriminatory against her race and color.

25. Dimri ignored Ms. Levy's protected concerns and told her to keep working.

26. During the week, Dimri would repeatedly call Ms. Levy “nigger” instead of using her actual name.

27. Additionally, Dimri would frequently refer to other African American and/or black employees as “niggers.”

28. Ms. Levy continued to raise protected concerns to Dimri that these overtly discriminatory comments upset her but was repeatedly ignored.

29. The next week, Dimri began to reprimand Ms. Levy for the slightest of alleged infractions, including coming back to work five minutes after she was allegedly supposed to come back from a lunch break.

30. Dimri did not reprimand non-African American and/or non-black employees for the same conduct. Indeed, she permitted non-African American employees such as Melissa (last name unknown, “Melissa”) to come back exceedingly late from lunch or to not come in for her shift at all.

31. Melissa is a woman of South Asian (Indian) race and ancestry with skin color lighter than that of Ms. Levy.

32. On or around May 15, 2020, shocked by these overtly discriminatory comments and discriminatory disparate treatment, and frustrated that the protected concerns Ms. Levy had already raised to Dimri were not being listened to, Ms. Levy contacted Dimri’s supervisor, Coard.

33. Ms. Levy raised protected concerns to Coard that Dimri had been repeatedly calling her “nigger” instead of using Ms. Levy’s actual name and had referred to the other few African Americans in the Company’s location as “niggers” as well.

34. Coard ignored Ms. Levy’s protected concerns and called her a liar.

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