

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

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RAIN ZHANG,

Plaintiff(s),

- against -

CENTER FOR COMPREHENSIVE HEALTH
PRACTICE,

Defendant(s).

-----X
To the above-named Defendants,

INDEX NO.

SUMMONS

Plaintiff designates the
County of Nassau for the
place of Trial

The basis of venue is CPLR
503(a);

Plaintiff's residence
7 Hillside Avenue
Great Neck, NY 11021

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's attorneys Gerstman Schwartz LLP, within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if the summons is not personally delivered to you within the State of New York); and in the case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: Garden City, New York
September 2, 2021

Respectfully submitted,

GERSTMAN SCHWARTZ, LLP

By: /s/ Randy E. Kleinman
Randy E. Kleinman, Esq.
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Garden City, New York 11530
Tel. No.: (516) 880 – 8170
RKleinman@GerstmanSchwartz.com

Attorneys for Plaintiff

TO:

CENTER FOR COMPREHENSIVE HEALTH PRACTICE
1900 2nd Ave 9th & 12th Floor
New York, NY 10029

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

-----X
RAIN ZHANG,

Index No.

Plaintiff,

VERIFIED COMPLAINT

- against -

CENTER FOR COMPREHENSIVE HEALTH
PRACTICE,

Defendant(s).

-----X

Plaintiff RAIN ZHANG, by her attorneys, Gerstman Schwartz LLP., as and for her
Verified Complaint against Defendants, states as follows:

NATURE OF THE CASE

1. Plaintiff complains pursuant to the **New York State Human Rights Law**, New York State Executive Law § 296, *et seq.* (“NYSHRL”) seeking damages to redress the injuries Plaintiff suffered as a result of being **discriminated and retaliated against** on the basis of her **race, nation of origin, and ethnicity**.

THE PARTIES

2. At all times relevant hereto, Plaintiff, Rain Zhang (hereinafter “Plaintiff” or “Ms. Zhang”) was and is a resident of the State of New York, residing at 7 Hillside Avenue, Great Neck, New York 11021.

3. At all times relevant hereto, Rain Zhang (hereinafter “Plaintiff” or “Ms. Zhang”), upon information and belief, held the position of Chief Finance Officer for Defendant Center for Comprehensive Health Practice, (hereinafter “Defendant” or “CCHP”).

4. At all times relevant hereto, Plaintiff met the definition of an “employee” and/or “eligible employee” under all applicable statutes.

5. At all times relevant hereto, Defendant Center for Comprehensive Health Practice, (“CCHP”) was and is a not-for-profit organization, duly existing pursuant to, and by virtue of, the laws of the State of New York.

6. At all times relevant hereto, Defendant CCHP operates a not-for-profit that provides primary care, substance use treatment, behavioral health and supportive services located at 1900 2nd Ave 9th & 12th Floor New York, NY 10029.

JURISDICTION AND VENUE

7. This Court has personal jurisdiction over the Defendants pursuant to C.P.L.R. §§ 301 and 302, because the Defendant is incorporated in New York, licensed to do business in New York and is transacting business in New York.

8. Venue is proper pursuant to §503(a) based on Plaintiff’s residence located at 7 Hillside Avenue, Great Neck, New York 11021.

FACTUAL ALLEGATIONS

9. On or about December 14, 2020, defendant CCHP hired Ms. Zhang as a “Chief Financial Officer” earning approximately \$165,000 per year.

10. From the moment her employment began, Ms. Zhang demonstrated a stellar work ethic and dedication to her position, which was reflected by her performance evaluations and the relationships she built with her team. Ms. Zhang was widely recognized by the Board and senior leadership for having turned the organization around over her short tenure.

11. Despite her exemplary performance, Ms. Zhang was repeatedly subjected to severe and pervasive discrimination based on her national origin, race, and Asian ethnicity.

12. Upon information and belief, three executives at Defendant CCHP had a close “inner circle” consisting of the interim CEO - Annie Mendelsohn, Senior Director - Michelle

Gadot, and Director - Rachel Heyman, who all happened to be white women. Other members of senior leadership have raised concerns about the lack of communication and transparency within the “circle” including former CEO Sue and Chief Medical Officer Mariely Fernandez.

13. On or about early April 2021, Michelle Gadot distributed a plan for administrative office usage requiring all members of the administration to share office spaces except for the “circle” who only went into the office once or twice per week.

14. Ms. Zhang immediately voiced concerns that this plan was unfair, especially to her team of five individuals, who happen to all be non-white employees.

15. Those concerns were brushed off dismissively because the office plan was “not final”, just preliminary, and that Ms. Zhang was worried “too soon”. The chairman of the board Ben Kusmin remarked that he would not consider “putting [Ms. Zhang] to work in the basement” much to her dismay and embarrassment.

16. On or about April 9th, shortly after Ms. Zhang voiced her concerns, a one-hour meeting was scheduled to discuss the office layout with architects. Upon information and belief, the meeting was scheduled at a time that was known Ms. Zhang could only attend for fifteen minutes. Ms. Zhang’s request to reschedule was thwarted by Annie Mendelsohn and Michelle Gadot.

17. Upon information and belief, the space allocation discussed at the meeting was agreed to be used completely for clinical space with an administrative space as well.

18. On or about May 2021, Michelle Gadot stated that the space usage was not intended to be all clinical. Apparently, it was drawn that way to receive significantly more government reimbursement incentives. The intent was still to use some of the space for

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