

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF WESTCHESTER

ELIZABETH LATHOURAKIS,

Plaintiff,

– against –

RAYMOURS FURNITURE COMPANY, INC. d/b/a  
RAYMOUR & FLANIGAN FURNITURE,

Defendant.

Index No.

**VERIFIED COMPLAINT**

Plaintiff Elizabeth Lathourakis (“Mrs. Lathourakis” or “Plaintiff”) by her attorneys, The Law Offices of Jordan D. Becker, state the following for their Verified Complaint against Respondent Raymours Furniture Company, Inc. d/b/a Raymour & Flannigan Furniture (“R&F” or “Respondent”):

**INTRODUCTION**

1. This action arises out of R&F’s intentional or grossly negligent failure to provide Mrs. Lathourakis with a safe work environment at R&F’s White Plains store, located at 1 Maple Avenue, White Plains, New York, during the COVID-19 pandemic. Throughout the period that COVID-19 swept through R&F’s White Plains store, R&F prioritized its financial health over that of its employees and customers, despite publicly making false and misleading statements to the contrary. As a result of R&F’s misconduct, Mrs. Lathourakis contracted COVID-19 and transmitted it to her mother and husband, ultimately resulting in her husband’s death.

**PARTIES**

2. Mrs. Lathourakis is a resident of Mamaroneck, New York and has been employed as a sales associate at R&F’s White Plains store since April 2011.

3. R&F is a New York corporation with its headquarters in Liverpool, New York. According to R&F's website, it has 140 locations throughout the Northeast. Upon information and belief, R&F has annual revenues of approximately \$2 billion.

4. According to R&F's website, "As the Northeast's largest furniture retailer, we believe our people are our greatest asset. Here, you'll find a supportive network and team mentality."

### JURISDICTION AND VENUE

5. Jurisdiction of this matter is vested in this court pursuant to CPLR Section 301.

6. Venue of this matter is properly in Westchester County pursuant to CPLR Section 503(a), as Plaintiff is a resident of Westchester County.

7. Plaintiff initially sought arbitration of this dispute pursuant to the terms of the Associates Agreement & Consent entered into by Mrs. Lathourakis on March 19, 2014, which requires that she "arbitrate all Claims against R&F regarding my employment under the terms of and within the deadline set forth in the Program."

8. Pursuant to the Raymour & Flanigan Employment Arbitration Program Terms (the "Program"), JAMS is one of the permissible arbitration administrators.

9. R&F, however, refused to submit to arbitration, thereby waiving its right to arbitrate this dispute.

### FACTS

10. On information and belief, the coronavirus pandemic began in China as early as late 2019.

11. In January, 2020, the first cases of COVID-19 were reported in the United States, in Washington State. Additional cases in the United States were reported throughout the month of January, and the White House Coronavirus Task Force was created in late January.

12. The first death from COVID-19 in the United States occurred in early February, 2020, and the number of reported cases in the United States continued to increase, including the highly publicized cluster of cases discovered on the cruise ship *Diamond Princess*. By late February, the Director of the Centers for Disease Control and Prevention ("CDC") National Center for Immunization and Respiratory Diseases gave a briefing, stating that due to the coronavirus, "disruption to everyday life might be severe." She further noted:

Based on what is known now, we would implement these NPI [non-pharmaceutical interventions] measures in a very aggressive, proactive way as he have been doing with our containment efforts. There are three categories of NPIs. Personal NPIs which include personal protective measures you can take every day and personal protective measures reserved for pandemics. Community NPIs which include social distancing measures designed to keep people who are sick away from others.

<https://www.cdc.gov/media/releases/2020/t0225-cdc-telebriefing-covid-19.html>

13. As early as January, 2020, Mrs. Lathourakis suspected that a fellow employee, Amy Heavey, had COVID-19. In addition to having flu-like symptoms, she lost her sense of smell. Mrs. Lathourakis suggested that Ms. Heavey see a doctor, but she did not, was sick for weeks and continued to come to work without taking any precautions to protect the transmission of her illness.

14. In February, another fellow employee, Rocco Tangredi, came to work sick, and even vomited in the store. Despite this danger to the health of his fellow employees and store customers, management refused to send him home. Shortly thereafter, he disappeared from the store. When Mrs. Lathourakis asked management about Mr. Tangredi, they acknowledged that they were aware of his illness, but that they were not allowed to discuss his situation.

15. At this time, another fellow employee, Isabel Valenzuela, met with Mr. Tangredi to borrow his Costco card, and thereafter became sick. However, she continued to work serving customers, despite being symptomatic, and management took no steps to send her home, or to protect the workers and customers in the store.

16. In early March 2020, the number of COVID cases in New York State began to increase rapidly, and on March 10, the State ordered the first coronavirus containment zone in New Rochelle, in Westchester County, only a few miles from R&F's White Plains store.

17. Despite the fact that it was widely and publicly reported that COVID-19 was spreading through Westchester County and the Lower Hudson Valley (with Westchester identified as a virus "hot spot"), R&F was shockingly lax in its response to the increasing threat of the coronavirus. R&F stated to its public customers and employees on or about March 12, 2020 that:

At Raymour & Flanigan, our most important company value is the safety and well-being of our associates and guests. We are monitoring the evolution of the current situation, and making decisions based on direction from the CDC, WHO, local, state and federal governments. . . . We have instructed our associates to follow published protocol to prevent the spread of coronavirus, such as frequent hand-washing and maintaining adequate distance from others. Our expert delivery associates and service technicians are wearing protective gloves, and have been trained on proper hygiene to prevent the spread of germs. ***In addition, we have asked any associate who does not feel well, or has cold or flu-like symptoms, to remain home until they can be tested.*** (Exhibit A) (emphasis added)

However, despite this statement, as noted above, several employees at R&F's White Plains store came to work despite being obviously symptomatic for COVID-19 and reporting to management as such.

18. Despite its public representations, management hesitated to send these sick employees home even after other employees asked management to do so. Even worse, when one employee, Robert Lombardo, returned to work after several days off sick and declared that he

believed himself to be suffering from COVID-19, management turned a blind eye and permitted the employee to return. Only after significant pressure from co-workers did management finally relent and send the employee home.

19. Because she lived with two vulnerable individuals – her 66-year-old husband, Jimmy, who suffered from heart disease, and her 82-year-old mother – Mrs. Lathourakis repeatedly requested in March that R&F provide increased safety protections. Despite the claims on its website of a “supportive network and team mentality,” and its March representation that “our most important company value is the safety and well-being of our associates and guests,” R&F management inexplicably denied these requests. As a result, despite continuing pressure from management to continue to work and generate revenue for R&F, Ms. Lathourakis refused to continue to come to work.

20. On March 18, 2020, New York Governor Andrew Cuomo signed an executive order that mandated all but essential business reduce their workforce density by 50% and have more employees work from home, and only two days later, the Governor ordered that all nonessential businesses be closed statewide. The order was to take effect on the evening of March 22, 2020.

21. Despite the clear danger that led to these orders, R&F made sure to squeeze in a final “Friends and Family” sale over the weekend of March 20-22, 2020. Although the White Plains store closed on March 21, because the employees refused to work, the *New York Post* discussed this irresponsible corporate decision, reporting on March 20, 2020 (Exhibit B):

“It’s a potential breeding ground for problems,” said one source of the store’s weekend sale. “Just as a thinking person during this god-awful time, you’ll have people running up and touching people and the furniture. You’re not wiping everything down.”

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