SUPREME COURT OF THE STATE NEW YORK
COUNTY OF NEW YORK

DAVID KURTANIDZE,

Plaintiff,

-against-

MIZUHO BANK, LTD., KENICHI MATSUMOTO, KINOSHITA SATOSHI, AND JUMPEI YOSHIDA

Defendants.

Index No.

SUMMONS

TO THE ABOVE-NAMED DEFENDANT(S):

YOU ARE HEREBY SUMMONED and required to serve upon Plaintiff's attorney, an answer to the complaint in this action within twenty (20) days after the service of this summons, exclusive of the day of service (or within thirty [30] days after the service is complete if this summons is not personally delivered to you within the State of New York); and, in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York
August 8, 2023

GODDARD LAW PLLC
Attorneys for Plaintiff

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SUPREME COURT OF THE STATE OF NEW YORK
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DAVID KURTANIDZE, Plaintiff, -against- MIZUHO BANK, LTD., KENICHI MATSUMOTO, KINOSHITA SATOSHI, AND JUMPEI YOSHIDA Defendants.	Index No. COMPLAINT Jury Trial Demanded

Plaintiff David Kurtanidze ("Plaintiff") by his attorneys, Goddard Law PLLC, complains of Defendants as follows:

NATURE OF THE ACTION

1. Plaintiff brings this action to remedy discrimination in the terms and conditions of his employment on the basis of his national origin, sex and gender, familial status, and caregiver status, disability, retaliation for taking paternity leave and for complaining about a hostile work environment; and aiding and abetting this discrimination, in violation of the 42 U.S.C. § 1981 ("Section 1981"); Title VII of The Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq. ("Title VII"); the New York State Human Rights Law, Executive Law §§ 296 ("NYSHRL"), and the New York City Human Rights Law, New York City Administrative Code §§ 8-107, 8-502 ("NYCHRL"); all federal COVID-related leave laws including Emergency Family and Medical Leave Act and the Families First Coronavirus Response Act; and to remedy retaliation against him for exercising his rights under those statutes and under the Labor Law Sections 190(1), 193(1), 198-C, and 215(1)(a)(vi).

PRELIMINARY STATEMENT

2. Plaintiff is a citizen of the United States, of Eastern European origin. He was employed by Defendant Mizuho Bank, Ltd. ("Defendant Mizuho"), a global Japanese Bank doing

business in the United States. Plaintiff and his colleagues of non-Japanese national origin were repeatedly denied promotions in favor of Japanese employees and excluded from meetings and conversations held only between Japanese employees. When Plaintiff disclosed that he would be the primary caregiver for his future child, Defendant Mizuho refused to grant him more than eight weeks of paternity leave because, according to them, Plaintiff, as a male, could not be a primary caregiver. When Plaintiff returned to work, he faced retaliation from his supervisor for taking paternity leave and was excluded from meetings, removed from important assignments, given excessive menial work, and micromanaged. When Plaintiff suffered a wrist injury due to his working conditions and, later, became ill with COVID, Defendants discriminated against Plaintiff due to his disabilities, directly telling him his disabilities were "a deficiency to [Defendant Mizuho]". Ultimately, Defendants terminated Plaintiff's employment because he was not of Japanese origin, because he took paternity leave to which he was entitled by law, and because he had a disability while working for Defendants.

3. Plaintiff seeks declaratory and injunctive relief, lost wages, monetary damages for pain and suffering, statutory liquidated damages, punitive damages, reasonable attorney fees and costs, and all other appropriate legal and equitable relief.

JURISDICTION AND VENUE

4. This Court has jurisdiction over Defendant Mizuho pursuant to CPLR §§ 301 and 302(a) because it is a company registered with the New York Department of State to transact business in the State of New York, it transacts business in the State of New York, and it committed the acts complained of herein within the State of New York.

5. As a court of general jurisdiction, this Court has jurisdiction over the claims asserted herein.

6. Venue in this Court is proper pursuant to CPLR § 503 because a substantial part of the events or omissions giving rise to Plaintiff's claims occurred in New York County, where he was employed in Defendant Mizuho's New York offices.

PARTIES

7. Plaintiff was born and raised in the European country of Georgia. He writes and speaks English fluently, and speaks with an Eastern European accent. He was employed as Vice President of the Finance Change Group of Defendant Mizuho from January 2017 to April 2021.

8. Defendant Mizuho is a global bank with a large customer base in Japan and an extensive international network covering financial and business centers around the world. Defendant Mizuho employs over 2000 people and their New York headquarters is located at 1251 Avenue of the Americas, New York, NY 10020.

9. At all relevant times, Defendant Mizuho was Plaintiff's "employer" within the meaning of all relevant federal, state, and local laws.

10. At all relevant times, Defendant Kenichi Matsumoto ("Defendant Head of Group Matsumoto") was Head of Group at Defendant Mizuho. He was a manager of Mizuho Bank and was actively involved in its day-to-day operations. He was one of Plaintiff's direct supervisors. He had the power to hire and fire employees. Because he had the power to do more than carry out personnel decisions made by others, he was Plaintiff's employer within the meaning of NYSHRL and NYCHRL.

11. At all relevant times, Defendant Kinoshita Satoshi ("Defendant Manager Satoshi") was a Team Manager. He was a manager of Mizuho Bank and was actively involved in its day-to-day operations. He was also one of Plaintiff's direct supervisors. He had the power to hire and fire employees. Because he had the power to do more than carry out personnel decisions made by others, he was Plaintiff's employer within the meaning of NYSHRL and NYCHRL.

12. Defendant Jumpei Yoshida ("Defendant Manager Yoshida") was a Team Manager at Defendant Mizuho. He was a manager of Mizuho Bank and was actively involved in its day-to-day operations. He was one of Plaintiff's direct supervisors. He had the power to hire and fire employees. Because he had the power to do more than carry out personnel decisions made by others, he was Plaintiff's employer within the meaning of NYSHRL and NYCHRL.

FACTUAL ALLEGATIONS

Plaintiff Is Hired at Mizuho Bank and Becomes Vice President of the Finance Change Group

13. Plaintiff is a Certified Public Accountant licensed by the State of New York, with more than 15 years of experience in investment banking, accounting systems, and consulting. At the time he was hired by Defendant Mizuho, he had 10 years of experience in the narrow specialization of regulatory reporting automation, complying with U.S. and international regulations. With his impressive resume, including stints at Morgan Stanley, Goldman Sachs, Intel Capital, Credit Suisse and BNP Paribas, Defendant Mizuho recruited Plaintiff for a position in Regulatory Reporting Automation within the Finance Change Group. Plaintiff was an experienced manager, having managed a staff of 35 direct reports.

14. On or around January 7, 2017, Defendant Mizuho hired Plaintiff after the successful completion of several rounds of interviews and rigorous written tests in advanced accounting. These written tests were similar to the CPA exam and covered U.S. Generally Accepted Accounting Principles ("GAAP"). Over the course of his employment, Plaintiff came to learn that these tests were not required for Japanese applicants.

15. Defendant Mizuho offered Plaintiff a base salary of $150,000. This was lower than market rate. Nevertheless, Plaintiff agreed to accept the job because Tomiya Hiroki ("Co-worker Hiroki"), one of his Japanese co-workers, assured him that Defendant Mizuho offered a very stable bonus structure and an unusually generous defined benefit pension plan.

16. Co-worker Hiroki also told Plaintiff that bonuses in Japanese banks were different from US banks in that they were not discretionary. Rather, the team bonus was determined by Japan and divided among the team in proportion to each person's salary. Co-worker Hiroki further explained to Plaintiff that bonuses were earned for each calendar year, allocated around the 1st of April and distributed in the April 30th paycheck. To illustrate, for every year Plaintiff worked at Defendant Mizuho (other than 2020, when he was denied the bonus he earned), Plaintiff earned a 1% salary increase and a bonus of approximately 19% of his salary. Plaintiff received a positive performance review every year.

Plaintiff Excels on his Team but Notices Discrimination
Against Non-Japanese Employees

17. Plaintiff was initially assigned to a team of five people, led by Director Osuga Hikaru ("Director Hikaru"). Of the five employees, three were Japanese nationals, Director Hikaru, Co-worker Hiroki, and Kawashima Kazumitsu ("Co-worker Kazumitsu"), and two were U.S. nationals, Plaintiff and Irene Shum ("Co-worker Shum").

18. Plaintiff's office had an open seating plan with cubicles. Plaintiff's cubicle faced the office of Defendant Head of Group Matsumoto.

19. From the beginning to the end of his employment, Plaintiff noticed that Defendant Head of Group Matsumoto rarely spoke to any non-Japanese employees, even ignoring a "good morning," unless it was a Japanese employee who greeted him. It was apparent to Plaintiff within the first few weeks of working that Defendant Mizuho treated Japanese employees more favorably than non-Japanese employees. Plaintiff found this alarming.

20. For the first year of his employment, Plaintiff completed a large project that predicted regulatory reports in Microsoft Excel and Access. His work modeled what an actual reporting software would produce. Plaintiff worked an average of 60 hours a week that year, sometimes through the night.

21. During the second year of his employment, Plaintiff worked on another large and complex project wherein he built a regulatory reporting data mart that automated the first set of regulatory reports. During a face-to-face review, Director Hikaru acknowledged Plaintiff's role in the success of this project. Director Hikaru said that Plaintiff's knowledge of regulatory automation was crucial to resolving issues that had caused several project failures before Plaintiff had joined the team.

22. In or around April 2018, Director Hikaru was promoted out of the department, as was Co-worker Hiroki. Kinoshita Satoshi ("Defendant Manager Satoshi"), a Japanese national with no prior experience in regulatory reporting, was hired as the new team manager.

23. Although Plaintiff was extremely qualified to lead this team, there was no opportunity for him, or his non-Japanese Co-worker Shum, to apply for the promotion because they were Americans. He and Co-worker Shum discussed this often. Plaintiff worried about his position in the company and his diminished prospects for advancement.

24. Plaintiff observed that all important corporate issues were discussed exclusively in Japanese, even when non-Japanese speaking employees were present. This remained true for the duration of Plaintiff's employment.

25. Upon information and belief, Defendant Head of Group Matsumoto made the promotion decisions. He favored Japanese nationals for advancement over non-Japanese employees, regardless of qualifications or merit. Defendant Head of Group Matsumoto spent most of his time with Japanese employees and rarely acknowledged non-Japanese employees.

Plaintiff is Discriminated Against Because of his Accented English

26. Plaintiff had the most experience in regulatory reporting on his team, so it made sense that he should lead group meetings. However, Defendant Manager Satoshi objected to Plaintiff's Georgian-accented English and assigned Co-worker Shum, an American of Chinese

descent, to speak at meetings in Plaintiff's stead, because her "English was more clear." Plaintiff was humiliated and embarrassed by this discriminatory treatment. Manager Satoshi had no objection to Japanese co-workers speaking English with Japanese accents, but Plaintiff's Eastern European accent was unacceptable.

Plaintiff's Father Suffers a Stroke and Becomes Fully Paralyzed

27. In or around December 2018, Plaintiff's father suffered a stroke and became paralyzed from the neck down. Because Plaintiff's mother, a cancer survivor, was unable to care for him alone, Plaintiff had to help with his father's care whenever possible. This family caregiving situation continued through the end of Plaintiff's employment with Defendant Mizuho.

Plaintiff Requests More Comfortable Equipment but is Denied

28. In or around the end of 2018, Plaintiff started feeling a strain on his wrists and back due to his working long hours. Plaintiff requested an ergonomic keyboard and mouse, as well as a new headset with pads on both ears. Although the equipment was listed as available in the corporate office supply catalogue, Defendant Mizuho would not approve the purchase and denied his requested accommodation. Instead of engaging in the interactive process to determine whether an accommodation could enable him to perform his job, Defendant Mizuho stated that Plaintiff should buy the equipment himself if he really needed it.

Plaintiff Requests Additional Paternity Leave but is Denied Because He is Male

29. In 2019, Plaintiff and his wife were expecting their third child. Due to damaged abdominal muscles from her two previous pregnancies, Plaintiff's wife's doctor advised her not to carry any weight post-delivery. Thus, Plaintiff had to act as primary caregiver for his newborn child and their two other young children until his wife healed sufficiently postpartum.

30. Under the Family and Medical Leave Act, Plaintiff was entitled to twelve weeks of leave following the birth of his child. As an employee benefit, Defendant Mizuho paid its

employees for some or all of their FMLA leave. Male employees could receive up to eight weeks paid paternity leave.

31. In Spring 2019, Plaintiff met with Defendant Manager Satoshi and requested to take a leave of more than eight weeks to care for his children. Plaintiff told Defendant Manager Satoshi that he was to be the primary caregiver to his three children until his wife healed from childbirth.

32. Defendant Manager Satoshi denied Plaintiff's request because Plaintiff is "a man and therefore, cannot be the primary caregiver," and "the primary caregiver is supposed to be the mother of the children." Defendant Manager Satoshi suggested that Plaintiff confirm with Human Resources that only the mother is the primary caregiver.

33. On June 18, 2019, Plaintiff's third child was born and his wife did indeed suffer complications from the birth. Plaintiff continued to work during his paternity leave because Defendant Mizuho continued to call him and send him emails requiring his attention.

34. In June 2019, Plaintiff emailed Human Resources to request an extended unpaid leave under the FMLA to help care for his children and his disabled father. Defendant Mizuho denied his request, reiterating that Plaintiff could not be the primary caregiver because he is male, and that Defendant Mizuho only granted eight weeks of paternity leave, notwithstanding the FMLA. Finally, Defendant Mizuho's Human Resources asserted that only the mother of the child was entitled to leave of greater than eight weeks for the birth of a child. Human Resources did not respond to Plaintiff's request for leave to care for his father.

35. Defendant Mizuho discouraged their male employees from taking any paternity leave at all. If the employees insisted on taking paternity leave, Defendant Mizuho required them to work during the leave. Plaintiff knew of only one other male employee who took paternity leave: Praveen Dogadugar ("Co-worker Dogadugar") from Defendant Mizuho's IT Department Upon

information and belief, Co-worker Dogadugar was forced to work throughout his leave and returned to work earlier than he had planned to or wanted to.

Defendant Manager Satoshi Retaliates Against Plaintiff for Taking his Lawful Paternity Leave and tells him to be "More Like a Japanese Employee"

36. In mid-August 2019, upon Plaintiff's return from paternity leave, Plaintiff noticed that Defendant Manager Satoshi's tone towards him changed drastically. Defendant Manager Satoshi became hostile and disrespectful. Defendant Manager Satoshi's comments made it clear that he was unhappy with Plaintiff's having taken any paternity leave, and having dared to ask for an extended leave. Defendant Manager Satoshi repeatedly told Plaintiff that the timing of his child's birth cause a lot of "inconvenience" to Defendant Mizuho.

37. Defendant Manager Satoshi started to interrupt Plaintiff during meetings and tell him to stop talking. Defendant Manager Satoshi condescendingly explained that in Japan, the lesser employee is subservient to his superior and does not talk unless the superior asks him to talk. Defendant Manager Satoshi did not admonish Co-worker Shum or his Japanese co-workers in the same manner.

38. Defendant Manager Satoshi told Plaintiff that his request for an extended family leave was viewed negatively by Defendant Mizuho, as Japanese employees rarely take family leave. He repeatedly criticized Plaintiff for having taken paternity leave, telling him that Japanese employees prioritize work, whereas non-Japanese employees did not.

39. Defendant Manager Satoshi told Plaintiff that he should take courses on how to become "more like a Japanese employee." He assigned Plaintiff to take a course to help Plaintiff understand the differences between Japanese and non-Japanese employees. Plaintiff tried to sign up for the course but learned that the course was available only to Japanese employees "to learn about Americans."

40. Co-worker Hiroki, by contrast, was treated with respect by Defendant Manager Satoshi. Defendant Manager Satoshi invited Co-worker Hiroki to join senior management-level calls and discussions. Even though the meetings related to Plaintiff's projects, he was excluded. Often the meetings took place within the open seating plan office but were held exclusively in Japanese, so Plaintiff could not participate in the meetings or even learn about Defendant Mizuho's priorities from listening to the meetings.

41. Plaintiff was offended and demoralized by this discriminatory treatment. Despite his hard work, he was not valued the same as Japanese employees or as employees who did not take paternity leave.

Plaintiff's Work Responsibilities are Diminished from Important Assignments to Trivial Tasks as Retaliation for Taking Paternity Leave

42. After Plaintiff returned from paternity leave, his workload changed qualitatively. Instead of important project-based assignments involving the designing of reports, building of accounting logic, and remediating deficiencies, he was assigned administrative tasks such as organizing issue trackers and scheduling meetings.

Plaintiff is Denied a Promotion Opportunity as Retaliation for Taking Paternity Leave

43. In or around September 2019, in recognition of the work performed by Plaintiff's entire team, Defendant Mizuho promoted Defendant Manager Satoshi from Vice President to Director, even though Defendant Manager Satoshi had only worked on the team for several months. Plaintiff, by contrast, had worked successfully as a Vice President on the team for two years and received a "Manager's Certificate," but received no promotions or salary raises. Even though Plaintiff was well-qualified to lead the team, Defendant Manager Satoshi did not recommend Plaintiff as his replacement. Upon information and belief, Defendant Manager Satoshi did not want to promote any non-Japanese employees or any employees who utilized

family leave.

44. Around the same time as Defendant Manager Satoshi's promotion, Plaintiff observed a Japanese national, Jumpei Yoshida ("Defendant Manager Yoshida"), spending time with Defendant Head of Group Matsumoto and Defendant Manager Satoshi. He heard Defendant Manager Yoshida bragging to other employees about going to lunch with them. It was apparent to Plaintiff that Defendant Mizuho was grooming Defendant Manager Yoshida for promotion.

45. Defendant Manager Satoshi named Defendant Manager Yoshida as his successor. Defendant Manager Yoshida had no substantive experience in either managing a team or regulatory reporting. Plaintiff, who had extensive experience with both managing teams and regulatory reporting, was not permitted to apply for the position because he was not Japanese. As soon as the appointment went through, another employee referred to Defendant Manager Yoshida as, "the incompetent Jumpei Yoshida."

Plaintiff is Denied the Opportunity to Transfer to a Different Group Because He is Not Japanese and in Retaliation For Taking Leave

46. In or around September 2019, Co-worker Hiroki transferred to a different group. Plaintiff's team was left with Defendant Manager Yoshida and only two other employees: Plaintiff and Co-worker Shum.

47. Plaintiff applied for an opening within a different group at Defendant Mizuho. Human Resources stated that they would review his application, but advised him to keep the matter confidential. Plaintiff was not only extremely qualified for the position, he was an early applicant for it. However, Plaintiff never got the opportunity to interview for the position even though it remained open for several months. He followed up numerous times, but received no response until he was informed that the position was filled by an outside consultant.

48. Upon information and belief, had Plaintiff been Japanese, and had Plaintiff forgone his rights to paternity leave, he would have been assigned the position.

49. Defendant Mizuho circulated a list employees promoted in the U.S. every year Plaintiff noticed that when the hiring manager was Japanese, the promoted employee was usually Japanese. Upon information and belief, Defendant Mizuho promoted Japanese employees within a very short time frame compared to non-Japanese employees.

50. Plaintiff was not the only non-Japanese employee overlooked for promotion or transfer. For example, Tanya Hamer ("Co-worker Hamer") worked at Defendant Mizuho for over 16 years in an entry-level AVP position, and was consistently denied promotion opportunities. Her manager, another non-Japanese employee, worked at Defendant Mizuho for 20 years in the same position and never got promoted. Co-worker Hamer and her manager were as overworked as Plaintiff, and Plaintiff observed Co-worker Hamer and another non-Japanese employee in her department wearing splints on their wrists, indicating they suffered from similar wrist injuries from overwork as Plaintiff suffered. Similarly, Defendant Mizuho also did not provide ergonomic computer peripherals to them.

51. Upon information and belief, non-Japanese employees had fewer opportunities for promotion or transfer at Defendant Mizuho, and Defendant Mizuho preferred to let the careers of non-Japanese employees stagnate.

Plaintiff Observes that Defendant Mizuho's Hiring Practices Discriminate Against Older and Disabled Applicants

52. Plaintiff observed that older people or candidates with disabilities were unlikely to be hired by Defendant Mizuho. Plaintiff submitted the resume of an experienced former colleague, but Koji Mimura informed him that the applicant was "too old" and that Defendant Mizuho was looking for "fresh blood."

53. Plaintiff interviewed other candidates whom he recommended to Defendant Manager Yoshida, but they were offered noncompetitive salaries. Defendant Manager Yoshida

whispered to Plaintiff that one female applicant was "overqualified, if you know what I mean," referring to the candidate's age rather than her experience.

Defendant Mizuho's Pattern of Discrimination Continues Under the Management of Defendant Jumpei Yoshida

54. From about September to December 2019, Plaintiff observed that Defendant Manager Yoshida was very respectful and friendly to Japanese employees and blatantly disrespectful and cold to non-Japanese employees. Defendant Manager Yoshida added redundant tasks to Plaintiff's and Co-worker Shum's workdays, and sent numerous text messages to their personal cell phones. He also bombarded them with work emails and in-person conversations asking when those tasks would be completed. Plaintiff observed that Defendant Manager Yoshida did not do this to Japanese employees.

55. Both Plaintiff and Co-worker Shum were working 50 to 60 hours per week. Co-worker Shum frequently lamented to Plaintiff that she was on the verge of a nervous breakdown due to Defendant Manager Yoshida's actions

Defendant Manager Yoshida Subjects Plaintiff to an Increasingly Hostile Work Environment

56. Defendant Manager Yoshida carried around a journal in which he would make notations if an employee — usually a non-Japanese employee — was late or made small mistakes. Even taking a day off or using accrued vacation was considered a "mistake." Defendant Manager Yoshida's notebook was known around the office as his "retaliation journal."

57. In October or November 2019, Plaintiff took a vacation. While Plaintiff was away, and without informing him, Defendant Manager Yoshida assigned Co-worker Shum to make a last-minute change to a logic requirement that Plaintiff had written and had already gotten approved. Because it is was not easy to adapt and implement the change, the change was not tested on time and the project was delayed. When Plaintiff learned of the delay, he told

Defendant Manager Yoshida that his changes were unnecessary to the scope of the project. Despite this, Defendant Manager Yoshida insinuated that the delay was Plaintiff's fault. Upon information and belief, Defendant Manager Yoshida created this problem just to make Plaintiff look bad for taking a vacation.

58. Defendant Manager Yoshida constantly micro-managed and kept tabs on Plaintiff's whereabouts. He would schedule a meeting and only informed Plaintiff of the meeting when it was about to start. Immediately thereafter, Defendant Manager Yoshida would text Plaintiff's cell phone and ask him to join the meeting, or tell him they were waiting for him. Upon information and belief, these meetings were not substantive but were used for the purpose of checking Plaintiff's reaction time and forcing his participation, with the hope of developing cause to terminate his employment.

Plaintiff Faces Further Discrimination due to National Origin

59. In or around November 2019, Plaintiff sent a computational logic requirement to IT specialist Junko Tamagawa ("Co-worker Tamagawa") for building and implementation. Co-worker Tamagawa refused to implement Plaintiff's logic and stated that she preferred to follow instructions given to her by Co-worker Kazumitsu, a Japanese co-worker who was no longer even on the team. As a result of Co-worker Tamagawa's refusal to cooperate with Plaintiff, the project failed.

60. When Defendant Manager Yoshida blamed Plaintiff for the unsuccessful report, Plaintiff reported that the reason the project failed was because "[Co-worker Tamagawa] doesn't want to listen to my instructions because of my ethnicity." Defendant Manager Yoshida's response was a dismissive, "You know how Junko is." Defendant Manager Yoshida condoned Co-worker Tamagawa's refusal to work with non-Japanese employees.

61. Plaintiff spoke with other non-Japanese employees in Defendant Mizuho's IT department. They experienced similar discrimination by Co-worker Tamagawa. Lucy Noginsky ("Co-worker Noginsky") told Plaintiff that Co-worker Tamagawa "didn't regard [her] as a human being," but was very respectful to her Japanese co-workers. Co-worker Noginsky also told Plaintiff that another non-Japanese employee, Edward Weiss, also was so stressed by his work environment that he had a heart attack and later left the firm.

Plaintiff's Group Merges with Another Team
Which Worsens Plaintiff's Working Conditions

62. Defendant Mizuho preferred to keep non-Japanese teams lead by non-Japanese managers together. In or around December 2019, Plaintiff's team merged with a larger team of non-Japanese employees who had come to Defendant Mizuho from another firm. In theory, Bill Gavaris ("Manager Gavaris") was assigned to co-manage Plaintiff's team and mentor Defendant Manager Yoshida. Plaintiff hoped that this would lead to the possibility of promotions for non-Japanese employees. In reality, nothing changed. Manager Gavaris did not interact much with Plaintiff and Defendant Manager Yoshida remained Plaintiff's team leader. However, Plaintiff's work conditions became more onerous and his workload doubled. Defendant Mizuho assigned him additional trivial tasks such as reconciling Excel spreadsheets.

Plaintiff Injures his Wrist Due to his Unreasonable Workload

63. In or around December 2019, Plaintiff started feeling numbness in his right wrist, followed by continuous tension and pressure. The pain was tolerable at first, but it worsened and was especially severe at night. The pain interfered with Plaintiff's sleep. Plaintiff was unable to rest his wrist by taking breaks due to his unreasonable work load and his never-ending computer work.

64. Eventually, the pain became unbearable and Plaintiff went to a doctor for an evaluation. Plaintiff's doctor informed him that he needed immediate physical therapy to manage

his pain.

Defendants Ignore Plaintiff's Request for a Reasonable Accommodation

65. Plaintiff informed Defendant Manager Yoshida about his diagnosis and asked for reasonable accommodation in the form of breaks throughout the day to rest his wrist and intermittent FMLA leave in the form of time off for physical therapy. Defendant Manager Yoshida just smiled at Plaintiff and sarcastically replied "yeah, sure." Defendant Manager Yoshida did not allow Plaintiff time to rest his wrist or approve his intermittent leave. Indeed, Defendant Manager Yoshida told Plaintiff that he needed to manage his health issues outside of working hours.

66. Plaintiff looked for a physical therapist near his work or home with hours to accommodate his work schedule, but was unsuccessful. Plaintiff had no choice but to continue working through the pain and to wear a splint on his wrist at work.

Manager Yoshida Harasses Plaintiff for Taking Time off to Handle His Son's Medical Emergency

67. In late December 2021, Plaintiff's three year-old son needed emergency surgery. On January 2, 2020, Plaintiff took the day off to drive his son to the hospital to treat a post-surgical fever. Although this was an approved day off, Defendant Manager Yoshida inundated Plaintiff with text messages regarding work matters. As Plaintiff was tending to his sick son, his responses to Defendant Manager Yoshida were not immediate. Consequently, Defendant Manager Yoshida called Plaintiff several times to accuse him of being "irresponsible" for missing a candidate interview (which could have been easily handled without Plaintiff's involvement), missing deadlines, causing more work for Co-worker Shum, and "abandoning the team."

68. Plaintiff explained to Defendant Manager Yoshida that he had to make multiple visits to doctors to get stronger antibiotics for his son to treat the post-surgical infection.

Defendant Manager Yoshida minimized Plaintiff's predicament by saying that his daughter also had a fever; implying that Plaintiff was exaggerating his son's serious post-surgical condition because Defendant Manager Yoshida did not let a fever stop him from doing work.

69. After myriad texts from Defendant Manager Yoshida accusing him of missing deadlines, Plaintiff figured out that Defendant Manager Yoshida manufactured the task list from tasks Plaintiff already completed. For example, Plaintiff had already shown Defendant Manager Yoshida how to automatically export a list of issues from their software. When Defendant Manager Yoshida could not complete the export successfully, however, he blamed Plaintiff for not manually assembling the list for him.

70. Further, Plaintiff was baffled as to the "deadlines" to which Defendant Manager Yoshida referred; including one instance right after New Year's Day, when many employees were returning from the winter holiday, most of the office was empty, and there were no major deadlines scheduled. As noted in all his performance reviews, Plaintiff never missed project deadlines including key delivery dates.

71. Plaintiff asked Defendant Manager Yoshida to stop texting his personal phone for work-related items, and to email him instead. Defendant Manager Yoshida agreed, but continued to text Plaintiff at all hours. Defendant Manager Yoshida derided Plaintiff's necessarily split attention, telling him to "stop acting like an intern."

Plaintiff Realizes That He Will Never Receive Support from Human Resources

72. In early 2020, Plaintiff needed FMLA leave to care for his disabled father. When he explained the situation to Defendant Manager Yoshida, he responded with frustration saying, "What do I have to do with it? Reach out to HR and see if they will approve." Plaintiff emailed Human Resources requesting the leave of absence, but received no substantive response.

73. When Plaintiff originally reached out to Human Resources concerning his

caregiver responsibilities in 2019, Human Resources either failed to respond or told him to "look at the manual." Plaintiff realized that Human Resources would never assist him concerning working conditions, reasonable work accommodations, or necessary Family and Medical Leave Act leave.

Plaintiff Again Requests a Reasonable Accommodation and is Ignored

74. In or around February 2020, Plaintiff's wrist pain worsened. He found a physical therapist in Queens who had late enough hours that Plaintiff could go after work, but this required him to travel from Manhattan to Queens, and then back home to New Jersey: three hours round-trip. Once again, he requested an accommodation from Defendant Manager Yoshida to allow him to pace his work. As his request for intermittent FMLA leave had been rejected in the past, Plaintiff asked for the reasonable accommodation of working some of his hours remotely so he could attend physical therapy closer to work or home.

75. Defendant Manager Yoshida ignored Plaintiff's request, told him that if he really needed the therapy, he should do it on his own time, and asked about the timing of deliverables. Additionally, instead of engaging in the interactive process concerning Plaintiff's requests for reasonable accommodations, Defendant Manager Yoshida assigned him more trivial work especially towards the end of the day to force Plaintiff to work late. This exacerbated Plaintiff's wrist injury and caused him even more sleepless nights.

Defendant Mizuho Violates New York State's "Stay Home Order" by Requiring Plaintiff to Come to Work in Person

76. In or about March 2, 2020, the COVID pandemic hit New York City and non-essential workers across the country began to work remotely. Nevertheless, Defendant Mizuho required its employees to work from the office with a heavy schedule of in-person meetings. Indeed, Defendant Manager Yoshida insisted that Plaintiff continue working from the office for at least one week after the New York State "stay home" order was entered.

Despite Plaintiff's Additional Requests for a Reasonable Accommodation, Neither Manager Allows any Accommodations for Plaintiff

77. Beginning on or about April 6, 2020, Plaintiff was unable to go to any physical therapy appointments because no in-person appointments were available due to lockdown. Plaintiff emailed both Defendant Manager Yoshida and Manager Gavaris concerning the cancellation of physical therapy, and again requested the reasonable accommodation of pacing his work and taking short breaks throughout the day to manage the numbness and pain. Defendant Manager Yoshida obnoxiously opined that it was strange Plaintiff still had pain in his wrists, when he was staying at home and getting rest. Plaintiff replied that his wrist was not getting any better because he was still working over 60 hours per week without breaks.

78. Manager Gavaris responded to Plaintiff's email with compassion, but nothing changed. Neither Manager Gavaris nor Defendant Manager Yoshida engaged in an interactive process concerning Plaintiff's requested accommodation. Instead, Defendant Mizuho assigned more work to Plaintiff and scheduled more unnecessary status meetings even though it was clear to both managers that Plaintiff was struggling with his disability.

Plaintiff Is Diagnosed with Depression

79. In the Summer of 2020, Plaintiff acknowledge that Defendants' failure to accommodate his injury, and the pervasive national origin discrimination, caused him severe emotional distress. Plaintiff consulted with a psychiatrist who diagnosed him with depression and recommended treatment.

Defendant Manager Yoshida Refers to Plaintiff's Disability as a "Deficiency" to the Company

80. By February 2021, Plaintiff's wrist pain became even worse. Plaintiff had torn ligaments in his right wrist, which severely limited his physical abilities. He was no longer able to use his hand without increasing numbness. The numbness turned to excruciating pain during the

evening and night. Plaintiff's pain and anxiety interfered with his sleep. Yet again, Plaintiff requested the reasonable accommodation of pacing his work and taking breaks throughout the day. Defendant Manager Yoshida did not engage in the interactive process. Instead, Defendant Manager Yoshida replied that Plaintiff's participation was necessary for work and that his "issues" were a "deficiency" for Defendant Mizuho.

Plaintiff Contracts COVID and is Required to Work

81. Defendant Mizuho issued new paid time off guidelines in response to the pandemic. Recognizing the challenge of obtaining a timely COVID diagnostic test, Defendant Mizuho did not require employees to get tested before they quarantined. Once the employee had symptoms, the employee could quarantine for as long as necessary. In addition, Defendant Mizuho increased the number of sick days from six to 260 days. Defendant Mizuho did not permit employees to use vacations time during this time; the computer function that allowed employees to request vacation time was disabled.

82. In or about March 2021, Plaintiff's entire family contracted COVID and was required to quarantine at home. Plaintiff and his wife both suffered from fever, shortness of breath, chest pressure, loss of taste, and extreme fatigue. At that time, COVID testing was nearly impossible to find where Plaintiff lived, and hospitals strongly advised potential COVID patients not to come to the hospital for testing if they were already sick because they would likely be quarantined immediately. Plaintiff did not want to be separated from his family since they were also sick, so he decided to quarantine at home.

83. Pursuant to Defendant Mizuho's policy. Plaintiff informed Defendant Manager Yoshida that he and his family had COVID. In response, Defendant Manager Yoshida demanded evidence in the form of a positive test result from Plaintiff. Plaintiff described his symptoms along with the advice from area hospitals. Defendant Manager Yoshida expressed skepticism

about the veracity of the hospitals' advice, noting that he could get tested in Manhattan without a problem. Apparently, Defendant Manager Yoshida could not understand that access to testing may be different in Manhattan, as compared with the New Jersey suburbs.

84. Despite Defendant Mizuho's unambiguous COVID policy, Defendant Manager Yoshida continued to insist that Plaintiff produce a positive COVID test result or return to work.

85. Plaintiff informed Defendant Manager Yoshida that he was taking some days off from the 260-day sick allowance. Defendant Manager Yoshida replied by threatening Plaintiff's job, stating that if Plaintiff did not recover quickly, his job would be at risk.

86. Fearing for his livelihood, Plaintiff was forced to work and to participate in Zoom calls even though he was extremely ill. Both Defendant Manager Yoshida and Manager Gavaris knew that Plaintiff was ill, but insisted that he participate in the meetings. Defendant Manager Yoshida used Plaintiff's condition to humiliate Plaintiff before his team and to question his competence and professionalism.

87. Specifically, one of Plaintiff's COVID symptoms was "brain fog," which made it difficult for him to focus, elaborate clearly on his thought processes, and keep track of things. Defendant Manager Yoshida knew Plaintiff was having trouble focusing because Plaintiff told him so. Nevertheless, Defendant Manager Yoshida scheduled a videoconference meeting to discuss the scope of an extremely technical issue that occurred three years prior. Plaintiff explained that the issue was moot and that there was no point in going over the details. However, Defendant Manager Yoshida insisted that Plaintiff elaborate on those details even though he knew Plaintiff's brain fog would make it extremely difficult for Plaintiff to recount the details. Upon information and belief, Defendant Manager Yoshida insisted upon discussing this three-year-old issue to humiliate Plaintiff and make Plaintiff appear incompetent before the team.

Plaintiff Requests Accommodation for his Disability and Illness but is Refused and Retaliated Against

88. In or about March to April 2021, while Plaintiff was still struggling to recover from COVID and still dealing with his injured wrist, Plaintiff appealed to Defendant Manager Yoshida yet again. Plaintiff told him that his pain had become unmanageable and he could not sleep. Because Plaintiff worried that his lack of sleep, along with the effects of COVID, might cause him to come across as agitated or cause his speech to slur on videoconference calls, Plaintiff asked for the accommodation of conducting less important meetings by email so he could think through his responses more carefully.

89. Instead of engaging in the interactive process with respect to Plaintiff's requested accommodation, Defendant Manager Yoshida stopped inviting Plaintiff to meetings relating to his job, omitted him from group emails, and removed most of Plaintiff's work assignments. Notwithstanding this curtailment of Plaintiff's assignments, Defendant Manager Yoshida continued to require Plaintiff to participate in weekly status video conferences to monitor how many hours Plaintiff was logged into work.

Plaintiff is Terminated

90. On or about April 6, 2021, Manager Gavaris scheduled a meeting with Plaintiff and a member of Human Resources. Manager Gavaris informed Plaintiff that the team was "exploring a different direction," and that Plaintiff did not fit into their vision. Manager Gavaris assured Plaintiff that the termination was not based on his performance.

91. Upon information and belief Plaintiff was fired because Defendant Mizuho considered its non-Japanese employees to be second second-class employees, because Plaintiff had the audacity to pursue his right to family and medical leaves of absence, and because Plaintiff suffered from a disability. Defendant Mizuho engaged in constant national origin, disability, and caregiver discrimination, and interfered with Plaintiff's rights to reasonable

accommodations.

92. Defendant Mizuho offered Plaintiff a separation agreement that included a discretionary bonus for 2020. The bonus was approximately one-third of what Plaintiff had earned in previous years. Plaintiff did not sign the agreement.

93. On or about April 30, 2021, Defendant Mizuho issued bonuses for 2020. As Plaintiff was terminated on April 6, 2021, he was deprived of the bonus he earned for his work in 2020.

AS AND FOR A FIRST CAUSE OF ACTION

National Origin Discrimination in Violation of 42 U.S.C. § 1981 Against All Defendants

94. Plaintiff repeats and re-alleges the allegations made hereinbefore.

95. As set forth above, Defendants discriminated against Plaintiff on the basis of his national origin and in doing so, prevented him from reaping the benefits of his contract for employment services.

96. As a direct and proximate result of Defendants' discrimination, Plaintiff has suffered and continues to suffer damages including loss of pay and benefits and severe mental anguish and emotional distress.

97. Defendants acted intentionally and with malice and/or reckless indifference to Plaintiff's protected rights.

98. Defendants' malicious treatment of Plaintiff entitles him to punitive damages.

99. Plaintiff continues to suffer these damages.

100. By reason of Defendants' discrimination, Plaintiff is entitled to all remedies available for these violations of law.

AS AND FOR A SECOND CAUSE OF ACTION

National Origin Discrimination and Retaliation in Violation of 42 U.S.C. § 1981 Against All Defendants

101. Plaintiff repeats and re-alleges the allegations made hereinbefore.

102. As set forth above, Defendants discriminated against Plaintiff on the basis of his national origin and in doing so, altered the terms and conditions of his employment, including by creating and condoning a hostile work environment and terminating his employment.

103. As set forth above, Defendants retaliated against Plaintiff for complaining of national origin discrimination, by depriving him of various privileges, including paid leave enjoyed by other employees, by denying him opportunities for pay raises and promotions enjoyed by other employees, by targeting him with national origin discrimination not experienced by other employees, and by terminating his employment.

104. As a direct and proximate result of Defendants' discrimination and retaliation, Plaintiff has suffered and continues to suffer damages including loss of pay and benefits and severe mental anguish and emotional distress.

105. Defendants acted intentionally and with malice and/or reckless indifference to Plaintiff's protected rights.

106. Defendants' malicious treatment of Plaintiff entitles him to punitive damages.

107. Plaintiff continues to suffer these damages.

108. By reason of Defendants' discrimination and retaliation, Plaintiff is entitled to all remedies available for these violations of law.

AS AND FOR A THIRD CAUSE OF ACTION

National Origin Discrimination and Retaliation in Violation of NYSHRL and NYCHRL Against All Defendants

109. Plaintiff repeats and re-alleges the allegations made hereinbefore.

110. Upon information and belief, each of Defendants is Plaintiff's employer within the meaning of the NYSHRL and NYCHRL.

111. By the acts described above, Defendants discriminated against Plaintiff on the basis of his national origin and in so doing altered the terms and conditions of his employment, including by creating and condoning a hostile work environment and terminating his employment.

112. As set forth above, Defendants retaliated against Plaintiff for complaining of national origin discrimination by depriving him of various privileges including paid leave enjoyed by other employees, by denying him promotion and opportunities enjoyed by other employees, by targeting him with national origin discrimination not experienced by other employees, and by terminating his employment.

113. As a direct and proximate result of Defendants' discrimination and retaliation, Plaintiff has suffered and continues to suffer damages including loss of pay and benefits and severe mental anguish and emotional distress.

114. Defendants acted intentionally and with malice and/or reckless indifference to Plaintiff's State-law and City-law protected rights.

115. Defendants' malicious treatment of Plaintiff entitles him to punitive damages.

116. Plaintiff continues to suffer these damages.

117. By reason of Defendants' discrimination and retaliation, Plaintiff is entitled to all remedies available for these violations of law.

AS AND FOR A FOURTH CAUSE OF ACTION

Familial Status Discrimination and Retaliation in Violation of NYSHRL and NYCHRL Against All Defendants

118. Plaintiff repeats and re-alleges the allegations made hereinbefore.

119. Upon information and belief, each of Defendants is Plaintiff's employer within the meaning of the NYSHRL and NYCHRL.

120. Upon information and belief, none of the Defendants believe that fathers should be entitled to time off to care for their children, nor husbands be entitled to time off to care for disabled family members.

121. As set forth above, Defendants retaliated against Plaintiff for complaining of familial status discrimination by depriving him of various privileges enjoyed by other employees, by targeting him with scrutiny of his time off and leave requests not experienced by other employees, and by terminating his employment.

122. As a direct and proximate result of Defendants' discrimination and retaliation, Plaintiff has suffered and continues to suffer damages including loss of pay and benefits and severe mental anguish and emotional distress.

123. Defendants acted intentionally and with malice and/or reckless indifference to Plaintiff's State-law and City-law protected rights, entitling Plaintiff to punitive damages.

124. Plaintiff continues to suffer these damages.

125. By reason of Defendants' discrimination and retaliation, Plaintiff is entitled to all remedies available for these violations of law.

AS AND FOR A FIFTH CAUSE OF ACTION

Caregiver Status Discrimination and Retaliation in Violation of the NYSHRL and NYCHRL Against All Defendants

126. Plaintiff repeats and re-alleges the allegations made hereinbefore.

127. Upon information and belief, each of Defendants is Plaintiff's employer within the meaning of the NYSHRL and NYCHRL.

128. By the acts described above, Defendants discriminated against Plaintiff on the basis of his caregiver status by interfering with his rights to take accrued vacation and paternity leave so that he could assist with child-rearing and assist with caregiving for family members, and by terminating his employment.

129. Upon information and belief, none of the Defendants believe that fathers should be entitled to time off to care for their children, nor husbands be entitled to time off to take care of disabled family members.

130. As set forth above, Defendants retaliated against Plaintiff for complaining of Caregiver status discrimination by depriving him of various privileges enjoyed by other employees, by targeting with scrutiny of his time off and leave requests not experienced by other employees, and by terminating his employment.

131. As a direct and proximate result of Defendants' discrimination and retaliation, Plaintiff has suffered and continues to suffer damages including loss of pay and benefits and severe mental anguish and emotional distress.

132. Defendants acted intentionally and with malice and/or reckless indifference to Plaintiff's State-law and City-law protected rights, entitling Plaintiff to punitive damages.

133. Plaintiff continues to suffer these damages.

134. By reason of Defendants' discrimination, Plaintiff is entitled to all remedies available for these violations of law.

AS AND FOR A SEVENTH CAUSE OF ACTION

Aiding and Abetting Discrimination and Retaliation in Violation of the NYSHRL and NYCHRL Against Defendants Matsumoto, Satoshi and Yoshida

135. Plaintiff repeats and re-alleges the allegations made hereinbefore.

136. Defendants acted to aid and abet the discrimination and retaliation complained of herein, in violation of the NYSHRL and NYCHRL.

137. As a direct and proximate result of Defendants' aiding and abetting, Plaintiff has suffered and continues to suffer damages including loss of pay and benefits and severe mental anguish and emotional distress.

138. Defendants acted intentionally and with malice and/or reckless indifference to Plaintiff's State-law and City-law protected rights, entitling Plaintiff to punitive damages.

139. Plaintiff continues to suffer these damages.

140. By reason of Defendants' aiding and abetting, Plaintiff is entitled to all remedies available for these violations of law.

AS AND FOR AN EIGHTH CAUSE OF ACTION

Discrimination and Retaliation in Violation of the FMLA as amended by The Families First Coronavirus Response Act to Grant Emergency FMLA Leave Against All Defendants

141. Plaintiff repeats and re-alleges the allegations made hereinbefore.

142. Plaintiff was entitled to Emergency FMLA Leave. Plaintiff's requests for a reasonable accommodation to work remotely were ignored.

143. Defendants retaliated against Plaintiff for making the request which ultimately led to the termination of his employment.

144. Defendants revealed its motivation for this retaliation by its attitudes toward other requests for leave and accommodation made by Plaintiff.

145. As a direct and proximate result of Defendants' discrimination and retaliation, Plaintiff has suffered and continues to suffer damages including loss of pay and benefits and severe mental anguish and emotional distress.

146. By reason of Defendant's retaliation, Plaintiff is entitled to all remedies available for these violations of law.

AS AND FOR A NINTH CAUSE OF ACTION

Interference in Violation of the FMLA as Amended by The Families First Coronavirus Response Act to Grant Emergency FMLA Leave Against All Defendants

147. Plaintiff repeats and re-alleges the allegations made hereinbefore.

148. Plaintiff was entitled to Emergency FMLA Leave. Plaintiff's requests for a reasonable accommodation to work remotely were ignored.

149. Defendants interfered with Plaintiff's FMLA rights by requesting he work during his entitled leave and by terminating his employment.

150. Defendants revealed its motivation for this interference by its attitudes toward other requests for leave and accommodation made by Plaintiff.

151. As a direct and proximate result of Defendants' interference, Plaintiff has suffered and continues to suffer damages including loss of pay and benefits and severe mental anguish and emotional distress.

152. Defendant acted intentionally and with malice and/or reckless indifference to Plaintiff's State-law protected rights, entitling Plaintiff to punitive damages.

153. Plaintiff continues to suffer these damages.

154. By reason of Defendant's interference, Plaintiff is entitled to all remedies available for these violations of law.

AS AND FOR A TENTH CAUSE OF ACTION

Disability Discrimination and Retaliation in Violation of NYSHRL and NYCHRL Against All Defendants

155. Plaintiff repeats and re-alleges the allegations made hereinbefore.

156. Each of Defendants is Plaintiff's employer within the meaning of the NYSHRL and NYCHRL.

157. By the acts described above, Defendants discriminated against Plaintiff on the basis of his disability and in so doing altered the terms and conditions of his employment, including by creating and condoning a hostile work environment and terminating his employment.

158. As set forth above, Defendants retaliated against Plaintiff for complaining of disability discrimination by depriving him of various privileges including promotion and opportunities enjoyed by other employees, by targeting him with disability discrimination not experienced by other employees, and by terminating his employment.

159. As a direct and proximate result of Defendants' discrimination and retaliation, Plaintiff has suffered and continues to suffer damages including loss of pay and benefits and severe mental anguish and emotional distress.

160. Defendants acted intentionally and with malice and/or reckless indifference to Plaintiff's protected rights.

161. Defendants' malicious treatment of Plaintiff entitles him to punitive damages.

162. Plaintiff continues to suffer these damages.

163. By reason of Defendants' discrimination and retaliation, Plaintiff is entitled to all remedies available for these violations of law.

AS AND FOR AN ELEVENTH CAUSE OF ACTION

Retaliation in Violation of the Labor Law Against All Defendants

164. Plaintiff repeats and re-alleges the allegations made hereinbefore.

165. Each of Defendants is Plaintiff's employer within the meaning of the Labor Law.

166. By the acts described above, Defendants retaliated against Plaintiff for exercising his rights to take accrued vacation in violation of provisions of the Labor Law, including but not limited to Labor Law §§ 190(1), 193(1), 198-C, and 215(1)(a)(vi).

167. Upon information and belief, Plaintiff is within the class of persons whom the provisions of the Labor Law protect.

168. As a direct and proximate result of Defendants' retaliation, Plaintiff has suffered and continues to suffer damages including loss of pay and benefits and severe mental anguish and emotional distress.

169. Defendants acted intentionally and with malice and/or reckless indifference to Plaintiff's Labor Law rights, entitling Plaintiff to punitive damages.

170. Plaintiff continues to suffer these damages.

171. By reason of Defendants' retaliation, Plaintiff is entitled to all remedies available for these violations of law.

JURY DEMAND

172. Plaintiff demands a trial by jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter a judgment:

(a) declaring that the acts and practices complained of herein are in violation of 42 U.S.C. § 1981, Title VII of the Civil Rights Act of 1964, the NYSHRL, the NYCHRL, the FMLA as Amended by the Families First Coronavirus Response Act to Grant Emergency FMLA Leave and the Labor Law;

(b) permanently enjoining and restraining the acts and practices complained of herein, and ordering Defendants to submit to anti-discrimination training and monitoring;

(c) awarding Plaintiff monetary damages for lost wages and benefits and for his pain and suffering in an amount to be determined at trial but not less than $5 million;

(d) awarding Plaintiff all allowable statutory liquidated damages and other damages for retaliation under the Labor Law;

(e) awarding Plaintiff punitive damages in an amount to be determined at trial but not less than $5 million;

(f) awarding Plaintiff the costs of this action together with his reasonable attorney fees incurred in pursuing these claims; and

(g) granting such other and further relief to Plaintiff as this Court deems appropriate.

Dated: New York, New York
August 8, 2023

Respectfully submitted,

GODDARD LAW PLLC

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