

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

ALISON GREENE,

Plaintiff,

-against-

EL AD GROUP and WILLIAM HARVEY,

Defendants.

No.

COMPLAINT AND
JURY DEMAND

Plaintiff Alison Greene, by her attorneys Emery Celli Brinckerhoff & Abady LLP, alleges as follows for her complaint:

INTRODUCTION

1. This is a civil rights case against the real estate development firm El Ad Group. Plaintiff Alison Greene was the victim of anti-Semitism that flies in the face of El Ad's Israeli origins. El Ad's Executive Vice President of Construction, William "Bill" Harvey, made Holocaust denial comments, saying the concentration camps were not "that big a deal" and "the Holocaust wasn't as bad as people said it was." Ms. Greene, who is Jewish and was very upset by these remarks, complained to El Ad's legal and human resources departments. In response, El Ad did nothing. An El Ad human resources employee actually laughed at Ms. Greene when she reported her distress at these remarks.

2. El Ad also tolerated rampant sexism and gender discrimination. Executive Vice President Bill Harvey made derogatory comments about women's bodies, said female employees got hired just by having sex with male executives, cheered President Trump's sexist remarks about Dr. Blasey Ford, and said "good thing I am not running for anything, I've done so much worse" than Supreme Court nominee Brett Kavanaugh.

3. When Ms. Greene complained to El Ad's human resources and legal departments about this anti-Semitism and sexism, El Ad retaliated against her. El Ad's Executive Vice President Bill Harvey stripped her of responsibilities, forbid her from talking, cursed at her "Where the fuck do you think you're going?", and yelled that she had to "Sit the fuck back down."

4. Defendants' campaign of retaliation culminated in firing Ms. Greene in January 2020.

PARTIES

5. Plaintiff Alison Greene is a resident of New York, New York.

6. Defendant El Ad Group is a real estate developer with its principal place of business in New York, New York.

7. Defendant William Harvey is El Ad's Executive Vice President of Construction and a resident of Nassau County, New York.

JURISDICTION AND VENUE

8. This Court has jurisdiction over this matter because the conduct complained of herein occurred in New York, New York, County of New York.

9. Plaintiff designates New York County as the place of trial, pursuant to CPLR 503 and 509.

JURY DEMAND

10. Plaintiff demands a trial by jury in this action.

FACTS

Ms. Greene's Successful Career in Construction, an Industry Known for Rampant Sexism

11. Ms. Greene had a successful career as an executive in the construction

field.

12. She was hired as El Ad's Vice President of Client Services in March 2015.

13. During the almost five years she worked for El Ad, Ms. Greene worked diligently and conscientiously to address the company's clients' concerns.

14. She also worked closely with the in-house legal team to limit the company's risk exposure, ensure compliance, and safeguard El Ad's interests.

15. As has been widely reported, the construction industry is notoriously sexist and difficult for women to succeed in. *See, e.g.,* Joanne Kaufman, *The Boss? You're Looking at Her: 7 Women in the Building Business*, N.Y. Times (Mar. 1, 2019).

16. Ms. Greene had navigated those challenges in past jobs and continued to do so at El Ad, where she was the only female executive in the construction department.

17. Notwithstanding these challenges, Ms. Greene's first two years at El Ad were relatively successful.

18. In 2016, for example, she received a \$20,000 bonus for successfully overseeing the completion of the project at 5 Franklin.

El Ad's Executive Vice President of Construction Made Anti-Semitic Remarks to Ms. Greene

19. But everything changed for Ms. Greene in 2017.

20. First, a younger, male employee was hired to be Senior Vice President of Client Services and Ms. Greene was required to report to him.

21. When Ms. Greene asked why she had not been invited to apply for this newly created position, she was told that the company needed someone more "senior" in the role.

22. But the man hired for this position had almost 10 years less experience than Ms. Greene and none in the field of construction.

23. On information and belief, this man was paid approximately \$25,000 more

than Ms. Greene notwithstanding her superior experience.

24. The situation deteriorated rapidly after that.

25. Ms. Greene started working more closely with Bill Harvey, who was promoted during this time to be Executive Vice President of Construction.

26. On October 9, 2017, Mr. Harvey told Ms. Greene and her boss a story about how his friend's wife is a "fake Jew" because none of her family members died in the Holocaust.

27. When Ms. Greene protested that was inappropriate and offensive, and reminded Mr. Harvey that she was herself Jewish, Mr. Harvey went on to say that the concentration camps were not "that big a deal" and "the Holocaust wasn't as bad as people said it was."

28. Over Ms. Greene's increasingly upset objections, Mr. Harvey went on in this manner for over half an hour. He was laughing at Ms. Greene's obvious distress.

29. Ms. Greene's boss, who was present, did not intervene or take any steps to stop Mr. Harvey.

30. The next day, Ms. Greene reported Mr. Harvey's remarks to a member of the in-house legal department.

31. El Ad's lawyer discouraged Ms. Greene from reporting the remarks to anyone else, explaining that doing so could result in Mr. Harvey getting fired and that would be bad for Ms. Greene's career prospects at El Ad.

32. Instead, El Ad's lawyer suggested that Ms. Greene speak to Mr. Harvey herself about how the remarks upset her.

33. Ms. Greene followed this advice and spoke to Mr. Harvey to tell him how

offended she was by these remarks. Mr. Harvey refused to apologize and instead purported to justify his outrageous statements.

34. The very next day, Mr. Harvey began retaliating against Ms. Greene. He removed her from a project, claiming it was “going nowhere” under her leadership.

35. Over the next two years, Mr. Harvey continued to strip Ms. Greene of responsibilities, assign her to the primarily administrative and undesirable tasks, forbid her from attending most meetings, discourage her from talking in the meetings she was allowed to attend, and belittle and demean her in front of colleagues and clients.

Ms. Greene Was Also the Victim of Gender Discrimination at El Ad

36. Mr. Harvey also targeted Ms. Greene with gender discrimination.

37. Ms. Greene already knew that Mr. Harvey had a reputation within the company for making discriminatory remarks.

38. She tried her best to steer clear of him, but could not avoid the comments he directed at her and other female employees.

39. For example, Mr. Harvey regularly made sexist comments about female employees’ bodies and figures and joked about how certain women were hired by a contractor even though they were “useless” just because they were having sex with male executives.

40. In one incident in late October 2017, he told Ms. Greene that a new female El Ad employee was “petite and cute” and the contractors would think she was “sweet” when she started working with them, but she was really a “ball buster.”

41. Mr. Harvey consistently discouraged Ms. Greene from speaking in the team’s regular Wednesday morning meetings and regularly spoke to her in a belittling manner when she did speak.

42. During one meeting on January 11, 2018, Mr. Harvey's retaliation escalated and he behaved even more aggressively than usual towards Ms. Greene. He rudely and repeatedly demanded that she be quiet. Prohibited from contributing to the meeting, Ms. Greene eventually stood up to leave. Mr. Harvey then cursed at her "Where the fuck do you think you're going?" and yelled that she had to "Sit the fuck back down."

43. Later that same day, Ms. Greene reported this incident to her boss and to the legal department and Human Resources became involved. Mr. Harvey was forced to apologize to Ms. Greene for this incident, but nothing changed.

44. In September 2018, Mr. Harvey and two male colleagues "joked" about the women who had accused Brett Kavanaugh of sexual assault, saying "good thing I am not running for anything, I've done so much worse," Dr. Ford "came forward because she was paid," and "women can make anything up and ruin men's lives."

45. Mr. Harvey also cheered when Mr. Trump mocked Dr. Ford.

46. Ms. Greene reported these comments to Human Resources and also explained that Mr. Harvey had been retaliating against her ever since she told him his remarks about the Holocaust offended her.

47. In response, the Human Resources employee actually laughed.

48. On December 9, 2019, Mr. Harvey asked Ms. Greene: "Do you know why women don't have equal rights? Do you know who is getting in the way of women's rights?" Mr. Harvey continued to press Ms. Greene to answer this question, before finally announcing his own answer: "Women. Women don't really want equal rights. Do you know how I know that? They don't open the door for men. If women really wanted equal rights, they would hold the door open for men."

49. When Ms. Greene protested that she often held the door open for men, Mr. Harvey continued on: “Most women don’t. And that just shows they don’t really want to be treated as equal and they don’t really want equal rights.”

50. Ms. Greene contemporaneously documented these comments, as well as many of Mr. Harvey’s discriminatory remarks.

51. Mr. Harvey’s discriminatory remarks were not confined to women and Jewish people.

52. On January 15, 2020, for example, during a conference call about problems with a door not closing in one of El Ad’s affordable housing buildings, Mr. Harvey said “The door isn’t the problem. The people are the problem. The people are animals.”

53. Mr. Harvey made similar remarks in October 2019, claiming that the “HPD tenants” were animals who drank and urinated everywhere.

54. Mr. Harvey’s sexist conduct set the tone and created an environment where other male employees felt empowered to engage in similar sexist behavior.

55. For example, other male El Ad executives (who reported to Mr. Harvey) reprimanded Ms. Greene for her “tone,” told her not to yell (even though male employees yelled all the time), not to play the “women’s card,” and other similarly inappropriate remarks.

56. Other female employees also complained about inappropriate sexist remarks and the “boys club” atmosphere at El Ad Group.

El Ad Retaliates Against Ms. Greene and Fires Her

57. Mr. Harvey continuously retaliated against Ms. Greene from the moment she objected to his offensive Holocaust denials and his ongoing sexist comments and behavior.

58. He cursed at her in front of her entire team, stripped her of responsibilities,

and repeatedly demeaned her in front of colleagues and clients

59. This retaliation culminated in Ms. Greene's firing on January 30, 2020.

60. The El Ad President was clear with Ms. Greene that she was not being let go due to performance concerns, but because the company was experiencing financial difficulties and had to engage in layoffs as a result.

61. But this excuse is plainly pretextual. It has been publicly reported that El Ad recently raised NIS 500 million in a private bond placement. In addition, no other employees were laid off except for Ms. Greene and Mr. Harvey's personal assistant, another female employee who, on information and belief, had also complained to Human Resources about another male employee who had also engaged in sexist and inappropriate behavior, and who happened to be one of Mr. Harvey's direct reports with whom he was very friendly.

FIRST CAUSE OF ACTION
N.Y.C. Admin. Code §§ 8-107 (1)
Discrimination and Hostile Work Environment
in Violation of the New York City Human Rights Law

62. Plaintiff repeats and realleges the above paragraphs as if fully set forth herein.

63. El Ad's Executive Vice President Harvey's anti-Semitic Holocaust denials and sexist behavior discriminated against Ms. Greene and created a hostile work environment for on the basis of her gender and her religion, in violation of the New York City Human Rights Law.

64. El Ad also made Ms. Greene report to a younger man with less experience than Ms. Greene and paid her less well.

65. Defendants treated Ms. Greene less well than employees who were not female and Jewish.

66. In response to Ms. Greene's complaints about anti-Semitism and sexism, Defendants did nothing to protect her from further discrimination.

67. As a result of Defendants' discrimination against Plaintiff on the basis of her gender and religion, Plaintiff is entitled to compensatory damages and to attorneys' fees and costs under N.Y.C. Admin. Code § 8-120(a).

68. Defendants' actions in violation of the New York City Human Rights Law were intentional, with malice, and/or showed deliberate, willful, wanton, and reckless indifference to Plaintiff's civil rights, for which she is entitled to an award of punitive damages.

69. In addition to El Ad's corporate liability, Defendant William Harvey is individually liable for violating the New York City Human Rights Law. *See* N.Y.C. Admin. Code § 8-107(13).

70. Plaintiff has not filed any other civil or administrative action alleging an unlawful discriminatory practice with respect to the allegations of discrimination which are the subject of this Complaint.

71. Pursuant to N.Y.C. Admin. Code § 8-502(c), Plaintiff is providing the New York City Human Rights Commission of notice of her claims.

SECOND CAUSE OF ACTION
N.Y.C. Admin. Code § 8-107(1)
Retaliation in Violation of the New York City Human Rights Law

72. Plaintiff repeats and realleges the above paragraphs as if fully set forth herein.

73. Plaintiff engaged in protected activity by complaining to El Ad's legal and human resources department about El Ad's Executive Vice President Harvey's anti-Semitic Holocaust denials and sexist behavior.

74. Defendants retaliated against Ms. Greene by stripping her of responsibilities, belittling and demeaning her (including by cursing at her in front of the entire team), and then firing her.

75. Defendants' adverse employment actions against Plaintiff were based, at least in part, on her protected activity.

76. As a result of Defendants' retaliation against Plaintiff, Plaintiff is entitled to compensatory damages and to attorneys' fees and costs under N.Y.C. Admin. Code § 8-120(a).

77. Defendants' actions in violation of the New York City Human Rights Law were intentional, with malice, and/or showed deliberate, willful, wanton, and reckless indifference to Plaintiff's civil rights, for which she is entitled to an award of punitive damages.

78. In addition to El Ad's corporate liability, Defendant William Harvey is individually liable for violating the New York City Human Rights Law. *See* N.Y.C. Admin. Code § 8-107(13).

79. Plaintiff has not filed any other civil or administrative action alleging an unlawful discriminatory practice with respect to the allegations of retaliation which are the subject of this Complaint.

80. Pursuant to N.Y.C. Admin. Code § 8-502(c), Plaintiff is providing the New York City Human Rights Commission of notice of her claims.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court grant her the relief requested as follows:

A. Compensatory damages in an amount to be determined at trial;

- B. Punitive damages in an amount to be determined at trial;
- C. Pre-judgment and post-judgment interest;
- D. An award of attorneys' fees and costs incurred in this action pursuant to N.Y.C. Admin. Code § 8-120(a) and to the fullest extent otherwise permitted by law; and
- E. Such other and further relief as the Court may deem just and proper.

Dated: New York, New York
August 3, 2020

EMERY CELLI BRINCKERHOFF
ABADY WARD & MAAZEL LLP

/s/
Zoe Salzman

600 Fifth Avenue, 10th Floor
New York, New York 10020
(212) 763-5000