

FEDERAL

SOUTHERN DISTRICT

EMPLOYMENT

Race Discrimination — Retaliation — Constructive Discharge

Demoted worker claimed supervisor targeted Hispanics

SETTLEMENT \$550,000

CASE Alida Mattos v. The City of New York, James G. Sheehan, Peter K. Jenik and John and Jane Doe (said names being fictitious, the persons intended being those who aided and abetted the unlawful conduct of the named Defendants), No. 13 CV 0777

COURT DATE U.S. District Court, Southern District
12/20/2013

PLAINTIFF ATTORNEY(S) Samuel O. Maduegbuna, Maduegbuna Cooper LLP, New York, NY

DEFENSE ATTORNEY(S) Walter A. Kretz Jr., Scoppetta Seiff Kretz & Abercrombie, New York, NY (James G. Sheehan)
Maxwell Leighton, Senior Counsel, Michael A. Cardozo, Corporation Counsel, New York, NY (City of New York, Peter K. Jenik)

FACTS & ALLEGATIONS In June 2009, plaintiff Alida Mattos, a Hispanic woman in her mid-50s, learned that her job's responsibilities had been altered.

Mattos was employed by the New York City Human Resources Administration. She was hired in 1986. In 2007, she was promoted to the position of assistant deputy commissioner. Her responsibilities included oversight of a bureau that investigated fraudulent activity.

In June 2009, Mattos' supervisor, Peter Jenik, a white man, removed one of Mattos' subordinates, a Hispanic man. The worker was replaced by a white man, who was given many of Mattos' supervisory duties. In June 2012, Jenik was replaced by another white man, James Sheehan.

On Oct. 25, 2012, Mattos was demoted. Sheehan claimed that he was displeased by Mattos' performance. Mattos claimed that she was assigned menial, demeaning tasks.

On Feb. 1, 2013, Mattos resigned. She claimed that she was constructively discharged.

Mattos sued Jenik, Sheehan and their employer, the city of New York. Mattos alleged that her demotion and discharge were discriminatory, retaliatory acts that violated the New

York City Human Rights Law, the New York Civil Service Law, 42 U.S.C. § 1981 and 42 U.S.C. § 1983.

Mattos claimed that she was a distinguished employee who had received seven promotions. She also claimed that her demotion coincided with her department's largest-ever monthly financial performance. She contended that her demotion and discharge were part of a discriminatory campaign that targeted Hispanics and other non-whites. She further claimed that her demotion coincided with the demotion and/or reassignment of four other Hispanic managers. She also claimed that her demotion and discharge were products of her having supported a co-worker who believed that Jenik and a colleague were engaged in corrupt activity.

Defense counsel contended that Mattos' demotion solely derived from her performance.

INJURIES/DAMAGES *emotional distress*

Mattos claimed that she was subjected to a discriminatory, retaliatory demotion. She also claimed that she was constructively discharged.

Mattos further claimed that her demotion triggered severe emotional suffering that necessitated a prolonged leave of absence. She did not work during the three months that followed the notice of her demotion.

Mattos sought recovery of a total of \$1,039,916 for past and future loss of earnings and benefits. She also sought recovery of damages for past and future emotional suffering.

RESULT The parties negotiated a pretrial settlement. The city agreed to pay \$550,000.

PLAINTIFF EXPERT(S) Frank D. Tinari, Ph.D., economic analysis, Livingston, NJ (did not testify)

DEFENSE EXPERT(S) None reported

EDITOR'S NOTE This report is based on information that was provided by plaintiff's counsel. Defense counsel did not respond to the reporter's phone calls. Additional information was gleaned from court documents.

—Max Robinson

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