

FEDERAL**SOUTHERN DISTRICT****EMPLOYMENT**

Age Discrimination — Race Discrimination — Civil Rights — 42 USC 1981

Employer prioritized young whites, minorities claimed

SETTLEMENT **\$335,900**

CASE Wanda Sinclair, Diane Sherard, Elizabeth Mercado, and Sharon Holder v. The City of New York, Mathew Wambua, Ruthanne Visnauskas, Eric Enderlin, Robin Weinstein, Michael Aronson, Jessica Katz, Beatriz de la Torre, Clare Farnen and John and Jane Does 1-5 (said names being fictitious, the persons intended being those who aided and abetted the unlawful conduct of the named Defendants), No. 13 CIV 8304

COURT U.S. District Court, Southern District**DATE** 12/28/2014**PLAINTIFF****ATTORNEY(S)** Samuel O. Maduegbuna, Maduegbuna Cooper LLP, New York, NY

DEFENSE

ATTORNEY(S) Donna A. Canfield, Senior Counsel,
Zachary W. Carter, Corporation Counsel,
New York, NY

FACTS & ALLEGATIONS In 2004, plaintiff Elizabeth Mercado, an Hispanic woman in her mid-40s, and plaintiff Diane Sherard, a black woman in her mid-40s, learned that their employer, the New York City Department of Housing Preservation and Development, had denied their requests for increases of their respective salaries.

In 2007, plaintiff Sharon Holder, a black woman in her early 50s, learned that the New York City Department of Housing Preservation and Development had denied a promotion that she had pursued. The promotion was given to a younger white woman.

In 2007, plaintiff Wanda Sinclair, a black woman in her mid-50s, learned that the New York City Department of Housing Preservation and Development had denied a promotion that she had pursued. The position was given to a newly hired, younger, white woman.

In 2009, the plaintiffs' employer promoted three younger co-workers. The promoted workers had not aged beyond their 30s, and each was Asian or white.

During a period that spanned 2012 and 2013, Holder was denied two additional promotions. Meanwhile, Sinclair was denied four additional promotions.

Holder, Mercado, Sherard and Sinclair sued their employer's parent, the city of New York, and several of their supervisors, Michael Aronson, Beatriz de la Torre, Eric Enderlin, Clare Farnen, Ruthanne Visnauskas, Mathew Wambua and Robin Weinstein. The plaintiffs alleged that they were subjected to age- and race-based discrimination that violated the New York City Human Rights Law, the New York Human Rights Law, 42 U.S.C. § 1981 and 42 U.S.C. § 1983.

The plaintiffs claimed that they were long-tenured employees who compiled impressive credentials. They had been hired during a period that spanned 1978 and 1986. Plaintiffs' counsel claimed that the New York City Department of Housing Preservation and Development instituted a program that prioritized the hiring, retention and promotion of younger, white workers. Plaintiffs' counsel also claimed that older minorities were denied training that would have increased their skills. Plaintiffs' counsel further claimed that the plaintiffs trained many workers who were subsequently promoted to positions that the plaintiffs sought.

Defense counsel contended that the plaintiffs were not subjected to discriminatory acts.

INJURIES/DAMAGES *emotional distress*

The plaintiffs claimed that they were unfairly denied promotions and raises. They claimed that the treatment caused distress and embarrassment.

The plaintiffs sought recovery of past lost earnings and benefits, future lost earnings and benefits, and damages for emotional suffering.

RESULT The parties negotiated a pretrial settlement. The city agreed to pay \$335,899.84, which comprised past and future lost earnings, damages for emotional suffering and attorney's fees. The settlement also included an increase of each plaintiff's pension benefits. Their benefits will be augmented by a total of \$370,964.99. The settlement was finalized via the guidance of Magistrate Judge James Cott.

PLAINTIFF

EXPERT(S) Kristin K. Kucsma, M.A., economics,
Livingston, NJ (did not testify)

DEFENSE

EXPERT(S) None reported

EDITOR'S NOTE This report is based on information that was provided by plaintiffs' and defense counsel. Additional information was gleaned from court documents.

—Max Robinson

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