

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ABIGAIL BATISTA,

Plaintiff,

v.

WELLIFE NETWORK INC. *f/k/a* PSCH INC.,  
and NADINE HAUGHTON,

Defendants.

CASE NO.:

**COMPLAINT**

JURY TRIAL DEMANDED

Plaintiff Abigail Batista (“Batista”) alleges, by and through her attorneys, upon personal knowledge as to some and information and belief as to the rest, as follows:

**NATURE OF THE ACTION**

1. Batista brings this action against Defendants WellLife Network Inc. *f/k/a* PSCH Inc. and Nadine Haughton, for violating her right to be free of unlawful employment retaliation guaranteed by the Civil Rights Act of 1866, 28 U.S.C. § 1981 (“1981”) and the New York City Human Rights Law, N.Y.C. Admin. Code §§ 8-101 *et seq.* (“NYCHRL”).

2. Batista seeks economic, compensatory, and punitive damages from Defendants as a result of Defendants’ actions that violated 1981 and the NYCHRL. In addition, Batista seeks reasonable attorneys’ fees, costs, and interest.

**JURISDICTION AND VENUE**

3. The Court has jurisdiction over this action because it involves a federal question pursuant to 28 U.S.C. § 1331.

4. This Court has supplemental jurisdiction over the NYCHRL claims pursuant to 28 U.S.C. § 1367.

5. Venue is proper in this District pursuant to 28 U.S.C. § 1391 because Defendants reside in this District and a substantial part of the acts and omissions giving rise the claims occurred in this District.

6. The recovery sought by Batista exceeds the jurisdictional requirement of this Court.

**PARTIES**

7. Plaintiff Abigail Batista is an adult natural person and citizen of New York State.

8. Defendant WellLife Network, Inc. *f/k/a* PSCH Inc. is a domestic corporation registered in Queens, New York. Its executive offices are located at 142-02 20th Avenue, 3rd Floor, Flushing, NY 11351.

9. Defendant Nadine Haughton is an adult natural person and citizen of New York State.

**FACTS**

10. On or about June 27, 2016, Batista began employment with WellLife Network, Inc. (formerly PSCH, Inc.) (herein “WellLife”) in the position of Intensive Case Manager.

11. Intensive Case Managers primarily coordinate services with WellLife customers whom have disabilities.

12. In that position, Batista reported to and was supervised by Haughton, who was a Borough Coordinator with WellLife.

13. At this time, Batista and Haughton shared a good working relationship and were collegiate. For example, at times, Batista and Haughton would share lunch together and talk generally about topics unrelated to work.

14. In September 2017, Haughton asked Batista if she would like to interview for an Assistant Borough Coordinator (“ABC”) position.

15. The ABC position meant a pay raise and increased job responsibilities, including

supervising other Intensive Case Managers.

16. Batista was excited about the opportunity and agreed to an interview.

17. At the interview, Haughton discussed what Batista's job responsibilities would be as if Batista already had the job, and at the conclusion of the meeting, Haughton promised Batista the ABC position.

18. Haughton and Batista then turned to other topics, including the topic of another co-worker of Haitian descent, Nadine Boutin.

19. Batista came to understand that Haughton disliked Boutin because she was Haitian. During the conversation, Haughton told Batista, in sum and substance, that she didn't like Boutin and "the rest of her Haitian clique" and that Haughton planned to "make [Boutin's] life a living hell" and that Haughton thought she should be careful because, "you know them Haitians are known for voodoo" and that Haughton wanted to get rid of the Haitians one at a time.

20. Batista was shocked and offended by Haughton's comments, but was afraid if she spoke out, she would lose favor with Haughton, and that Haughton would give the ABC position to someone else. So, Batista decided not to say anything in the hope that the comment was just a one-time occurrence.

21. But just a few weeks later, during a staff appreciation event, Haughton made another discriminatory comment toward Batista. When a Hispanic employee, "Siena" walked by, defendant Haughton made fun of her style of dress and stated that "Jamaicans are better in every respect" and stated "That's what separates us from African American and Hispanics born in the States."

22. Again, Batista was shocked and offended by the comment, but was afraid Haughton

would retaliate against her if she spoke out.

23. Over the weekend, Batista decided to confront Haughton about the discriminatory comments.

24. That following week, Batista met with Haughton to discuss the discriminatory comments. During the meeting, Batista expressed to Haughton that she was shocked and offended by the discriminatory comments and asked her to stop making them, but Haughton refused and replied, “You can’t be offended by the truth. Sorry, but not sorry.”

25. After that meeting, Haughton stopped being collegiate with Batista altogether, and stopped having lunch with her.

26. Further, after the meeting, when Batista would ask for updates about her promotion to ABC, Haughton would give her the run around.

27. Fearing that Haughton was revoking the offer of the ABC position because she reported that she was shocked and offended by the discriminatory comments, Batista met with Haughton’s superior, Taryn Clarke.

28. During the meeting, Batista told Clarke that Haughton had offered her the ABC position, but that after she reported to Haughton that she was shocked and offended by Haughton’s discriminatory comments and asked Haughton to stop Haughton started treating her differently, and she feared that Haughton was going to give the ABC position to someone else.

29. In response, Clarke told Batista that she would look into it.

30. Thereafter, Haughton confronted Batista and expressed anger toward Batista for having the foregoing meeting with Clarke.

31. Sometime after, Clarke held an interview with Batista for the ABC position, and

Haughton was present at the interview.

32. After the interview, Clarke explained that Batista would be hearing from human resources as to whether she got the ABC position.

33. In early January 2018, Batista was hired for the ABC position, and reported to and was supervised by Haughton in that position.

34. However, Haughton immediately began sabotaging Batista in her new position in retaliation for reporting her discriminatory comments. For example, Haughton refused to train or support Batista in her new position, including by failing to train Batista in the software programs Batista was required to use in her new position, as Haughton had done for other ABCs who did not oppose Haughton's discriminatory conduct, Andrew Reid and Beverly Bruce.

35. Further, Haughton refused to reduce Batista's case load as had been done for Andrew Reid and Beverly Bruce after they were promoted. As a result, Haughton required Batista, but not Andrew Reid or Beverly Bruce, to perform essentially two positions.

36. When Batista tried to address these concerns with Haughton, Haughton gave her the run around.

37. Around this time, Batista wrote a letter to human resources on behalf of herself and her co-workers.

38. In the letter, Batista stated that Haughton was creating a hostile work environment and asked human resources to investigate.

39. Fearing that Haughton was attempting to set her up to fail and force her to resign, Batista reached out to Haughton's superiors, Joel Telford and Taryn Clarke to seek a resolution.

40. During the meeting, Telford reprimanded Haughton for not training Batista in her new

position.

41. Around this time, Haughton learned of Batista's letter to human resources that reported Haughton for creating a hostile work environment. In response, Haughton called a team meeting, which Batista attended, in order to intimidate her subordinates from making further reports about her.

42. During the meeting, Haughton told her subordinates that a complaint had been filed against her and that WellLife would be conducting interviews with her subordinates regarding the complaints against her. Haughton threatened, in sum and substance, "Anything that is reported to HR, I will find out, and when you go against management you never win."

43. It became clear to Batista that the purpose of the meeting was to imply that if anyone spoke out against Haughton to WellLife's human resources, Haughton would terminate them.

44. Thereafter, Haughton set up interviews for her subordinates, including Batista, to meet with WellLife's human resources department to discuss the complaint against Haughton.

45. At Batista's interview with WellLife's human resources department employee Michelle Hart, Batista told Hart that Haughton was retaliating against her because she reported Haughton's discriminatory comments. In response, Hart simply said, "oh, really?" But did not ask for any further details or take note of the report. It became apparent to Batista that Hart did not take her report seriously and that WellLife was conducting a sham investigation.

46. Thereafter, on or about February 22, 2018, and without prior written warning, Batista was wrongfully terminated in violation of 1981 and NYCHRL in retaliation for reporting Haughton's discriminatory comments and Haughton's creation of a hostile work environment based upon race and national origin.

47. The above are only some of the examples of unlawful retaliation to which the

Defendants subjected Batista.

48. Batista claims a continuous practice of retaliation and makes all claims herein under the continuing violations doctrine.

49. Batista suffered lost wages, embarrassment, humiliation, and loss to her professional reputation as a result of Defendants' foregoing conduct.

**FIRST CAUSE OF ACTION**  
**(28 U.S.C. 1981 - Retaliation)**  
**As Against All Defendants**

50. Plaintiff repeats, realleges and reincorporates by reference each allegation in the foregoing paragraphs as though fully set forth herein.

51. Plaintiff was, and is, a member of a class protected by Civil Rights Act of 1866, 28 U.S.C. § 1981, on the basis of engaging in activity protected by § 1981.

52. Plaintiff engaged in the foregoing protected activity as defined by § 1981 and Defendants foregoing actions were in retaliation against Plaintiff for engaging in the protected activity.

53. Such foregoing actions have a chilling effect that would deter a reasonable employee in Plaintiff's situation from engaging in the aforementioned protected activities; such actions are therefore adverse employment actions pursuant § 1981.

54. Plaintiff's protected activities caused Defendants' foregoing treatment of Plaintiff, through which Defendants made affirmative efforts to punish Plaintiff for engaging in protected activities.

55. As a result of Defendants' unlawful retaliatory actions, Plaintiff has suffered emotional distress and other compensatory damages.

56. Therefore, Defendants are liable to Plaintiff for back pay, emotional distress, reputational damage and other compensatory damages, physical injury damages, punitive damages, pre-judgment interest, post-judgment interest, attorneys' fees, costs and disbursements.

**SECOND CAUSE OF ACTION**  
**(New York City Human Rights Law - Retaliation)**  
**As Against All Defendants**

57. Plaintiff repeats, realleges and reincorporates by reference each allegation in the foregoing paragraphs as though fully set forth herein.

58. Plaintiff was, and is, a member of a class protected by the New York City Human Rights Law, Administrative Code § 8-107 et seq. as amended by the Local Civil Rights Restoration Act, N.Y.C. Local Law No. 85 of 2005 (“NYCHRL”), on the basis of engaging in activity protected by NYCHRL § 8-107(4).

59. Plaintiff engaged in the foregoing protected activity as defined by NYCHRL § 8-107(4) and Defendants foregoing actions were in retaliation against Plaintiff for engaging in the protected activity.

60. Such foregoing actions have a chilling effect that would deter a reasonable employee in Plaintiff’s situation from engaging in the aforementioned protected activities; such actions are therefore adverse employment actions pursuant to the NYCHRL.

61. Plaintiff’s protected activities were a motivating factor in Defendants’ foregoing treatment of Plaintiff, through which Defendants made affirmative efforts to punish Plaintiff for engaging in protected activities.

62. As a result of Defendants' unlawful retaliatory actions, Plaintiff has suffered emotional distress and other compensatory damages.

63. Therefore, Defendants are liable to Plaintiff for back pay, emotional distress, reputational damage and other compensatory damages, physical injury damages, punitive damages, pre-judgment interest, post-judgment interest, attorneys' fees, costs and disbursements.

**JURY DEMAND**

Plaintiff demands a trial by jury.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff demands a judgment as follows against all Defendants:

- a. an order declaring the acts and practices complained of herein are in violation of 28 U.S.C. § 1981 ;
- b. an order enjoining and permanently restraining the foregoing violations of 28 U.S.C. § 1981;
- c. an order declaring the acts and practices complained of herein are in violation of the New York City Human Rights Law;
- d. an order enjoining and permanently restraining the foregoing violations of the New York City Human Rights Law;
- e. an award of back pay in the amount of lost salary, salary increases, health care premiums, and other benefits of employment;
- f. an award of front pay;
- g. an award of compensatory damages;
- h. an award of punitive damages;
- i. an award of prejudgment interest;

- j. an award of reasonable attorneys' fees, costs, and disbursements of this action;  
and
- k. such other relief as this Court deems just and proper.

Dated: New York, NY  
July 26, 2019

Respectfully submitted,  
LISZKA AND GRAY LLC

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