

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
ANGELO DIGREGORIO

Plaintiff,

Civil Action No.:

-against-

**VERIFIED COMPLAINT**

WAPPINGERS CENTRAL SCHOOL DISTRICT;  
CATHERINE DEFAZIO as Head Custodian of Van  
Wyck Junior High School and Individually;  
THOMAS GIORNO as Head Custodian of Van  
Wyck Junior High School and Individually;  
JOANNE SEREDA as Director of Human Resources/  
Title IX Coordinator and Individually; and RONALD  
BROAS as Director of Facilities and Operations and  
Individually, for aider and abetter liability,

Electronically Filed

Defendants.  
-----X

Plaintiff Angelo DiGregorio, by and through his attorneys, Jacobowitz & Gubits, LLP,  
hereby complains of the Defendants as follows:

**THE PARTIES**

1. At all relevant times herein, Plaintiff maintained a residence in the Town of Poughquag, County of Dutchess, State of New York.
2. Upon information and belief, Defendant Wappingers Central School District (hereinafter the "District") is an employer, as that term is defined in Title VII of the Civil Rights Act of 1964, with fifteen (15) or more employees.
3. Upon information and belief, Wappingers Central School District's principal headquarters are located at 25 Corporate Park Drive, Hopewell Junction, Dutchess County, New York.

4. At all times relevant herein, the acts and occurrences complained of herein took place at Van Wyck Junior High School (hereinafter the "Junior High School"), 6 Hillside Lake Road, Wappingers Falls, Dutchess County, New York 12590, which Junior High School is part of the District.

5. Until approximately March 2015, Plaintiff's direct supervisors at the District were Defendants Catherine DeFazio and Thomas Giorno, who each held the position of "Head Custodian" during the relevant time period.

6. At all relevant times herein, Defendant Joanne Sereda was the District's Director of Human Resources and Title IX Coordinator until on or about October 2015 when, upon information and belief, she retired.

7. At all relevant times herein, Defendant Ronald Broas was the Director of Facilities and Operations within the District.

8. Upon information and belief, Defendant Catherine DeFazio (hereinafter "Defendant DeFazio" or "DeFazio") is a resident of the Town of Wappingers, County of Dutchess, State of New York.

9. Upon information and belief, Defendant Thomas Giorno (hereinafter "Defendant Giorno" or "Giorno") is a resident of Wappingers Falls, County of Dutchess, State of New York.

10. Upon information and belief, Defendant Joanne Sereda (hereinafter "Defendant Sereda" or "Sereda") is a resident of the City of Beacon, County of Dutchess, State of New York.

11. Upon information and belief, Defendant Ronald Broas (hereinafter "Defendant Broas" or "Broas") is a resident of the City of Middletown, County of Orange, State of New York.

12. Defendants DeFazio, Giorno, Sereda, Broas, and the District are collectively referred to herein as the "Defendants."

### **JURISDICTION AND VENUE**

13. Jurisdiction is appropriate under 28 USC §1331 as this action pertains to violations of Federal Law, to wit, Title VII of the Civil Rights Act of 1964 located at 42 USC § 2000e *et. seq.*, and Section 1983 of the Civil Rights Act located at 42 USC §1983, as well as violations of New York State Human Rights Law §296 *et seq.*, which can be heard by this Court pursuant to 28 USC §1367.

14. Venue is based on the place of business of the Defendants and the place where the acts and occurrences complained of herein occurred, and is appropriate in this District pursuant to 28 USC §§ 112(b) & 1391(b).

### **STATEMENT OF FACTS**

15. Plaintiff is a Caucasian male, 56 years of age.

16. Plaintiff was originally hired to work for the District in or around July 2006 and continues to work there to the present date.

17. Plaintiff is employed as a full-time custodian and is paid a salary of approximately \$53,000 per year, with the opportunity for additional pay for overtime hours worked.

18. From approximately 2006 to on or about May 3, 2013, Defendant DeFazio's position at the District was Head Custodian of the Junior High School.

### **Sexual Harassment and Hostile Work Environment**

19. During the time that Defendant DeFazio was Head Custodian, she subjected Plaintiff to constant and daily sexual harassment that is detailed below.

20. Shortly after beginning to work at the Junior High School, Plaintiff told Defendant DeFazio that he was a conservative, practicing Catholic and did not want to see or hear any sexually inappropriate matter at work, and she would see Plaintiff bring his Bible to work with him.

21. Defendant DeFazio sexually harassed Plaintiff and subjected him to explicit sexual language and actions in spite of the fact that she knew of Plaintiff's religious beliefs.

22. Plaintiff witnessed, on nearly a daily basis, Defendant DeFazio making sexually charged comments to his co-worker, Michael Murphy, such as "you have a nice ass," or "nice butt."

23. On several occasions, Plaintiff witnessed DeFazio "hump" and/or dance provocatively against or in close proximity to his co-worker Michael Murphy's rear end.

24. On at least one occasion, Plaintiff was present while DeFazio discussed her trips to "Giggles" (an adult store that sells sex toys) and her use of dildos.

25. On multiple occasions, DeFazio told Plaintiff and his co-workers that "the vagina rules" when she would put her hands in a "V" or diamond shape and say "this is what rules here."

26. In or around the year 2010, Defendant DeFazio was having a well-known affair with a District bus driver and when Plaintiff would see DeFazio walk down a hallway with said bus driver to presumably have sexual relations with him, Plaintiff felt compelled to stay away from that area of the school out of fear of seeing sexual activity take place between the two individuals.

27. On at least one occasion, when Plaintiff was discussing his religious beliefs, DeFazio began discussing her willingness to try lesbian sex.

28. On at least one occasion, Defendant DeFazio told Plaintiff that she could and had sexually satisfied two men at the same time.

29. On at least one occasion in or around the summer of 2011 in the custodian's break room, Defendant DeFazio discussed, in Plaintiff's presence, that she found a pornographic magazine under her nephew's bed and that she had given him instructions and/or advice on how to pleasure himself.

30. On at least one occasion in or around the school year in 2012 or 2013 and in the custodian's break room, Plaintiff witnessed DeFazio tell a co-worker that another co-worker needed "to get laid" and she asked if they could take the co-worker to visit a prostitute.

31. In or around the year 2012, DeFazio hung a birthday card depicting a near-naked man in a sexually provocative pose with protruding genitalia in the custodian's office for all to see.

32. The birthday card was extremely distressing to Plaintiff as he had to walk by it every day for at least a year.

33. Periodically during her time as Head Custodian, Plaintiff would see Defendant DeFazio touch another male co-worker inappropriately in the stomach and abdomen area.

34. In or around January of 2012, Plaintiff witnessed DeFazio say to another co-worker: "your wife's got big tits."

35. On several occasions when Plaintiff complained to DeFazio that her language and behavior made him uncomfortable, DeFazio would tell Plaintiff that he should lighten up because he had "done it at least twice," referring to Plaintiff having had two biological children.

36. Plaintiff cannot recall with specificity every single incident where DeFazio made inappropriate statements or references of a sexual nature because it was such a regular

occurrence, but he does recall that, in addition to the incidents described above, Defendant DeFazio made inappropriate statements or references on a number of other occasions.

37. Defendant DeFazio's inappropriate touching of, and sexually explicit and suggestive comments and behavior towards, Plaintiff and his co-workers was a regularly occurring pattern of conduct that caused Plaintiff and other employees of the custodial/maintenance department substantial embarrassment and discomfort to the point of making the workplace unbearable.

### **Formal Complaint**

38. In or around February 21, 2013, Plaintiff and three co-workers (Michael Murphy, John Galloway, and Sam Feiler) (hereinafter the "Complaining Custodians") made a formal complaint about the sexual harassment and hostile work environment created by DeFazio to Defendant Ronald Broas.

39. Plaintiff did not make a formal complaint sooner because: 1) he was afraid to lose his job; 2) he knew Defendant DeFazio had been working for the District for years, had always spoken and behaved in this way, and Defendant DeFazio told him directly that she would never be fired but that he could be; 3) he believed DeFazio had the power to fire him or have him fired; 4) he was afraid he would be ridiculed by co-workers for not welcoming sexual advances and sexually explicit language from a woman; 5) he was concerned that he would suffer retaliation from Defendant DeFazio and her supporters, who had the power to cut his overtime hours and/or make his work life even more miserable by giving him a disproportionate amount of work and assigning him to the most difficult, arduous tasks; and 6) he thought it was fruitless as he was aware that a custodian named "Don" had reported DeFazio's harassment in or around 2010 and his co-worker, Michael Murphy, who had been subjected to even more abuse than he had been,

had attempted to report the harassment to their union representatives in or around September of 2012 , and nothing had been done in response to either report.

40. At all relevant times herein, Defendant Broas was Defendant DeFazio's immediate supervisor.

41. Defendant Broas told the Complaining Custodians that he would immediately bring the issue to the attention of Human Resources, and advised them not to talk about the issues surrounding the complaint with anyone.

42. Upon information and belief, on or around February 21, 2013, Defendant Broas reported the Complaining Custodians' complaint to Defendant Sereda who was employed as the District's Human Resources Director and Title IX Coordinator.

43. Upon information and belief, Defendants did not take all steps necessary to prevent the sexual harassment and retaliation, discussed below, from occurring.

44. Upon information and belief, Defendants failed to express strong disapproval for sexual harassment and the retaliation discussed below, or to develop appropriate sanctions for perpetrators.

### **Retaliation**

45. After the Complaining Custodians made a formal complaint, the quality of Plaintiff's work environment immediately changed for the worse.

46. Prior to February 21, 2013, DeFazio treated Plaintiff the same way that she treated all of the custodians, but after that date she began singling out him and the other Complaining Custodians by complaining about the quality of his work and compiling false "records" of his poor work quality.

47. A specific example of retaliation occurred in or around May 3, 2013, during a High School event for the National Junior Honor Society.

48. The Junior High School was full of students, parents, employees, and school board members on that night.

49. Upon information and belief, Defendant DeFazio chose that evening to contact New York State Troopers regarding alleged vandalism that had occurred to her car and she reported to police that the Complaining Custodians had committed the vandalism.

50. Upon information and belief, the New York State Trooper went to the Junior High School that evening and interviewed Plaintiff and his co-workers but found that the alleged damage to DeFazio's car was a bent windshield wiper that appeared to be damaged as a result of normal wear and tear and that there was no evidence of vandalism.

51. Upon information and belief, the New York State Troopers were sent by DeFazio to interview Plaintiff and his co-workers on that very night in order to intimidate, humiliate, and harass Plaintiff and the co-workers that had complained about her abuse.

52. Upon information and belief, the District and Junior High School initiated an investigation of the Complaining Custodians' complaints in or around the Spring of 2013 and such investigation was spearheaded by District Human Resources Director and Title IX Officer, Defendant Joanne Sereda.

53. Upon information and belief, Defendant Sereda found that the Complaining Custodians' claims were substantiated by the evidence and that the incident with the State Troopers was retaliatory.

54. Defendant Sereda told Plaintiff and the Complaining Custodians something to the effect of that she believed them because they weren't "smart enough" to make up their stories or they wouldn't be working there as janitors.

55. On May 6, 2013, Defendant Sereda called a meeting of the custodial/maintenance department.



56. At that time, Defendant Sereda told Plaintiff and his co-workers that Defendant DeFazio had volunteered to transfer to an alternate location and would no longer be working at the Junior High School; Defendant Sereda stressed the point that Defendant DeFazio voluntarily transferred and was not involuntarily removed from her position.

57. At that time, Defendant Sereda also stated to Plaintiff and his co-workers that Defendant DeFazio knew about their complaints "from day one."

58. The retaliation Plaintiff was experiencing continued when Defendant Giorno took over the Head Custodian position at the Junior High School from approximately July 3, 2013, to March 2015.

59. When Defendant Giorno first started his position as Head Custodian at the Junior High School, he kept saying things to Plaintiff under his breath such as: "I'm tired of this fucking baby shit."

60. Upon information and belief, during the spring of 2014, Defendant Giorno hid a wet vacuum cleaner in a closet and then accused Plaintiff and his co-worker Samuel Feiler of stealing it.

61. Upon information and belief, at or soon after that time, a co-worker found the vacuum hidden in the back of a closet where it would normally never be stored.

62. The fact that the vacuum had been found was not disclosed to Plaintiff until a disciplinary meeting with Human Resources regarding the lost vacuum, at which point Defendant Giorno's "right hand man" admitted that the vacuum had been found.

63. Defendant Giorno also started complaining about Plaintiff's work load and performance to his superiors meanwhile Plaintiff and the other Complaining Custodians were working hard and doing a disproportionate amount of the work (and more arduous work) as compared to the other custodians.

64. When Plaintiff confronted Giorno about this, Giorno told Plaintiff: "because of what you did to Cathy... Why do you think I was put here? Why me?... This is what I do. I get rid of the virus... Don't you forget that I am the nicest son-of-a-bitch you ever met."

65. Plaintiff took this to mean that Giorno had been hired to make Plaintiff and the Complaining Custodians' lives difficult at work in an attempt to force them to quit or as revenge for making their complaint.

66. Upon information and belief, Defendant Giorno knew and was friendly with Defendant DeFazio.

67. Plaintiff attempted to complain about this and the unequal work to Defendant Sereda but she told Plaintiff to "shut up," to "do whatever Tom [Giorno] tells you to do," and to "not look at what or how much work they [other custodians] are doing," even though Sereda had previously warned Plaintiff and the Complaining Custodians that she anticipated retaliation against them because DeFazio "had been there a long time and had a lot of friends."

68. Defendant Giorno continued to give Plaintiff and the Complaining Custodians more physically strenuous and less desirable job functions than the other custodians that happened to be supporters and/or sympathizers of Defendant DeFazio.

69. Giorno frequently yelled at and embarrassed Plaintiff in front of other District employees if he questioned the unfair allocation of tasks, including calling Plaintiff a "fucking baby."

70. For example, the other custodians were given light cleaning tasks and were charged with maintaining very small areas of the school, whereas Plaintiff and the Complaining Custodians were assigned tasks such as painting and moving furniture in addition to their regular cleaning and maintenance duties in larger areas of the school.

71. Upon information and belief, when Sereda was investigating the Complaining Custodians' claims of sexual harassment and sexually hostile work environment, the other

custodians refused to testify against DeFazio and did not actively assist in the investigation the way Plaintiff and the Complaining Custodians did.

72. Plaintiff and the Complaining Custodians have made numerous attempts to report retaliatory actions taken against them to the District, including to employee Renee Harris, but the District has continued to ignore their complaints of retaliation.

73. Defendants failed to properly follow their own sexual harassment and retaliation policy by failing to timely investigate the acts of harassment, hostile work environment, and retaliation, and by failing to provide Plaintiff with a report as to the results of the investigation and actions taken as a result of the investigation.

74. The District knew, or should have known, about the sexual harassment, sexually hostile work environment, and retaliation that Plaintiff was and is being subjected to, yet the District has failed to take appropriate remedial action and has failed to provide a reasonable avenue for complaints.

75. Upon information and belief, the District's position on sexual harassment, sexually hostile work environment, and retaliation, is that Human Resources personnel cannot "follow its employees around" and "watch them the whole time that they work" so the District "makes no promises" of safety to its employees, as this was stated by Defendant Sereda at the Junior High School during a seminar on February 18, 2014.

76. During Plaintiff's employment at the District, he has always competently performed his work duties.

77. During Plaintiff's employment at the District, he has never received a negative performance evaluation.

78. During Plaintiff's employment at the District he has never received a "write-up" or been subject to any disciplinary action.

79. Although the District has a sexual harassment policy, it was not followed in this case as:

a. the sexual harassment and retaliation of Plaintiff and his co-workers was allowed to persist unchecked for years;

b. the District knew or should have known (due to its pervasive nature and the past complaints of the staff) that the sexual harassment and retaliation was occurring during that time;

c. the District did not timely investigate Plaintiff and his co-workers' complaints as required under the policy;

d. the District did not timely inform Plaintiff or his co-workers the result of the District's investigation as required under the policy;

e. the District failed to suggest mediation as a potential means of resolving the complaint;

f. the District failed to suggest counseling and/or sensitivity training to the harassment and retaliation perpetrators;

g. the District failed to conduct training for the custodial/maintenance department at the Junior High School;

h. the District failed to request a letter of apology from Defendant DeFazio to Plaintiff and the other complainants; and

i. the District did not express strong disapproval for the sexual harassment and retaliation or develop appropriate sanctions for perpetrators.

80. Upon information and belief, from February 21, 2013, to the present date, the District did not take adequate disciplinary action and/or did not take any disciplinary action whatsoever against Defendants DeFazio or Giorno.

81. On or about February 25, 2014, Plaintiff filed a complaint with the Equal Employment Opportunity Commission's ("EEOC") office in New York, New York, complaining of the facts detailed above.

82. On or about November 3, 2014, Plaintiff filed a rebuttal and supplementary statement with the EEOC, complaining of the facts detailed above.

83. On or about September 17, 2015, Plaintiff (through his counsel) requested a right to sue letter from the EEOC as the EEOC's investigation had at that point taken over one hundred eighty days (180) and Plaintiff was entitled by law to a right to sue letter at that time.

84. On December 29, 2015, Plaintiff received a Notice of Right to Sue Within 90 Days (the "Notice") letter from the EEOC/Department of Justice, a copy of which is annexed hereto as Exhibit "A."

85. This action is timely as it was filed prior to the lapse of ninety (90) days from the date of receipt of the Notice.

**PLAINTIFF'S FIRST CLAIM FOR RELIEF**  
**FOR SEXUAL HARASSMENT AND HOSTILE WORK ENVIRONMENT**  
**UNDER TITLE VII OF THE CIVIL RIGHTS ACT**

86. Plaintiff repeats and realleges each and every allegation stated or contained in Paragraphs "1" through "85" above, with the same force and to the same effect as though set forth at length in this Paragraph "86."

87. Harassment on the basis of sex is a violation of 42 USC §2000e-2, *et seq.*, and 29 CFR 1604.11.

88. Under Federal Law, unwelcome sexual advances and verbal or physical conduct of a sexual nature constitute sexual harassment when: a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or c) such conduct has the purpose or effect of unreasonably

interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

89. The conduct and statements of Defendant DeFazio constitute sexual harassment under Title VII of the Civil Rights Act and were sufficiently frequent, severe, continuous, and recurring, to alter the conditions of Plaintiff's work environment and to create a hostile or offensive work environment for Plaintiff and his co-workers.

90. The continuous, recurring, and severe harassment by Plaintiff's immediate supervisor, Defendant DeFazio, was humiliating and unreasonably interfered with Plaintiff's work performance.

91. The continuous, recurring, and severe harassment by Plaintiff's immediate supervisor, Defendant DeFazio, occurred because of his sex.

92. The conduct and statements of Defendant DeFazio, as described above, can and should be imputed to the District because they were so frequent and severe that the District knew or should have known of them, particularly after Plaintiff and his co-workers made complaints against DeFazio, and the District did not adequately address DeFazio's blatant violations of the District's sexual harassment policies.

93. Plaintiff has not previously initiated a complaint for the relief claimed herein before any other court.

94. Therefore, Plaintiff respectfully requests affirmative relief, back pay from lost overtime opportunities, compensatory damages, punitive damages, attorneys' fees, costs and disbursements, and such other and further relief that this Court deems just and proper.

**PLAINTIFF'S SECOND CLAIM FOR RELIEF**  
**FOR RETALIATION**  
**UNDER TITLE VII OF THE CIVIL RIGHTS ACT**

95. Plaintiff repeats and realleges each and every allegation stated or contained in Paragraphs "1" through "94" above, with the same force and to the same effect as though set forth at length in this Paragraph "95."

96. Title VII of the Civil Rights Act, at 42 USC §2000e-3(a), makes it an unlawful employment practice for an employer to discriminate against any of its employees because the employee has opposed any practice made an unlawful employment practice by Title VII of the Civil Rights Act, or because the employee has made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under Title VII of the Civil Rights Act.

97. Defendant DeFazio's sexually explicit statements, conversations, behaviors, and gestures toward Plaintiff and his co-workers described above, constituted harassment on the basis of sex, had the effect of interfering with Plaintiff's work performance, and created an intimidating, hostile, and offensive working environment for Plaintiff.

98. Plaintiff engaged in protected activity under Title VII of the Civil Rights Act when he made a formal complaint to the District's Director of Facilities and Operations, Defendant Broas, when he served as a witness to the sexual harassment of his colleagues during Sereda's investigation, and when he filed a complaint with the EEOC, and the District was aware of this protected activity.

99. When Plaintiff formally complained to Defendant Broas, served as a witness to the sexual abuse suffered by his co-workers, and filed a complaint with the EEOC, he had a reasonable and good faith belief that the opposed practice, i.e., DeFazio's sexual harassment of him and his co-workers and creation of a sexually hostile work environment, was unlawful.

100. Within weeks of Plaintiff's formal complaint to Defendant Broas and provision of testimony to Sereda in her investigation of the Complaining Custodians' complaint, and shortly

after his filing of an EEOC charge, Defendants retaliated against him by, amongst other things, suddenly subjecting his work to heightened scrutiny, reducing his overtime hours, subjecting him to offensive, vulgar and abusive treatment in front of District employees, giving him more arduous custodial tasks than the other employees who had not complained of the harassment, and setting him up to be disciplined or criminally charged through false accusations.

101. The retaliatory conduct against Plaintiff described above continues to this day.

102. There was a causal connection between the protected activity (i.e., Plaintiff's complaints, testimony, and charge) and the retaliatory activity against Plaintiff which only began to occur after Plaintiff started participating in protected activity in February 2013.

103. Defendants' retaliatory actions against Plaintiff were done with malice or with a reckless indifference to his federally protected rights.

104. Plaintiff has not previously initiated a complaint for the relief claimed herein before any other court.

105. Therefore, Plaintiff respectfully requests affirmative relief, back pay from lost overtime opportunities, compensatory damages, punitive damages, attorneys' fees, costs and disbursements, and such other and further relief that this Court deems just and proper.

**PLAINTIFF'S THIRD CLAIM FOR RELIEF**  
**FOR SEXUAL HARASSMENT AND HOSTILE WORK ENVIRONMENT**  
**UNDER NEW YORK STATE HUMAN RIGHTS LAW**

106. Plaintiff repeats and realleges each and every allegation stated or contained in Paragraphs "1" through "105" above, with the same force and to the same effect as though set forth at length in this Paragraph "106."

107. Section 296(1) of the New York State Human Rights Law makes it an unlawful discriminatory practice for an employer to discriminate against an employee in compensation or in terms, conditions or privileges of employment because of the employee's sex.



108. Defendants DeFazio's actions and statements directed at Plaintiff and his co-workers, described above, constitute sexual harassment under Section 296 of the NYS Human Rights Law and together created a sexually hostile work environment for Plaintiff under the same statute.

109. Plaintiff has not previously initiated a complaint for the relief claimed herein before any other court.

110. Therefore, Plaintiff respectfully requests affirmative relief, back pay from lost overtime opportunities, compensatory damages, costs and disbursements, and such other and further relief that this Court deems just and proper.

**PLAINTIFF'S FOURTH CLAIM FOR RELIEF**  
**FOR RETALIATION**  
**UNDER NEW YORK STATE HUMAN RIGHTS LAW**

111. Plaintiff repeats and realleges each and every allegation stated or contained in Paragraphs "1" through "110" above, with the same force and to the same effect as though set forth at length in this Paragraph "111."

112. Sections 296(1)(e) and (7) of the New York State Human Rights Law make it an unlawful discriminatory practice for an employer to discriminate against an employee because said employee has opposed discrimination based on sex, sexual harassment, or the creation of a sexually hostile work environment through the filing of a complaint or providing testimony or assistance in any proceeding under the statute.

113. Plaintiff opposed discrimination based on sex, sexual harassment, or the creation of a sexually hostile work environment when he made a formal complaint to the District's Director of Facilities and Operations, Defendant Broas regarding DeFazio's harassment, when he served as a witness to the sexual harassment suffered by his co-workers, and when he filed a complaint with the EEOC.

114. When Plaintiff formally complained to Defendant Broas, served as a witness to the sexual harassment suffered by his co-workers, and filed a complaint with the EEOC, he had a reasonable and good faith belief that the opposed practice, i.e., DeFazio's sexual harassment of him and his co-workers and creation of a sexually hostile work environment, was unlawful.

115. Within weeks of Plaintiff's formal complaint to Defendant Broas and testimony in support of his co-workers during Sereda's investigation, Defendants retaliated against him by, amongst other things, suddenly subjecting his work to heightened scrutiny, reducing his overtime hours, subjecting him to offensive, vulgar and abusive treatment in front of District employees, giving him more arduous custodial tasks than the other employees who had not complained of the harassment, and setting him up to be disciplined or criminally charged through false accusations.

116. The retaliatory conduct against Plaintiff described above continues to this day.

117. There was a causal connection between the protected activity (i.e., Plaintiff's complaints, testimony, and charge) and the retaliatory activity against Plaintiff which only began to occur after Plaintiff began participating in protected activity in February 2013.

118. Defendants' retaliatory actions against Plaintiff were done with malice or with a reckless indifference to his federally protected rights.

119. Plaintiff has not previously initiated a complaint for the relief claimed herein before any other court.

120. Therefore, Plaintiff respectfully requests affirmative relief, back pay from lost overtime opportunities, compensatory damages, costs and disbursements, and such other and further relief that this Court deems just and proper.

**PLAINTIFF'S FIFTH CLAIM FOR RELIEF**  
**FOR AIDING AND ABETTING**  
**UNDER NEW YORK STATE HUMAN RIGHTS LAW**

121. Plaintiff repeats and realleges each and every allegation stated or contained in Paragraphs "1" through "120" above, with the same force and to the same effect as though set forth at length in this Paragraph "121."

122. Pursuant to the statements and actions of Defendants DeFazio, Giorno, Sereda and Broas, as set forth and described above, Defendants DeFazio, Giorno, Sereda and Broas, acted to aid and abet the discriminatory actions of the District, in violation of the New York State Human Rights Law § 296(6).

123. Plaintiff has not previously initiated a complaint for the relief claimed herein before any other court.

124. Therefore, Plaintiff respectfully requests affirmative relief, back pay from lost overtime opportunities, compensatory damages, costs and disbursements, and such other and further relief that this Court deems just and proper.

**PLAINTIFF'S SIXTH CLAIM FOR RELIEF**  
**FOR VIOLATION OF**  
**SECTION 1983 OF THE CIVIL RIGHTS ACT**

125. Plaintiff repeats and realleges each and every allegation stated or contained in Paragraphs "1" through "124" above, with the same force and to the same effect as though set forth at length in this Paragraph "125."

126. By reason of the foregoing, Defendants' discriminatory treatment of Plaintiff was a violation of 42 USC §1983.

127. As a result thereof, Plaintiff suffered various severe injuries and damages.

128. By reason thereof, Plaintiff is entitled, but not limited to, back pay, compensatory damages, damages for emotional distress, attorneys' fees, costs and disbursements or any other remedy to which the Court may deem just and proper.

129. Plaintiff seeks affirmative relief which may include, but is not limited to, requiring Defendants to post the avenues to address complaints of workplace harassment, discrimination, and retaliation, requiring Defendants' employees and Defendants to undergo sexual harassment, discrimination, and retaliation training, and any other equitable relief as the Court deems appropriate, compensatory damages; attorneys' fees; costs and disbursements.

130. Plaintiff has not previously initiated a complaint for the relief claimed herein before any other court.

131. By reason of the Defendants' conduct, Plaintiff is entitled to compensatory damages, punitive damages, damages for emotional distress, costs and disbursements, and such other and further relief that this Court deems just and proper.

#### **JURY DEMAND**


132. Plaintiff demands a trial by jury.

WHEREFORE, Plaintiff prays that this Honorable Court:

- a. Accept jurisdiction over this matter;
- b. Empanel a jury to fairly hear and decide this matter;
- c. Award Plaintiff back pay and front pay;
- d. Award Plaintiff compensatory damages sustained as a result of Defendants' discriminatory practices;
- e. Award Plaintiff punitive damages for Defendants' willful and outrageous conduct;
- f. Award Plaintiff damages against the individual Defendants for their aider and abettor liability under the New York State Human Rights Law;
- g. Award Plaintiff reasonable attorneys' fees;
- h. Award Plaintiff costs and disbursements of this action; and

i. Award any other relief deemed just and proper.

Dated: Walden, New York  
December 23, 2015

  
\_\_\_\_\_  
JENNIFER S. ECHEVARRIA (JE - 5544)  
Jacobowitz & Gubits, LLP  
Attorneys for Plaintiff  
158 Orange Avenue  
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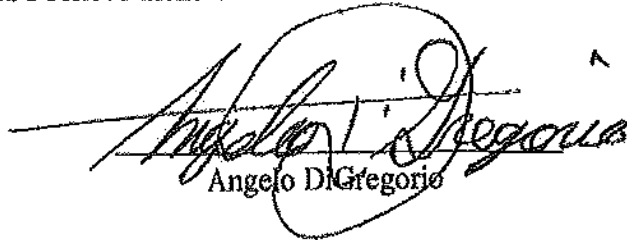
**VERIFICATION**

STATE OF NEW YORK            )  
                                          ) SS.:  
COUNTY OF ORANGE         )

Angelo DiGregorio, being duly sworn says:

I am the Plaintiff in the action herein.

I have read the annexed Complaint dated December 23, 2015, know the contents thereof and the same are true to my knowledge, except those matters therein which are to be alleged upon information and belief, and as to those matters I believe them to be true.

  
Angelo DiGregorio

Sworn to before me this  
23 day of December, 2015.

  
NOTARY PUBLIC

JENNIFER S. ECHEVARRIA  
Notary Public, State of New York  
No. 02EC6266405  
Qualified in Orange County  
My Commission Expires July 9, 2016





U.S. Department of Justice  
Civil Rights Division

CERTIFIED MAIL  
7010 0290 0000 2017 2050

950 Pennsylvania Avenue, N.W.  
Karen Ferguson, EMP, PHB, Room 4239  
Washington, DC 20530

December 18, 2015

Mr. Angelo DiGregorio  
c/o Michael L. Fox, Esquire  
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P.O. Box 367  
Walden, NY 12586

Re: EEOC Charge Against Wappingers Central School Dist. , et al.  
No. 520201401376

Dear Mr. DiGregorio:

Because you filed the above charge with the Equal Employment Opportunity Commission, and more than 180 days have elapsed since the date the Commission assumed jurisdiction over the charge, and no suit based thereon has been filed by this Department, and because you through your attorney have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e, et seq., against the above-named respondent.

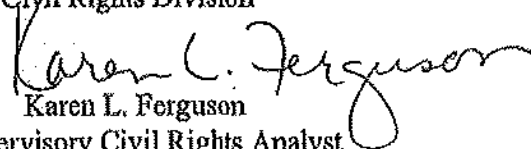
If you choose to commence a civil action, such suit must be filed in the appropriate Court within 90 days of your receipt of this Notice.

The investigative file pertaining to your case is located in the EEOC New York District Office, New York, NY.

This Notice should not be taken to mean that the Department of Justice has made a judgment as to whether or not your case is meritorious.

Sincerely,

Vanita Gupta  
Principal Deputy Assistant Attorney General  
Civil Rights Division

by   
Karen L. Ferguson  
Supervisory Civil Rights Analyst  
Employment Litigation Section

cc: New York District Office, EEOC  
Wappingers Central School Dist.