SCANNED ON 7/23/2010

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

ALICIA ROSENAUR, CHRISTOPHER FALLETTA, DENESH SHEOMBER, SHAVONE BOSTON, and TROY SACCO,

Plaintiff,

-against-

BOWLMOR LANES LLC, BOWLMOR TIMES SQUARE, LLC, STRIKE HOLDINGS LLC, STRIKE HOLDINGS GROUP, LLC, and THOMAS FOOTE SHANNON, Individually,

Defendants,
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Index #:
Date purchased:

Plaintiff designates:
NEW YORK COUNTY as
the Place of trial

SUMMONS 16109769

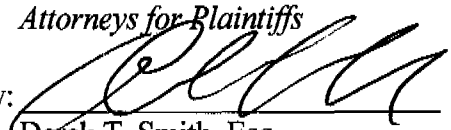
The basis of the venue is
Defendants' principal
place of business at
215 Park Ave South, Suite 1800
New York, New York 10003

To the above named Defendants

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York
July 15, 2010

AKIN & SMITH, LLC
Attorneys for Plaintiffs

By: 
Derek T. Smith, Esq.
30 Broad Street, 35th Floor
New York, New York 10004
(212) 587-0760

FILED
JUL 23 2010
COUNTY CLERK'S OFFICE
NEW YORK

Defendants' Addresses:

BOWLMOR LANES LLC
Via Secretary of State

BOWLMOR TIMES SQUARE, LLC
Via Secretary of State

STRIKE HOLDINGS LLC
Via Secretary of State

STRIKE HOLDINGS GROUP, LLC
Via Secretary of State

THOMAS FOOTE SHANNON
136 East 19th Street, Apt 4W
New York, New York 10003-2412

And Via Place of Employment Located at:
215 Park Ave South, Suite 1800
New York, New York 10003

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

Index #:

----------X

ALICIA ROSENAUR, CHRISTOPHER FALLETTA, DENESH SHEOMBER, SHAVONE BOSTON, and TROY SACCO,

16109769

Plaintiff,

-against-

COM PLAINT

BOWLMOR LANES LLC, BOWLMOR TIMES SQUARE, LLC, STRIKE HOLDINGS LLC, STRIKE HOLDINGS GROUP, LLC, and THOMAS FOOTE SHANNON, Individually,

PLAINTIFF HEREBY DEMANDS A JURY FOR ALL ISSUES TO BE TRIED

Defendants,

----------X

Plaintiffs, by their attorneys, AKIN & SMITH, LLC, upon information and belief, complains of Defendants as follows:

1. Plaintiffs, ALICE ROSENAUR ("ROSENAUR"), CHRISTOPHER FALLETTA ("FALLETTA"), DENESH SHEOMBER ("SHEOMBER"), SHAVONE BOSTON ("BOSTON") and TROY SACCO ("SACCO"), complain pursuant to the laws of the State of New York and the Administrative Code of the City of New York, seeking damages to redress the injuries Plaintiffs have suffered as a result of being discriminated against, retaliated against and terminated from employment.
2. Plaintiff ROSENAUR is a resident of the State of New York and the County of Queens.
3. Plaintiff ROSENAUR is of Mexican national origin and of Hispanic race.

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COUNTY CLERK'S OFFICE
NEW YORK

4. Plaintiff FALLETTA is a resident of the State of New Jersey and the County of Middlesex.
5. Plaintiff SHEOMBER is a resident of the State of New York and the County of Nassau.
6. Plaintiff SHEOMBER is a Guyanese male.
7. Plaintiff BOSTON is a resident of the State of New York and the County of Queens.
8. Plaintiff BOSTON is an African American female.
9. Plaintiff SACCO is a resident of the State of Texas and the County of Collin.
10. At all times material, the Defendant BOWLMOR LANES LLC is a foreign limited liability company.
11. At all times material, the Defendant BOWLMOR LANES LLC is a foreign limited liability company duly existing pursuant and by virtue of the laws of the State of Delaware.
12. At all times material, the Defendant BOWLMOR LANES LLC is a foreign limited liability company duly authorized to conduct business in the State of New York.
13. At all times material, the Defendant BOWLMOR TIMES SQUARE, LLC is a foreign limited liability company.
14. At all times material, the Defendant BOWLMOR TIMES SQUARE, LLC is a foreign limited liability company duly existing pursuant and by virtue of the laws of the State of Delaware.
15. At all times material, the Defendant BOWLMOR TIMES SQUARE, LLC is a foreign limited liability company duly authorized to conduct business in the State of New York.
16. At all times material, the Defendant STRIKE HOLDINGS LLC is a foreign limited liability company.

17. At all times material, the Defendant STRIKE HOLDINGS LLC is a foreign limited liability company duly existing pursuant and by virtue of the laws of the State of Delaware.

18. At all times material, the Defendant STRIKE HOLDINGS LLC is a foreign limited liability company duly authorized to conduct business in the State of New York.

19. At all times material, the Defendant STRIKE HOLDINGS LLC operates corporate headquarters at 215 Park South, Suite 1800, New York, New York 10003.

20. At all times material, the Defendant STRIKE HOLDINGS GROUP, LLC is a foreign limited liability company.

21. At all times material, the Defendant STRIKE HOLDINGS GROUP, LLC is a foreign limited liability company duly existing pursuant and by virtue of the laws of the State of Delaware.

22. At all times material, the Defendant STRIKE HOLDINGS GROUP, LLC is foreign limited liability company duly authorized to conduct business in the State of New York.

23. At all times material, the Defendant BOWLMOR LANES LLC is owned and/or operated by Defendant STRIKE HOLDINGS LLC.

24. At all times material, the Defendant BOWLMOR LANES LLC is owned and/or operated by Defendant STRIKE HOLDINGS GROUP, LLC.

25. At all times material, the Defendant BOWLMOR TIMES SQUARE, LLC is owned and/or operated by Defendant STRIKE HOLDINGS LLC.

26. At all times material, the Defendant BOWLMOR TIMES SQUARE, LLC is owned and/or operated by Defendant STRIKE HOLDINGS GROUP, LLC.

27. At all times material, Defendant THOMAS FOOTE SHANNON was and is an individual residing in the State of New York.

28. At all times material, Defendant THOMAS FOOTE SHANNON was and is an employee of Defendant STRIKE HOLDINGS LLC.

29. At all times material, Defendant THOMAS FOOTE SHANNON was and is an employee of Defendant STRIKE HOLDINGS GROUP, LLC.

30. At all times material, Defendant THOMAS FOOTE SHANNON is an owner, director, or officer of Defendant BOWLMOR LANES LLC, Defendant BOWLMOR TIMES SQUARE, LLC, Defendant STRIKE HOLDINGS LLC, and Defendant STRIKE HOLDINGS GROUP, LLC.

31. At all times material, Defendant THOMAS FOOTE SHANNON was Plaintiffs' superior and/or had supervisory authority over Plaintiffs.

32. At all times hereinafter mentioned, the Defendant BOWLMOR LANES LLC, BOWLMOR TIMES SQUARE, LLC, the Defendant STRIKE HOLDINGS LLC, Defendant STRIKE HOLDINGS GROUP, LLC, and Defendant THOMAS FOOTE SHANNON jointly shall be referred to as Defendants.

33. At all times material, Plaintiff ROSENAUR was an employee of the Defendant BOWLMOR LANES LLC.

34. At all times material, Plaintiff ROSENAUR was an employee of the Defendant BOWLMOR TIMES SQUARE, LLC.

35. At all times material, Plaintiffs FALLETTA, SHEOMBER, BOSTON and SACCO were employees of Defendant STRIKE HOLDINGS LLC.

36. At all times material, Plaintiffs FALLETTA, SHEOMBER, BOSTON and SACCO were employees of Defendant STRIKE HOLDINGS GROUP, LLC.

MATERIAL FACTS AS TO ALICE ROSENAUR

37. Plaintiff ROSENAUR was employed by the Defendants as an Event Consultant.

38. Plaintiff ROSENAUR commenced employment with Defendants on January 18, 2010.

39. When Plaintiff began her employment with Defendants, she attended a two week classroom training session.

40. During this training session, Plaintiff ROSENAUR found out that she was pregnant. Plaintiff ROSENAUR immediately informed Plaintiff FALLETTA and Shannon Hynes, her superiors, of her pregnancy.

41. In or around mid March 2010, Plaintiff ROSENAUR attended jury duty for a week. On March 15, 2010, Plaintiff ROSENAUR was terminated while on jury duty.

42. Defendants told Plaintiff ROSENAUR that she was being terminated because Plaintiff ROSENAUR's sales records were poor. However, during the month of February 2010, Plaintiff ROSENAUR reached her sales goals. There were also three white Event Sales Consultants that did not reach their sales goals in February 2010 but said employees were not terminated.

43. Defendants wrongfully terminated Plaintiff ROSENAUR because she was pregnant, because she went on jury duty, and because she is Hispanic and Mexican.

MATERIAL FACTS AS TO CHRISTOPHER FALLETTA

44. Plaintiff FALLETTA was employed by the Defendants as Vice President of Revenue.

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45. Plaintiff FALLETTA commenced employment with Defendants on November 16, 2009.

46. As Vice President of Revenue, Plaintiff FALLETTA was included in all Senior Executive level meetings, worked closely with Defendant SHANNON, and immediately began to develop a personal relationship with Defendant SHANNON.

47. Defendant SHANNON's goal for Plaintiff FALLETTA as Vice President of Revenue was to "clean the mess that is present…under any means and get this ship turned in the right direction." Plaintiff FALLETTA was to halt Defendants' decline in financial performance and generate over $20,000,000.00 in 2010 Annual Event Sales, achieving a growth of over 20%.

48. In order to achieve these goals, Plaintiff FALLETTA created an extensive Business Plan. As part of this new Business Plan, Plaintiff FALLETTA created new Standard Operating Rules, visited all of Defendants' locations outside the New York City area, terminated Event Sales Consultants who were deemed to have "poor or negative attitude," and replaced the Event Sales Consultants that were terminated.

49. The changes and modifications made by the new Business Plan had an immediate positive impact on Defendants' success. Defendant SHANNON was obviously aware of the positive changes and sent Plaintiff FALLETTA a text message in recognition of Plaintiff FALLETTA's work: "I want you to know what a pleasure it is to have you in the company. You are doing an excellent job and doing everything you said you would. You are solidly performing on both the long term strategy and short term actionable results part of the job. It is very impressive and exciting to have someone of you caliber on the team. Tom."

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50. In or around February 2010, "Carnival Night Club," a night club owned and operated by Defendants', began to experience problems with the guests who were entering the club. Problems included fights and items being stolen from other guests. On several occasions, the New York Police Department was forced to intervene.

51. There were additional problems occurring at the front door of the club because of "dress code" enforcement. In reality, the dress code was meant to specifically weed out certain racial groups under the guise of selectively not allowing admittance to guests who wore baseball caps, sports jerseys, oversized jeans or Timberland boots.

52. Several meetings were held between Defendant SHANNON, Plaintiff FALLETTA and other Senior Executive, including Dean Marsh, Stephen Goglia, and Shawn Kwek, to discuss possible ways to exclude certain people. One specific solution that was discussed in great length was the creation of a specialized Team of Event Sales Consultants for Carnival: Weekend and Bottle Service. All internet and phone inquiries would be direct to this new team. The Weekend and Bottle Service Team would be in charge of acquiring patrons' information, such as name, phone number, email, and desired Event location. This information was to then be used to find patrons on social networking internet site such as Facebook and Myspace and weed out patrons who were deemed racially problematic such as African Americans, Asians and Latinos.

53. During meetings where the creation of the Weekend and Bottle Service Team and its purpose were discussed, Plaintiff FALLETTA voiced his opposition to this idea as he found Defendants' policy to be racially discriminatory.

54. Plaintiff FALLETTA was specifically told by Defendant SHANNON to eliminate the number of blacks and Hispanic customers.

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55. Plaintiff FALLETTA also took personal offense to the wrongful discriminatory methods of the Defendants because his wife of fifteen years is Puerto Rican and his two sons are of Puerto Rican descent.

56. Based on these meetings, two Event Consultants were put in charge of the Carnival event bookings. However, problems with patrons continued to occur.

57. **Defendant SHANNON was very upset at the "diversity" in his club and wanted to make more changes to ensure that the "diversity" in the club was halted.**

58. In an effort to end the "diversity," **Defendant SHANNON directed Plaintiff FALLETTA to replace Nicole Farina, an Event Sales Consultant based on the fact that Ms. Farina had brought an African American female friend with her to the holiday part and "she does not get it...she hangs out with those people so how can she get it."** Plaintiff FALLETTA expressed his offense to Defendant SHANNON's conduct.

59. Defendants created a new team to handle Carnival weekend events. Plaintiff FALLETTA was told by Defendant SHANNON to select Event Sales Consultants to be part of this new team if **"they would get it."** Defendant SHANNON told Plaintiff FALLETTA that Traci Melnick was a good candidate for the new team because **"she's a Jew. She knows how to handle those people."**

60. During the first week of March, Plaintiff FALLETTA was asked to rewrite the Terms & Conditions of the Carnival contracts that each patron received when booking an event. Plaintiff FALLETTA was asked by Defendants to add extended language specifically outlining the dress code so that certain ethnic groups would be singled out.

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61. Later that week, a meeting was held between the new team and the Senior Executives. Dean Marsh outlined ways to better control the types of patrons that were booked and gave examples of the kinds of patrons that would be denied. **The new team was instructed to obtain patrons' information and then search them in social networking sites to see how they looked, dressed, or where they lived,** all in an effort to deny those from certain racial groups.

62. Behind closed doors, Defendants by Defendant SHANNON, Dean Marsh, and Steve Goglia specifically told Plaintiff FALETTA that their goal was to exclude blacks and other minorities.

63. Plaintiff FALLETTA verbally expressed his opposition to this discriminatory practice.

64. Traci Melnick voiced her discomfort with executing these discriminatory methods and informed defendants that they were asking her to do tasks outside of the scope of the position she was hired to fill.

65. After Plaintiff FALLETTA expressed his opposition to these new methods to the Defendants, he was told, **"This is how we choose to run our business."**

66. On March 12, 2010, Plaintiff FALLETTA was terminated by the Defendants. Plaintiff FALLETTA was not given a reason for his termination and was told his termination was effective immediately and that he had to pack his personal belongings and leave right away.

67. Plaintiff FALLETTA was terminated in retaliation for his opposition to Defendants' racially discriminatory policies.

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MATERIAL FACTS AS TO DENESH SHEOMBER

68. Plaintiff SHEOMBER was employed by the Defendants as Business Development Manager.

69. Plaintiff SHEOMBER commenced employment with Defendants on February 24, 2010.

70. Upon Plaintiff SHEOMBER's arrival and all through his employment Defendants constantly and consistently discriminated against Plaintiff SHEOMBER because of his gender, race, and national origin.

71. In or around March 2010, Plaintiff SHEOMBER was told by Jessica Setford, the Vice President of Event Consulting, **Defendant SHANNON requested that Ms. Setford book all of Plaintiffs leads in order to turn them into deals.** Plaintiff SHEOMBER asked Defendant SHANNON about this change and Defendant Shannon told Plaintiff SHEOMBER, **"She is right. Give her all your potential deals because women are better event planners than men."** Defendants took away Plaintiff SHEOMBER's work and deprived him of commissions because he is a man and because of his race and national origin, since Defendants have demonstrated their animosity towards minorities.

72. Plaintiff SHEOMBER made a verbal complaint about the discrimination to Jessica Garcia, the Human Resources Director. However, **Plaintiff SHEOMBER was told to do what Defendant SHANNON asked of Plaintiff.**

73. On several occasions, Plaintiff SHEOMBER asked to meet with Defendant SHANNON to review Plaintiff SHEOMBER's business development plans. Every time that Defendant SHANNON agreed to meet with Plaintiff SHEOMBER, it was postponed to an announced date by Defendant SHANNON.

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74. Plaintiff SHEOMBER witnessed Defedant SHANNON grant meetings to females, including Jessica Setford, Colie Edison and Shannon Hynes, on the same days that Plaintiff SHEOMBER was supposed to meet with Defendant SHANNON.

75. On April 15, 2010, every Caucasian employee that worked at the cooperate headquarters was given an invitation to Defendant SHANNON's birthday party at "Carnival Night Club", a club owned and operated by Defendants. Minority employees were not given an invitation, including Plaintiff SHEOMBER.

76. On April 29, 2010, Plaintiff SHEOMBER voiced his concern for the security of his job and the hostile work environment because of his gender and race to a supervisor, Troy Sacco, the Vice President of Sales. Plaintiff SHEOMBER asked Mr. Sacco to address this issue with Defendant SHANNON.

77. On April 30, 2010, during a marketing meeting, Mr. Sacco approached the issue of lack of diversity of race and gender in Defendants' ads. That day, Mr. Sacco was terminated.

78. On May 1, 2010, Defendants unlawfully terminated the Plaintiff SHEOMBER because of his gender, national origin, and because he opposed Defendants unlawful practices.

79. Upon information and belief, Plaintiff SHEOMBER was replaced by a Caucasian woman.

MATERIAL FACTS AS TO SHAVONE BOSTON

80. Plaintiff BOSTON was employed by the Defendants as an Event Coordinator.

81. Plaintiff BOSTON commenced employment with Defendants on January 25, 2010.

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82. **On numerous occasions Defendant SHANNON voiced his dislike of African Americans.**

83. When Plaintiff FALETTA, Vice President of Revenue, hired Plaintiff BOSTON, Defendant SHANNON told Plaintiff FALETTA that Plaintiff BOSTON **"might not fit in too well."**

84. Defendant SHANNON also told Plaintiff FALETTA that he (SHANNON) did not want African Americans in his business.

85. At the time that Plaintiff FALETTA hire Plaintiff BOSTON, she was the only African American employee in all of Defendants' New York locations.

86. Plaintiff BOSTON informed Shannon Hayes, Director of Sales Training, that Plaintiff BOSTON was searching for another employment.

87. On May 14, 2010, Plaintiff BOSTON was terminated. Defendants told Plaintiff BOSTON that the fact that she was searching for another employment was a direct violation of their policy and fired her.

88. Upon information and belief, other white employees have searched for employment elsewhere but Defendants did not terminate said employees.

MATERIAL FACTS AS TO TROY SACCO

89. Plaintiff SACCO was employed by the Defendants as Vice President of Sales.

90. Plaintiff SACCO commenced employment with Defendants on April 19, 2010.

91. The sales center that Plaintiff SACCO was in charge of managing was comprised entirely of female sales representatives.

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92. Upon Plaintiff SACCO's arrival, all through his employment, and even through the interview process, Defendants constantly and consistently made discriminatory comments and remarks about male employees.

93. In March 2010, during Plaintiff SACCO's interview with Defendants, Defendant SHANNON told Plaintiff SACCO, **"We have almost 99% women on our sales force so normally we have women managing sales people but after our latest VP hiring, we thought if the guy was more industry focused it might work and that's why you're here."**

94. On April 19, 2010, Plaintiff SACCO's first day of employment with Defendants, Plaintiff SACCO had lunch with Shannon Lee, the Director of Sales Training. During lunch, Ms. Lee told Plaintiff, **"He [Defendant SHANNON] almost always hires girls in the sales department so to have a guy in this position is unusual."**

95. On April 21, 2010, Plaintiff SACCO had lunch with Defendant SHANNON. During lunch Defendant SHANNON told Plaintiff, **"I heard you want to bring Joe Burke on as the sales guy in Bethesda. You sure you don't know any good looking girl sales people down there? One of the key things for you is you're going to have to start thinking like a girl if your going to manage them and get the most out of them."**

96. On April 29, 2010, Plaintiff SACCO had dinner with Defendant SHANNON. During dinner Defendant SHANNON questioned Plaintiff SACCO's ability to manage the sales team because of his gender. Defendant SHANNON told Plaintiff SACCO, **"What do you think of Nikki Lazar? Do you thing she could manage people? I mean, if we had a girl in the sales center to manage those girls that could report to you then I think you would have a better handle on how to manage a team of 13 women."**

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97. On April 30, 2010, during a marketing meeting with the senior level marketing team, including Bailey Keefe, Plaintiff SACCO proposed to have more gender diversity in the upcoming photo shoot. Bailey Keefe told Plaintiff SACCO, **"We will tell him [Defendant SHANNON] you want more of a gender mix in the photo shoots, but he is not going to want that. He only wants skinny girls with big...boobs. Sorry, but that is the way it is. I would be careful about trying to say otherwise if I were you."**

98. The same day, Plaintiff SACCO attended an executive meeting with Defendant SHANNON, the Vice President of Finance, and the Chief Operating Officer. At this meeting, Plaintiff SACCO presented a new commission proposal for the sales team. Defendant SHANNON rejected Plaintiff SACCO's proposal on the basis of his gender and told Plaintiff SACCO, **"Look, these are girls down there in the sales center. Women need to be motivated differently. They need to be motivated by instant gratification. If you were Shannon Hynes or Nikki Lazar you would understand that, but you're not and you don't understand them down there. You can't assume they can be motivated like a sales guy.**

99. Plaintiff SACCO also proposed a new incentive approach. However, this proposal was also rejected by Defendant SHANNON on the grounds that Plaintiff SACCO would not understand the "girls" in the sales center because he is a man. **"Forget you managing the sales center for now. We just need to find someone down in the sales center who can take over the daily management of the girls and that environment and you can worry about the outside sales people you want to bring in."**

100. Plaintiff SACCO made a verbal complaint to Jessica Garcia, the Human Resources Director, about the discrimination.

101. On April 30, 2010, Plaintiff was terminated by Defendants.

102. Plaintiff SACCO was terminated because of his gender and because of his opposition to Defendants' unlawful employment practices.

RELEVANT TO ALL PLAINTIFFS:

103. In a good faith attempt to resolve this matter preliminary to the lawsuit, around May 25, 2010, a proposed summons and complaint was sent to Defendants to review and contact Plaintiffs' counsel to discuss.

104. Defendants counsel, on or about June 22, 2010 sent Plaintiffs' counsel a letter threatening Plaintiffs and Plaintiffs' counsel with "sanctions," "costs" and "attorneys fees" in the event the instant lawsuit is filed.

105. Such threats are clearly violative of the New York City Administrative Code Title 8-107(19) entitled "Interference with protected rights." Title 8-107(19) states in relevant part: "It shall be an unlawful discriminatory practice for any person to coerce, intimidate, threaten or interfere with, or attempt to coerce, intimidate, threaten or interfere with, any person in the exercise or enjoyment of, or on account of his or her having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected pursuant to this section."

106. As such, Defendants are further liable as set forth herein.

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AS A FIRST CAUSE OF ACTION AS TO ALL PLAINTIFFS FOR DISCRIMINATION UNDER STATE LAW

107. Plaintiffs repeat and reallege each and every allegation made in the above paragraphs of this complaint as if set forth herein more fully at length.

108. Executive Law § 296 provides that provides that "1. It shall be an unlawful discriminatory practice: "(a) For an employer or licensing agency, because of the age, race, creed, color, national origin, sex, or disability, or marital status of any individual, to refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment."

109. Defendants engaged in an unlawful discriminatory practice by actually discharging and otherwise discriminating against the Plaintiffs because of their race, national origin, sex, pregnancy, disability, and because she went out on jury duty (each Plaintiff as applicable herein).

110. As a result of the above Plaintiffs have been damaged in an amount which exceeds the Jurisdictional limits of all Lower Courts.

AS A SECOND CAUSE OF ACTION AS TO ALL PLAINTIFFS FOR DISCRIMINATION UNDER STATE LAW

111. Plaintiffs repeat and reallege each and every allegation made in the above paragraphs of this complaint.

112.New York State Executive Law §296(6) provides that it shall be an unlawful discriminatory practice:

"For any person to aid, abet, incite compel or coerce the doing of any acts forbidden under this article, or attempt to do so."

113.Defendants engaged in an unlawful discriminatory practice in violation of New York State Executive Law §296(6) by aiding, abetting, inciting, compelling and coercing the discriminatory conduct outlined the above discriminatory, unlawful and retaliatory conduct.

AS A THIRD CAUSE OF ACTION AS TO ALL PLAINTIFFS
FOR DISCRIMINATION UNDER STATE LAW

114.Plaintiffs repeat and reallege each and every allegation made in the above paragraphs of this complaint as if set forth herein more fully at length.

115.New York State Executive Law §296(7) provides that it shall be an unlawful discriminatory practice:

"For any person engaged in any activity to which this section applies to retaliate or discriminate against any person because [s]he has opposed any practices forbidden under this article."

116.Defendants engaged in an unlawful discriminatory practice by retaliating, and otherwise discriminating against the Plaintiffs (each Plaintiff as applicable herein) because of Plaintiffs' opposition to the unlawful employment practices of Defendants.

117.As a result of the above Plaintiffs have been damaged in an amount which exceeds the Jurisdictional limits of all Lower Courts.

118. As Defendants' conduct has been willful, reckless, outrageous, intentional and/or malicious, Plaintiffs also demand punitive damages in an amount which exceeds the Jurisdictional limits of all Lower Courts.

AS A FOURTH CAUSE OF ACTION
AS TO ALL PLAINTIFFS FOR DISCRIMINATION
UNDER THE NEW YORK CITY ADMINISTRATIVE CODE

119. Plaintiffs repeat and reallege each and every allegation made in the above paragraphs of this complaint as if set forth herein more fully at length.

120. The Administrative Code of City of NY § 8-107 [1] provides that "It shall be an unlawful discriminatory practice: "(a) For an employer or an employee or agent thereof, because of the actual or perceived age, race, creed, color, national origin, gender, disability, marital status, sexual orientation or alienage or citizenship status of any person, to refuse to hire or employ or to bar or to discharge from employment such person or to discriminate against such person in compensation or in terms, conditions or privileges of employment."

121. Defendants engaged in an unlawful discriminatory practice in violation of New York City Administrative Code Title 8, §8-107(1)(a) by actually and constructively discharging, creating and maintaining discriminatory working conditions, and otherwise discriminating against the Plaintiffs because of their race, gender, and national origin (each Plaintiff as applicable herein).

122. As a result of the above Plaintiffs have been damaged in an amount which exceeds the Jurisdictional limits of all Lower Courts.

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123.As Defendants' conduct has been willful, reckless, outrageous, intentional and/or malicious, Plaintiffs also demand punitive damages in an amount which exceeds the Jurisdictional limits of all Lower Courts.

AS A FIFTH CAUSE OF ACTION
AS TO ALL PLAINTIFFS FOR DISCRIMINATION
UNDER THE NEW YORK CITY ADMINISTRATIVE CODE

124.Plaintiffs repeat and reallege each and every allegation made in the above paragraphs of this complaint as if set forth herein more fully at length.

125.The New York City Administrative Code Title 8, §8-107(1)(e) provides that it shall be unlawful discriminatory practice: "For an employer . . . to discharge . . . or otherwise discriminate against any person because such person has opposed any practices forbidden under this chapter. . . "

126.Defendants engaged in an unlawful discriminatory practice in violation of New York City Administrative Code Title 8, §8-107(1)(e) by discharging and otherwise discriminating against the Plaintiffs because of Plaintiffs' opposition to the unlawful employment practices of Plaintiffs' employer. As a result of the above Plaintiffs have been damaged in an amount which exceeds the Jurisdictional limits of all Lower Courts.

127.As Defendants' conduct has been willful, reckless, outrageous, intentional and/or malicious, Plaintiffs also demands punitive damages in an amount which exceeds the Jurisdictional limits of all Lower Courts.

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AS A SIXTH CAUSE OF ACTION
AS TO ALL PLAINTIFFS FOR DISCRIMINATION
UNDER THE NEW YORK CITY ADMINISTRATIVE CODE

128. Plaintiffs repeat and reallege each and every allegation made in the above paragraphs of this complaint as if set forth herein more fully at length.

129. New York City Administrative Code Title 8-107(19) Interference with protected rights. It shall be an unlawful discriminatory practice for any person to coerce, intimidate, threaten or interfere with, or attempt to coerce, intimidate, threaten or interfere with, any person in the exercise or enjoyment of, or on account of his or her having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected pursuant to this section.

130. Defendants violated the section cited herein as set forth.

AS A SEVENTH CAUSE OF ACTION
AS TO ALL PLAINTIFFS FOR DISCRIMINATION
UNDER THE NEW YORK CITY ADMINISTRATIVE CODE

131. Plaintiffs repeat and reallege each and every allegation made in the above paragraphs of this complaint as if set forth herein more fully at length.

132. New York City Administrative Code Title 8-107(13) Employer liability for discriminatory conduct by employee, agent or independent contractor.

a. An employer shall be liable for an unlawful discriminatory practice based upon the conduct of an employee or agent which is in violation of any provision of this section other than subdivisions one and two of this section.

b. An employer shall be liable for an unlawful discriminatory practice based upon the conduct of an employee or agent which is in violation of subdivision one or two of this section only where:

(1) the employee or agent exercised managerial or supervisory responsibility; or

(2) the employer knew of the employee's or agent's discriminatory conduct, and acquiesced in such conduct or failed to take immediate and appropriate corrective action; an employer shall be deemed to have knowledge of an employee's or agent's discriminatory conduct where that conduct was known by another employee or agent who exercised managerial or supervisory responsibility; or

(3) the employer should have known of the employee's or agent's discriminatory conduct and failed to exercise reasonable diligence to prevent such discriminatory conduct.

AS AN EIGHTH CAUSE OF ACTION AS TO PLAINTIFF ROSENAUR FOR DISCRIMINATION UNDER STATE LAW

133. Plaintiff ROSENAUR repeats and realleges each and every allegation made in the above paragraphs of this complaint as if set forth herein more fully at length.

134. New York State Consolidated Laws- Judiciary Law Article 16 §519 states that:

"Any person who is summoned to serve as a juror under the provisions of this article and who notifies his or her employer to that effect prior to the commencement of a term of service shall not, on account of absence from employment by reason of such jury service, be subject to discharge or penalty."

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135. Defendants engaged in an unlawful discriminatory practice by retaliating, and otherwise discriminating against the Plaintiff ROSENAUR because Plaintiff ROSENAUR was absent from employment by reason of jury duty service.

136. As a result of the above Plaintiff ROSENAUR has been damaged in an amount which exceeds the Jurisdictional limits of all Lower Courts.

137. As Defendants' conduct has been willful, reckless, outrageous, intentional and/or malicious, Plaintiff ROSENAUR also demands punitive damages in an amount which exceeds the Jurisdictional limits of all Lower Courts.

AS A NINTH CAUSE OF ACTION
AS TO PLAINTIFF FALLETTA FOR DISCRIMINATION
UNDER THE NEW YORK CITY ADMINISTRATIVE CODE

138. Plaintiff FALLETTA repeats and realleges each and every allegation made in the above paragraphs of this complaint as if set forth herein more fully at length.

139. The New York City Administrative Code Title 8, §8-107 (4) states as follows:

> Public accommodations. (a) It shall be an unlawful discriminatory practice for any person, being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place or provider of public accommodation because of the actual or perceived race, creed, color, national origin, age, gender, disability, marital status, partnership status, sexual orientation or alienage or citizenship status of any person directly or indirectly, to refuse, withhold from or deny to such person any of the accommodations, advantages, facilities or privileges thereof, or, directly or indirectly, to make any declaration, publish, circulate, issue, display, post or mail any written or printed communication, notice or advertisement, to the effect that any

of the accommodations, advantages, facilities and privileges of any such place or provider shall be refused, withheld from or denied to any person on account of race, creed, color, national origin, age, gender, disability, marital status, partnership status, sexual orientation or alienage or citizenship status or that the patronage or custom of any person belonging to, purporting to be, or perceived to be, of any particular race, creed, color, national origin, age, gender, disability, marital status, partnership status, sexual orientation or alienage or citizenship status is unwelcome, objectionable or not acceptable, desired or solicited.

140. The New York City Administrative Code Title 8, §8-107(1)(e) provides that it shall be unlawful discriminatory practice:

"For an employer . . . to discharge . . . or otherwise discriminate against any person because such person has opposed any practices forbidden under this chapter. . . "

141. Defendants engaged in an unlawful discriminatory practice in violation of New York City Administrative Code Title 8, §8-107(1)(e) by discharging and otherwise discriminating against the Plaintiff FALLETTA because of Plaintiff FALLETTA's opposition to the unlawful discriminatory practices of Defendants. As a result of the above Plaintiff FALLETTA has been damaged in an amount which exceeds the Jurisdictional limits of all Lower Courts.

142. As Defendants' conduct has been willful, reckless, outrageous, intentional and/or malicious, Plaintiff FALLETTA also demands punitive damages in an amount which exceeds the Jurisdictional limits of all Lower Courts.

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INJURY AND DAMAGES

81. Plaintiffs repeat and reallege each and every allegation made in the above paragraphs of this complaint as if set forth herein more fully at length.

82. As a result of the acts and conduct complained of herein, Plaintiffs have suffered and will continue to suffer the loss of a career and the loss salary, bonuses, benefits and other compensation which such employment entails, out-of-pocket medical expenses and Plaintiffs have also suffered future pecuniary losses, emotional pain, suffering, inconvenience, injury to reputation, loss of enjoyment of life, and other non-pecuniary losses. Plaintiffs have further experienced severe emotional and physical distress.

JURY DEMAND

Plaintiffs request a jury trial on all issues to be tried.

WHEREFORE, Plaintiffs respectfully request a judgment against the Defendants:

A. Declaring that the Defendants engaged in unlawful employment practice prohibited by state common law, New York State Executive Law §296 et. Seq. and The New York City Administrative Code Title 8, §8-107 et. Seq.; and that the Defendants harassed, discriminated against, constructively discharged, and retaliated against Plaintiffs on the basis of race, gender, national origin, pregnancy and jury duty.

B. Awarding damages to the Plaintiffs, retroactive to the date of their actual discharge, for all lost wages and benefits resulting from Defendants' unlawful employment practices;

C. Awarding Plaintiffs compensatory damages for mental, emotional and physical injury, distress, pain and suffering and injury to his reputation in an amount that exceeds the jurisdictional limit of all lower courts.;

D. Awarding Plaintiffs punitive damages.

E. Awarding Plaintiffs attorney's fees, costs, and expenses;

F. Awarding Plaintiffs such other and further relief as the Court may deem equitable, just and proper to remedy the Defendants' unlawful employment practices.

Dated: New York, New York
July 15, 2010

AKIN & SMITH, LLC
Attorneys for Plaintiffs

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(212) 587-0760

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS Index #:

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ALICIA ROSENAUR, CHRISTOPHER FALLETTA, DENESH SHEOMBER, SHAVONE BOSTON, and TROY SACCO,

Plaintiff,

-against-

BOWLMOR LANES LLC, BOWLMOR TIMES SQUARE, LLC, STRIKE HOLDINGS LLC, STRIKE HOLDINGS GROUP, LLC, and THOMAS FOOTE SHANNON, Individually,

Defendants.

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SUMMONS AND COMPLAINT

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