

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

CHARLOTTE BENNETT

Plaintiff(s),

-against-

THE STATE OF NEW YORK

Defendant(s).

Index No.

Summons

Date Index No. Purchased: March 15, 2023

To the above named Defendant(s)

THE STATE OF NEW YORK
c/o The Office of the New York State Attorney General
28 Liberty Street
New York, New York 10005

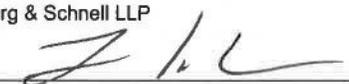
You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 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.

The basis of venue is CPLR Section 503(a)
which is defendant's place of business, 633 3rd Avenue, New York, NY 10017

Dated: New York, New York

March 15, 2023

Eisenberg & Schnell LLP

by 

Laura S. Schnell

Attorneys for Plaintiff

Debra S. Katz
Rachel E. Green (seeking pro hac vice)
Kayla Morin
Katz Banks Kumin LLP
11 Dupont Circle, Suite 600
Washington, DC 20036

Herbert Eisenberg & Laura S. Schnell
Eisenberg & Schnell LLP
233 Broadway, Suite 270
New York, New York 10279

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

_____)	
CHARLOTTE BENNETT,)	
)	
Plaintiff,)	
)	
v.)	Index No. _____
)	
THE STATE OF NEW YORK,)	
)	<u>COMPLAINT</u>
)	Plaintiff Demands a Jury Trial
Defendant.)	
_____)	

Plaintiff Charlotte Bennett (“Ms. Bennett” or “Plaintiff”), represented by her counsel, Katz Banks Kumin LLP, and Eisenberg & Schnell LLP, alleges as follows of defendant, the State of New York (“Defendant”):

NATURE OF CLAIMS

1. Charlotte Bennett brings this action against her former employer, the State of New York, for sexual harassment and retaliation in violation of the New York State Human Rights Law, N.Y. Exec. Law § 290, et seq. (“NYSHRL”).

2. Ms. Bennett was a Briefer or Senior Briefer and Executive Assistant to Governor Cuomo from May 2019 to June 2020. Throughout her employment as Governor Cuomo’s Executive Assistant, the Governor subjected her to sexualized comments about her appearance, assigned her humiliating and demeaning tasks, and beginning in early June 2020, subjected her to invasive and unwanted questions about her personal life, romantic and sexual relationships, and history as a survivor of sexual assault. He told her he was “lonely,” wanted a girlfriend who lived in Albany, and was willing to date someone over the age of 21. At the time of that conversation, and as Governor Cuomo knew, Ms. Bennett was 25 years old and living with other

Executive Chamber staffers in an Albany hotel. Governor Cuomo's comments and behavior were unwelcome and Ms. Bennett reasonably perceived them to constitute a sexual advance.

3. Ms. Bennett promptly reported Governor Cuomo's sexual harassment of her to his Chief of Staff, Jill DesRosiers, and expressed fear of retaliation by the Governor. Rather than taking appropriate corrective measures, Ms. DesRosiers immediately arranged for Ms. Bennett's transfer to an inferior position on the Executive Chamber's health policy team. But it was not until three weeks later, and only after Ms. Bennett had disclosed the Governor's conduct to other Executive Chamber staffers, that Ms. DesRosiers and Special Counsel Judith Mogul interviewed Ms. Bennett about Governor Cuomo's sexual harassment of her. Even then, neither Ms. DesRosiers nor Ms. Mogul referred Ms. Bennett's complaint of sexual harassment to the Governor's Office of Employee Relations ("GOER") for investigation, as required by the Executive Department's Equal Employment Opportunity Handbook ("the Handbook"). Secretary to the Governor Melissa DeRosa, who also had been notified of Ms. Bennett's complaint of sexual harassment against Governor Cuomo, likewise failed to refer Ms. Bennett's complaint to GOER for investigation, as required by the Handbook.

4. Over the next two months, Ms. Bennett struggled to find enough work to keep busy in her new position. She experienced near-debilitating anxiety, symptoms of depression, and began suffering from a chronic neurological disorder as a direct result of Governor Cuomo's sexual harassment of her and the hasty and disorganized transfer of her to the health policy team. In early September 2020, Ms. Bennett was forced to take medical leave to address her declining health. Ultimately, Ms. Bennett was forced into an involuntary resignation from her employment with the State because her work environment had become intolerable.

5. On February 27, 2021, after former Executive Chamber staffer Lindsey Boylan published her own account of sexual harassment by Governor Cuomo, Ms. Bennett made her allegations against Governor Cuomo public in an article published in *The New York Times*. See Jesse McKinley, *Cuomo Is Accused of Sexual Harassment by a 2nd Former Aide*, N.Y. Times (Feb. 27, 2021), <https://www.nytimes.com/2021/02/27/nyregion/cuomo-charlotte-bennett-sexual-harassment.html>. Initially, Governor Cuomo did not deny the behavior Ms. Bennett accused him of, as detailed in paragraph 2, above, but instead claimed that his actions were misunderstood. He insisted that he was a product of a bygone era and claimed he now understood that he needed to change how he treated women. Less than two weeks after Ms. Bennett made her allegations public, New York Attorney General Letitia James commenced an investigation into allegations of sexual harassment against Governor Cuomo.

6. Over the next several months, Ms. Bennett provided hours of testimony and produced hundreds of pages of documents to the Attorney General. At the same time, she weathered retaliatory public criticism from the Governor, himself, who used his media platform to portray her as a liar and sought to undermine her credibility as a complainant in the Attorney General's investigation. The Attorney General's office released the Report of Investigation into Allegations of Sexual Harassment by Governor Andrew M. Cuomo on August 3, 2021. The Report concluded that Governor Cuomo had created a hostile work environment and notably that he had subjected Ms. Bennett to sexual harassment, in violation of state and federal civil rights. Governor Cuomo, personally and through his attorney, Rita Glavin, continue to retaliate against Ms. Bennett by smearing her reputation and otherwise attempting to discredit her during press conferences and through dissemination of material on the former Governor's campaign website.

In carrying out this smear campaign, Governor Cuomo and his aides enlisted the assistance of his brother, Chris Cuomo, then an anchor on CNN, and others.

JURISDICTION AND VENUE

7. This Court has jurisdiction over this action pursuant to N.Y. Exec. Law § 297(9).

8. The State of New York maintained and continues to maintain the Office of the Governor of the State of New York at 633 3rd Avenue, New York, NY 10017 in New York County. Venue is proper in this county pursuant to New York Civil Practice Law and Rule (“CPLR”) § 503(a).

PARTIES

9. Plaintiff Charlotte Bennett was an employee of the State of New York in the New York State Executive Chamber from on or around January 24, 2019, until she was forced to resign on or about November 10, 2020.

10. The State of New York maintains offices in New York County and was Plaintiff’s employer within the meaning of N.Y. Exec. Law § 292(5).

FACTUAL ALLEGATIONS

11. Plaintiff started working for the State of New York on or around January 24, 2019, as a Briefer working out of the New York City office. At that time, Plaintiff was 23 years old. In that role, Plaintiff researched and organized materials for inclusion in the Governor’s daily briefing book and reported to the Governor’s Director of Scheduling, Annabel Walsh.

12. At the time, Andrew M. Cuomo was Governor of the State of New York: he served as Governor from January 1, 2011, until his resignation effective August 24, 2021.

13. Ms. DesRosiers served as Chief of Staff to Governor Cuomo from in or around January 2019 until in or around December 2020. Ms. Mogul served as Special Counsel to

Governor Cuomo from in or around January 2019 until her resignation effective in or around August 2021. Ms. DeRosa served as Governor Cuomo's top-ranking aide, Secretary to the Governor, from in or around April 2017 until her resignation effective August 24, 2021.

14. As a Briefer, Plaintiff worked on the 38th floor of the Executive Chamber's New York City office, where female staffers typically wore business casual attire. Plaintiff usually wore business attire pants, as opposed to dresses, and almost never wore high-heeled shoes to work. Female staffers who worked on the 39th floor of the New York City office, however, where Governor Cuomo's office was located, were pressured to wear more traditionally feminine attire, including dresses and high heels, when Governor Cuomo was in the office. Plaintiff also observed Ms. DeRosa and Ms. DesRosiers, as well as other female staffers who worked on the 39th floor, wearing dresses and high heels when Governor Cuomo was in the office. It was well known that Governor Cuomo preferred to work with women who were pretty and dressed in a stereotypically feminine and sexy manner and female employees were pressured to conform to meet this preference.

15. On May 8, 2019, Plaintiff asked Ms. Walsh to consider her for an open position as a Senior Briefer and Ms. Walsh said that she would. During the same conversation, Ms. Walsh also asked Plaintiff if she was interested in serving as Governor Cuomo's Executive Assistant, since his current Executive Assistant was leaving the Executive Chamber. Plaintiff said that she was. Ms. Walsh instructed her to prepare for an interview with Governor Cuomo.

16. Later that day, Plaintiff told several coworkers she was being considered for the position of Governor Cuomo's Executive Assistant, which would require her to work on the 39th floor of the New York City office. Plaintiff and her coworkers discussed the fact that she would

have to wear high-heeled shoes for her interview with Governor Cuomo and, were she hired, she would have to wear high-heeled shoes to work.

Governor Cuomo Hired Plaintiff as his Executive Assistant and Subjected Her to Critical, Sex-Based Comments and Humiliating Assignments

17. Plaintiff met with Governor Cuomo and Ms. Walsh in Governor Cuomo's New York City office on May 9, 2019. Plaintiff wore high-heeled shoes. During the interview, Governor Cuomo asked Plaintiff about where she grew up, where she went to school, her current position in the Executive Chamber, and her prior work experience. At the end of the interview, which lasted approximately ten minutes, Governor Cuomo asked Plaintiff to attend an event with him the following day to begin what Plaintiff understood would be a week-long "trial" period for the position. Plaintiff agreed and attended the event, as planned.

18. Over the next several days, Plaintiff shadowed Governor Cuomo's outgoing male Executive Assistant, and gradually took on the responsibilities of the role. As Governor Cuomo's Executive Assistant, she worked at a desk directly outside the office of the Director of the Governor's Offices Stephanie Benton, which contained an interior door to Governor Cuomo's office, and directly next to Governor Cuomo's main office door. Her job responsibilities included a variety of administrative tasks, such as transferring phone calls and taking dictation. Since Governor Cuomo divided his time between the New York City and Albany offices of the Executive Chamber, Plaintiff would perform these responsibilities both in-person, when Governor Cuomo was in New York City, and over the phone, when Governor Cuomo was in Albany or traveling. Plaintiff was also responsible for covering Ms. Benton's desk, which was closest to Governor Cuomo's, when Ms. Benton was not present.

19. Governor Cuomo hired Plaintiff as his Executive Assistant on or around May 15, 2019. Though she also continued her work as a Briefer, she relocated to the Executive

Assistant's desk on the 39th floor of the New York City office. As a result, she felt compelled to wear dresses or other traditionally feminine attire, including high-heeled shoes, when Governor Cuomo was in the office.

20. On May 16, 2019, one of Plaintiff's first full days on the job, Governor Cuomo called her into his New York City office and asked her, "Do you honor your commitments?" Plaintiff found the inquiry to be strange but responded that she did. Governor Cuomo asked her to provide an example. Plaintiff told him she had honored her commitment to school by graduating from college. Apparently unsatisfied, Governor Cuomo asked her for another example. Plaintiff told him she had quit her previous job and moved in with her parents to care for her ex-boyfriend when he suffered a traumatic brain injury. Governor Cuomo asked her a handful of follow up questions, which she answered briefly.

21. During the same conversation, Governor Cuomo asked Plaintiff if she currently had a boyfriend. She told him she did not. Governor Cuomo also asked her about the duration of her longest romantic relationship, which Plaintiff told him had lasted one and a half years. These questions were inappropriate and made Plaintiff uncomfortable.

22. During the same conversation or a subsequent one that same day, which also took place in Governor Cuomo's New York City office, Governor Cuomo gave Plaintiff a printout of the lyrics to "Danny Boy," an Irish ballad historically sung by a woman about the male title character. He instructed her to memorize the lyrics. This "assignment" was not work related; it was issued to amuse the Governor. On approximately three to five occasions over the next several hours, Governor Cuomo, exerting his authority over Plaintiff, leaned out his office door and asked Plaintiff to recite the lyrics, which she did.

23. Later that day, Governor Cuomo called Plaintiff into Ms. Benton's office, where he was standing with Ms. Benton and Ms. DeRosa, and demanded Plaintiff sing "Danny Boy" in front of all of three of them. Plaintiff found this humiliating and began reciting the lyrics in a speaking voice. Governor Cuomo interrupted her and insisted she sing "Danny Boy" to him. Ms. DeRosa interjected, "This is hazing." Plaintiff agreed and refused to sing the song. Governor Cuomo began singing the song and instructed Plaintiff to join in, which she felt she had no choice but to do. After about 30 seconds, Plaintiff stopped singing and left the office, humiliated. Ms. DeRosa did not intervene in or otherwise protect Plaintiff from this sexist hazing.

24. On information and belief, Governor Cuomo never forced his outgoing Executive Assistant or other male Executive Chamber employees to memorize and sing the lyrics to "Danny Boy"—or any other song—for his amusement during their employment.

25. On July 1, 2019, Ms. Benton told Plaintiff that Governor Cuomo was impressed with her work and wanted her to staff him during travel, a responsibility held by a member of the press team who had left the Executive Chamber. Plaintiff said that she would and, over the next several weeks, traveled with Governor Cuomo to appearances and events throughout New York State on approximately three occasions.

26. On July 30, 2019, Plaintiff assumed the position of Senior Briefer, a promotion from her previous position.

27. On August 7, 2019, after a month of working two jobs—as Governor Cuomo's Executive Assistant and a member of the briefing team—in addition to traveling with Governor Cuomo, Plaintiff concluded this heightened workload was not sustainable and told Ms. Walsh

she wanted to relinquish her travel responsibilities. Ms. Walsh agreed and reassigned Plaintiff's travel responsibilities to another staffer.

28. Two days later, on August 9, 2019, Plaintiff was working one-on-one with Governor Cuomo in his New York City office when he once again turned the conversation to questions about Plaintiff's personal life. He asked Plaintiff about her parents and about her hobbies, which she told him included weightlifting, skiing, and running. Governor Cuomo asked Plaintiff how much weight she could bench press and how many pushups she could do, and she estimated both. Governor Cuomo also challenged Plaintiff to a "pushup competition" and, over the next two months, asked Plaintiff almost every time he saw her, sometimes multiple times per week, how many pushups she could do. Plaintiff found Governor Cuomo's focus on her body to be disconcerting but responded to his questions to avoid angering him.

29. During their August 9, 2019, conversation, Governor Cuomo asked Plaintiff, for a second time, whether she had a boyfriend. Plaintiff reiterated that she did not. Governor Cuomo responded by joking that Plaintiff did not have a boyfriend because she was "too intimidating" and could "beat them all up," or words to that effect. His behavior and comments made Plaintiff uncomfortable.

30. On August 12, 2019, Governor Cuomo signed into law New York State Senate Bill 6577, which amended the New York State Human Rights Law by, among other things, eliminating the requirement that workplace sexual harassment be "severe or pervasive" to be actionable under the law. At the time of signing, Governor Cuomo stated in part:

There has been an ongoing, persistent culture of sexual harassment, assault and discrimination in the workplace, and now it is time to act. . . . By ending the absurd legal standard that sexual harassment in the workplace needs to be 'severe or pervasive' and making it easier for workplace sexual harassment claims to be brought forward, we are sending a strong message that time is up on sexual harassment in the workplace and setting the standard of equality for women.

Governor Cuomo Signs Legislation Enacting Sweeping New Workplace Harassment Protections,
New York State Division of Human Rights (Aug. 12, 2019),
<https://dhr.ny.gov/newworkplaceharassmentprotections>.

31. In September or October 2019, Plaintiff asked Ms. Walsh for a pay raise based on her job performance over the last several months. Plaintiff received a pay increase a few weeks later.

32. On October 4, 2019, Governor Cuomo began a work-related phone call with Plaintiff by singing the words, “Are you ready?” to the tune of “Do You Love Me?” by The Contours. When Plaintiff told Governor Cuomo she did not recognize the song, Governor Cuomo sang several lines from the song: “Do you love me, do you really love me? Do you love me, do you care?” Governor Cuomo’s singing to her made Plaintiff uncomfortable and she laughed awkwardly.

33. On October 14, 2019, while Plaintiff was covering Ms. Benton’s New York City desk and no other staffers were in earshot, Governor Cuomo told Plaintiff to uphold her end of the “pushup competition” and do as many pushups as she could. The request made Plaintiff uncomfortable and she made up excuses not to do pushups in front of the Governor, but he would not back down. At Governor Cuomo’s insistence, Plaintiff stood, took off her high-heeled shoes, and did approximately 20-25 pushups on the floor of Governor Cuomo’s office before he instructed her to stop. Afterwards, Governor Cuomo told Plaintiff he was “intimidated” by her and commented something to the effect of, “Not many women can do pushups like that. Actually, not many *men* can do pushups like that.”

34. On information and belief, Governor Cuomo did not require Plaintiff's predecessor, or any other male Executive Chamber employees, to do pushups on the floor of his office or perform other such humiliating acts for his amusement.

35. On or around October 25, 2019, Governor Cuomo asked Plaintiff a series of pointed questions about the size of his hands. He asked her, for example, what "everyone" thought about the size of his hands. Given the common association between the size of a man's hands and the size of his penis, Plaintiff understood Governor Cuomo to be encouraging her to comment on the size of his genitals, which made her extremely uncomfortable. She refused, and instead responded only with mundane, generic compliments about his hands. After a few minutes, Ms. Walsh intervened and started answering Governor Cuomo's questions, herself, allowing Plaintiff to exit the conversation.

36. On information and belief, Governor Cuomo did not encourage Plaintiff's predecessor or other male Executive Chamber employees to comment on the size of his genitals.

37. When Governor Cuomo arrived at work in the New York City office on November 18, 2019, instead of his typical enthusiastic greeting, he merely commented that Plaintiff had worn her hair, which she usually wore down, in a bun. Though Governor Cuomo typically made small talk with Plaintiff throughout the day, he ignored her, and though he usually said "goodbye" when he left for the evening, he walked past Plaintiff's desk without saying anything. Plaintiff said, "Goodbye, Governor," once he was a few steps beyond her desk.

38. In response, Governor Cuomo silently turned around and walked over to where Plaintiff was sitting behind her desk. Standing over Plaintiff and looking down at her, Governor Cuomo asked her why she had worn her hair in a bun that day. Plaintiff replied that her hair had been messy when she had woken up that morning. Governor Cuomo did not respond. Plaintiff

asked him something to the effect of, “What, you don’t like my bun?” and Governor Cuomo turned around and continued down the hallway, once again making his displeasure known to Plaintiff and her nearby colleagues. Upset by his mistreatment of her, Plaintiff yelled out to the other executive assistants sitting nearby, “Did you hear that? He doesn’t like my bun!” Once Governor Cuomo was out of earshot, Plaintiff started crying and left the building.

39. Over the next month, Governor Cuomo addressed Plaintiff or referred to her as “Bun” multiple times per week, a nickname she found to be demeaning.

40. At some point in late 2019, Plaintiff overheard Ms. Benton tell Governor Cuomo she was completing New York State’s sexual harassment training, which is mandatory for all New York employees, on his behalf. On information and belief, Ms. Benton in fact completed the training for Governor Cuomo and signed Governor Cuomo’s name on his training attestation form, and Governor Cuomo did not personally complete the training for calendar year 2019.

41. More than a year prior, on April 12, 2018, Governor Cuomo had signed the mandatory sexual harassment training into law as a component of the 2019 New York State budget. As a result, he was uniquely aware of his obligation to complete the training himself.

Governor Cuomo Subjected Plaintiff to Invasive Questions about her Relationships, Sex Life, and History as a Sexual Assault Survivor

42. On January 19, 2020, while Plaintiff was working at the Capitol, Ms. Walsh instructed Plaintiff to pick up a PowerPoint from Governor Cuomo at the Executive Mansion, where he was working. Plaintiff walked to the Executive Mansion, provided her state-issued employee identification card to the state troopers stationed there, and waited in their command center for further instructions. After a few minutes, Governor Cuomo called the command center and requested that Plaintiff meet him in the Mansion’s pool house, which she did.

43. When Plaintiff arrived at the pool house, Governor Cuomo was sitting on the couch watching CNN and flipping through a PowerPoint. He asked Plaintiff to take a seat on the couch, which she did. He then said, “Tell me something,” by which Plaintiff understood him to be asking about what was going on in the Executive Chamber that day. Plaintiff told him Chamber staff were “stressed and tired” because of his upcoming presentation about the Executive Budget.

44. Apparently unsatisfied, Governor Cuomo told Plaintiff to tell him “*something interesting*.” Plaintiff mentioned a documentary she had watched. But Governor Cuomo once again insisted that she tell him “*something interesting*.” Unsure of what else to say, Plaintiff told Governor Cuomo that his 2015 sexual assault legislation, “Enough is Enough,” changed her life.

45. Governor Cuomo put down his pen, pushed his PowerPoint aside, and asked Plaintiff to elaborate. Plaintiff explained that her college boyfriend had sexually assaulted and physically attacked her and that she had reported his conduct to their school. She also explained that the school’s investigation of her report had been a horrible experience and that she believed the school’s sexual assault policy was problematic.

46. While she felt comfortable identifying herself as a sexual assault survivor in the context of discussing the Enough is Enough legislation, she did not invite a more personal discussion about her sexual assault experience. Nonetheless, Governor Cuomo asked Plaintiff several follow up questions about the school’s sexual assault policy and its investigation into her report. He also asked Plaintiff “what actually happened”—that is, about the details of her assaults. Governor Cuomo’s questions made Plaintiff extremely uncomfortable, but she felt she could not decline to respond and briefly described an incident in which her then-boyfriend ejaculated on her clothing without her consent. Governor Cuomo responded with something to

the effect of, “Well, some people have it much worse.” This statement was deeply distressing to Plaintiff.

47. Plaintiff also told Governor Cuomo that she had been sexually assaulted prior to college and implied that one of her first sexual experiences was not consensual. Governor Cuomo asked Plaintiff how old she was at the time of that experience. Again, his question made Plaintiff extremely uncomfortable, but she did not feel she could decline to respond.

48. At the end of their conversation, which lasted more than an hour, Governor Cuomo and Plaintiff walked out of the pool house together and Plaintiff returned to the Capitol with the PowerPoint.

49. On March 22, 2020, Ms. DesRosiers sent an email to Plaintiff requesting that she relocate to Albany indefinitely to assist with the State’s COVID-19 response. Plaintiff agreed and traveled to Albany the next day. She moved into a hotel along with approximately ten other Executive Chamber staffers and began performing her job primarily from the Capitol building. She did not interact with Governor Cuomo in-person until mid-May.

50. Early on the morning of May 15, 2020, Plaintiff walked to the Capitol to drop off a briefing memo for Governor Cuomo. When she arrived at Governor Cuomo’s office, he was laying on his couch with his feet up. Plaintiff placed the briefing on his coffee table and left the room. Governor Cuomo called after her. She turned around, re-entered the room, and stood in his doorway to face him. He asked her how long she had been in Albany. She told him she had been there for approximately two months and they briefly discussed the COVID-19 pandemic.

51. Governor Cuomo then asked Plaintiff who she was “hitting on.” Governor Cuomo’s question made Plaintiff very uncomfortable, and she responded that she was not hitting on anyone. Governor Cuomo next asked Plaintiff who was hitting on her, and Plaintiff

responded that no one was hitting on her. Governor Cuomo proceeded to ask about her romantic interest in several male staffers by name, but Plaintiff refused to comment on any of them. His persistent questions about her romantic interests were inappropriate and made Plaintiff extremely uncomfortable.

52. Governor Cuomo asked Plaintiff what else was “new” and she told him she was writing a keynote speech for her college *alma mater*. He asked her to sit down, which she did in a chair opposite the couch, and he sat up from prone lying position so they faced one another across the coffee table. Governor Cuomo asked Plaintiff what the speech was about and Plaintiff began to explain that the speech was about the pain she experienced in reporting her sexual assault to her school.

53. Governor Cuomo cut her off mid-sentence and said something to the effect of, “It’s not about pain. It’s about injustice.” Without breaking eye contact with Plaintiff, Governor Cuomo proceeded to repeat words to the effect of, “You were raped! You were abused! You were assaulted! You were betrayed!” for 10-15 seconds. Governor Cuomo’s statements were traumatizing to Plaintiff and the only response she could muster was to nod her head and periodically say, “Yes.” Though Governor Cuomo could tell based on Plaintiff’s reaction that his comments were disturbing to her, he nevertheless continued to talk to her about the contents of her speech.

54. Plaintiff attempted to change the subject by asking Governor Cuomo how the pandemic was affecting him. He responded that he was stressed, unhappy, and wanted a girlfriend to spend time with him in Albany. He told Plaintiff he wanted to ride into the mountains with a woman on the back of his motorcycle and named some beautiful celebrities he

was interested in doing that with. Governor Cuomo's comments about his romantic preferences made Plaintiff extremely uncomfortable.

55. Governor Cuomo and Plaintiff discussed a few other topics, including the waning viewership of Governor Cuomo's daily press conferences, and Plaintiff left his office shortly thereafter.

Governor Cuomo Made Sexual Advances Toward Plaintiff

56. A few weeks later, on June 5, 2020, while Plaintiff was working at the Capitol, Ms. Benton instructed her and another executive assistant to put on their masks and go into Governor Cuomo's office to take dictation, which they did. Plaintiff and the other executive assistant sat down in chairs across from Governor Cuomo, who was seated behind his gubernatorial desk, and turned on their tape recorders. Governor Cuomo began dictating a proposal about police reform to the other executive assistant.

57. After a few seconds, Governor Cuomo stopped dictating and said that the way Plaintiff's mask moved in and out when she breathed reminded him of the monsters in the movie "Predator." Plaintiff laughed uncomfortably in response. Governor Cuomo then commented something to the effect of, "If I were investigated for sexual harassment, I would have to say I told her she looked like a monster."

58. Governor Cuomo resumed dictating the proposal to the other executive assistant. When he finished a few minutes later, the other executive assistant left to type up her notes, leaving Plaintiff alone with Governor Cuomo.

59. Before Plaintiff could leave, Governor Cuomo asked Plaintiff about her speech at her *alma mater*. Plaintiff started to respond but Governor Cuomo interrupted her and asked her

to turn off her tape recorder, which she did. Plaintiff told Governor Cuomo the speech had gone well and they discussed the fact that she had delivered it on her 25th birthday.

60. During this conversation or another one-on-one conversation later that same day, also in Governor Cuomo's office while Plaintiff was supposed to be taking dictation, Governor Cuomo made a series of sexualized and inappropriate comments to Plaintiff that made her extremely uncomfortable. Governor Cuomo whispered while discussing these topics, as though trying to prevent nearby staffers from hearing.

61. Governor Cuomo told Plaintiff he was "lonely" and lamented that he had been in Albany without any company. He told Plaintiff it had been a long time since he had hugged someone. Plaintiff agreed that the pandemic was a lonely time and pointed out that Governor Cuomo had been able to spend time with his daughters. Governor Cuomo then asked her how long it had been since she had hugged someone. Plaintiff told him she had not hugged her parents since March, a result of the ongoing COVID-19 pandemic. Governor Cuomo responded with something to the effect of, "No, I mean really *hugged* somebody?" Plaintiff understood Governor Cuomo to be asking about a romantic hug and told him it had been "a while."

62. Governor Cuomo, for the second time, told Plaintiff he wanted a girlfriend to spend time with in Albany. He told Plaintiff he was bored, stressed, and having trouble sleeping. Trying to deflect what appeared to be a sexual advance, Plaintiff suggested that he invite his friends to his house for a party. Governor Cuomo responded with something to the effect of, "Then what?" Unsure how to respond, Plaintiff said nothing.

63. Governor Cuomo also asked Plaintiff, for the second time, about the duration of her longest relationship. Plaintiff told him, for the second time, that it had lasted about one and a

half years. He asked her when her most recent relationship had ended and she told him it had ended recently.

64. Governor Cuomo asked Plaintiff if she had been monogamous in her most recent relationship. Though the question made Plaintiff extremely uncomfortable, she felt she could not refuse to answer. She told Governor Cuomo she had not been monogamous in that relationship. Governor Cuomo responded by suggesting that her “issues” with monogamy were related to her history of sexual assault.

65. Governor Cuomo proceeded to ask Plaintiff if she had “trouble” maintaining healthy relationships. He asked if she enjoyed herself physically during sex, saying he was asking because of her history of sexual assault. Governor Cuomo’s graphic and patently inappropriate questions made Plaintiff extremely uncomfortable, but she felt she could not refuse to respond. Plaintiff stated generally that it took her a long time to feel safe in her relationships but did not respond directly to his comments about her sex life. Governor Cuomo also suggested to Plaintiff that, because of her past, she felt she needed to have “control” in her relationships and that once she had a more “serious” relationship and an opportunity to “heal,” she would feel differently about monogamy. It appeared to Plaintiff that he was attempting to groom her to have sex with him. Plaintiff did not respond directly to his comments.

66. Governor Cuomo then asked Plaintiff if she had “slept with” older men. Again, though Governor Cuomo’s question made her extremely uncomfortable, she felt she could not refuse to answer. Plaintiff told him that she had and Governor Cuomo jumped on that answer to ask Plaintiff if she thought age mattered in a relationship. Plaintiff hesitated to respond, then started to give a noncommittal answer. Governor Cuomo interrupted her and said that he did not think age mattered in a relationship and would be willing to date someone as long as she was

over the age of 21 years old. Plaintiff understood this to be Governor Cuomo propositioning her sexually.

67. At some point during their conversation, relating to the topic of Plaintiff's 25th birthday, Plaintiff showed Governor Cuomo a picture of a tattoo she wanted to get for her birthday. She told Governor Cuomo that she wanted it on her shoulder blade. Governor Cuomo responded that she should get the tattoo on her butt, instead, so that others would not see it when she wore a dress. Governor Cuomo also asked Plaintiff how many piercings she had. Plaintiff told him she had 16 piercings and pointed out the earrings in her ears. Governor Cuomo then asked her suggestively whether she had piercings "anywhere else," and Plaintiff responded she did not. He also told Plaintiff he liked her eyeliner, which she wore in a "winged" style. These comments the Governor made about Plaintiff's body and physical appearance made her extremely uncomfortable.

68. Altogether, Plaintiff spent approximately two hours in Governor Cuomo's office that day, during the height of the pandemic, during which time Governor Cuomo dictated only a single page of text.

69. When Plaintiff finally left Governor Cuomo's office, Ms. Benton stopped her and asked her what she had been doing inside for such a long time. Afraid to say anything about Governor Cuomo's inappropriate line of questioning, Plaintiff responded that they were discussing current events.

70. When Plaintiff returned to her desk, she was visibly upset. The other executive assistant who had been taking dictation saw her and asked her if she was okay. Afraid to say anything about Governor Cuomo's inappropriate line of questioning, Plaintiff responded that Ms. Benton was mad at her because she had spent so much time in Governor Cuomo's office.

71. The next morning, which was a Saturday, Plaintiff received an email from either Ms. DesRosiers or Ms. Walsh instructing her to perform a task at the Capitol, where Governor Cuomo was working. Plaintiff was concerned about seeing him in light of their conversations the previous day but believed she could complete the task without running into him.

72. When Plaintiff arrived at the Capitol, she ran into Ms. Benton, who told Plaintiff to come with her to Governor Cuomo's office suite, where Governor Cuomo was working. Plaintiff did as she was directed and sat down at one of the desks outside Governor Cuomo's office. Shortly thereafter, Ms. DeRosa and Ms. Benton instructed Plaintiff to stay in the office suite until Governor Cuomo finished working and left the Capitol, once again leaving Plaintiff alone with Governor Cuomo.

73. It was clear to Plaintiff that she was there because Governor Cuomo wanted to be alone with her and she started to panic. She sent text messages to a close friend describing her conversation with Governor Cuomo the previous day and expressing her fear and concern at having been left alone with him. Over the course of the next nearly two hours, Plaintiff waited outside Governor Cuomo's office while he worked. He called Plaintiff into his office on two occasions, both times to ask for help with his iPhone, but did not otherwise assign her any work.

74. Finally, Governor Cuomo called Plaintiff into his office a third time and told her he was getting ready to leave. He asked her if she had found him a girlfriend yet, and Plaintiff responded that she had not. Plaintiff understood this comment to be a sexual advance. Governor Cuomo also commented that she seemed "friendlier" than she had the day before—when he was asking her probing and inappropriate questions about her relationships and sex life—and even asked her if she had been hung over. Plaintiff responded that she had not been hung over. Finally, Governor Cuomo told Plaintiff, who was wearing shorts, that she looked like Daisy

Duke, a fictional character from the American television series of The Dukes of Hazzard.

Referring to a woman as Daisy Duke is commonly understood to be a reference to her as a sex symbol. It was clear to Plaintiff that Governor Cuomo was testing the waters with his flirtatious remarks and had timed the conversation to provide an opportunity for her to leave with him. She did not express any interest in doing so and exited the office at her first opportunity. She then left the Capitol shortly thereafter.

75. In the hours following this interaction, Plaintiff considered the fact that Governor Cuomo or one of his aides could summon her to the Capitol—or even to the Executive Mansion—to staff Governor Cuomo by herself at any time of the day or night, putting her in even more uncomfortable situations like the ones she had already experienced. Plaintiff also feared that if she was alone with Governor Cuomo, he would escalate his advances toward her. As a result, she came to the painful conclusion that she no longer could work as his Executive Assistant and resolved to speak to Ms. DesRosiers about resigning her position at her next opportunity.

76. On June 7, 2020, Plaintiff traveled to New York City to staff Governor Cuomo during a press conference the following day.

77. On June 8, 2020, Plaintiff interacted briefly with Governor Cuomo in the New York City office. Governor Cuomo greeted Plaintiff by calling her “Wings,” in reference to her winged eyeliner. The comment was flirtatious and inappropriate. Plaintiff returned to Albany the next day.

Plaintiff Reported Governor Cuomo’s Sexual Harassment to Ms. DesRosiers and Was Immediately Transferred to an Inferior Position

78. Around midafternoon June 10, 2020, Plaintiff sent a text message to an Executive Chamber staffer whom she trusted and asked to speak with him outside the Capitol. He agreed,

and they met across the street from the Capitol. Plaintiff told the staffer Governor Cuomo had asked her prying questions about her sex life and told her he was lonely and wanted a girlfriend, which had made her extremely uncomfortable. Plaintiff asked the staffer for his advice about what to do next and they agreed that she should report Governor Cuomo's behavior to Ms. DesRosiers.

79. A couple of hours later, Plaintiff went to Ms. DesRosiers's office to report Governor Cuomo's sexual harassment. During a meeting that lasted only a few minutes, Plaintiff told Ms. DesRosiers that Governor Cuomo had "crossed a boundary" with her and stated that he had told her he was lonely and wanted a girlfriend and asked her repeated questions about her sex life. Plaintiff told Ms. DesRosiers that she no longer felt comfortable serving as Governor Cuomo's Executive Assistant and requested a transfer to a position in which she would not have to interact with him. At no point during this conversation did Ms. DesRosiers ask Plaintiff the details about what had occurred, explain to Plaintiff the sexual harassment policies of the Executive Chamber, or seek to assure Plaintiff that she would be protected against retaliation because of her report.

80. Ms. DesRosiers "apologized" for Governor Cuomo's behavior, but she did not ask Plaintiff any follow up questions about it. She also asked Plaintiff if she would be willing to remain in the Executive Chamber or if she preferred to take a position at a state agency. Ms. Bennett responded that she would be willing to remain in the Executive Chamber. At no point did Ms. DesRosiers encourage Plaintiff to remain in her position or assure her that corrective action would be taken. At the end of the short meeting, Ms. DesRosiers told Plaintiff to check in with her in two days about a new position.

81. Ms. DesRosiers relayed Plaintiff's report of sexual harassment to Ms. DeRosa and Ms. Mogul on or around that same day, and Ms. DeRosa and/or Ms. Mogul informed Governor Cuomo of Plaintiff's complaint shortly thereafter.

82. Plaintiff returned to Ms. DesRosiers's office at the end of the day on Friday, June 12, 2020. Ms. DesRosiers told her she could serve as a Health Policy Advisor on the Executive Chamber's health policy team, reporting to Assistant Secretary for Health Megan Baldwin, and that she could start the following Monday. On information and belief, Governor Cuomo approved Plaintiff's transfer to the Executive Chamber's health policy team.

83. Ms. DesRosiers also asked Plaintiff if she could tell Ms. DeRosa and Ms. Benton that "something" had happened between Plaintiff and Governor Cuomo, which she said she would describe as an "awkward encounter." Fearful of retaliation if others in the Executive Chamber found out she had reported Governor Cuomo's sexual harassment of her, Plaintiff agreed, but repeated that she did not want Governor Cuomo to learn of her report. As noted above, not only had Ms. DesRosiers already informed Ms. DeRosa and Ms. Mogul about Ms. Bennett's complaints of sexual harassment, but Governor Cuomo had been informed, as well. Shortly thereafter, Ms. DesRosiers informed Ms. Benton that Ms. Bennett would be moving to a new position because she was no longer comfortable staffing Governor Cuomo.

84. On June 15, 2020, Plaintiff reported to the Capitol for her first day of work as a Health Policy Advisor, but Ms. Baldwin was not available to meet with her until the following day.

85. Plaintiff met with Ms. Baldwin about her new position on June 16, 2020. During this meeting, Ms. Baldwin asked Plaintiff when she would start her new position; Plaintiff had started the day before, and yet Ms. Baldwin did not know. Ms. Baldwin told Plaintiff she would

be working on women's and LGBTQ+ health issues and provided background on the different agencies, organizations, and individuals that also worked on those issues. Ms. Baldwin instructed Plaintiff to spend the next few weeks familiarizing herself with her portfolio but identified few concrete job responsibilities or assignments at that time. Ms. Baldwin sent an email to the health policy team announcing Plaintiff's new role the following day.

86. On the morning of June 19, 2020, Ms. Benton called Plaintiff and invited her to a small gathering for Executive Chamber staff with Governor Cuomo at the pool house of the Executive Mansion later that day. Plaintiff was worried that there may not be an actual gathering and that she may somehow end up alone with Governor Cuomo. Plaintiff therefore contacted another staffer to confirm whether there was an event with people at the Executive Mansion. She learned that other staff had received an official invitation over email the previous day. Plaintiff felt she could not refuse the phone invitation and attended the gathering. Though she tried to avoid Governor Cuomo, altogether, she interacted with him briefly when he arrived at the pool house and was greeting staffers with enthusiastic hugs. When he reached Plaintiff, Governor Cuomo gave her a short, awkward hug, which made Plaintiff uncomfortable. Governor Cuomo avoided making eye contact with her. This behavior contrasted sharply with Governor Cuomo's usual approach to Plaintiff and suggested to her that he knew she had reported his sexual harassment of her to Ms. DesRosiers.

87. Over the next week, Plaintiff experienced increasing anxiety and symptoms of depression, including tearfulness and midday fatigue despite sleeping at night. Plaintiff sought medical care and her physician increased the dosage of her anti-depressant medication.

88. On June 29, 2020, Plaintiff told several Executive Chamber staffers she had left her role as Governor Cuomo's Executive Assistant because Governor Cuomo had made sexual

advances toward her. She told them she had reported Governor Cuomo's behavior to Ms. DesRosiers and that Ms. DesRosiers had arranged for her new position with the Executive Chamber's health policy team just two days later.

89. The next day, on June 30, 2020, one of these staffers relayed Plaintiff's comments to Ms. DesRosiers, who in turn relayed them to Ms. DeRosa and Ms. Mogul. Almost three weeks after Plaintiff first reported Governor Cuomo's sexual harassment of her to Ms. DesRosiers, Ms. DesRosiers and Ms. Mogul made plans to interview Plaintiff about her complaint later that day.

Plaintiff Detailed Governor Cuomo's Sexual Harassment to Ms. DesRosiers and Ms. Mogul and was Constructively Discharged

90. Around 6:00 pm that same day, Ms. DesRosiers approached Plaintiff at her desk, where Ms. Baldwin was sitting nearby, and asked Plaintiff to come with her to her office. Once there, Ms. DesRosiers told Plaintiff she needed to tell Ms. Mogul "everything" that had happened between Governor Cuomo and her. Plaintiff agreed and Ms. DesRosiers called Ms. Mogul and put her on speakerphone.

91. Over the course of approximately 90 minutes, Plaintiff detailed Governor Cuomo's conduct, described above, including that Governor Cuomo asked her whether she was interested in other Executive Chamber staffers; told her he was "lonely," was "looking for a girlfriend," and wanted to "get on a motorcycle and take a woman into the mountains"; told her repeatedly, "You were raped! You were abused! You were assaulted! You were betrayed!"; told her when she was wearing a mask in his office that she reminded him of the monsters in the movie "Predator" and that, if he were investigated for sexual harassment, he would have to tell investigators he told her she looked like a monster; asked Plaintiff whether she cared about age differences in relationships and told her he was willing to date someone as long as she was over

the age of 21 years old, knowing Plaintiff was then 25 years old; twice asked Plaintiff to find him a girlfriend; asked Plaintiff whether and how her history of sexual assault affected her relationships or ability to enjoy herself physically during sex; asked Plaintiff if she was monogamous in her past relationships; told Plaintiff she should get a tattoo on her butt; and told Plaintiff she looked like Daisy Duke. Plaintiff told Ms. DesRosiers and Ms. Mogul that Governor Cuomo's comments made her extremely uncomfortable.

92. Plaintiff became very emotional, cried and even started shaking while describing some of these events. She also told Ms. DesRosiers and Ms. Mogul that she felt Governor Cuomo was "grooming" her, which is the process of establishing an emotional connection or relationship of trust with an individual prior to exploiting her sexually.

93. Ms. DesRosiers and Ms. Mogul took contemporaneous notes during the interview. Both concluded that Plaintiff was credible. Ms. DesRosiers was concerned by what Plaintiff had told her and believed that what Plaintiff had experienced was not "trivial."

94. At the end of the interview, Plaintiff told Ms. DesRosiers and Ms. Mogul she was afraid of what might happen if Governor Cuomo knew she had reported his sexual harassment of her and did not want him to find out. Ms. Mogul told Plaintiff she needed time to process the information Plaintiff had shared and would contact her about what would happen next. Neither Ms. DesRosiers nor Ms. Mogul assured Plaintiff she would be protected from retaliation because of her report and neither told her the truth – that Governor Cuomo had already been told about her sexual harassment complaint.

95. Ms. Mogul knew that Executive Chamber supervisors who learned of conduct potentially constituting sexual harassment were required to report that conduct to the Governor's Office of Employee Relations ("GOER") for investigation. Nevertheless, she conveyed some or

all of the substance of Plaintiff's interview directly to Governor Cuomo—the subject of the report—and Ms. DeRosa on or around that same day.

96. Ms. DeRosa knew that it was GOER's responsibility to conduct sexual harassment investigations. She understood the definition of sexual harassment as she was a major proponent inside the Executive Chamber of amending the New York State Human Rights Law to eliminate the "severe or pervasive" requirement.

97. When Plaintiff finally returned to her desk, Ms. Baldwin asked about her meeting with Ms. DesRosiers. Plaintiff told Ms. Baldwin that Governor Cuomo had been inappropriate with her and that this was the reason for her transfer to the health policy team. She also told her that Ms. Mogul had interviewed her about Governor Cuomo's conduct.

98. The next day, on July 1, 2020, Plaintiff received an email from the Executive Chamber staffer she had confided in on June 10, 2020, with a copy of the Executive Department's Equal Employment Opportunity Handbook ("the Handbook") attached. The Handbook, effective May 2020, "comprises the statewide anti-discrimination policy applicable to State workplaces." In his email, the staffer suggested Plaintiff "might need it." As Plaintiff later learned from the staffer, Ms. Mogul had requested a copy of the Handbook from him earlier that day.

99. Plaintiff reviewed the Handbook section on sexual harassment, which stated in part:

Actions that may constitute sexual harassment . . . may include, but are not limited to, words, signs, jokes, pranks, intimidation or physical violence that are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, or which interfere with the recipient's job performance.

With respect to complaints of sexual harassment, the Handbook stated in part:

Any complaint [of sexual harassment], whether verbal or written, must be investigated by [the Governor's Office of Employee Relations ("GOER")] . . . Furthermore, any supervisory or managerial employee who observes or otherwise becomes aware of conduct of a sexually harassing nature must report such conduct so that it can be investigated.

Based on the Handbook, Plaintiff concluded that Ms. DesRosiers and Ms. Mogul were required to refer her complaint, which described conduct constituting sexual harassment by Governor Cuomo, to GOER for investigation.

100. Having witnessed Governor Cuomo's temper flare when he was frustrated at work or angry at a perceived opponent, as well as those of others in his leadership team, Plaintiff was terrified of the retaliation she would face if GOER started investigating her complaint. Plaintiff's fear was reasonable. In an effort to protect herself from retaliation, Plaintiff sent a text message to Ms. Mogul requesting to speak with her later that day. Ms. Mogul agreed and they scheduled a time to speak, along with Ms. DesRosiers, that evening.

101. During her phone call with Ms. Mogul and Ms. DesRosiers that evening, Plaintiff expressed concern that the Handbook appeared to require GOER to investigate her complaint and said she did not want her complaint investigated, because she did not want to anger Governor Cuomo. Rather than confirming an investigation was mandatory and assuring Plaintiff she would be protected from retaliation, as stated in the Handbook and required by New York State law, Ms. Mogul claimed Governor Cuomo's actions did not rise to the level of sexual harassment because he was still "grooming" Plaintiff when she made her complaint. As a result, no investigation was necessary. Ms. Mogul commented that she hoped her own daughter would have handled the situation the same way Plaintiff had. This phone call ended shortly thereafter.

102. In violation of New York State law, Ms. DesRosiers failed to refer Plaintiff's complaint of sexual harassment to GOER, even though Plaintiff first reported Governor Cuomo's sexual harassment to her on June 10, 2020, and subsequently described all of Governor Cuomo's above-detailed conduct to her over the course of approximately 90 minutes on June 30, 2020.

103. In violation of New York State law, and despite knowing that a supervisor who learns of sexual harassment is obligated to report it to GOER, Ms. Mogul did not refer Plaintiff's complaint of sexual harassment to GOER, even though Ms. DesRosiers relayed Plaintiff's June 10, 2020, report of sexual harassment to her that same day and Plaintiff subsequently described all of Governor Cuomo's above-detailed conduct to her over the course of approximately 90 minutes on June 30, 2020.

104. In violation of New York State law, and despite knowing that it was GOER's responsibility to conduct sexual harassment investigations, Ms. DeRosa did not refer Plaintiff's complaint of sexual harassment to GOER, even though Ms. DesRosiers relayed Plaintiff's report of sexual harassment to her on or around June 10, 2020, and Ms. DesRosiers also told her on June 30, 2020, that Plaintiff had told several Executive Chamber staffers that Governor Cuomo made sexual advances toward her.

105. In late June or early July 2020, Executive Chamber staff were instructed to leave materials for Governor Cuomo at the Executive Mansion trooper station instead of entering the Mansion, to avoid the chance of inappropriate interactions with him there. Around the same time, the Executive Chamber also implemented a protocol under which female staffers would not staff Governor Cuomo by themselves, to avoid his making inappropriate comments to women.

106. Approximately one week later, on July 7, 2020, Governor Cuomo replaced Ms. Baldwin as Assistant Secretary for Health, effective that fall. Upon learning this news, Ms. Baldwin abruptly stopped coming to work for more than a week, leaving Plaintiff without a supervisor or meaningful work assignments.

107. On July 11, 2020, after living in an Albany hotel for more than 100 days and experiencing escalating levels of anxiety, depression, and isolation, Plaintiff moved back to New York City. While Governor Cuomo had sexually harassed her in New York City as well as Albany, she hoped that by leaving Albany, where she had been forced to resign as his Executive Assistant, she could better manage her declining mental and physical condition. She continued to commute to Albany, as necessary, and otherwise worked from the Chamber's New York City office or remotely from home.

108. Unfortunately, however, Plaintiff's health continued to decline. She experienced increased anxiety, depression, tearfulness, irritability, and difficulty concentrating. She had increasing difficulty waking up in the morning, causing her to miss conference calls or other appointments, and was excessively sleepy during the day. She also felt a steadily increasing sense of isolation, avoided the colleagues she had worked with as Governor Cuomo's Executive Assistant, and withdrew from friends and family.

109. In her new role, Plaintiff had little work. She spent most of her time on introductory phone calls with public health stakeholders or observing meetings among her colleagues. Though Ms. Baldwin eventually returned to work and would remain a member of the health policy team until she found a new position, she was largely unresponsive to Plaintiff's job-related questions and requests. Plaintiff tried to keep herself busy by performing research on the public health issues in her portfolio and even assisted the briefing team, despite no longer

being a Senior Briefer. Throughout the month of July, Plaintiff told friends in text messages that she had a “bad feeling” about her new position and that “something about this [job] really doesn’t feel right.” She also repeatedly told a friend she had “no tasks” at work.

110. In mid-July, Plaintiff expressed concerns to Ms. Baldwin about not having enough work to do and asked to take on more work. Ms. Baldwin suggested that Plaintiff speak to Director of Women’s Affairs Emily Kadar about the possibility of working for her, instead, which Plaintiff did on several occasions over the next few weeks. She never received any assignments from Ms. Kadar.

111. Ms. Baldwin’s replacement, Jennifer Rentas, began training with Ms. Baldwin in or around early August. But Ms. Rentas gave Plaintiff very few assignments and Plaintiff continued to try to fill her time with self-directed research projects.

112. Plaintiff continued to experience anxiety, depression, tearfulness, irritability, difficulty concentrating, and excessive sleepiness. In mid-August, she sought treatment from a sleep specialist and was diagnosed with narcolepsy. By the end of August, and in consultation with her therapist and medical provider, Plaintiff concluded that Governor Cuomo’s sexual harassment and her transfer to a “do nothing” position was damaging her health. She further concluded, in consultation with her medical providers that continuing work in the Executive Chamber was intolerable, and she needed to resign.

113. On September 1, 2020, Plaintiff called Ms. Baldwin to inform her she intended to resign. But Ms. Baldwin did not answer her call.

114. The next morning, on September 2, 2020, Plaintiff sent a text message to Ms. Baldwin informing her that she “need[ed] to leave” the Executive Chamber. Ms. Baldwin acknowledged Plaintiff’s text message and stated she would call her later that day, but never did.

115. The next day, on September 3, 2020, Plaintiff began the process of applying for medical leave under the Family Medical Leave Act (“FMLA”). She remained on paid leave through September 23, 2020.

116. On September 24, 2020, Plaintiff traveled to the New York City office and notified Ms. Rentas in-person that she was resigning. Ms. Rentas did not respond in substance to Plaintiff’s resignation but, to Plaintiff’s surprise, told her that she was resigning, as well. Plaintiff also notified a member of the briefing team and a member of the health policy team of her resignation that same day.

117. On October 6, 2020, Ms. Mogul called Plaintiff on her State-issued cell phone from a number Plaintiff did not recognize. As soon as Plaintiff picked up the call and realized it was from Ms. Mogul, she became emotional and started to cry.

118. During the call, Ms. Mogul told Plaintiff that she and Ms. DesRosiers had heard “rumors” Plaintiff was resigning and asked her if the rumors were true. Plaintiff confirmed that they were and told Ms. Mogul she planned to inform Ms. DesRosiers of her resignation as soon as she was able to meet with her.

119. Ms. Mogul then asked Plaintiff if “what happened with the Governor” was the reason she was leaving, and Plaintiff confirmed that it was. At the end of the call, Ms. Mogul apologized for upsetting Plaintiff and told her she would inform Ms. DesRosiers that Plaintiff wanted to meet with her.

120. Plaintiff notified Ms. DesRosiers of her resignation on October 23, 2020, during a meeting in Ms. DesRosiers’s office. During the meeting, Plaintiff told Ms. DesRosiers that Governor Cuomo’s conduct had left her anxious, lacking in confidence, and unable to perform her job effectively. Ms. DesRosiers half-heartedly offered to find Plaintiff another job but

acknowledged that she might want to “get away.” Plaintiff declined her offer and expressly told Ms. DesRosiers that she wanted to get away from Governor Cuomo. At the end of the meeting, Ms. DesRosiers instructed Plaintiff to use her remaining personal time off (“PTO”), then return her State-issued phone and identification.

121. On November 5, 2020, Plaintiff elected to depart the Executive Chamber prior to her last day of PTO, on November 10, 2020. She turned in her State-issued phone and identification on that day. After returning the last reminders of her job in the Executive Chamber, Plaintiff decided to leave New York, altogether, and temporarily moved out of state.

122. Ms. DesRosiers resigned from the Executive Chamber in late 2020 or early 2021.

Plaintiff Made Public Her Allegations, Attorney General James Launched an Investigation into Plaintiff’s and Others’ Allegations of Sexual Harassment, and Governor Cuomo Retaliated Against Plaintiff

123. On February 24, 2021, former Executive Chamber staffer Lindsey Boylan published a blog post describing Governor Cuomo’s sexual harassment of her. Lindsey Boylan, *My story of working with Governor Cuomo*, Medium (Feb. 24, 2021), <https://lindseyboylan4ny.medium.com/my-story-of-working-with-governor-cuomo-e664d4814b4e>. Recognizing a similar pattern of abuse from her own time in the Executive Chamber, Plaintiff decided to make public her own experience of sexual harassment by Governor Cuomo.

124. On February 27, 2021, *The New York Times* published an article detailing some of Governor Cuomo’s sexual harassment of Plaintiff over the course of her employment. Jesse McKinley, *Cuomo Is Accused of Sexual Harassment by a 2nd Former Aide*, N.Y. Times (Feb. 27, 2021), <https://www.nytimes.com/2021/02/27/nyregion/cuomo-charlotte-bennett-sexual-harassment.html>.

125. After the article was published, Governor Cuomo issued a press release insisting that he “never made advances toward [Plaintiff], nor did [he] ever intend to act in any way that was inappropriate.” *Statement from Governor Andrew M. Cuomo*, Office of the Governor (Feb. 27, 2021), <https://www.governor.ny.gov/news/statement-governor-andrew-m-cuomo-208>. Governor Cuomo’s statement falsely portrayed Plaintiff as a liar. This stigmatization continues to cause Plaintiff emotional distress and reputational harm.

126. The next day, Governor Cuomo issued a second press release acknowledging that “some of the things I have said have been misinterpreted as an unwanted flirtation.” *Statement from Governor Andrew M. Cuomo*, Office of the Governor (Feb. 28, 2021), <https://www.governor.ny.gov/news/statement-governor-andrew-m-cuomo-209>. This statement did not retract the disparaging comments Governor Cuomo had made the previous day and mischaracterized his misconduct toward Plaintiff as “playful,” “teas[ing],” and “banter.”

127. On March 1, 2021, Governor Cuomo referred Plaintiff’s allegations of sexual harassment to New York Attorney General Letitia James for investigation pursuant to N.Y. Executive Law § 63(8). On March 8, 2021, Attorney General James appointed Anne L. Clark, Esq., and Joon H. Kim, Esq., to conduct the investigation.

128. Over the next four months, Plaintiff submitted to two lengthy interviews with investigators, one informal and one under oath, and provided hundreds of pages of documentary evidence in support of her allegations to the investigators.

129. Meanwhile, Governor Cuomo embarked on a campaign to publicly cast doubt on Plaintiff’s allegations and those brought by other women. During a press conference on March 8, 2021, Governor Cuomo stated, “I never harassed anyone. I never abused anyone. I never assaulted anyone.” On April 26, 2021, Governor Cuomo insisted during another press

conference that he “didn’t do anything wrong” with respect to Plaintiff’s and others’ allegations of sexual harassment against him. During yet another press conference on May 3, 2021, Governor Cuomo repeated his false denials about his treatment of Plaintiff and stated, “I did nothing wrong, period.”

130. Governor Cuomo’s public statements during the Attorney General’s investigation, which falsely portrayed Plaintiff as a liar, caused Plaintiff significant emotional distress and reputational harm. These falsehoods also subjected Plaintiff to vitriolic attacks by Governor Cuomo’s supporters on social media. Governor Cuomo’s comments will harm Plaintiff’s future employment prospects because they impugned her integrity as an employee.

131. Throughout this time period, Governor Cuomo consulted his brother, Chris Cuomo, and others outside the Executive Chamber about his public response to Plaintiff’s and others’ allegations of sexual harassment. He also directed them to monitor social media for information about Plaintiff and the other complainants, and Chris Cuomo in fact circulated a disparaging tweet about Plaintiff to Ms. DeRosa and others in mid-March 2021.

132. On or around July 28, 2021, shortly after her interview with investigators from the Attorney General’s office, Ms. Mogul announced her resignation from the Executive Chamber, effective the following week.

Attorney General James Concluded That Governor Cuomo Violated Multiple Civil Rights Laws and Governor Cuomo Retaliated Against Plaintiff Through His Personal Attorney

133. On August 3, 2021, Attorney General James released a 168-page report detailing Governor Cuomo’s sexual harassment of Plaintiff and ten other women, providing supporting documentation, and concluding Governor Cuomo violated multiple civil rights laws, including the New York State Human Rights Law. STATE OF NEW YORK OFFICE OF THE ATTORNEY GENERAL, Report of Investigation into Allegations of Sexual Harassment by Governor Andrew

M. Cuomo (Aug. 3, 2021), available at https://ag.ny.gov/sites/default/files/2021.08.03_nyag_-_investigative_report.pdf (“Attorney General Report”).

134. Among other things, the Attorney General Report concluded:

- Governor Cuomo “sexually harassed a number of current and former New York State employees by . . . engaging in unwelcome and nonconsensual touching, as well as making numerous offensive comments of a suggestive and sexual nature that created a hostile work environment for women”;
- The “Executive Chamber’s culture—one filled with fear and intimidation, while at the same time normalizing the Governor’s frequent flirtations and gender-based comments—contributed to the conditions that allowed the sexual harassment to occur and persist”;
- Governor Cuomo’s sexually harassing conduct “adversely impacted [State employees’] work environment and the professional and personal fulfillment the each sought from their jobs”; and
- The Executive Chamber’s “response to a number of the sexual harassment allegations violated its internal policies.”

135. The Attorney General Report concluded Governor Cuomo made multiple “inappropriate and offensive comments of a sexual nature” to Plaintiff, including those detailed above, and that he “had detailed conversations with [Plaintiff] about her experiences with sexual assault, and did so in a way that—on certain occasions—made her feel extremely uncomfortable, as if he were ‘grooming’ her.” These comments, the Attorney General Report concluded, were “by any reasonable measure, gender-based, offensive, and harassing” and, “individually and collectively,” constituted unlawful sexual harassment.

136. The Attorney General Report also concluded Ms. Mogul's, Ms. DesRosiers's, and Ms. DeRosa's failures to refer Plaintiff's complaint of sexual harassment to GOER violated the Executive Chamber's internal sexual harassment policy.

137. On or around August 8, 2021, Ms. DeRosa announced her resignation from the Executive Chamber but did not specify an effective date. She later clarified she would remain with the Chamber through August 24, 2021.

138. Two days later, on August 10, 2021, Governor Cuomo announced his resignation as Governor of the State of New York, effective August 24, 2021. In announcing his resignation, Governor Cuomo once again cast Plaintiff and the other complainants as liars and suggested that he was the victim of a political plot to remove him from office. He stated, among other things, that "[t]he most serious allegations made against [him] had no credible factual basis in the [Attorney General Report]"; "this situation and moment are not about the facts . . . [they are] about politics"; and that he "truly believe[s] [the Attorney General's investigation] is politically motivated . . . unfair [and] untruthful . . . and . . . demonizes behavior [in a way] that is unsustainable for society." In making these statements, Governor Cuomo sought to portray himself the victim of Plaintiff's and the other complainants' now-substantiated allegations.

139. On August 20, 2021, Rita Glavin in her capacity as Governor Cuomo's personal attorney held a press conference at which she called into question Plaintiff's credibility as a complainant in the Attorney General's investigation. Ms. Glavin claimed to be in possession of unspecified "new information" relating to Plaintiff's credibility. She stated further that she "w[ould] not get into what the information is out of respect to [Plaintiff], but this is material we will be submitting to the Attorney General."

140. Two months later, on or around October 20, 2021, Ms. Glavin in her capacity as Governor Cuomo's personal attorney posted to Governor Cuomo's campaign website a document that regurgitated false allegations in a 2017 lawsuit that Plaintiff made a false complaint of sexual misconduct, which Plaintiff did not. Rita M. Glavin, *Former Governor Andrew M. Cuomo's Application to Amend, Correct, and Supplement the August 3, 2021 'Report of Investigation into Allegations of Sexual Harassment by Governor Andrew M. Cuomo'*, AndrewCuomo.com (Oct. 20, 2021), <https://bit.ly/3tNZzyh>. With even the most minimal due diligence, Ms. Glavin would have been able to determine that the unproven allegations made against Ms. Bennett were not well-grounded in law or fact.

141. More than five months after the release of the Attorney General Report, on January 13, 2022, Ms. Glavin in her capacity as Governor Cuomo's personal attorney held yet another press conference in which she reiterated the false allegations about Plaintiff in the 2017 lawsuit, stated repeatedly that Governor Cuomo did not sexually harass Plaintiff, and implied that Plaintiff only participated in the Attorney General's investigation out of a desire for money.

142. Ms. Glavin's comments, which falsely portrayed Plaintiff as a liar and a con artist, caused Plaintiff significant additional emotional distress and damage to her reputation. Ms. Glavin's comments also will harm Plaintiff's future employment prospects as they impugned Plaintiff's integrity as an employee.

143. On information and belief, Ms. Glavin made these retaliatory comments at the direction of Governor Cuomo because of Plaintiff's participation in the Attorney General's investigation into her and others' allegations of sexual harassment against him. The comments were intended to damage Ms. Bennett's professional reputation, to punish her for coming forward, and to silence her.

CAUSES OF ACTION

**COUNT I: SEXUAL HARASSMENT UNDER THE NYSHRL
AGAINST THE STATE OF NEW YORK**

144. Plaintiff hereby incorporates as though restated all of the factual allegations.

145. The NYSHRL makes it unlawful for an employer to harass any individual on the basis of sex, regardless of whether the harassment is considered “severe or pervasive,” if the harassment subjects the individual to inferior terms, conditions or privileges of employment. N.Y. Exec. Law § 296(1)(h). The NYSHRL also makes it unlawful for any person to aid or abet harassment on the basis of sex, or attempt to do so. N.Y. Exec. Law § 296(6).

146. Governor Cuomo signed into law New York State Senate Bill 6577, which amended the NYSHRL by, among other things, eliminating the requirement that workplace sexual harassment be “severe or pervasive” to be actionable under the law and commented at the time of signing that the law would “mak[e] it easier for workplace sexual harassment claims to be brought forward.”

147. Governor Cuomo knowingly failed to complete New York State’s mandatory sexual harassment training, which he signed into law as a component of the 2019 New York State budget, for calendar year 2019.

148. At all times relevant to this matter, Defendant the State of New York was an “employer” within the meaning of the NYSHRL under the specific language of N.Y. Exec. Law § 292(5).

149. Governor Cuomo harassed Plaintiff on the basis of sex throughout her employment as his Executive Assistant by, *inter alia*, subjecting her to a sexually hostile work environment, which included subjecting her to unwelcome comments about her body and physical appearance, isolating Plaintiff and engaging her in conversations about the size of his

genitals by asking pointed questions about the size of his hands. Governor Cuomo told Plaintiff that he was “lonely” and wanted a girlfriend, asked Plaintiff if age differences mattered to her in relationships and whether she had slept with older men, told Plaintiff he was willing to date someone as long as she was over the age of 21, asked Plaintiff inappropriate questions about her history of sexual assault and whether that history affected her ability to maintain relationships or enjoy sex, and asked Plaintiff if she was monogamous in her relationships. By these comments and Governor Cuomo’s actions, he made unwelcome sexual advances toward Plaintiff.

150. Governor Cuomo sexually harassed Plaintiff with malice or reckless indifference to Plaintiff’s rights under the NYSHRL.

151. Ms. DesRosiers, Ms. Mogul, and Ms. DeRosa aided and abetted sexual harassment by maintaining and contributing to an office environment in which, *inter alia*, women were pressured to wear more traditionally feminine attire, including dresses and high heels, when Governor Cuomo was in the office; Governor Cuomo assigned female employees, but not male employees, to humiliating and demeaning tasks; and Governor Cuomo subjected female employees, but not male employees, to sexualized comments and questions.

152. Ms. DesRosiers also aided or abetted harassment on the basis of sex by arranging for Plaintiff’s transfer to a “do nothing” position rather than meaningfully addressing Governor Cuomo’s sexual harassment of her, waiting three weeks after Plaintiff first reported Governor Cuomo’s sexual harassment of her to interview Plaintiff, and failing to refer Plaintiff’s complaint to GOER for investigation, as required by the Handbook.

153. Ms. Mogul also aided or abetted harassment on the basis of sex by waiting three weeks after Plaintiff first reported Governor Cuomo’s sexual harassment of her to interview

Plaintiff and by failing to refer Plaintiff's complaint to GOER, despite knowing that a supervisor who learns of sexual harassment is obligated to report it to GOER, as required by the Handbook.

154. Ms. DeRosa also aided or abetted harassment on the basis of sex by failing to refer Plaintiff's complaint of sexual harassment to GOER, even though she knew that it was GOER's responsibility to conduct sexual harassment investigations, as required by the Handbook.

155. Ms. DesRosiers, Ms. Mogul, and Ms. DeRosa aided and abetted Governor Cuomo's sexual harassment of Plaintiff with malice or reckless indifference to Plaintiff's rights under the NYSHRL.

156. As a result of the actions of Governor Cuomo, Ms. DesRosiers, Ms. DeRosa, and Ms. Mogul, Plaintiff's work environment became intolerable and she was forced to accept a transfer to a "do nothing" position, which exacerbated her medical condition and forced her into a constructive discharge. Governor Cuomo's, Ms. DesRosiers's, Ms. DeRosa's, and Ms. Mogul's conduct, described above, was intentional and made the workplace intolerable for Plaintiff. Any reasonable person in Plaintiff's position would have felt compelled to resign.

157. Governor Cuomo was Plaintiff's supervisor and Ms. DesRosiers, Ms. DeRosa, and Ms. Mogul were supervisors and/or managerial employees at all times relevant to this matter. Accordingly, under the NYSHRL, the State of New York is strictly liable for Governor Cuomo's sexual harassment of Plaintiff and for Ms. DesRosiers's, Ms. DeRosa's, and Ms. Mogul's actions aiding and abetting Governor Cuomo's sexual harassment of her.

158. The State of New York's actions directly and proximately caused Plaintiff to suffer economic loss, including but not limited to salary and employee benefits, loss of future

professional opportunities, and loss of future income, for which Plaintiff is entitled to an award of monetary damages and relief.

159. The State of New York's actions directly and proximately caused Plaintiff to suffer acute emotional distress, including but not limited to anxiety, depression, and a stress-induced medical condition, for which Plaintiff is entitled to an award of monetary damages and relief.

**COUNT II: RETALIATION UNDER THE NYSHRL
AGAINST THE STATE OF NEW YORK**

160. Plaintiff hereby incorporates as though restated all of the factual allegations.

161. The NYSHRL makes it unlawful to retaliate against any person because she opposed harassment on the basis of sex. N.Y. Exec. Law § 296(7).

162. Plaintiff opposed harassment on the basis of sex by, *inter alia*, complaining of and reporting Governor Cuomo's sexual harassment of her to Ms. DesRosiers in June 2020. Ms. DesRosiers knew Plaintiff had opposed harassment on the basis of sex because Plaintiff reported it directly to Ms. DesRosiers.

163. Ms. DesRosiers retaliated against Plaintiff by arranging for her hasty and disorganized transfer to an inferior, "do nothing" position on the health policy team, where Plaintiff had little work or supervision and significantly diminished material responsibilities, and from which she was forced to resign approximately three months later.

164. Ms. DesRosiers's above-described conduct was deliberate and any person in Plaintiff's position would have felt compelled to resign.

165. Ms. DesRosiers retaliated against Plaintiff with malice or reckless indifference to Plaintiff's rights under the NYSHRL.

166. Plaintiff also opposed harassment on the basis of sex by, *inter alia*, rebuffing Governor Cuomo's sexual advances toward her in June 2020; reporting Governor Cuomo's sexual harassment of her to Ms. DesRosiers and Ms. Mogul in June 2020; making public her allegations of sexual harassment against Governor Cuomo in *The New York Times* on February 27, 2021; and participating in Attorney General James's investigation into her and others' allegations of sexual harassment against Governor Cuomo by testifying both informally and under oath and providing hundreds of pages of documents to investigators.

167. Governor Cuomo knew Plaintiff had opposed harassment on the basis of sex as early as June 5, 2020, when Plaintiff first rebuffed his sexual advances, and no later than on or around June 10, 2020, when Ms. DesRosiers, Ms. Mogul, and/or Ms. DeRosa informed him Plaintiff had reported his sexual harassment of her to Ms. DesRosiers and requested a transfer to a position in which she would not have to interact with him. Governor Cuomo learned additional details about Plaintiff's complaint from Ms. Mogul after Plaintiff's June 30, 2020, interview on or around that same day; on February 27, 2021, when Plaintiff's allegations of sexual harassment were published in *The New York Times*; and on or around August 3, 2021, when Attorney General James released the findings of her investigation into Plaintiff's and others' allegations against him.

168. Governor Cuomo retaliated against Plaintiff by, *inter alia*, approving her hasty and disorganized transfer to an inferior position on the health policy team where she had little work or supervision and significantly diminished material responsibilities, in part as a result of Governor Cuomo's replacing Plaintiff's supervisor shortly after Plaintiff's transfer, and from which Plaintiff was forced to resign approximately three months later; publicly casting doubt on Plaintiff's allegations of sexual harassment against him and impugning Plaintiff's credibility in

his far-reaching media statements between March and May 2021; and directing Ms. Glavin's public comments about Plaintiff and her allegations during Ms. Glavin's August 20, 2021, press conference; in her October 20, 2021, posting to Governor Cuomo's campaign website; and in her January 13, 2022, press conference.

169. Governor Cuomo's above-described conduct was deliberate and any person in Plaintiff's position would have felt compelled to resign.

170. Governor Cuomo retaliated against Plaintiff with malice or reckless indifference to Plaintiff's rights under the NYSHRL.

171. Governor Cuomo was Plaintiff's supervisor and Ms. DesRosiers was a supervisor and/or managerial employee at all times relevant to this matter. Accordingly, under the NYSHRL, the State of New York is strictly liable for Governor Cuomo's and Ms. DesRosiers's retaliation against Plaintiff.

172. The State of New York's actions directly and proximately caused Plaintiff to suffer economic loss, including but not limited to salary and employee benefits, loss of future professional opportunities, and loss of future income, for which Plaintiff is entitled to an award of monetary damages and relief.

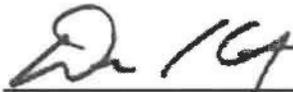
173. The State of New York's actions directly and proximately caused Plaintiff to suffer emotional distress, including but not limited to anxiety, depression, and a stress-induced medical condition, for which Plaintiff is entitled to an award of monetary damages and relief.

REQUESTED RELIEF

WHEREFORE, Plaintiff demands a trial by jury and prays this Court for the following relief:

1. Enter a judgment in Plaintiff's favor and against the State of New York for sexual harassment in violation of the NYSHRL, N.Y. Exec. Law § 296(1)(h);
2. Enter a judgment in Plaintiff's favor and against the State of New York for retaliation against Plaintiff in violation of the NYSHRL, N.Y. Exec. Law § 296(7);
3. Award Plaintiff compensatory damages for the economic loss, including but not limited to salary and employee benefits, loss of future professional opportunities, loss of future income, pain and suffering, and acute emotional distress Plaintiff suffered as a result of Defendant's unlawful actions;
4. Award Plaintiff punitive damages in an amount to be determined at trial;
5. Award Plaintiff reasonable attorneys' fees, litigation expenses, and costs; and
6. Award Plaintiff all other relief permitted under the above causes of action or which the Court deems just and proper.

Respectfully submitted,



Debra S. Katz
Rachel E. Green (seeking pro hac vice)
Kayla Morin
Katz Banks Kumin LLP
11 Dupont Circle, NW
Suite 600
Washington, D.C. 20036
Ph: (202) 299-1140
Fax: (202) 299-1148
Email: katz@katzbanks.com
green@katzbanks.com
morin@katzbanks.com

/s/ Laura S. Schnell

Herbert Eisenberg
Laura S. Schnell
Eisenberg & Schnell LLP
233 Broadway, Suite 270
New York, New York 10279
Ph: (212) 966-8900
Email: lschnell@eisenbergschnell.com
heisenberg@eisenbergschnell.com

Attorneys for Plaintiff Charlotte Bennett

Dated: March 15, 2023