

## Saiber Obtains Dismissal of Sex Discrimination Case

February 28, 2013

On March 1, 2013, the Honorable Ronnie Abrams, United States District Judge for the Southern District of New York, granted our clients' motion for summary judgment and dismissed the complaint by Shanti Novak against the Waterfront Commission of New York Harbor and three individual defendants employed in the Police Division of the Waterfront Commission. The complaint alleged sex discrimination under Title VII of the Civil Rights Act of 1964 and sex discrimination and retaliation under the New York State Human Rights Law (NYSHRL), and the New York City Human Rights Law (NYCHRL). Plaintiff also asserted state common law claims for negligent supervision or retention of an unfit employee, intentional infliction of emotional distress and *prima facie* tort.

Novak is employed as a detective in the Police Division of the Waterfront Commission. She dated a fellow detective in the Police Division, and ultimately ended the relationship. Novak alleged that the break up led to an uncomfortable work environment, and, among other things, that she was given unfavorable work assignments, received no further training and was required to work more Sundays and night shifts than other detectives.

In dismissing the complaint, the Court found that Novak failed to establish a *prima facie* case of sexual discrimination under Title VII because she failed to prove that such mistreatment was made on the basis of her sex or that she suffered any adverse employment action. The Court also noted that personal animosity is not the equivalent of sex discrimination. In addition, the Court held that the NYSHRL and NYCHRL did not apply to bi-state entities such as the Waterfront Commission. Finally, the Court declined to exercise supplemental jurisdiction over the remaining state law claims, and dismissed those as well.

William F. Maderer, Melissa A. Provost, and Kiran Nagulapalli wrote the successful briefs and were responsible for this matter.