

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MARKLAND HAMILTON,)	
)	Case No. 23-cv-07408-KMK
Plaintiff,)	
)	SECOND AMENDED
- against -)	COMPLAINT
)	
SIEMENS HEALTHCARE DIAGNOSTICS, INC.)	JURY TRIAL DEMANDED
d/b/a SIEMENS HEALTHINEERS AG, SABINE)	
VON SENGBUSCH and RENEE HOWELL,)	
)	
Defendants.)	

Plaintiff MARKLAND HAMILTON, by and through his attorneys, LIBERTY COUNSEL, hereby complains of the defendants as follows:

I. PRELIMINARY STATEMENT

1. Plaintiff MARKLAND HAMILTON has been employed by SIEMENS HEALTHINEERS AG (“Siemens”) for over fifteen years. Mr. Hamilton was born in Jamaica and came to this country at age seventeen (17). He is a devout and principled Catholic Christian. He is married with eight children. Although Mr. Hamilton has achieved relative success having come from humble beginnings to employment with a multinational corporation beginning at the bottom of the corporate ladder and steadily working his way up, his advancement has been frustrated by the proverbial glass ceiling. That glass ceiling is constructed of Siemens’s hostility towards Mr. Hamilton’s faith tradition and its incompatibility with the Siemens’s so-called “diversity, equity, and inclusion” initiatives. While Mr. Hamilton is a black male, a category that was traditionally viewed as a minority group worthy of advancement pursuant to such initiatives, that is no longer. Now, the favored groups for advancement within Siemens’s corporate culture are those expressing non-traditional sexual orientation or gender identity. Despite his otherwise satisfactory and

exemplary job performance and its concomitant qualification for career advancement, Mr. Hamilton does not fit the mold of what Siemens is looking for when deciding which employees to whom it will grant favored status, and that mold is without regard to job performance or other such traits historically deemed worthy of promotion and salary increase. As alleged in greater detail in the Complaint and in direct violation of Title VII and New York State law, because Mr. Hamilton is a traditional male and a committed Christian, he has consistently been passed over for promotion, denied fair and equitable pay, and subjected to a hostile work environment. Mr. Hamilton has also been retaliated against for complaining of these adverse employment actions through proper channels provided by law. Mr. Hamilton now seeks redress in this Court.

II. JURISDICTION AND VENUE

2. This action arises under the Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e-2, and the Family Medical and Leave Act, 29 U.S.C. §2614(a)(1). This action also arises under New York State Human Rights Law, N.Y. Exec. Law §296(1).

3. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §1331 and over the pendent state law claims pursuant to 28 U.S.C. §1367.

4. Venue is proper in the Southern District of New York pursuant to 28 U.S.C. §1391(b)(1) and (2) and (c)(2) based upon defendants' place of business and residences, respectively, and because a substantial part of the events and omissions giving rise to Plaintiff's claims occurred in this district.

5. This Court is authorized to grant Plaintiff's prayer for relief regarding damages under 42 U.S.C. §2000e-5 and 29 U.S.C. §2617(a).

6. The Court is authorized to grant Plaintiff's prayer for relief regarding attorney's fees and costs pursuant to 42 U.S.C. §1988 and 29 U.S.C. §2617(a)(3).

III. PARTIES

7. Plaintiff MARKLAND HAMILTON (hereinafter referred to as “Plaintiff”) is employed by SIEMENS HEALTHCARE DIAGNOSTICS, INC. d/b/a SIEMENS HEALTHINEERS AG. Plaintiff is a Christian man.

8. Defendant SIEMENS HEALTHCARE DIAGNOSTICS, INC. d/b/a SIEMENS HEALTHINEERS AG (hereinafter referred to as “Siemens”) is a corporation duly formed and existing pursuant to the laws of the State of New York. Siemens is a German company, but this particular division of Siemens is based in the County of Westchester, State of New York.

9. Defendant SABINE VON SENGBUSCH (hereinafter referred to as “Defendant von Sengbusch”) is the recently retired Vice President in charge of the division of Siemens named as a defendant herein. Upon information and belief, SABINE VON SENGBUSCH is a German citizen but a resident of the County of New York and State of New York. SABINE VON SENGBUSCH is female and a lesbian, and was the head of the company’s Diversity, Equity, and Inclusion initiative.

10. Defendant RENEE HOWELL (hereinafter referred to as “Defendant Howell”) was Plaintiff’s immediate supervisor at Siemens and was promoted to Vice President upon SABINE VON SENGBUSCH’s retirement. Upon information and belief, RENEE HOWELL is a resident of the County of Westchester and State of New York. RENEE HOWELL is female.

IV. FACTUAL ALLEGATIONS COMMON TO ALL CAUSES OF ACTION

11. Plaintiff has been employed by SIEMENS HEALTHINEERS AG for 15 years.

12. Plaintiff is presently employed in the title of Junior Clinical Research Specialist and earns a salary of approximately Ninety-seven Thousand Dollars (\$97,000.00) per year. He has held this title for approximately four (4) years.

13. Siemens shut down for a period of time in 2020 due to the onslaught of COVID-19. Upon reopening, all employees were directed to work from home.

14. In December 2020, while Plaintiff and all employees were still working from home, a new manager was assigned to oversee Plaintiff's division. The new manager was Defendant Renee Howell.

15. Plaintiff had been made aware by his previous manager (also a woman) that Defendant von Sengbusch had directed his former manager to block Plaintiff's attempts at advancement in the company. Plaintiff's former manager made a crying confession to him and sought his forgiveness upon her departure.

16. Much to Plaintiff's dismay, Defendant Howell almost immediately set upon a course of conduct aimed at bringing about Plaintiff's resignation, which Plaintiff believes she did at the behest of Defendant von Sengbusch.

17. In January 2021, without cause, Defendant Howell initiated a Human Resources investigation into Plaintiff.

18. The investigation ended in April 2021. Human Resources concluded that Plaintiff committed no wrongdoing. Human Resources specifically advised Plaintiff that there should be no retaliation from his manager, and that he should report any incidents of retaliation to Human Resources.

19. On April 8, 2021, Defendant Howell was dismissive of Plaintiff in a meeting in the presence of his female assistant and another female colleague. Defendant Howell told Plaintiff, in sum and substance, that his ideas were bad and she was not interested in listening to them.

20. On or around June 15, 2021, Defendant Howell accused Plaintiff of not doing his job and being overly concerned with assisting a particular coworker. Plaintiff had been assisting this coworker at the direction of Defendant von Sengbusch. Upon being reprimanded by Defendant Howell, it occurred to Plaintiff that this could have been another attempted set up by Defendants Howell and von Sengbusch. However, the balance of the accusation was entirely without merit as Plaintiff at all times performed the duties of his job without limitation.

21. On June 23, 2021, Defendant Howell was again unprofessional and combative towards Plaintiff in a meeting in front of Plaintiff's co-worker. On information and belief, Defendant Howell behaved in this manner (on this and other occasions described herein) in an effort to goad Plaintiff into a confrontation that could be used to discipline Plaintiff and set him up for termination. In other words, Defendants actions were intended to be a pretext for retaliating against Plaintiff on the basis of his religious beliefs and convictions that Defendants believed incompatible with Siemens's agenda.

22. On June 28, 2021, Defendant Howell directed Plaintiff to draft an "improvement plan" for himself, in essence asking Plaintiff to self-criticize before the Siemens politburo. This offended Plaintiff and caused him stress because the implication was that his job performance was not up to par, which was not true.

23. Although Plaintiff did not agree that an improvement plan was necessary, he did not resist Defendant Howell's directive. Plaintiff drafted a document describing his duties and role within the company and how he could be better utilized to his potential for the good of the company.

24. Defendant Howell gave Plaintiff a deadline of July 30, 2021 to produce the document. Plaintiff met the deadline, but Defendant Howell never acknowledged receipt. Plaintiff followed up with Defendant Howell the following week by email, but Plaintiff received no response to that either. Defendant Howell did not provide the improvement plan to Human Resources nor take any other action vis-à-vis the document. Plaintiff could only surmise that this was yet another attempted set up by Defendants, which Plaintiff was able to evade.

25. On June 29, 2021, Defendant Howell again demeaned and embarrassed Plaintiff in a meeting in front of co-workers. Specifically, she told him to “be quiet” or “stop talking” whenever he attempted to interject in the meeting. The contribution of Plaintiff’s female coworkers was welcomed. This incident was completely uncalled for and caused Plaintiff to feel humiliated and distressed.

26. On July 13, 2021, Plaintiff attended a company-wide Equity Summit. That same day, following the meeting and based upon what he was taught by the presenters, Plaintiff called Defendant Howell to speak with her about their working relationship. Plaintiff expressed to Defendant Howell that he wanted their working relationship to be better and that his job duties did not align with his official title nor his salary. In response, Defendant Howell called Plaintiff “belligerent” and told him “your job is whatever I say it is.” On information and belief, this type of negative and hostile commentary directed at Plaintiff would never have been directed at an individual who held no objections to Siemens’s diversity, equity, and inclusion agenda.

27. In August 2021, Plaintiff formally asked Defendant Howell for a salary increase. Plaintiff was consistently calm in his demeanor while making the request, which was made over the telephone. While on the call, Defendant Howell oddly accused Plaintiff of being belligerent as

though someone was listening just to her end of the conversation and Defendant Howell was trying to paint a negative, false impression of Plaintiff in the mind of the anonymous observer.

28. Plaintiff asked Defendant Howell if they could address the matter of the salary increase and Defendant Howell's baseless accusation with Human Resources. Defendant Howell agreed, but no meeting with Human Resources occurred.

29. In September 2021, Siemens implemented a policy requiring all employees to be vaccinated against COVID-19.

30. Plaintiff submitted a request for religious accommodation because his religious beliefs dictate against him being injected with the COVID shot.

31. His accommodation request was granted on a temporary basis, to wit: Plaintiff was permitted to continue to work from home for the ninety (90) days following the issuance of the decision to his accommodation request. This was not much of a meaningful accommodation since Plaintiff and all of his co-workers had already been working from home for nearly a year at that point, but he took what he could get. Plaintiff was relieved at least to forestall his employer's demand he be vaccinated for three months.

32. In December 2021, Defendant Howell spoke so aggressively and disrespectfully to Plaintiff in a (virtual) meeting that multiple of Plaintiff's co-workers reached out to him after the meeting to ask him what was going on between he and Defendant Howell and if he was okay. Defendant Howell's hostility towards Plaintiff was humiliating and emotionally jarring for him.

33. Later that same day, Plaintiff had a prescheduled one-on-one meeting with Defendant Howell. The purpose of the meeting was for Plaintiff to receive his year-end review. Defendant Howell did not give the expected formal review. Instead, Defendant said to Plaintiff, "a lot of bad things happened this year." Without a formal review, Plaintiff could not receive even an

incremental or cost of living pay increase. On information and belief, Defendant Howell's refusal to provide Plaintiff a formal review was pretextual, hostile, and done solely to deprive him of any increase in compensation.

34. Although, out of fear of further hostility and retaliation, Plaintiff had been avoiding making a complaint to Human Resources since January, following the events that day, Plaintiff decided he could not put it off any longer. Plaintiff contacted Human Resources and told a representative from that office what occurred. Plaintiff was counseled by the Human Resources representative that, in lieu of lodging a formal complaint with Human Resources (which is what Plaintiff thought he had done by informing the representative of what had occurred not only at this meeting but for the months leading up to it), he should first reach out to Defendant von Sengbusch and seek her assistance in correcting Defendant Howell's behavior.

35. Plaintiff heeded this advice and sent an email to Defendant von Sengbusch requesting a meeting to discuss some workplace issues he was experiencing. He was vague in the email and planned to provide details in the meeting. Defendant von Sengbusch – without asking for any further detail or information – rebuffed Plaintiff's request. Defendant von Sengbusch responded that it was highly irregular and improper for Plaintiff to communicate with her directly. Further, she carbon copied Defendant Howell on her email response to Plaintiff.

36. Clearly, Defendant von Sengbusch wanted to keep her proverbial hands clean and continue to direct Defendant Howell in doing the "dirty work" of their planned hostile work environment and retaliation in order to bring about Plaintiff's forced resignation or termination. It goes without saying that Plaintiff's complaints of discrimination and retaliation remained unaddressed.

37. Right around this same time, Plaintiff's wife was about to give birth to their eighth child. As Plaintiff's return to the workplace was imminent and Plaintiff knew his wife would require his

assistance with the new baby and the other children in those first few weeks and months, Plaintiff requested personal leave time—a right afforded to him under federal law.

38. In early January 2022, Plaintiff was notified by a Human Resources representative that his request to use his accrued leave time to stay home with his wife and children for a few days before the arrival of his newborn baby was denied by Siemens. A Human Resources representative of Siemens informed Plaintiff that his request was denied because Defendant Howell insisted that she needs Plaintiff to return to the office immediately.

39. Because this coincided with the expiration of the “accommodation” period afforded Plaintiff in response to his request for religious accommodation (despite other employees having been granted nondurational accommodations), it meant that Plaintiff would either have to be vaccinated or his employment would be terminated. Upon information and belief, after their hostility and retaliatory actions had failed to produce the desired resignation by Plaintiff, Defendants conspired together to deny Plaintiff’s leave request so that they could proceed with terminating his employment.

40. This placed a great deal of stress upon Plaintiff and his family as the arrival of their new baby was imminent. Plaintiff’s wife was in need of his emotional and physical support, and the family was facing the loss of their sole supporting income.

41. While discussing this with Plaintiff’s wife’s obstetrician at a check-up, the doctor advised Plaintiff to seek leave pursuant to the Family and Medical Leave Act (FMLA).

42. With the support of the family’s doctors, Plaintiff’s request for FMLA time was granted, but Plaintiff was not paid during this time. Plaintiff remained on leave for a few days prior to the birth of the baby and a few weeks afterwards, which caused the family financial hardship.

43. As the expiration of Plaintiff's leave drew near, Defendant Howell reached out to Plaintiff to ask if he was planning to return to work. Plaintiff was bewildered that this would even be a question, but he responded confirming that he would return.

44. Following that, Plaintiff received an email from Human Resources indicating that Siemens had dropped its vaccine mandate. This was a company-wide decision made by persons of higher rank in the company than Defendants Howell and von Sengbusch. Were it not for this intervening event, Defendants would have terminated Plaintiff's employment for refusal to violate his sincerely held religious beliefs by being vaccinated at the conclusion of their unlawfully temporary religious accommodation.

45. With this basis for termination no longer on the table, Defendant Howell told Plaintiff that she was requiring him to return to the office on a full-time basis. Defendant Howell knew definitively at that point that Plaintiff had moved to Pennsylvania, and that coming into the office everyday would cause him extreme hardship.

46. No other employee was working in the office, and many employees had relocated during the pandemic-related closure period, even as far away as California. Due to Defendants' hostility and retaliation, Plaintiff was singled out for mandatory in-person working.

47. There was no legitimate reason to single out Plaintiff for discontinuance of his virtual working arrangement since all of the functions of his job could be (and for well over a year had been) performed off-site.

48. Plaintiff worked for the clinical trial group, which consisted of all scientists other than Plaintiff and his assistant. Plaintiff was tasked with handling all of the financial work for his group. This administrative work did not require an in-person presence and could be performed from any

computer. Again, Plaintiff has demonstrated that this accommodation and arrangement had worked for Siemens for over one year and could continue without consequence to his employer.

49. Plaintiff had no choice but to comply with Defendant Howell's directives. On his first day back to work, April 12, 2022, he arrived at the office and was met by Defendant Howell. Defendant Howell directed him to clean out a supply closet and remarked "don't cause trouble for us." Plaintiff interpreted this as a threat not to complain about this assignment - which was not within the scope of his job duties and a task that should be assigned to someone holding a much lower title and pay grade - or anything else.

50. Defendant Howell told Plaintiff that this is what he must do every day for the next two months, and she emailed the entire group advising them of the assignment she gave to Plaintiff and that this assignment would be occupying his time to the exclusion of all other work the group may want to delegate to him.

51. In the email, Defendant Howell further advised Plaintiff's colleagues that they were no longer to reach out to Plaintiff for their needs (i.e., all of the tasks Plaintiff would normally handle for the group), but rather all their requests were to be directed to Plaintiff's then-assistant from that time forward. This was effectively to a demotion of Plaintiff and a promotion of Plaintiff's assistant to a role superior to his. This was very demoralizing to Plaintiff.

52. Defendants Howell's actions were a significant and pervasive alteration of Plaintiff's job assignment and working requirements, imposed solely to punish, demean, and embarrass Plaintiff in front of the host of co-workers to whom Defendant Howell made her hostility and abusive actions known.

53. Defendant Howell's acts were not mere stray remarks or isolated incidents of undesirable assignments, but rather a continuous and systematic efforts to alter Plaintiff's status and employment, and to make his working conditions utterly unbearable.

54. On April 17, 2022, Plaintiff filed another complaint with Human Resources detailing the incidents of discrimination, retaliation, and hostility in the workplace he was being subjected to, and he also reached out to the Equal Employment Opportunity Commission. Plaintiff filed a Charge of Discrimination with the EEOC regarding these matters, executed on May 4, 2022.

55. Plaintiff completed his assigned task within a week or two, and went to Defendant Howell to get a new assignment. She did not give him one, but nevertheless continued to require Plaintiff to work in the office each day – alone.

56. Because no other employee was subjected to assignments having nothing to do with their job description or work requirements, required to come to the office to perform such tasks, nor made the subject of communications to coworkers ensuring they were aware of said demotion, there is no other conclusion that can be drawn that it was on the basis of Plaintiff's religious accommodation requests and his articulation of beliefs inconsistent with Siemens's diversity, equity, and inclusion efforts.

57. In fact, the discriminatory nature of this assignment and related actions by Defendant Howell was confirmed by Human Resources when, in response to Plaintiff's complaint of discrimination and retaliation, Human Resources directed that Plaintiff be permitted to resume working from home. Human Resources acknowledged that Plaintiff was being singled out for in person working for no legitimate reason.

58. Plaintiff requested a written copy of Human Resources' findings, but he was denied access to the report. Plaintiff was told merely that some of his allegations were substantiated.

59. At some point thereafter, Siemens officially took away Plaintiff's financial duties and assigned them entirely to his assistant, promoting her to the position of Financial Analyst and giving her a salary that, upon information and belief, exceeds Plaintiff's.

60. No other employee was subjected to such treatment, and Defendants' treatment of Plaintiff has touched all areas of his employment, salary, job requirements, and responsibilities. In other words, Defendants' actions have pervaded every aspect of Plaintiff's job and *only* Plaintiff's job, and it was solely on the basis of Plaintiff's sex, religious beliefs, and Defendants' unlawful retaliatory motives.

61. All of these things caused Plaintiff to suffer severe emotional distress, which is ongoing.

62. The EEOC issued Plaintiff a right-to-sue letter dated June 14, 2023, which is attached as Exhibit A.

V. CAUSES OF ACTION AND CLAIM-SPECIFIC FACTUAL ALLEGATIONS

AS AND FOR A FIRST CAUSE OF ACTION
TITLE VII OF THE CIVIL RIGHTS ACT OF 1964, as amended, 42 U.S.C. §2000e-2
(Disparate Treatment on the Basis of Religion)
Against Siemens

63. Plaintiff repeats and realleges the allegations set forth in paragraphs 1 through 62 above as though fully set forth herein.

64. Plaintiff is known in his workplace to be a committed Catholic Christian based upon the faith-based displays in his workspace including crosses, scripture verses, and other religious imagery.

65. It is also known to Plaintiff's co-workers that Plaintiff has many children, which is uncommon these days and is another indicator that he is an adherent of the Catholic faith. Plaintiff's large and growing family is oft the subject of ridicule and mocking in the office.

66. When Siemens implemented a mandatory vaccination policy, the fervent nature of

Plaintiff's sincerely held religious beliefs were made evident (and, perhaps for the first time, consequential) to Defendants when he sought a religious accommodation to the vaccine mandate.

67. As a result of Plaintiff's faith and, in particular, the fact that his fidelity to scriptural truth causes him to differ ideologically from his work superiors and many co-workers, Defendants have marginalized Plaintiff and denied him promotions and pay raises to which he is entitled.

68. At Siemens, there is a palpable, unabashed culture of praise for and solidarity with the homosexual and transgender movement. Employees are encouraged to hang rainbow flags and other paraphernalia that they believe is representative of the movement, which is deeply offensive to Plaintiff since in the Christian faith, the rainbow is a symbol of the promises of God and the Christian faith dictates against homosexuality.

69. Specifically, because Plaintiff is a Christian, he believes that homosexuality is a sin and, therefore, does not participate in Siemens' culture of celebration of homosexuality and transgenderism.

70. Defendants have subjected Plaintiff to disparate and retaliatory treatment in the workplace because he subscribes to religious beliefs that are in conflict with the beliefs elevated and promoted by Defendants.

71. No other employee is subjected to the hostility, retaliation or other blatantly unfavorable treatment suffered by Plaintiff.

WHEREFORE, Plaintiff respectfully prays for relief against Defendants as hereinafter set forth in their prayer for relief.

AS AND FOR A SECOND CAUSE OF ACTION
TITLE VII OF THE CIVIL RIGHTS ACT OF 1964, as amended, 42 U.S.C. §2000e-2
(Disparate Treatment on the Basis of Sex)
Against Siemens

72. Plaintiff repeats and realleges the allegations set forth in paragraphs 1 through 62 above as though fully set forth herein.

73. Defendants show preferential treatment towards women.

74. Despite Plaintiff's satisfactory and exemplary employment record and other qualifications meriting promotion, Plaintiff's former assistant, a woman, was promoted to a position above Plaintiff, a man, by their female supervisor with the approval of the female vice president of the company.

75. No other employee has suffered a subordinate leapfrogging the employee in the line of promotions.

76. Defendants passed over Plaintiff for promotion and demoted him with respect to his former assistant on the basis of Plaintiff's sex.

77. The disparate treatment on the basis of sex perpetrated by Defendants has caused Plaintiff to repeatedly be denied promotions and pay raises, as well as often mocked and belittled in the workplace by his superior. Plaintiff's female co-workers are not treated in this manner by Defendants.

WHEREFORE, Plaintiff respectfully prays for relief against Defendants as hereinafter set forth in their prayer for relief.

AS AND FOR A THIRD CAUSE OF ACTION
TITLE VII OF THE CIVIL RIGHTS ACT OF 1964, as amended, 42 U.S.C. §2000e-2
(Retaliation)
Against Siemens

78. Plaintiff repeats and realleges the allegations set forth in paragraphs 1 through 62, 64 through 71, and 73 through 77 above as though fully set forth herein.

79. Plaintiff filed both internal and external complaints of discrimination regarding all of the discriminatory, hostile, and retaliatory actions detailed herein perpetrated by Defendants against Plaintiff.

80. As a result, Defendant was further retaliated against by being effectively demoted (given decreased responsibilities and assigned menial tasks), passed over for promotion and pay raise, other terms and conditions of his employment changed in a negative manner as described hereinabove, and severe and pervasive hostility by his supervisors in the work environment.

WHEREFORE, Plaintiff respectfully prays for relief against Defendants as hereinafter set forth in their prayer for relief.

AS AND FOR A FOURTH CAUSE OF ACTION
TITLE VII OF THE CIVIL RIGHTS ACT OF 1964, as amended, 42 U.S.C. §2000e-2
(Hostile Work Environment)
Against Siemens

81. Plaintiff repeats and realleges the allegations set forth in paragraphs 1 through 62, 64 through 71, 73 through 77, and 79 through 80 above as though fully set forth herein.

82. Because Plaintiff is a Christian male and because of his internal and external complaints of discrimination, Plaintiff was subjected to a hostile work environment by Defendants as described herein.

83. Specifically, Defendants wanted to bring about Plaintiff's resignation so they subjected him to awful working conditions by assigning him menial tasks beneath his level of skill and

intelligence, required him to perform assignments that were a significant alteration of his employment requirements and job description, yelled at him, and belittled and demeaned him in front of all of his coworkers.

84. Defendants required Plaintiff to perform these menial assignments and altered work requirements for many months with no reasonable justification for such treatment.

85. Plaintiffs' months-long subjugation was publicly disclosed to all other employees in his area in order to maximize the humiliation and ridicule Plaintiff would suffer for his discriminatory and demeaning treatment.

86. As a result of Defendants' public shaming campaign against Plaintiff, he was regularly subjected to mocking, ridicule, and abusive conduct as described hereinabove.

87. The ridicule, mocking, yelling and harassing conduct was pervasive and continuing at all relevant times in the Complaint.

88. As a direct result of Defendants' conduct described herein, Plaintiff has suffered extreme emotional distress causing him sleeplessness, weight loss, and anxiety.

WHEREFORE, Plaintiff respectfully prays for relief against Defendants as hereinafter set forth in their prayer for relief.

AS AND FOR A FIFTH CAUSE OF ACTION
FAMILY MEDICAL AND LEAVE ACT, 29 U.S.C. §2614(a)(1)
(Retaliation)
Against Siemens

89. Plaintiff repeats and realleges the allegations set forth in paragraphs 1 through 62 and 79 through 80 above as though fully set forth herein.

90. After requesting and taking leave time pursuant to his rights afforded by the Family Medical and Leave Act and returning to work, Defendants retaliated against Plaintiff by effectively demoting him, assigning him menial tasks, worsening his conditions of employment, passing him

over for promotion, denying him pay commensurate with his experience and work duties, and subjecting him to a hostile work environment as described hereinabove.

91. There is no reasonable justification for Defendants' treatment of Plaintiff for exercising rights afforded to him under federal law.

WHEREFORE, Plaintiff respectfully prays for relief against Defendants as hereinafter set forth in their prayer for relief.

AS AND FOR AN SIXTH CAUSE OF ACTION
NEW YORK STATE HUMAN RIGHTS LAW – N.Y. Exec. Law §296(1)
(Discrimination)
Against Siemens

92. Plaintiff repeats and realleges the allegations set forth in paragraphs 1 through 62, 64 through 71, and 73 through 77 above as though fully set forth herein.

93. The actions of Siemens against Plaintiff as alleged herein violate the New York State Human Rights Law.

WHEREFORE, Plaintiff respectfully prays for relief against Defendants as hereinafter set forth in their prayer for relief.

AS AND FOR A SEVENTH CAUSE OF ACTION
NEW YORK STATE HUMAN RIGHTS LAW – N.Y. Exec. Law §296(1)
(Hostile Work Environment)
Against Siemens

94. Plaintiff repeats and realleges the allegations set forth in paragraphs 81 through 88 above as though fully set forth herein.

95. The actions of Siemens against Plaintiff as alleged herein violate the New York State Human Rights Law.

WHEREFORE, Plaintiff respectfully prays for relief against Defendants as hereinafter set forth in their prayer for relief.

AS AND FOR A EIGHTH CAUSE OF ACTION
NEW YORK STATE HUMAN RIGHTS LAW – N.Y. Exec. Law §296(1)
(Retaliation)
Against Siemens

96. Plaintiff repeats and realleges the allegations set forth in paragraphs 78 through 80 above as though fully set forth herein.

97. The actions of Siemens against Plaintiff as alleged herein violate the New York State Human Rights Law.

WHEREFORE, Plaintiff respectfully prays for relief against Defendants as hereinafter set forth in their prayer for relief.

AS AND FOR AN NINTH CAUSE OF ACTION
NEW YORK STATE HUMAN RIGHTS LAW – N.Y. Exec. Law §296
(Aiding & Abetting)
Against Defendants von Sengbusch and Howell

98. Plaintiff repeats and realleges the allegations set forth in paragraphs 92 through 97 as though fully set forth herein.

99. The individually named defendants violated the New York State Human Rights Law in that they conspired together and aided and abetted Siemens in its discriminatory acts towards Plaintiff as detailed hereinabove.

WHEREFORE, Plaintiff respectfully prays for relief against Defendants as hereinafter set forth in their prayer for relief.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this court enter judgment in his favor granting the following relief:

- (i) Adjusting Plaintiff's salary to \$135,000 annually retroactive to January 2018 with interest; and,
- (ii) Promoting Plaintiff to the job title of Senior Procurement Specialist or Financial Analyst with the accompanying compensation package if of higher value than the increased annual salary requested in the preceding paragraph; and,
- (iii) Compensatory and punitive damages in the additional sum of Three Hundred Thousand Dollars (\$300,000.00) on the First through Fourth Causes of Action; and,
- (iv) Compensatory damages in the additional sum of One Million Dollars on each of the Fifth through Ninth Causes of Action; and,
- (v) Attorney's fees and costs; and,
- (vi) Such other and further relief as this Court may deem just and proper.

Dated: Orlando, Florida
May 28, 2025

Respectfully Submitted,

/s/ Kristina S. Heuser
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