

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

-----X
SHELDON THOMAS, :
 :
 : Plaintiff, : Civ. No.:
 : :
 : v. : **COMPLAINT**
 : :
 : CVS PHARMACY, INC., ABDUL SALIU, and : **Jury Trial Demanded**
 : ANTHONY SALVATORE, : :
 : :
 : Defendants. :
-----X

Plaintiff Sheldon Thomas alleges:

PRELIMINARY STATEMENT

1. In June 2015, four former Market Investigators (“MIs”) with CVS Pharmacy, Inc. (“CVS”), filed a class action lawsuit in New York federal court, Steele, et al. v. CVS Pharmacy, Inc., Index No. 15 Civ. 4261 (JGK) (the “Federal Class Action”). The Federal Class Action alleged that CVS intentionally targets and racially profiles its Black and Hispanic shoppers and created a racially hostile work environment for all MIs. Specifically, the Federal Class Action alleged that MIs were subjected to constant direction to engage in racial profiling and the persistent use of racist comments by their supervisors, including, among many, many others:

- **“That Black Nigger over there is stealing;”**
- **“These Black people are always the ones that are the thieves;”**
- **“I’m going to get these Black guys;”**
- **“Watch the Black and Hispanic people to catch more cases;”**
- **“Look at that Black guy, he looks like he’s going to steal something;”**
- **“That Black guy looks like a bum – go watch him;” and**
- **“Let me show you what this Black nigger did.”**

2. Then, in November 2015, additional CVS MIs filed lawsuits. Former MI Andre Mantack filed an action in Bronx Supreme Court that alleged nearly identical conduct, Mantack v. CVS Pharmacy, Inc. et al., Index No. 26495/2015E, (the “Mantack Action”). Specifically, Mr. Mantack also alleges that he was subjected to repeated directions to engage in racial profiling and other racist and discriminatory comments by his supervisors, including, *inter alia*:

- **“That Black Nigger over there is stealing;”**
- **“I know niggers and spics steal;”**
- **“Ninety percent of thieves are Black or Hispanic;”**
- **“Watch that nigger;”**
- **“Watch that Hispanic guy;”**
- **“Make sure you get those Black bitches;” and**
- **“I am tired of niggers stealing from here.”**

3. Shortly thereafter, in December 2015, the Federal Class Action was amended and an additional Plaintiff, Mominna Anzoralli, was added to the case. Ms. Anzoralli also made nearly identical allegations concerning her supervisors, including comments such as:

- **“I need that nigger to be arrested, now!;”**
- **“Our numbers should be up there because lots of niggers and Hispanics can’t afford anything. They’re always stealing;” and**
- **“Most shoplifters are Spanish or Black. You will need to look at them closely.”**

4. In response to the filing of the initial Complaint in the Federal Class Action, CVS issued the following statement: “CVS Health has firm nondiscrimination policies that it rigorously enforces. We serve all communities and we do not tolerate any policy or practice that discriminates against any group. We are shocked by the allegations in this complaint, and we

intend to defend against them vigorously.”¹ Tellingly, CVS did not actually deny the specific allegations in the Federal Action.

5. Thus, it should come as no surprise that Mr. Thomas, another former MI with CVS, was subjected to identical treatment at the hands of his supervisors. By way of example only, Defendant Abdul Saliu, a Regional Loss Prevention Manager (“RLPM”), repeatedly told Mr. Thomas:

- **“There are a lot of Black and Spanish people here. Make sure you watch them;”**
- **“When you catch the Black people, lock them up;” and**
- **“When you catch the Spanish people, lock them up.”**

6. Mr. Saliu also directed Mr. Thomas and other MIs at team meetings to falsify reasons to apprehend CVS customers to increase the total number of stops and detentions within Mr. Saliu’s region.

7. Defendant Anthony Salvatore, another RLPM, also told Mr. Thomas and other MIs to racially profile minority customers. By way of example only, Mr. Salvatore told Mr. Thomas to:

- **“Make sure to watch the Spanish because they are thieves and crooks.”**

8. Neither Mr. Saliu nor Mr. Salvatore used race or color-specific language when referring to suspected White shoplifters.

9. Mr. Thomas also was subjected to racist comments and conduct at the hands of the CVS Store Managers for the stores in which he worked, including referenced to Black customers as **“niggers.”**

¹ See <http://www.nytimes.com/2015/06/04/nyregion/cvs-is-accused-in-lawsuit-of-racial-discrimination-by-ex-store-detectives.html>.

10. As such, Mr. Thomas brings claims against Defendants to redress the unlawful discriminatory and retaliatory employment practices under (i) Section 1981 of the Civil Rights Act of 1866, 42 U.S.C. § 1981 (“Section 1981”); (ii) the New York State Human Rights Law, New York Executive Law §§ 290 *et seq.* (the “NYSHRL”); and (iii) the New York City Human Rights Law, N.Y.C. Administrative Code §§ 8-107 *et seq.* (the “NYCHRL”).

JURISDICTION AND VENUE

11. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331 and 1343 as this action involves federal questions regarding the deprivation of Plaintiff’s rights under Section 1981. The Court has supplemental jurisdiction over Plaintiff’s related claims arising under state and local law pursuant to 28 U.S.C. § 1367(a).

12. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) because a substantial part of the events or omissions giving rise to this action, including the unlawful employment practices alleged herein, occurred in this district.

ADMINISTRATIVE REQUIREMENTS

13. Pursuant to NYCHRL § 8-502, Plaintiff will serve a copy of this Complaint upon the New York City Commission on Human Rights and the New York City Law Department, Office of the Corporation Counsel, within ten days of its filing, thereby satisfying the notice requirements of that section.

14. Plaintiff has complied with any and all other prerequisites to filing this action.

PARTIES

15. Plaintiff Thomas is an African-American male who resides in Brooklyn, New York. At all relevant times herein, Mr. Thomas met the definition of an “employee” under all

applicable statutes. Mr. Thomas began his employment as an MI in or January 2012 and worked in that position until in or around July 2013.

16. Defendant CVS Pharmacy Inc. is a Rhode Island corporation with its headquarters and corporate offices in Woonsocket, Rhode Island. CVS owns and operates hundreds of stores located throughout New York City and the United States. At all relevant times herein, CVS met the definition of an “employer” of Plaintiff.

17. Defendant Abdul Saliu, a Regional Loss Prevention Manager, resides in the State of New York. At all relevant times herein, Mr. Saliu met the definition of an “employer” of Mr. Thomas under all applicable statutes. Mr. Saliu also directed and participated in the unlawful and discriminatory conduct described herein towards Plaintiff.

18. Defendant Anthony Salvatore, a Regional Loss Prevention Manager, resides in the State of New York. At all relevant times herein, Mr. Anthony Salvatore met the definition of an “employer” of Mr. Thomas under all applicable statutes. Mr. Anthony Salvatore also directed and participated in the unlawful and discriminatory conduct described herein towards Plaintiff.

FACTUAL ALLEGATIONS

Overview of CVS’s Loss Prevention Department

19. CVS maintains a team of MIs, or “Store Detectives,” within its Loss Prevention Department in the New York City region. The purpose of the MI team is to detect and prevent shoplifting in CVS’s stores.

20. The MI team consists of a Regional Head (Juan Madrid), Regional Loss Prevention Managers and MIs.

21. The MIs patrol undercover at stores in New York City and use a variety of tools to detect and stymie store theft, including, but not limited to (i) analyzing store crime data, (ii)

collaborating with local police such as the New York City Police Department (“NYPD”), (iii) partnering with Store Managers familiar with patterns of theft at each location, (iv) reviewing security footage, (v) participating in team meetings wherein patterns of theft are discussed and analyzed, and (vi) stationing undercover MIs in stores to observe and detain shoplifters.

22. Regional Loss Prevention Managers (who all report to Mr. Madrid), as well as Store Managers, supervise and manage the MIs in New York City.

23. Regional Loss Prevention Managers are responsible for utilizing and implementing the tools described above, running all aspects of the MI team and providing the MIs with leadership and directives in carrying out their duties. MIs are required to follow the directions and instructions of their Regional Loss Prevention Manager, and report directly to their Regional Loss Prevention Manager. Regional Loss Prevention Managers also often supervise MIs while they are “in the field,” and provide training and reviews. Regional Loss Prevention Managers are also responsible for supervising, disciplining and making employment decisions concerning MIs.

24. Store Managers have a similar supervisory position over MIs. While MIs formally report directly to the Regional Loss Prevention Manager, they are required to follow the directives and instruction of the Store Manager at whichever CVS store they are assigned to patrol. This includes any direction and instruction with regard to the performance of the MI job, including the manner in which MIs patrol the store and decisions regarding whether a suspected shoplifter should be arrested or not. If MIs do not follow the directives of the Store Managers, they can be subject to discipline, up to and including termination.

25. This dual-reporting structure is described in the MI job description contained on CVS's website: "this position reports directly to a Regional Loss Prevention Manager, and regularly to Store Management and District Sales Managers."²

26. The ultimate goal of the MIs is to identify and apprehend criminals in accordance with the directives they are given. After apprehending a suspected thief, MIs are responsible for recording the individual's identification information, retrieving stolen merchandise and logging information into CVS's database. MIs also fill out incident reports and, when a shoplifter is arrested, cooperate with the police and prosecution, including providing statements and evidence to law enforcement and testifying in court and/or before a Grand Jury.

Racial Profiling and Discrimination at CVS

27. Throughout Mr. Thomas's employment at CVS, he and other MIs were directed to follow utterly despicable and racist directives. Specifically, Mr. Thomas and other MIs were repeatedly instructed to target and racially profile Black and Hispanic shoppers.

28. Mr. Thomas and other MIs also were forced to endure the use of racial slurs and discriminatory language on the part of the Loss Prevention and Store Managers in the New York City Region.

29. Mr. Thomas worked directly under Regional Loss Prevention Manager, Defendant Abdul Saliu. Mr. Saliu often met with the members of his MI team, including Mr. Thomas, to discuss loss prevention strategy.

30. During these meetings, Mr. Saliu would regularly instruct MIs, including Mr. Thomas, to focus on Black and Hispanic shoppers to increase the frequency of their stops and arrests.

² See <http://jobs.cvshealth.com/new-york-state/loss-prevention/jobid9938773-loss-prevention-spec-ii-jobs>.

31. By way of example only, Mr. Saliu would routinely make comments such as, **“You know this neighborhood is bad? There are a lot of Black and Spanish people here. Make sure you watch them,” “When you catch the Black people, lock them up,” “When you catch the Spanish people, lock them up.”** Mr. Saliu did not use any race or color-specific language when referring to suspected White shoplifters.

32. Mr. Saliu also directed Mr. Thomas and other MIs at team meetings to make sure that Black and Hispanic shoplifters were arrested.

33. Mr. Saliu directed Mr. Thomas and other MIs at team meetings to falsify reasons to apprehend CVS customers in or to increase the total number of stops and detentions within Mr. Saliu’s region.

34. Other former MIs have made similar accusations against Mr. Saliu. It has been alleged that Mr. Saliu told a former MI that when he was a Store Manager he caught more shoplifters than the MIs and, **“Most were black people. Next were Hispanics. They’re the worst.”** It has been alleged that when the MI interjected that Mr. Saliu was engaging in racial profiling, Mr. Saliu responded, **“That’s how you catch cases.”**

35. It has been alleged that Mr. Saliu also directed a former MIs increase the number of cases they caught by making sure, **“all the niggers are locked up.”**

36. It has been alleged that Mr. Saliu would tell MIs, **“our numbers should be up there because lots of niggers and Hispanics can’t afford anything. They’re always stealing.”**

37. It has been alleged that, Mr. Saliu would direct MIs to get their numbers up by framing minority customers for shoplifting, saying, **“Until we reach our quota, this is how we are going to do things.”**

38. Mr. Thomas also worked under another Regional Loss Prevention Manager, Defendant Anthony Salvatore, who engaged in nearly identical conduct. Like Mr. Saliu, Mr. Salvatore advised MIs, including Mr. Thomas, to racially profile customers. By way of example only, Mr. Salvatore repeatedly directed Mr. Thomas to **“lock up the Blacks.”**

39. Mr. Salvatore would often refer to African-American customers as **“niggers,”** including telling Mr. Thomas and other MIs to, **“Watch the Black niggers that come in the store.”**

40. Mr. Salvatore also told Mr. Thomas and other MIs to racially profile Hispanic customers. By way of example only, Mr. Salvatore told Mr. Thomas **“Make sure to watch the Spanish because they are thieves and crooks.”** Mr. Salvatore did not use any race or color-specific language when referring to suspected White shoplifters.

41. Other former MIs have made similar allegations against Mr. Salvatore. It has been alleged that when Mr. Salvatore asked a candidate for an MI position, “How do you tell who shoplifts?” It has been alleged that after the candidate described factors that she had been trained to spot in her previous loss prevention role in a retail store, such as weather patterns and rapidly shifting eyes, Mr. Salvatore responded, **“most shoplifters are Spanish or Black. You will need to look at them closely.”**

42. It has been alleged by other former MIs that Mr. Salvatore would refer to Black shoplifters as **“Black niggers”** and **“Black bitches”** and Hispanic shoplifters as **“Hispanic bitches.”**

43. It has been alleged that Mr. Salvatore would also regularly proclaim that he was **“going to get these Black guys”** or **“Black bitches,”** when referring to Black shoppers.

44. It has been alleged that Mr. Salvatore would often visit CVS stores and watch live security footage with MIs on his team on the store's television feeds. It has been alleged that Mr. Salvatore would comment in a disparaging manner with regard to minorities who had not even engaged in shoplifting while watching the security footage.

45. It has been alleged that Mr. Salvatore often pointed to Black individuals as they walked into the store and "predicted" that they were going to steal.

46. It has been alleged that Mr. Salvatore regularly told MIs on his team to **"look at that Black guy [on the security feed], he looks like he's going to steal something."**

47. It has been alleged Mr. Salvatore also regularly asked subordinate MIs to track and follow Black customers, even when there was no indication whatsoever that they were intending to steal. It has been alleged that Mr. Salvatore would never request that MIs follow White customers.

48. It has been alleged that even when a White person was caught stealing, Mr. Salvatore often directed that he or she be let go, whereas Black and Hispanic customers engaging in similar theft would be arrested.

49. It has been alleged that Mr. Salvatore expressly threatened a former MI's job when he made judgment calls to let certain minority shoplifters go without arrest. It has been alleged that Mr. Salvatore, in contrast, instructed the MI to release White shoplifters who had engaged in even more serious theft.

50. It has been alleged that Mr. Salvatore's treatment of the MIs was no better than his treatment of minority customers. It has also been alleged that he repeatedly referred to CVS employees in racially derogatory terms.

51. It has been alleged that, on one occasion, a CVS Store Manager became upset with a former CVS MI and called Mr. Salvatore to complain about him. It has been alleged that, in response, Mr. Salvatore called the MI's Lead and demanded that she relay the message that he **“get his Black ass back to the store and apologize.”**

52. It has been alleged that, on another occasion, Mr. Salvatore remarked about a Hispanic MI as follows: **“That Spanish guy is a worthless piece of shit.”**

Racial Profiling and Discrimination by Store Managers

53. As if being subjected to persistent racially hostile conduct by Defendants Saliu and Salvatore was not bad enough, Mr. Thomas also was subjected to extremely racist conduct at the hands of his dual-supervisors: CVS's Store Managers.

54. By way of example only, the CVS Store Manager at the CVS Store located at 4901 Kings Highway in Brooklyn, often directed Mr. Thomas to watch Black and Hispanic customers from the moment the customer entered the store, commenting on the customer, **“He looks like a thief.”**

55. Another CVS Store Manager on 4th Avenue in or around Borough Park also directed Mr. Thomas to watch the Black and Hispanic Customers. This Store Manager would also refer to Black customers as **“niggers.”**

56. Other former MIs have alleged that CVS Store Manager also directed them to racially profile Black and Hispanic shoppers and made similar comments. It has been alleged that CVS Store Managers told a former MI, **“there is a black guy is over there, go watch him,”** **“there are these two Spanish kids over there, go watch them,”** or **“these two black guys are wandering around the back, go watch them.”** It has been alleged that other CVS Store Managers never used a race identifier if they wanted this Black MI to observe a White customer.

57. It has been alleged that a former MI overheard a CVS Store Manager say, **“I am tired of niggers stealing from here.”**

58. It has been alleged that at one point during a former MI’s employment with CVS, the racist and discriminatory comments made by one of the Store Managers in Manhattan, New York were so depraved that he requested that Mr. Salvatore never send him to work at that particular CVS Store again.

59. It has been alleged that one Store Manager in Manhattan, Nadia Ilyas, often explicitly directed MIs in her store to racially profile by telling them to **“watch that Black guy”** or remarking, **“that Black guy looks like a bum – go watch him.”**

60. It has been alleged that Ms. Ilyas even told a Black MI that she believed he was a shoplifter when she first saw him. It has been alleged that Ms. Ilyas also repeatedly requested that MIs in her store **“lock up”** Black and Hispanic shoplifters, but would often instruct the release of White shoplifters.

61. It has been alleged that another Manhattan Store Manager, Amre Attameemy, was completely obsessed with protecting his store against Black and Hispanic customers because of his belief that minorities are all shoplifters. It has been alleged that on many occasions when an MI would first come to the store, Mr. Attameemy would insist that minorities had been shoplifting before the MI arrived and bring the MI to the back office to review video of the alleged shoplifting. It has been alleged, however, that quite often the video did not reveal that any shoplifting had occurred.

62. It has been alleged that, by way of example only, one afternoon Mr. Attameemy approached another former MI and complained that earlier in the day **“six Black guys came into the store and cleaned it out.”** It has been alleged that Mr. Attameemy brought the MI to the

back office to show her the video of these six Black individuals, but no theft at all could be observed on the video. It has been alleged that occurrences like this were frequent at the CVS stores he manages.

63. It has been alleged that Mr. Attameemy would also often instruct the MIs in his store: **“There is a Black person in this aisle – go watch him.”** It has been alleged that he would also refer to minority shoplifters in racial terms, such as saying, **“this Black guy is taking all of my shampoo”** and **“this Black motherfucker is stealing.”**

64. It has been alleged that Manhattan Store Manager, Azam Syed, made similar comments about minorities. It has been alleged that Mr. Syed would routinely direct MIs to watch any Black person that entered the store, even though there was no evidence that he or she was planning to steal anything. It has been alleged that he also directed another former Hispanic MI to **“hide like a monkey”** to avoid detection by potential shoplifters. Moreover, it has been alleged that Mr. Syed would routinely bring MIs into his office to show them security footage of alleged thefts and make racist comments such as, **“Let me show you what this Black nigger did.”**

65. It has been alleged that another Manhattan Store Manager, Edmund “Happy” Grant, openly stated with regard to one employee, **“I don’t want his Hispanic ass in my store.”**

66. It has been alleged that yet another CVS Store Manager in Manhattan, Huma Ahadi, instituted a policy prohibiting any Black employees from entering her office. It has been alleged that when an MI complained about this policy to Mr. Salvatore, he responded simply: **“It’s her store.”** It has been alleged that this same store manager also referred to an MI as a **“Black nigga bitch.”**

FIRST CAUSE OF ACTION
(Discrimination and Retaliation in Violation of Section 1981)
Against All Defendants

67. Plaintiff hereby repeats, reiterates and re-alleges each and every previous allegation as if fully set forth herein.

68. As described above, Defendants have discriminated and retaliated against Plaintiff on the basis of race and/or color in violation of Section 1981 by fostering, condoning, accepting, ratifying and/or otherwise failing to prevent or remedy a hostile work environment that has included, among other things, directing Plaintiff to engage in racial profiling, and being subjected to discriminatory and retaliatory conduct.

69. As a direct and proximate result of Defendants' unlawful discriminatory and retaliatory conduct in violation of Section 1981, Plaintiff has suffered, and continues to suffer, economic damages, mental anguish and emotional distress for which he is entitled to an award of damages.

70. Defendants' unlawful discriminatory and retaliatory actions constitute malicious, willful and wanton violations of Section 1981 for which Plaintiff is entitled to an award of punitive damages.

SECOND CAUSE OF ACTION
(Discrimination in Violation of the NYSHRL)
Against Defendant CVS

71. Plaintiff hereby repeats, reiterates and re-alleges each and every previous allegation as if fully set forth herein.

72. As described above, Defendant CVS has discriminated against Plaintiff on the basis of his race and/or color in violation of the NYSHRL by fostering, condoning, accepting, ratifying and/or otherwise failing to prevent or remedy a hostile work environment that has

included, among other things, directing Plaintiff to engage in racial profiling, and subjecting him to discriminatory conduct.

73. As a direct and proximate result of Defendant CVS's unlawful discriminatory conduct in violation of the NYSHRL, Plaintiff has suffered, and continues to suffer, economic damages, mental anguish and emotional distress for which he is entitled to an award of damages.

THIRD CAUSE OF ACTION
(Aiding and Abetting Violations of NYSHRL)
Against Abdul Saliu and Anthony Salvatore

74. Plaintiff hereby repeats, reiterates and re-alleges each and every allegation in each of the preceding paragraphs as if fully set forth herein.

75. By the actions described above, among others, Defendants Abdul Saliu and Anthony Salvatore knowingly or recklessly aided and abetted and directly participated in the unlawful discrimination to which Plaintiff was subjected in violation of the NYSHRL.

76. As a direct and proximate result of Defendants Abdul Saliu's and Anthony Salvatore's aiding and abetting of unlawful discriminatory conduct in violation of the NYSHRL, Plaintiff has suffered, and continues to suffer, economic damages, mental anguish and emotional distress for which he is entitled to an award of damages.

FOURTH CAUSE OF ACTION
(Discrimination in Violation of the NYCHRL)
Against All Defendants

77. Plaintiff hereby repeats, reiterates and re-alleges each and every previous allegation as if fully set forth herein.

78. As described above, Defendants have discriminated against Plaintiff on the basis of his race and/or color in violation of the NYCHRL by fostering, condoning, accepting, ratifying and/or otherwise failing to prevent or remedy a hostile work environment that has

included, among other things, directing Plaintiff to engage in racial profiling, and subjecting him to discriminatory conduct.

79. As a direct and proximate result of Defendants' unlawful discriminatory conduct in violation of the NYCHRL, Plaintiff has suffered, and continues to suffer, economic damages, mental anguish and emotional distress for which he is entitled to an award of damages.

80. Defendants' unlawful discriminatory actions constitute reckless, malicious, willful and wanton violations of the NYCHRL for which Plaintiff is entitled to an award of punitive damages.

FIFTH CAUSE OF ACTION
(Aiding and Abetting Violations of NYCHRL)
Against Abdul Saliu and Anthony Salvatore

81. Plaintiff hereby repeats, reiterates and re-alleges each and every allegation in each of the preceding paragraphs as if fully set forth herein.

82. By the actions described above, among others, Defendants Abdul Saliu and Anthony Salvatore knowingly or recklessly aided and abetted and directly participated in the unlawful discrimination to which Plaintiff was subjected in violation of the NYCHRL.

83. As a direct and proximate result of Defendants Abdul Saliu's and Anthony Salvatore's aiding and abetting of unlawful discriminatory conduct in violation of the NYCHRL, Plaintiff has suffered, and continues to suffer, economic damages, mental anguish and emotional distress for which he is entitled to an award of damages.

84. Defendants Abdul Saliu's and Anthony Salvatore's unlawful discriminatory actions constitute reckless, malicious, willful and wanton violations of the NYCHRL for which Plaintiff is entitled to an award of punitive damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that the Court enter judgment in his favor and against Defendants, containing the following relief:

A. A declaratory judgment that the actions, conduct and practices of Defendants complained of herein violate the laws of the United States, the State of New York and the City of New York;

B. An injunction and order permanently restraining Defendants and their partners, officers, owners, agents, successors, employees and/or representatives and any and all persons acting in concert with them, from engaging in any such further unlawful conduct, including the policies and practices complained of herein;

C. An order directing Defendants to take such affirmative action as is necessary to ensure that the effects of these unlawful employment practices are eliminated;

D. An award of damages against Defendants, or any jointly or severally liable entity or person, in an amount to be determined at trial, plus prejudgment interest, to compensate Plaintiff for all monetary and/or economic damages;

E. An award of damages against Defendants, or any jointly or severally liable entity or person, in an amount to be determined at trial, plus prejudgment interest, to compensate Plaintiff for all non-monetary and/or compensatory damages;

F. An award of punitive damages, and any applicable penalties;

G. Prejudgment interest on all amounts due;

H. An award of costs that Plaintiff incurs in this action, as well as an award of reasonable attorneys' fees to the fullest extent permitted by law; and

I. Such other and further relief as the Court may deem just and proper.


JURY DEMAND

Plaintiff hereby demands a trial by jury on all issues of fact and damages stated herein.

Dated: March 28, 2016
New York, New York

Respectfully submitted,

WIGDOR LLP

By: 

David E. Gottlieb
Michael J. Willemin
Kenneth D. Sommer (admission pending)

85 Fifth Avenue
New York, New York 10003
Tel: (212) 257-6800
Fax: (212) 257-6845
dgottlieb@wigdorlaw.com
mwillemin@wigdorlaw.com
ksommer@wigdorlaw.com

Counsel for Plaintiff

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

SHELDON THOMAS,

(b) County of Residence of First Listed Plaintiff Kings, NY
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Wigdor LLP 85 Fifth Ave., 5th Fl.
David E. Gottlieb New York, NY 10003
Michael J. Willemín Tel: (212) 257-6800

DEFENDANTS

CVS PHARMACY, INC., ABDUL SALIU, and ANTHONY SALVATORE,

County of Residence of First Listed Defendant Providence, RI
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. § 1981 - Section 1981 of the Civil Rights Act of 1866

Brief description of cause:
Discrimination and retaliation on the basis of race and/or color

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

03/28/2016

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____

AMOUNT _____

APPLYING IFP _____

JUDGE _____

MAG. JUDGE _____

CERTIFICATION OF ARBITRATION ELIGIBILITY

Local Arbitration Rule 83.10 provides that with certain exceptions, actions seeking money damages only in an amount not in excess of \$150,000, exclusive of interest and costs, are eligible for compulsory arbitration. The amount of damages is presumed to be below the threshold amount unless a certification to the contrary is filed.

I, David E. Gottlieb, counsel for Plaintiffs, do hereby certify that the above captioned civil action is ineligible for compulsory arbitration for the following reason(s):

- monetary damages sought are in excess of \$150,000, exclusive of interest and costs,
- the complaint seeks injunctive relief,
- the matter is otherwise ineligible for the following reason

DISCLOSURE STATEMENT - FEDERAL RULES CIVIL PROCEDURE 7.1

Identify any parent corporation and any publicly held corporation that owns 10% or more of its stocks:

RELATED CASE STATEMENT (Section VIII on the Front of this Form)

Please list all cases that are arguably related pursuant to Division of Business Rule 50.3.1 in Section VIII on the front of this form. Rule 50.3.1 (a) provides that "A civil case is "related" to another civil case for purposes of this guideline when, because of the similarity of facts and legal issues or because the cases arise from the same transactions or events, a substantial saving of judicial resources is likely to result from assigning both cases to the same judge and magistrate judge." Rule 50.3.1 (b) provides that " A civil case shall not be deemed "related" to another civil case merely because the civil case: (A) involves identical legal issues, or (B) involves the same parties." Rule 50.3.1 (c) further provides that "Presumptively, and subject to the power of a judge to determine otherwise pursuant to paragraph (d), civil cases shall not be deemed to be "related" unless both cases are still pending before the court."

NY-E DIVISION OF BUSINESS RULE 50.1(d)(2)

- 1.) Is the civil action being filed in the Eastern District removed from a New York State Court located in Nassau or Suffolk County? No
- 2.) If you answered "no" above:
 - a) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in Nassau or Suffolk County? No
 - b) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in the Eastern District? Yes

If your answer to question 2 (b) is "No," does the defendant (or a majority of the defendants, if there is more than one) reside in Nassau or Suffolk County, or, in an interpleader action, does the claimant (or a majority of the claimants, if there is more than one) reside in Nassau or Suffolk County? No

(Note: A corporation shall be considered a resident of the County in which it has the most significant contacts).

BAR ADMISSION

I am currently admitted in the Eastern District of New York and currently a member in good standing of the bar of this court.

- Yes
- No

Are you currently the subject of any disciplinary action (s) in this or any other state or federal court?

- Yes (If yes, please explain)
- No

I certify the accuracy of all information provided above.

Signature: 

UNITED STATES DISTRICT COURT

for the

Eastern District of New York

SHELDON THOMAS,

Plaintiff(s)

v.

CVS PHARMACY, INC., ABDUL SALIU, and ANTHONY SALVATORE,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) CVS Pharmacy, Inc. c/o CT Corporation System 111 Eighth Avenue New York, NY 10011

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

David E. Gottlieb Michael J. Willemin Wigdor LLP 85 Fifth Avenue, 5th Floor New York, NY 10003

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

DOUGLAS C. PALMER CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the

Eastern District of New York

SHELDON THOMAS,

Plaintiff(s)

v.

CVS PHARMACY, INC., ABDUL SALIU, and ANTHONY SALVATORE,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Abdul Saliu
1149 Morris Avenue, Apt. 3E
Bronx, NY 10456

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

David E. Gottlieb
Michael J. Willemin
Wigdor LLP
85 Fifth Avenue, 5th Floor
New York, NY 10003

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

DOUGLAS C. PALMER
CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the

Eastern District of New York

SHELDON THOMAS,

Plaintiff(s)

v.

CVS PHARMACY, INC., ABDUL SALIU, and ANTHONY SALVATORE,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Anthony Salvatore
203 Longstone Drive
Cherry Hill, NJ 08003

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

David E. Gottlieb
Michael J. Willemin
Wigdor LLP
85 Fifth Avenue, 5th Floor
New York, NY 10003

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

DOUGLAS C. PALMER
CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: