

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JULIO GERMAIN,

Plaintiff,

Index No.:

-against-

COMPLAINT
Jury Trial Demanded

COUNTY OF SUFFOLK,

Defendant.

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Plaintiff, JULIO GERMAIN (“Plaintiff”), by and through his attorneys, LIEB AT LAW, P.C., as and for his complaint against the above-named defendant, respectfully alleges as follows:

NATURE OF THE CASE

1. Plaintiff brings this action against the defendant for its ongoing and continuous acts of discrimination based on Plaintiff’s race, national origin, and color in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e et seq. (“Title VII”) which misconduct was severe or pervasive enough to create an objectively hostile or abusive work environment, i.e. an environment that a reasonable person would find hostile or abusive and which plaintiff perceived as hostile or abusive. Specifically, plaintiff’s employer assaulted him, engaged in a continuous pattern of using the racial slurs and epithets, including the “N” word and phrases like “white power,” “wetback,” singing slave songs such as “Swing Low Sweet Chariot” and mocking slave talk.

JURISDICTION AND VENUE

2. This Court has original subject matter jurisdiction over Plaintiff's claims pursuant to 28 U.S.C. §§ 1331 and 1343(a)(3) and (4) as this action seeks to redress violations of plaintiff's civil rights under applicable federal statutes, regulations, and the US Constitution.

3. Venue is proper in this district pursuant to 28 U.S.C. §1391(B)(1) because plaintiff resides in Suffolk County and a substantial part of the events or omissions giving rise to the claims set forth herein occurred in Suffolk County.

PARTIES

4. Plaintiff, at all times relevant to this action, was a resident of Suffolk County.

5. Defendant County of Suffolk ("Defendant") is a municipal corporation in the State of New York.

6. Upon information and belief, the Defendant includes, within its jurisdiction and control, the Department of Public Works ("SCDPW"), with offices located at 335 Yaphank Avenue, Yaphank, New York 11980.

7. To the extent that liability is found, Defendant is liable for the discriminatory acts of SCDPW

8. SCDPW was, at all times relevant, an "employer" of Plaintiff, as defined by applicable statutes.

FACTS

9. Mr. Germain race/ethnicity is African American (a/k/a, Black) and Hispanic/Latino.

10. On or about November 18, 2019, Mr. Germain became employed with the Defendant as an auto equipment operator.

11. During such employment, Mr. Germain worked in Zone 1, the Highway Department.

12. During Mr. Germain's employment, SCDPW engaged in the following, continuous, non-exhaustive, discriminatory acts of extreme intimidation, ridicule, and insults towards Mr. Germain:

- a. In or about March 2022, Dan Coffey, a Caucasian SCDPW Assistant Zone Supervisor to whom Mr. Germain reported to, made racist comments towards Mr. Germain. Specifically:
 - i. At the end of the workday, at around 2:30PM, all Zone 1 employees, including the foremen and supervisors, gathered in the breakroom to close out the day, which is a daily routine.
 - ii. Of the twenty-three (23) employees in his Zone, three (3) of those employees are African American.
 - iii. Of those three (3) employees, two (2) of them also identify as Hispanic/Latino, including Mr. Germain.
 - iv. Mr. Germain, and fourteen (14) other employees, including one (1) other African American employee named Frank Parra, were sitting in the breakroom.

- v. Dan Coffey walked into the breakroom and showed everyone in the room an episode of Southpark where the characters used the “N-word.”
- vi. Dan Coffey proceeded to play the episode again, more than three (3) times in total, and the whole room erupted in laughter, excluding Mr. Germain and Frank Parra.
- vii. While the video was being played, Mark Tucker (Caucasian), who works as a foreman, verbally repeated the derogatory comment “crust a*s n*ggas.”

b. SCDPW supervisors and fellow employees continuously used, and encourage the use of, derogatory language towards Mr. Germain. Specifically:

- i. On one occasion, about one (1) month into Mr. Germain’s employment while everyone was sitting around a table in the breakroom, including Tracy Reynolds and Dan Coffey, both Supervisors at that time, Matt Seisan (phonetic), and Frank Parra, Scott Rodgers, an automotive equipment operator, told Mr. Germain that “if you are an illegal, you should get a bullet in your head.” When this comment was made, everyone started laughing at Mr. Germain.
- ii. Dan Coffey, a Supervisor at that time, continuously yelled out “White Power” whenever he would see Mr. Germain causing other SCDPW employees to join in. For example, in or around August 2021, while in line waiting to clock out for the day, Dan Coffey called out Mr. Germain’s name and yelled “White Power.” Whenever Dan Coffee would yell this out at Mr. Germain, any employees who heard would put their arm up

making a hand gesture of a fist to salute Mr. Germain. The SCDPW employees who would engage in this continuous mocking included, but was not limited to, Andy Olsen, Ralph Calicio (phonetic), and Mark Tucker.

- c. On or about August 30, 2022, Dan Coffey, the Supervisor at that time, walked up to Mr. Germain, Tommy Coan, and Mark Tucker, both Foreman at that time, and started shouting “How did you let this ‘N-word’ into this party and not me” and “What’s up with Julio I heard he ate all the watermelon at the party,” in response to learning that Mr. Germain attended a party at Tommy Coan’s house, a SCDPW foreman, where most of the Zone 1 employees attended. Tommy Coan and Mark Tucker just stood there and let the insults happen.
- d. Mr. Germain was informed by Chris and Nick, last names unknown, that Doug Buddahagen, the Assistant Zone Supervisor of Zone 1 at that time, was continuously going around and instructing other employees to “stay away from” Mr. Germain and telling other employees that Mr. Germain was “Not good for your career” and a “Racist.” Anyone who listened and distanced themselves from Mr. Germain was “rewarded.” Specifically, Dan Clearly, of whom Mr. Germain was more senior to, received a promotion once he distanced himself from Mr. Germain.
- e. On or about December 19, 2022, Mr. Germain walked into work at the start of his day and sat down outside of the foremen and supervisor’s offices, where a fellow employee, Brandon Busceti (Caucasian), made a derogatory remark toward Mr.

Germain, calling him a “Wetback.” Ironically after Brandon Busceti made this comment to Mr. Germain, he started getting better work details.

- f. On or about January 3, 2022, Mr. Germain’s supervisor Doug Buddahagen physically assaulted him while all the employees were awaiting their assignments. Specifically:
 - i. Doug Buddahagen came up to Mr. Germain and directed that he would be outside all day on garbage duty along the road.
 - ii. As Mr. Germain was listening to his directives from Doug Buddahagen, out of nowhere Doug Buddahagen hit Mr. Germain on the back of his head with a closed fist and knocked his head down.
 - iii. Mr. Germain filed a police report because he felt scared and threatened because he didn’t know how far things would go.
 - iv. Plaintiff was very depressed because of the environment and he was given the worst detail working outside in the cold and picking up garbage and that morning they told him he was on garbage detail that day and so he was very depressed about everything going on and Doug seemed like he was showing a moment of compassion and touched his shoulder and when Plaintiff looked out of nowhere he punched Plaintiff’s head. Plaintiff was shocked. Paul Jarvis was witness.
- g. On or about January 6, 2023, supervisor Doug Buddahagen repeatedly mocked Mr. Germain’s race and religion. Doug Buddahagen started singing slave songs such as “Swing Low Sweet Chariot” and mocked the way slaves talk by doing

black face impersonation. This was done in front of Nick, last name unknown, Frank Parra, Seisan (phonetic), and Paul Jarvis.

- h. In or around the end of 2023, just before Mr. Germain left the highway department, Mr. Germain was passed over for a promotion for a Tanker Position. Rather than give the promotion to Mr. Germain, who was fully qualified and held seniority, the promotion was given to Louie Gorgonzola (phonetic), a Caucasian employee. The kicker is that at the time of receiving the promotion, upon information and belief, Louie was on probation which, upon information and belief, is against the policy of SCDPW.
- i. Upon information and belief, throughout the summer of 2024, and up until the date Mr. Germain terminated his employment on August 13, 2024, Mr. Germain was being spied on during work. Specifically, upon information and belief, SCDPW caused a camera to exist inside the air conditioning unit in the tower room that Mr. Germain was assigned to. Further, upon information and belief SCDPW monitored Mr. Germain's every movement by having him followed after work. Specifically, Kenny, last name unknown, Mr. Germain's Supervisor at that time, would, upon information and belief, send SCDPW employees to track Mr. Germain back to his residence and take pictures of his house.
- j. In or around July 2024, Mr. Germain was denied a promotion for a Tanker Position despite his seniority and qualifications. Instead, SCDPW again showed favoritism by giving the promotion to Pat Allimon (phonetic), a Caucasian employee, who had only been an auto equipment operator for approximately one (1) year at that time while Mr. Germain had four (4) years of experience on him.

13. SCDPW's discriminatory conduct were each one of a series of separate / individual acts, which constitute repeated and ongoing discriminatory conduct, policies, and/or practices, which each exacerbated, continued, and/or contributed, to the cumulative effect of one unlawful employment practice, to wit: a hostile employment environment.

14. SCDPW's discriminatory conduct was because of Mr. Germain's race and/or ethnicity.

15. Mr. Germain was physically threatened and humiliated by SCDPW's discriminatory conduct.

16. In response to the happenings of SCDPW's discriminatory conduct, Mr. Germain made multiple complaints, including, but not limited to, the SCDPW Director, James Agressi.

17. These specific and related instances of discrimination were permitted by Defendant to continue unremedied for so long as to amount to a discriminatory policy or practice.

18. No remedial measures were ever undertaken incident to Mr. Germain's complaints and no actions were taken to stop the discrimination and hostile work environment.

19. SCDW's discriminatory conduct created an abusive and/or hostile work environment.

20. SCDW's acts also included the following, non-exhaustive, adverse employment actions:

- a. In or about June 2022, Mr. Germain was denied a promotion to Heavy Equipment Operator and the position was subsequently given to Caucasian employee;

- b. In or about September 2022, Mr. Germain was, once again, denied a promotion to Heavy Equipment Operator. Instead, as a comparator, SCDPW offered the job to a lesser qualified Caucasian employee, namely Tommy Cohn.
- c. On or about October 12, 2022, Mr. Germain was overlooked for a job assignment. Instead, as a comparator, the assignment was given to a Caucasian employee.
- d. In or about October 2022, Mr. Germain, who was duly qualified for his position at SCDPW, was removed from an opportunity to obtain his pesticide license. Instead, as a comparator, a new lesser qualified Caucasian employee, who had only been on the job for two (2) months and was still on probation, was provided the opportunity.
- e. In or around November 2022 Dan Palumbo, a Caucasian employee, who just received his license to drive an 18-wheeler approximately two (2) weeks prior to this date was assigned driver duty over Mr. Germain who had held his license for almost two (2) years at that time;
- f. Mr. Germain was constantly ostracized and isolated by SCDPW supervisors and fellow employees; and
- g. Mr. Germain was put on garbage detail while the Caucasian employees get to drive the equipment and machinery and practice.

21. The acts were each one of a series of separate / individual acts, which constitute repeated and ongoing discriminatory conduct, policies, and/or practices, which each exacerbated, continued, and/or contributed, to the cumulative effect of one unlawful employment practice, to wit: a hostile employment environment.

22. These specific and related instances of discrimination were permitted by Defendant to continue unremedied for so long as to amount to a discriminatory policy or practice.

23. Defendant must be ordered to:

- a. Cease and desist from such unlawful discriminatory practices as are found to have occurred in this action; and
- b. Undertake affirmative action, including, but not limited to:
 - i. Implementing court approved policies and procedures preventing such discriminatory practices as are found to have occurred in this action;
 - ii. Implementing a court approved training program to prevent such discriminatory practices as are found to have occurred in this action;
 - iii. Issue a court approved written apology to the victim for the actions as are found to have occurred in this action; and
 - iv. Appointment of a monitor to oversee that such affirmative action is effectuated.

PROCEDURAL HISTORY AND SATISFACTION OF CONDITIONS PRECEDENT

24. On December 23, 2022, Plaintiff filed a complaint with the New York State Division of Human Rights (“DHR”), that was duly filed with the U.S. Equal Employment Opportunity Commission (“EEOC”), against Defendant for its unlawful discriminatory practice relating to Mr. Germain’s employment.

25. On July 12, 2023, DHR found that “probable cause” existed to believe that Defendant had engaged in or is engaging in the unlawful discriminatory practice complained of.

26. On March 20, 2025, Plaintiff served DHR with a Request for Removal pursuant to NYSHRL §297.9 to elect to exercise Plaintiff's right to have the matter commenced in New York State Supreme Court.

27. On March 25, 2025, DHR Administrative Law Judge, Robert M. Vespoli, through Order granted Plaintiff's Request for Removal dismissing the complaint and annulling the election of remedies so that the case may be pursued in Court pursuant to NYSHRL §297.9.

28. On or about June 26, 2025, Plaintiff received a Notice of Right to Sue Letter issued by the EEOC.

29. Therefore, the instant action is timely because the instant matter has been filed within ninety (90) days of receipt of the Right to Sue Letter.

30. SCDPW's and/or its agents' actions are discriminatory in nature in that it has permitted a hostile employment environment against Mr. Germain.

31. As a result of SCDPW's actions, Mr. Germain has suffered damages including, but not limited to, emotional distress, pain and suffering, front pay, back pay, out-of-pocket pecuniary losses, punitive damages, and reasonable attorneys' fees and expert fees, and costs.

AS AND FOR A FIRST CAUSE OF ACTION
(Violation of Title VII of the Civil Rights Act)

32. Plaintiff repeats and realleges each and every allegation set forth in the paragraphs above as though fully set forth herein.

33. Pursuant to 42 USCA § 2000e-2(a)(1): "It shall be an unlawful employment practice for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of his race, color, religion, sex, or national origin, or

to classify or refer for employment any individual on the basis of his race, color, religion, sex, or national origin.”

34. Plaintiff Germain was, at all times relevant, an “employee” within the meaning of Title VII.

35. Defendant was, at all times relevant, an “employer” within the meaning of Title VII.

36. Plaintiff is a member of a protected class based on his race.

37. Under the totality of the circumstances, SCDPW’s conduct was severe or pervasive enough to create an objectively hostile or abusive work environment.

38. Plaintiff subjectively perceived the environment to be abusive and hostile.

39. SCDPW’s conduct amounted to more than a mere offensive utterance.

40. SCDPW’s conduct unreasonably interfered with Plaintiff’s work performance.

41. The discriminatory acts and conduct of SCDPW against Mr. Germain were not discrete as they were repeated and continuous throughout his employment up until the date he left employment with SCDPW.

42. The repeated nature of the harassment of Mr. Germain and its intensity constitutes evidence that SCDPW knew or should have known of its existence.

43. Defendant became a party to the discriminatory acts and conduct by encouraging, condoning, and approving them.

44. Defendant failed to take any remedial action against the discriminatory acts and conduct against Mr. Germain.

45. The discriminatory acts and conduct of SCDPW against Mr. Germain were humiliating, intimidating, hostile, and even were physical.

46. The discriminatory acts and conduct of SCDPW against Mr. Germain unreasonably interfered with his work performance.

DEMAND FOR JURY TRIAL

47. Plaintiff repeats and realleges each and every allegation set forth in the paragraphs above as though fully set forth herein.

48. Plaintiff hereby demands a trial by jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgment in its favor and against Defendant, with interest, costs and disbursements of this action, on the first cause of action for emotional distress, pain and suffering, front pay, back pay, out-of-pocket pecuniary losses, punitive damages, injunctive and declaratory relief, reasonable attorneys' fees and expert fees, costs, expenses, and/or the maximum amount under the law plus interest, and such other and further relief the Court deems just, proper, and equitable.

Dated: Smithtown, New York
September 24, 2025

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