



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 Ansoralli, was added to the case. Ms. Ansoralli 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.”<sup>1</sup> 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.”**

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<sup>1</sup> 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."<sup>2</sup>

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.

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<sup>2</sup> 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: 

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