

ZATUCHNI & ASSOCIATES, LLC
287 South Main Street
(Route 29)
Lambertville, New Jersey 08530
(609) 243-0300

2010 JAN 29 AM 10:42

CIVIL DIVISION

ATTORNEYS FOR PLAINTIFF

GOPA MUHURI,	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION
	:	SOMERSET COUNTY
Plaintiff,	:	DOCKET NO.: L-2005-10
vs.	:	
SANOFI-AVENTIS U.S., INC.; SANOFI-	:	COMPLAINT AND JURY DEMAND
AVENTIS U.S., LLC; ROBIN SATHAN;	:	
DENIS OSELLAME;	:	
	:	
Defendants.	:	

Plaintiff Gopa Muhuri, by and through her counsel, states as follows by way of Complaint against the Defendants:

PARTIES

1. Plaintiff Gopa Muhuri is a natural person residing at 12 Chestnut Court, Basking Ridge, New Jersey.
2. Defendant Sanofi-Aventis U.S., Inc. and Sanofi-Aventis U.S., LLC ("Sanofi") is a global pharmaceutical corporation, with its United States headquarters located at 55 Corporate Drive, Bridgewater, New Jersey 08807.
3. Defendant Robin Sathan has at all relevant times been employed by Defendant Sanofi as the Departmental Director of the A/R Credit Department at 55 Corporate Drive, Bridgewater, New Jersey.

4. Defendant Denis Osellame has at all relevant times been employed by Defendant Sanofi as the Manager of the A/R Credit Department at 55 Corporate Drive, Bridgewater, New Jersey.

BACKGROUND FACTS

5. Plaintiff Gopa Muhuri first became employed by Defendant Sanofi in March 2005 as an independent contractor in the Accounts Payable Department. Through the entirety of her employment with Defendant, until her unlawful termination on November 20, 2009, she worked at the U.S. headquarters location, 55 Corporate Drive, Bridgewater, New Jersey.

6. Ms. Muhuri is of Indian origin.

7. In February 2006, Ms. Muhuri was hired as a full-time Accounts Payable Professional. Ms. Muhuri worked in the Accounts Payable department until September 2008, when she was promoted to Credit Analyst and transferred to the Accounts Receivable Credit Department.

8. Ms. Muhuri's direct supervisors at all relevant times were Defendant Osellame, the Manager of the Accounts Receivable Credit Department, and Defendant Sathan, the Departmental Director of the Accounts Receivable Credit Department.

9. At all times from the inception of her employment with Defendant Sanofi, Ms. Muhuri performed all of her job duties in a highly diligent and satisfactory manner. Prior to the commencement of the unlawful retaliation against Ms. Muhuri by Defendants, as will be detailed below, Ms. Muhuri never once received any form of warnings or discipline from Defendants, formal or informal, written or verbal. Not only

was Ms. Muhuri never disciplined, she was even promoted to Credit Analyst in September 2008. In her 2008 written Performance Review, she received an overall performance rating of "Strong."

10. Prior to her transfer to the Accounts Receivable Credit Department in September 2008, Ms. Muhuri had no issues or problems with any co-workers, and as stated above, received no form of discipline from Defendants.

11. Almost immediately after her transfer to the Accounts Receivable Credit Department, Ms. Muhuri became the victim of a vicious campaign of harassment, purposeful humiliation, and abuse motivated by anti-immigrant animus and Ms. Muhuri's national origin, which is Indian.

12. The harassment against Ms. Muhuri ranged from highly offensive, false comments about her body odor and personal hygiene to discriminatory remarks against immigrants generally and Indians. In the beginning, the main harassers were Ms. Muhuri's co-worker, Nancy Rossi, and Ms. Muhuri's direct supervisor, Defendant Osellame.

13. Examples of initial harassing comments made against Ms. Muhuri were as follows:

- In October 2008, Rossi forwarded two separate e-mails to the entire Accounts Receivable Credit Department, including Ms. Muhuri. These e-mails were racist and anti-immigrant in nature, and highly offensive to Ms. Muhuri.
- Almost immediately after joining the new department, Ms. Muhuri observed and overheard Rossi and Osellame pointing directly to her cubicle while making comments about body odor. Such comments continued on a regular basis.

- On one occasion, Ms. Muhuri overheard Rossi state to Osellame while pointing at Ms. Muhuri, that “she (Ms. Muhuri) should move far away from them.”
- On or about November 6, 2008, prior to attending a department meeting, Ms. Muhuri overheard Rossi laughing while stating that “somebody” should stand outside the door of the meeting. It was clear that Rossi was referring to Ms. Muhuri.
- On another occasion, Ms. Muhuri overheard Rossi and Osellame talking about a “smell” and stating to each other that “she might lose her job.” It was clear that they were referring to Ms. Muhuri.
- On or about December 18, Ms. Muhuri was filing when another employee walked by her and covered her nose. Ms. Muhuri then overheard Defendant Osellame state to this other employee, “I told you, see!”, which Ms. Muhuri took to refer to her body odor.

14. Ms. Muhuri felt embarrassed and humiliated by the above-mentioned comments and e-mails. She didn't complain initially however, because she did not want to be seen as a troublemaker and thought that the harassment would eventually cease. In the fall of 2008, Ms. Muhuri did visit the company's health care center to inquire as to whether she indeed had body odor. **She was told by the doctor and the nurse that she had no offensive body odor.** The nurse also suggested to her that she report the incidents to the Human Resources Department.

15. The harassment by Osellame and Rossi continued repeatedly against Ms. Muhuri. **It was especially egregious that one of the harassers was Ms. Muhuri's direct supervisor.** As she finally couldn't take the harassment any longer, she

reported the incidents to her Departmental Director, Defendant Sathan. In response, Ms. Sathan inappropriately questioned Ms. Muhuri about her personal hygiene.

16. Defendant Sathan arranged a meeting with Ms. Muhuri and Human Resources to take place on January 5, 2009. During the meeting, Ms. Muhuri provided typed notes to Human Resources detailing the specific incidents of harassment against her. During the meeting, she was told to provide the names of the harassers directly to Defendant Sathan. Ms. Muhuri did so, indicating that Rossi and Osellame were the harassers.

17. After the January 5th meeting with Human Resources, the harassment only intensified, and occurred on an almost daily basis. Specific examples of this harassment were as follows:

- On or about February 11, 2009, Ms. Muhuri overheard Rossi and Osellame discussing that in order to prevent body odor, one must drink seven glasses of water a day with Rosemary oil and vegetables.
- On or about February 10, 2009, Rossi and Osellame were talking about body odor and laughing loudly. Another co-worker stated that this was the reason she held her breath.
- On another occasion, Defendant Sathan was walking towards Ms. Muhuri's cubicle when Osellame began to laugh and stated to Sathan, "Are you taking a trip there?"
- Ms. Muhuri was told by a co-worker, Marta Golda, that during the time of Ms. Muhuri's disability leave, Defendant Sathan sprayed anti-bacterial spray all throughout her cubicle.

- Ms. Muhuri was referred to on a few occasions as “lobster” by Rossi and Osellame.
- On one occasion during a meeting, Ms. Muhuri heard Sathan tell Rossi that she was getting headaches due to Ms. Muhuri’s body odor.
- When Rossi and Osellame made the harassing comments about Ms. Muhuri’s body odor, they almost always did so very loudly, so that anybody in the department could hear.
- On or about February 12, 2009, Rossi and Osellame were on a medical website, www.webmd.com, researching how to get rid of body odors.

18. The harassment against Ms. Muhuri became so unbearable that beginning on February 12, 2009, she was forced to go on short term disability leave. On February 12, she consulted with her family physician, Dr. Joseph J. Pecora, who advised her that she was suffering from depression, suicidal tendencies and insomnia, and advised her to take temporary disability leave. **In addition, Dr. Pecora also confirmed that Ms. Muhuri did not have any offensive body odor.** Thereafter, Ms. Muhuri began treating with a psychiatrist, Dr. Jan M. Chrobok, and was under her treatment for almost three months. Dr. Chrobok diagnosed Ms. Muhuri with major depression and prescribed various medications to her. The dosage of her medications was subsequently increased. Ms. Muhuri also began treating with a psychotherapist, Dr. Patricia G. Teague.

19. **Ms. Muhuri had no prior history of depression or any other form of mental illness.** She had never previously taken anti-depressant medication.

20. On February 17th, at the beginning of her disability leave, Ms. Muhuri once again complained to Human Resources. She provided a formal complaint in

writing, in which she described the specific incidents of harassment, and explained that the harassment had taken a physical and emotional toll upon her. Ms. Muhuri met with Tanya Segal in Human Resources, who informed Ms. Muhuri that Human Resources would investigate her complaint. Ms. Muhuri also forwarded the racist and anti-immigrant e-mails that she received to Human Resources.

21. On March 5, 2009, while out on disability leave, Ms. Muhuri received a "close out letter" from Nnea David, Employee Relations Senior Manager. According to the letter, an investigation was completed and Ms. Muhuri's complaints of harassment were uncorroborated.

22. During her disability leave, Ms. Muhuri was informed by Human Resources that she may lose her employment if she continued her leave beyond May 11, 2009. Thus, Ms. Muhuri returned to work on May 11, 2009, although she was still extremely depressed and suffering from insomnia.

23. After May 11, 2009, rather than diminishing, the harassment against Ms. Muhuri got even worse. Examples of the harassment after May 11th included: 1) co-workers continuing to call Ms. Muhuri a "lobster," 2) Ms. Muhuri being asked by Defendant Osellame if she was cooking in the kitchen "with gas," and 3) co-workers making fun of the way that Indian people make bread. Defendants Sathan and Osellame, as well as Rossi, also involved more co-workers in the harassment.

24. Ms. Muhuri continued to suffer from humiliation, embarrassment, and severe physical and mental stress. After returning to work on May 11th, she lost approximately 17 pounds, due to the extreme stress that she was under at work.

25. On September 1, 2009, only a few months after her return from leave, Ms. Muhuri received a coaching letter from Defendant Osellame, addressing various purported performance concerns. **This was the first time in the history of her employment with Defendant Sanofi that Ms. Muhuri received a coaching letter.**

26. On September 30, 2009, Ms. Muhuri met with Osellame to discuss her progress. At that time, Osellame provided positive feedback to her, which Ms. Muhuri acknowledged in an e-mail to him dated October 5, 2009.

27. On October 21, 2009, Ms. Muhuri received a "Final Written Plan" from Osellame. Pursuant to the Final Written Plan, Ms. Muhuri was to meet with Osellame at least once a week to review her progress, and to meet in 30 days to formally review her progress.

28. Ms. Muhuri met with Osellame on October 30, 2009, during which time he provided positive feedback to her, which she acknowledged in an e-mail to him dated November 2, 2009. Thereafter, she had another review with Osellame on November 9th, during which time he provided positive feedback to her. **There were no more meetings held prior to Ms. Muhuri's termination.**

29. Ms. Muhuri was terminated on November 20, 2009, by way of written termination letter. Contrary to the provisions of the Final Written Plan, Ms. Muhuri was not given the opportunity to meet with Osellame at least once a week to review her progress. Nor did she receive a formal review 30 days later, as she was terminated prior to the expiration of the 30 day period.

30. Ms. Muhuri was terminated in retaliation for her complaints of harassment, in violation of the law. Ms. Muhuri was a diligent, competent employee who

received positive performance reviews and no disciplines. **She received a positive performance review at the end of 2008, prior to her first formal complaint of harassment with Human Resources on January 5, 2009.** Ms. Muhuri made two formal complaints of harassment to Human Resources, and was issued a general, ambiguous letter stating that her complaints were uncorroborated.

31. Human Resources failed utterly in taking effective remedial measures to protect Ms. Muhuri from an unlawful hostile work environment and unlawful retaliation.

32. Once Ms. Muhuri formally complained, Defendants began to retaliate against her by issuing her a coaching letter, a Final Written Plan, and then terminating her. While Defendants claim that they terminated Ms. Muhuri for performance issues, this was a pretext for discrimination and retaliation.

COUNT I – HOSTILE WORK ENVIRONMENT IN VIOLATION OF THE NJLAD

33. Plaintiff incorporates and restates each of the allegations contained in the preceding paragraphs as if set forth at length herein.

34. Defendants subjected Ms. Muhuri to a hostile work environment on the basis of national origin in violation of New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 *et. seq.* (“NJLAD”).

35. As a result of Defendants’ unlawful conduct, Ms. Muhuri has suffered emotional distress, anxiety, stress, anger, humiliation and embarrassment.

WHEREFORE, Plaintiff demands the following damages and relief:

- a. Judgment in favor of the Plaintiff;
- b. Compensatory damages;

- c. Punitive damages;
- d. Attorneys fees;
- e. Costs of suit;
- f. Any other relief that this Court deems just and equitable.

COUNT II- RETALIATORY DISCHARGE IN VIOLATION OF NJLAD

36. Plaintiff incorporates and restates each of the allegations contained in the preceding paragraphs as if set forth at length herein.

37. Defendants terminated Ms. Muhuri as a result of her complaints of a hostile work environment on the basis of national origin, in violation of the New Jersey Law Against Discrimination, N.J.S.A 10:5-1 *et seq.* ("NJLAD").

38. As a result of Defendants' unlawful conduct, Ms. Muhuri has suffered job detriment and economic loss.

39. As a result of Defendants' unlawful conduct, Ms. Muhuri has suffered emotional distress, anxiety, stress, anger, humiliation and embarrassment.

WHEREFORE, Plaintiff demands the following damages and relief:

- a. Judgment in favor of the Plaintiff;
- b. Compensatory damages;
- c. Punitive damages;
- d. Attorneys fees;
- e. Costs of suit;
- f. Any other relief that this Court deems just and equitable.

COUNT III- DISCRIMINATORY DISCHARGE IN VIOLATION OF NJLAD

40. Plaintiff incorporates and restates each of the allegations contained in the preceding paragraphs as if set forth at length herein.

41. Defendants terminated Ms. Muhuri due to her national origin in violation of the New Jersey Law Against Discrimination, N.J.S.A 10:5-1 *et seq.* ("NJLAD").

42. As a result of Defendants' unlawful conduct, Ms. Muhuri has suffered job detriment and economic loss.

43. As a result of Defendants' unlawful conduct, Ms. Muhuri has suffered emotional distress, anxiety, stress, anger, humiliation and embarrassment.

WHEREFORE, Plaintiff demands the following damages and relief:

- a. Judgment in favor of the Plaintiff;
- b. Compensatory damages;
- c. Punitive damages;
- d. Attorneys fees;
- e. Costs of suit;
- f. Any other relief that this Court deems just and equitable.

COUNT IV – AIDER AND ABETTOR LIABILITY UNDER NJLAD

44. Plaintiff incorporates and restates each of the allegations contained in the preceding paragraphs as if set forth at length herein.

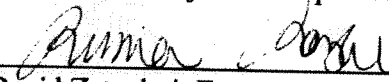
45. Defendant Sathan and Defendant Osellame aided and abetted an unlawful retaliation against the Plaintiff in violation of the New Jersey Law Against Discrimination, N.J.S.A 10:5-1 *et seq.* ("NJLAD").

46. As a result of Defendants' unlawful conduct, Plaintiff has suffered job detriment and economic loss.

47. As a result of Defendants' unlawful conduct, Plaintiff has suffered emotional distress, anxiety, stress, anger, humiliation and embarrassment.

WHEREFORE, Plaintiff demands the following damages and relief:

- a. Judgment in favor of the Plaintiff;
- b. Compensatory damages;
- c. Punitive damages;
- d. Attorneys fees;
- e. Costs of suit;
- f. Any other relief that this Court deems just and equitable.



David Zatuchni, Esq.
Rimma Razhba, Esq.
Zatuchni & Associates, LLC
287 South Main Street
(Route 29)
Lambertville, New Jersey 08530
(609) 243-0300
Attorneys for Plaintiff

Dated: January 28, 2010

CERTIFICATION PURSUANT TO RULE 4:5-1

This matter in controversy is not related to any currently pending court action or proceeding and no such action or proceeding is currently contemplated.

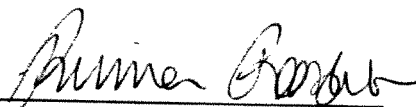


David Zatuchni, Esq.
Rimma Razhba, Esq.
Zatuchni & Associates, LLC
287 South Main Street
(Route 29)
Lambertville, New Jersey 08530
(609) 243-0300
Attorneys for Plaintiff

Dated: January 28, 2010

DESIGNATION OF TRIAL COUNSEL

David Zatuchni, Esq. is hereby designated as trial counsel in this matter.

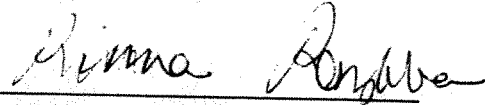


David Zatuchni, Esq.
Rimma Razhba, Esq.
Zatuchni & Associates, LLC
287 South Main Street
(Route 29)
Lambertville, New Jersey 08530
(609) 243-0300
Attorneys for Plaintiff

Dated: January 28, 2010

JURY DEMAND

Plaintiff hereby demands a trial by jury on all issues and claims.



David Zatuchni, Esq.
Rimma Razhba, Esq.
Zatuchni & Associates, LLC
287 South Main Street
(Route 29)
Lambertville, New Jersey 08530
(609) 243-0300
Attorneys for Plaintiff

Dated: January 28, 2010