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EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

MEMORANDUM AND ORDER

Plaintiff,

CV 04-3076

-against-

(Wexler, J.)

COMPREHENSIVE BENEFITS
CONSULTANTS, INC.,

Defendant.

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APPEARANCES:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
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New York, New York 10004
Attorneys for Plaintiff

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Attorneys for Defendant

WEXLER, District Judge

This is an employment discrimination case commenced pursuant to Title VII of the Civil Rights Act of 1964 ("Title VII") by the Equal Employment Opportunity Commission ("EEOC" or the "Commission"). The case is prosecuted by the Commission on behalf of Jean Marie Addeo ("Addeo"), Laura Hart ("Hart"), Michelle Martone ("Martone") and Francine Angelone ("Angelone") (collectively "Plaintiffs"). Plaintiffs claim, variously, that they were subject to a sexually hostile work environment, constructive discharge and unlawful retaliation while employed at Defendant Comprehensive Benefits Consultants ("CBC").

Presently before the court is Defendant's motion for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure. Defendant's motion is based upon the arguments that Plaintiffs were not CBC employees and that Plaintiffs have set forth insufficient facts to support their substantive claims of discrimination.

Discussion

Summary judgment is properly granted only if "there is no genuine issue of any material fact and that the moving party is entitled to a judgment as a matter of law." See Fed. R. Civ. P. 56(c) (a party seeking summary judgment must demonstrate that); Celotex Corp. v. Catrett, 477 U.S. 317, 322 (1986); Donohue v. Windsor Locks Bd. of Fire Comm'rs, 834 F.2d 54, 57 (2d Cir. 1987). Upon consideration of the voluminous papers submitted by the parties in support of and in opposition to the motion, this Court finds that genuine issues of material fact exist precluding the entry of summary judgment with respect to each of Plaintiffs' claims.

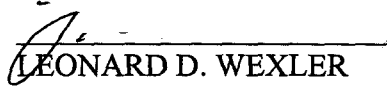
First, as to the issue of whether or not Plaintiffs were employees of CBC, the Commission has raised more than sufficient facts to support the theory that this Defendant may be found liable under a single integrated and/or joint employer theory. See Arculeo v. On-Site Sales & Marketing, LLC, 425 F.3d 193, 197-201 (2d Cir. 2005). The factual decision on this issue must await development at trial.

The court similarly denies to grant summary judgment as to the substance of Plaintiffs' claims. Without going into detail as to each and every allegation, the court holds that its review of Plaintiffs' allegations are more than sufficient, if found to be true, to support the substantive claims set forth in the complaint. See Feingold v. New York, 366 F.3d 138, 149-151 (2d Cir. 2004) (reversing district court grant of summary judgment on ground that Plaintiff set forth sufficient facts to support hostile environment claim); Raniola v. Bratton, 243 F.3d 610, 625-28

forth sufficient facts for a reasonable jury to find, inter alia, that employment decisions were carried out in retaliation for complaints of discriminatory treatment).

For the foregoing reasons, Defendant's motion for summary judgment is denied. The Clerk of the Court is directed to terminate the motion.

SO ORDERED.


LEONARD D. WEXLER
UNITED STATES DISTRICT JUDGE

Dated: Central Islip, New York
April 10, 2006