

**SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY**

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| MARIA SICOLA, |) | |
| |) | |
| <i>Plaintiff,</i> |) | |
| |) | |
| v. |) | COMPLAINT |
| |) | |
| CUSHMAN & WAKEFIELD, INC., |) | JURY TRIAL DEMANDED |
| |) | |
| <i>Defendant.</i> |) | Index No. |
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Plaintiff Maria Sicola (“Ms. Sicola” or “Plaintiff”), by and through her attorneys, Sanford Heisler Kimpel, LLP, brings this action against Defendant Cushman & Wakefield, Inc. (“Defendant,” “C&W,” or “the Company”) and alleges as follows with knowledge as to her own actions and upon information and belief as to all other matters:

I. OVERVIEW

1. On September 2, 2015, New York-based commercial real estate giant Cushman & Wakefield consummated its \$2 billion merger with Chicago-based DTZ, creating a global real estate services behemoth operating in more than 60 countries around the world. The “new Cushman & Wakefield” boasts “a combined total of \$5 billion in revenue, 43,000 employees, more than 4.3 billion square feet under management, and \$191 billion in transaction value.”

2. The Company also boasts a fourteen-person Global Leadership Team composed exclusively of men, and an ever-growing list of high-performing senior women who have

worked their way to the upper echelons of management only to be abruptly and humiliatingly shown the door to make room for a parade of younger, less qualified men.

3. Plaintiff Maria Sicola was, until Friday October 2, 2015, the Head of Research for the Americas at Defendant Cushman & Wakefield, Inc., one of the largest commercial real estate services firms in the world.

4. For almost thirty-five years, Ms. Sicola, who turned 60 on October 3, 2015, was a loyal employee of Cushman & Wakefield, where she began in 1981 as a Research Manager in the Industrial Brokerage Division. Even before she assumed the leadership role she has held for the last eight years, Ms. Sicola has pushed the C&W research organization forward through relentless innovation, as when she developed an award-winning database platform, SiteSolutions, recognized by Bill Gates as a unique application of Microsoft's Access software. In 2002, during her first six months in her prior position as Senior Managing Director of U.S. Research Services for C&W, Ms. Sicola rebuilt the Company's Research Department from a staff of 40 to nearly 100 after the Company's failed attempt to outsource its research organization. Since then, Ms. Sicola has transformed C&W into a research powerhouse, a leader in global forecasting and a collaborator with multiple prominent academic institutions.

5. Ms. Sicola has also received numerous awards for design and content of Cushman & Wakefield's MarketBeat series from the Business Marketing Association. Additionally, Ms. Sicola has been actively involved in initiatives aimed at standardizing and creating efficiency for real estate data exchange.

6. As one of C&W's most prominent and long-serving senior women, as well as a thought leader in her field, Ms. Sicola played a key role not only within industry organizations dedicated to the advancement of women, but also in the Company's own efforts, particularly

over the last several years, to position itself as a supporter of the advancement of women in the commercial real estate sector.

7. For example, as the 2015 annual conference of the Urban Land Institute (“ULI”) approached, featuring thousands of real estate industry leaders from around the world, Ms. Sicola organized a collaboration between ULI’s Women’s Leadership Initiative and Cushman & Wakefield to promote C&W’s recently launched Women’s Integrated Network (also called WIN, or WIN@Cushman&Wakefield). Begun in 2015, WIN’s stated goals are “to spearhead the creation of leadership and business development programs and events, and share best practices for attracting and investing in the professional development and advancement of women within the company and ultimately, the industry at large.”

8. Ms. Sicola was scheduled to appear at the ULI/WIN event on October 5 and to represent C&W on a ULI real estate forecasting panel two days later. As a panelist, along with a competitor and a Ph.D. economist, Ms. Sicola planned to again showcase the expertise and thought leadership that has garnered her numerous awards for the design and content of C&W’s MarketBeat series from the Business Marketing Association. Indeed, under Ms. Sicola’s leadership, C&W has won the Global Office Forecast Award for the last three years running.

9. In light of Ms. Sicola’s stellar performance and extensive experience at C&W, colleagues and industry insiders alike had also anticipated an announcement of Ms. Sicola’s appointment as Global Head of Research for the new C&W.

10. With an MBA, a Master’s Degree in Information Science, graduate level training in statistics and a nearly 35-year track record of success as the homegrown manager of C&W’s research division, Ms. Sicola was more than qualified and the obvious choice for the position. In

fact, the research organization proposed for the new C&W resembles, in many respects, the global model Ms. Sicola has for years pushed Cushman & Wakefield to adopt.

11. Instead, in a move that seemed almost calibrated to impose the maximum possible humiliation, C&W abruptly terminated Ms. Sicola just days before the ULI conference, offering her a year's severance and instructing her not to attend the Commercial Real Estate Women's Network ("CREW Network") conference, for which she was supposed to leave the next day. C&W also informed Ms. Sicola that she would no longer be participating in the ULI panel. In her place, C&W would send its new Head of Research, 39-year-old Kevin Thorpe, whose eight years as Chief Economist at DTZ gave him neither Ms. Sicola's staff management background nor her experience as leader of a much larger research organization with a global reach.

12. Ms. Sicola brings this action because Defendant Cushman & Wakefield has discriminated against her on the basis of gender and age in pay, promotion, and other terms, conditions, and privileges of her employment. By discriminating and retaliating against Ms. Sicola on the basis of her gender and age by marginalizing, underpaying, failing to promote and, ultimately, wrongfully terminating her, Cushman & Wakefield has violated the California Fair Employment and Housing Act, California public policy, and the California Unfair Competition Law.

13. Ms. Sicola seeks back pay; compensatory and punitive damages; attorneys' fees, costs and expenses; pre- and post-judgment interest; restitution and other appropriate monetary relief pursuant to the Fair Housing and Employment Act, California public policy, and the California Unfair Competition Law.

II. JURISDICTION AND VENUE

14. This Court has personal jurisdiction over Defendant Cushman & Wakefield, Inc. pursuant to CPLR § 301, as Defendant has its regional headquarters (Americas) in New York. Throughout most of the period at issue in this Complaint, New York was also the site of C&W's global headquarters.

15. Venue belongs in New York County. Defendant Cushman & Wakefield, Inc.'s regional office for the Americas is located in this County, and upon information and belief many of Defendant's wrongful acts and omissions were committed in this County.

III. PARTIES

A. The Plaintiff

16. Plaintiff Maria Sicola is a 60-year-old female resident of San Rafael, California.

17. At all relevant times, Ms. Sicola was employed by Cushman & Wakefield.

18. In 1981, Defendant hired Ms. Sicola as Research Manager of its Industrial Brokerage Division. Ms. Sicola worked for the Company in its New York headquarters from 1981 until 2006, when she moved to California to join her wife, Wendy, herself a former C&W employee.

19. From December 2014 until her termination, Ms. Sicola's direct supervisor was John Santora, then-CEO of the Americas, now Global Chief Operating Officer of C&W.

B. The Defendant

20. Defendant Cushman & Wakefield, Inc. is an international real estate company whose regional headquarters (Americas) is located in New York City. At all times relevant to this action, Defendant has maintained offices in New York City.

IV. FACTUAL ALLEGATIONS

A. Background

21. After receiving her BA from Seton Hall and pursuing graduate studies in Psychology at Purdue, including extensive work in statistics, Ms. Sicola obtained an MBA from Manhattan College and an MLS from Rutgers. In 1981, after spending two years as a Research Analyst at Dun and Bradstreet, Ms. Sicola joined C&W.

22. Over the course of her almost thirty-five years as a loyal employee of C&W, Ms. Sicola rose in the ranks to Head of the Company's research organization for the Americas. Under Ms. Sicola's leadership, Research was established as one of the Company's service line offerings in 2002. More recently, C&W received Euromoney's Real Estate Award for the #1-ranked real estate research firm in North America.

B. C&W Marginalizes Ms. Sicola While Favoring and Promoting Her Less Qualified Male and Younger Female Subordinates

23. Despite Ms. Sicola's extensive responsibilities and impressive performance, Cushman & Wakefield, in recent years, has repeatedly advantaged and promoted less qualified male and younger female employees, including Ms. Sicola's own subordinates, while marginalizing and failing to support Ms. Sicola herself.

24. When Ms. Sicola informed her then-supervisor, former C&W CEO Tony Marano, that she wished to transfer to the San Francisco office for personal reasons, he questioned her sexual orientation – asking whether she was moving for a man or a woman – and then denied her request. Only when Ms. Sicola pointed to all the men in national leadership roles at C&W who were not based in the New York office was her request finally granted some months later.

25. In 2012, C&W male executive leadership forced Ms. Sicola to offer raises to and ultimately promote her subordinate Ken McCarthy to Chief Economist, a position for which he

was clearly unqualified, so much so that he was ultimately demoted. Nevertheless, Mr. McCarthy was, at the time, given leave to write his own job description and the announcement of his promotion.

26. By contrast, when Ms. Sicola was promoted to the Head of Americas Research position in 2008, her promotion was not publicly announced; moreover, even with the promotion, Ms. Sicola received no raise between 2005 and 2008, and again between 2011 and 2014.

27. During the same period, Ms. Sicola consistently advocated for the creation of a Global Head of Research position for C&W, but was repeatedly rebuffed. When former CEO of the Americas Jim Underhill became her supervisor in 2010 and Ms. Sicola asked about promotion to a global position, CEO Underhill expressed surprise that Ms. Sicola was not already in a global position, since she was in fact producing research encompassing trends around the globe.

28. In the spring of 2012 and again in October 2012, Ms. Sicola discussed the global role again with then-CEO Glenn Rufrano. During their October conversation, CEO Rufrano claimed that C&W was still trying to decide whether to make the role inward- or outward-facing; if the latter, Rufrano mused, he wasn't sure Ms. Sicola would be the right person for the job. When Ms. Sicola pointed out her long track record of success in outward-facing activities, from public speaking to client presentations, CEO Rufrano said he needed some time to think about it.

29. When Mr. McCarthy was subsequently demoted after he failed to produce the significant and relevant "thought leadership" that was his sole responsibility in his nearly \$400K a year position, Ms. Sicola asked why the Company was not simply going to terminate him; a C&W Human Resources ("HR") representative told her that it would not be the "politically

correct” thing to do. At the same time, Ms. Sicola’s own repeated complaints that less qualified men and younger women were being paid more, promoted and otherwise advantaged were received with deaf ears by HR and Company management.

30. Even after his demotion, when Mr. McCarthy subsequently expressed his unwillingness to be supervised by Ms. Sicola, C&W male executive management granted his request to be supervised by male C&W executive Ron LoRusso. Only when Ms. Sicola told CEO Santora in an email, copying HR and LoRusso himself, that this decision “flies in the face of the women’s initiative and empowering women” did CEO Santora agree that Mr. McCarthy should report to Ms. Sicola.

31. In 2014, Ms. Sicola proposed to rank Mr. McCarthy a 4 (out of 5) and lower his bonus target accordingly due to his deficient performance, despite HR Executive Managing Director Charlene Pickus’s admonition that this would not be “good politically.” Confirming Ms. Pickus’s admonition, C&W management subsequently insisted that Mr. McCarthy be given his full bonus, despite his low rating.

32. Also in 2014, Ms. Sicola received a ranking of “3” from CEO Underhill. When Ms. Sicola pushed back, asking why her leadership of the #1-ranked real estate research organization in the country deserved merely a “meets expectations,” along with no raise in the prior three years, while less qualified men like Mr. McCarthy were promoted and handsomely paid, CEO Underhill said he would inquire with HR about a raise, but blamed Ms. Sicola for Mr. McCarthy’s lack of “thought leadership” in the prior year.

33. In March 2015, Ms. Sicola was shocked when she was told by Ms. Pickus and then-CEO Santora that she had received a “4” on her performance review, resulting in a \$10,000 cut to Ms. Sicola’s target bonus during a banner performance year for the Company.

34. Astonished and distressed at this unwarranted rating, Ms. Sicola pressed CEO Santora and Ms. Pickus for answers during an in-person meeting on March 30, 2015 as to how she could possibly be in the bottom 10% of C&W employees; neither CEO Santora nor Ms. Pickus could offer any factual basis for the rating.

35. Instead, CEO Santora offered a handful of vague allegations pointing toward the true nature of C&W leadership's baseless lack of confidence in Ms. Sicola, telling her, for example, that then-President and CEO Ed Forst preferred not to obtain research information from her because "there's not a comfort level there," and stating that the research produced by her organization is "backward-looking and we need to be more forward-looking." As a younger, female subordinate later told Ms. Sicola, "You're the past, I'm the future."

36. Notably, while this rating was communicated to Ms. Sicola on numerous occasions by both CEO Santora and Ms. Pickus, the Company never submitted any formal documentation of the review or the rating, in complete contravention of well-established C&W policy. Indeed, Ms. Pickus subsequently admitted that the review was a fabrication by C&W male executive management designed to push Ms. Sicola, who was viewed as "old school," out of the Company.

37. In fact, it is Ms. Sicola who has been the driving force behind the forward-looking initiatives that have won C&W accolades in the research area, including multiple research collaborations with prominent academic institutions. In recompense for these accomplishments, the Company has steadily empowered Ms. Sicola's male and younger female subordinates to undermine her: delegating work to her direct reports, withholding key information, and taking credit for research successes the Company has only attained thanks to Ms. Sicola's leadership.

38. Nevertheless, in the months since the DTZ acquisition, the decision of CEO Santora and other C&W management to elevate Ms. Sicola's less qualified, younger female subordinate, Janice Stanton, along with Mr. Thorpe, to Team Leads for the Americas and Global Research Integration Team imported the marginalization of Ms. Sicola into the new C&W organization.

C. A Discriminatory Climate at Cushman & Wakefield

39. The discriminatory failure to promote Ms. Sicola to Global Head of Research – the position for which she had advocated for years and for which she was the obvious and most qualified choice – followed immediately by her abrupt termination, are only the most recent and egregious examples of the age and gender discrimination that permeate the new C&W as much, or more, than its predecessor.

40. In one particularly egregious example, Ms. Sicola was sexually harassed by an intoxicated male broker at a C&W conference in May 2014. Despite multiple complaints to Human Resources by Ms. Sicola, upon information and belief, no action was taken.

41. Discriminatory attitudes are part of the culture at C&W. For example, at a recent meeting in Dallas, the Head of Industrial Brokerage, John Morris, began his presentation by thanking Bronwen Bastone, C&W's newly appointed head of Human Resources, for putting a picture of herself in each attendee's conference packet, referring to a *Where* magazine cover featuring a tall, attractive blonde woman wearing a short, tight black dress and holding a guitar.

42. At the same meeting, Lou Alvarado, Eastern Region President – one of the many male leaders whom CEO Santora had said were dissatisfied with Ms. Sicola – opened his remarks with before-and-after slides of Bruce Jenner and Caitlin Jenner to introduce the

meeting's theme of "Transformation," commenting, to the laughter of the assembled, "I can't believe no one else jumped on the opportunity."

43. At the same meeting, Shawn Mobley, President of C&W's Central Region, commented on the youth of the new leadership in Chicago, with the exception of Executive Managing Director Michael Schaeffer, "who's been here like since 1945 or something."

44. One client attending the meeting added, during a discussion of strategies, "We are trying to get the average age of our staff down from 43 to mid-30's." He paused, asking, "Did I go too far, say too much?" This comment, too, was met by laughter and no demurrer.

D. C&W Celebrates Inclusion of Women by Abruptly Terminating Ms. Sicola

45. Despite the fact that Ms. Sicola was not only eminently qualified for the Global Head of Research position but had already effectively led C&W's research organization to global prominence as the Head of Research for the Americas, C&W, upon information and belief, did not even consider her for the position, instead appointing a 39-year-old man who lacked Ms. Sicola's global or staff management experience.

46. The strain of her marginalization by C&W management, all the while watching as her less qualified male and younger female subordinates were supported and promoted, has taken its toll on Ms. Sicola's mental and physical health, leading to difficulty sleeping, lack of appetite, panic attacks and what has been diagnosed as circumstantially-induced depression.

47. C&W's decision to terminate Ms. Sicola with four days' notice from the job she held for almost 35 years – effective one business day before she was scheduled to appear at the ULI/C&W women's launch event she had organized – has escalated the dignitary harm beyond anything Ms. Sicola could have imagined. Since she was given notice of her termination on

September 28, 2015, Ms. Sicola has found herself weeping uncontrollably and has been plagued by feelings of worthlessness, anger and humiliation.

ADMINISTRATIVE REMEDIES

48. Plaintiff timely filed a charge of discrimination against Cushman & Wakefield, Inc. with the California Department of Fair Employment and Housing (DFEH) and received a notice of right to sue on October 5, 2015.

FIRST CAUSE OF ACTION

Gender and Age Discrimination in Violation of FEHA, California Government Code Section 12940

49. Plaintiff re-alleges and incorporates by reference each and every allegation in the previous paragraphs as though fully set forth herein.

50. The Fair Employment and Housing Act (“FEHA”) codified in California Government Code §§12900 *et seq.*, makes it unlawful for an employer to discriminate against an employee on the basis of the employee’s gender or age.

51. Defendants engaged in unlawful employment practices in violation of the FEHA by discriminating against Ms. Sicola based on her age and gender in pay and other terms and conditions of employment, retaliating against Ms. Sicola for complaining about this discrimination, refusing to promote Ms. Sicola to a position for which she was qualified while promoting in her stead a less qualified, younger male, and ultimately terminating Ms. Sicola.

52. As a direct and proximate result of Defendant’s wrongful conduct, Plaintiff has suffered emotional distress, mental pain, and anguish, and substantial loss in earnings and other employment and financial benefits.

53. Plaintiff is entitled to all monetary remedies available for violations of the FEHA, including lost compensation, back pay, front pay, compensatory damages, punitive damages, attorneys' fees and costs, and other appropriate relief.

SECOND CAUSE OF ACTION

Retaliation in Violation of FEHA, California Government Code Section 12940

54. Plaintiff re-alleges and incorporates herein by reference each and every allegation in the previous paragraphs as though fully set forth herein.

55. Under FEHA, it is an unlawful employment practice for any person to retaliate against an employee who opposes practices forbidden by FEHA or who asserts rights under FEHA. It is unlawful, under FEHA, to aid, abet, incite, compel, or coerce the doing of any acts forbidden under FEHA, and/or attempt to do so.

56. Plaintiff opposed practices forbidden by FEHA by complaining to Defendant about the gender and age discrimination to which she was subjected by the Company.

57. Defendant retaliated against Plaintiff by subjecting her to disparate terms and conditions of employment and ultimately terminating her.

58. As a direct and proximate result of Defendant's wrongful conduct, Plaintiff has suffered emotional distress, mental pain, and anguish, and substantial loss in earnings and other employment and financial benefits.

59. Plaintiff is entitled to all monetary remedies available for violations of the FEHA, including lost compensation, back pay, front pay, compensatory damages, punitive damages, attorneys' fees and costs, and other appropriate relief.

THIRD CAUSE OF ACTION

Failure to Take Reasonable Steps to Prevent Harassment, Discrimination, and Retaliation in Violation of FEHA, California Government Code Section 12940(k)

60. Plaintiff re-alleges and incorporates herein by reference each and every allegation

in the previous paragraphs as though fully set forth herein.

61. It is unlawful for an employer to fail to take all reasonable steps necessary to prevent discrimination, harassment, and retaliation in violation of FEHA.

62. Defendant failed and refused to take all reasonable steps necessary to prevent harassment, discrimination, and subsequent unlawful retaliation from occurring.

63. Defendant failed or refused to take appropriate steps to abate or prevent harassment and discrimination in the workplace by failing to effectively train its employees, supervisors, and managers regarding sex- and age-based harassment, discrimination, and retaliation, and by failing to enforce policy against such unlawful conduct.

64. As a direct and proximate result of Defendant's wrongful conduct, Plaintiff has suffered emotional distress, mental pain, and anguish, and substantial loss in earnings and other employment and financial benefits.

65. Plaintiff is entitled to all monetary remedies available for violations of the FEHA, including lost compensation, back pay, front pay, compensatory damages, punitive damages, attorneys' fees and costs, and other appropriate relief.

FOURTH CAUSE OF ACTION

Wrongful Termination in Violation of Public Policy

66. Plaintiff re-alleges and incorporates herein by reference each and every allegation in the previous paragraphs as though fully set forth herein.

67. Under California law, there is a fundamental and well-established public policy against discrimination on the basis of gender, associational discrimination, and retaliation for opposing discrimination and other unlawful working conditions. Said public policy is embodied in the Constitution of the State of California and FEHA.

68. Defendant dismissed Plaintiff from her job in retaliation for her complaints about the gender- and age-based discrimination to which she had been subjected by the Company.

69. As a direct and proximate result of Defendant's wrongful conduct, Plaintiff has suffered emotional distress, mental pain, and anguish, and substantial loss in earnings and other

employment and financial benefits.

70. Plaintiff is entitled to compensatory damages and exemplary and/or punitive damages in an amount sufficient to punish Defendant and deter future retaliation and discrimination of the same kind.

FIFTH CAUSE OF ACTION

Unfair Competition in Violation of California Business and Professional Code Section

17200 et seq.

71. Plaintiff re-alleges and incorporates herein by reference each and every allegation in the previous paragraphs as though fully set forth herein.

72. Defendant Cushman & Wakefield, Inc. is a “person” as defined under California Business & Professions Code § 17021.

73. California’s Unfair Competition Law (“UCL”), Cal. Bus. & Prof. Code § 17200 *et seq.*, prohibits “unfair competition,” including any “unlawful” or “unfair” acts or practices. Defendant’s discriminatory and retaliatory conduct as alleged herein constitute unlawful and/or unfair acts or practices prohibited by § 17200 *et seq.*

74. As a result of its unlawful and/or unfair acts, Defendant reaped and continues to reap unfair benefits and illegal profits at the expense of Plaintiff. Defendant should be made to disgorge these ill-gotten gains pursuant to Cal. Bus. & Prof. Code § 17203.

75. Accordingly, Plaintiff respectfully requests that the Court award judgment and relief in her favor to provide restitution with interest and other monetary relief.

76.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that this Court:

A. Award Plaintiff all of her damages resulting from Defendant’s discrimination on the basis of gender and age in violation of the FEHA, California public policy and the Unfair

Competition Law, including lost compensation, back pay, front pay, compensatory damages, restitution, and punitive damages, in an amount in excess of \$40 million;

B. Award Plaintiff all attorneys' fees, costs, and expenses available under law;

C. Award Plaintiff all pre-judgment interest and post-judgment interest available under law; and

D. Award Plaintiff such additional and further relief as this Court may deem just and proper.

JURY DEMAND

Plaintiff demands a trial by jury on all issues.

Dated: October 6, 2015

SANFORD HEISLER KIMPEL, LLP

Deborah Marcuse (4799649)
Jeremy Heisler (1653484)
David Tracey (5232624)
SANFORD HEISLER KIMPEL, LLP
1350 Avenue of the Americas, 31st Floor
New York, NY 10019
Telephone: (646) 402-5650
Facsimile: (646) 402-5651
dmarcuse@sanfordheisler.com
jheisler@sanfordheisler.com
dtracey@sanfordheisler.com

David Sanford
SANFORD HEISLER KIMPEL, LLP
1666 Connecticut Avenue NW, Ste. 300
Washington, DC 20009
Telephone: (202) 499-5200
Facsimile: (202) 499-5199
dsanford@sanfordheisler.com