

FROM THE COURTS

Court Rules Discrimination Case Against Montefiore Must Continue



The plaintiff, wrote the New York appeals court, “points to evidence” that a doctor “regularly favored white employees over black employees.”

by Jason Grant

A state appeals court ruled that factual issues still exist, and a lawsuit must move forward, in a racial discrimination case in which a former Bronx hospital staff member claims that a medical doctor both gave white employees better assignments than black employees and made disparaging racial remarks, such as saying “you people” and “those people,” when referring to black people generally.

An Appellate Division, First Department panel reversed a lower court dismissal of plaintiff Marsha Bateman’s employment discrimination, hostile work environment and retaliation-focused lawsuit against Montefiore Medical Center. The panel wrote in part that the “dispute turns on whether defendants terminated plaintiff [Bateman] for discriminatory reasons” and that “issues of fact exist as to whether the proffered reason” for firing Bateman—that Bateman failed in many or most of her job requirements—“was pretextual.”

Bateman, according to her lawyer in the case, which was lodged in 2011, had worked as an administrative project manager while at Montefiore Medical Center, particularly on a study being conducted there. The attorney, Uwem Umoh of the Umoh Law Firm in Brooklyn, noted Thursday in a phone interview that in addition to Montefiore, the medical doctor has been named as a defendant in the lawsuit. He said the doctor defendant is Dr. Marina Reznik.

The panel on Thursday, which did not give the doctor’s first name in its opinion, wrote that Bateman “points to evidence that Dr. Reznik regularly favored white employees over black employees, by giving white employees better assignments while giving black employees undesirable assignments supposedly more consistent with their ethnicity.”

Continued the unanimous panel, “Plaintiff also alleges that Dr. Reznik regularly referred to black employees, collectively, in a critical manner clear from context, as ‘you people’ or ‘those people.’”

Bateman further testified, wrote the panel, “that she heard Dr. Reznik mutter, in a critical manner, ‘black people,’ when chastising plaintiff.”

The justices then wrote that, “this evidence raises issues of fact as to whether defendants”— Montefiore Medical Center in the Bronx and the other defendants—“terminated plaintiff for invidious reasons.”

The panel noted that the defendants had “proffer[ed] a facially legitimate reason for terminating plaintiff, namely, that she failed in many, if not most, of her job requirements, and failed to improve after being given a warning and final chance.”

“Viewed as a whole, however,” wrote the panel, “we find that issues of fact exist as to whether the proffered reason was pretextual and thus, defendants’ motion should be denied to the extent it seeks dismissal of plaintiff’s claims for race-based employment discrimination.”

The panel of Justices Rolando Acosta, Dianne Renwick, Troy Webber and Ellen Gesmer added that issues of fact also remained regarding whether Bateman had faced a hostile work environment, under the state and city human rights laws, such as “whether plaintiff was disparaged and treated unfairly for months, including being repeatedly subjected to remarks, thinly-veiled and on one occasion express, which slighted black people as a group.”

Addressing her retaliation claim, the panel pointed out, in part, that Bateman had alleged that during an interview at the hospital in which she complained about discrimination “the HR officer strongly suggested that plaintiff would be punished for speaking out,” and panel noted that she was terminated not long after the interview, which “further supports a finding of causal connection between plaintiff’s complaints and her termination,” the panel said.

Jean Schmidt, a shareholder at Littler Mendelson in New York, represented Montefiore and the defendants in the appeal, according to the opinion issued Thursday. She did not respond to an email seeking comment.

Umoh, the lawyer for Bateman, declined to comment about the panel’s decision.

Jason Grant covers legal stories and cases for the New York Law Journal, an ALM affiliate of the Daily Business Review. Contact him at jgrant@alm.com. On Twitter: @JasonBarrGrant.



CITY OF DORAL NOTICE OF PUBLIC HEARING

All residents, property owners and other interested parties are hereby notified of a **VIRTUAL COUNCIL ZONING MEETING** on **Wednesday, June 10, 2020 beginning at 11:30 AM**, to consider the following text amendment to the City of Doral Land Development Code. The City Council will consider this item for **SECOND READING**. The meeting will be held with the elected officials, administration and City staff participating via video conferencing.

Governor DeSantis’ Executive Order Number 20-69 and Extension 20-112 suspended the requirements of Section 112.286, Florida Statutes and the Florida Sunshine Law, that a quorum to be present in person, and that a local government body meet at a specific public place. The Executive Order also allows local government bodies to utilize communications media technology, such as telephonic and video conferencing for local government body meetings.

Public Comments: members of the public that wish to provide comments may do so by emailing the City Clerk at cityclerk@cityofdoral.com. Comments must be submitted with your name and full address by **Tuesday, June 9, 2020**. The comments will be circulated to the elected officials and administration, as well as remain as a part of the record for the meeting.

The meeting will be broadcasted live for members of the public to view on the City of Doral’s website (<https://www.cityofdoral.com/government/city-clerk/council-meetings>) as well as Channel 77 and Facebook Live.

The City of Doral proposes to adopt the following Ordinance:

ORDINANCE No. 2020-11

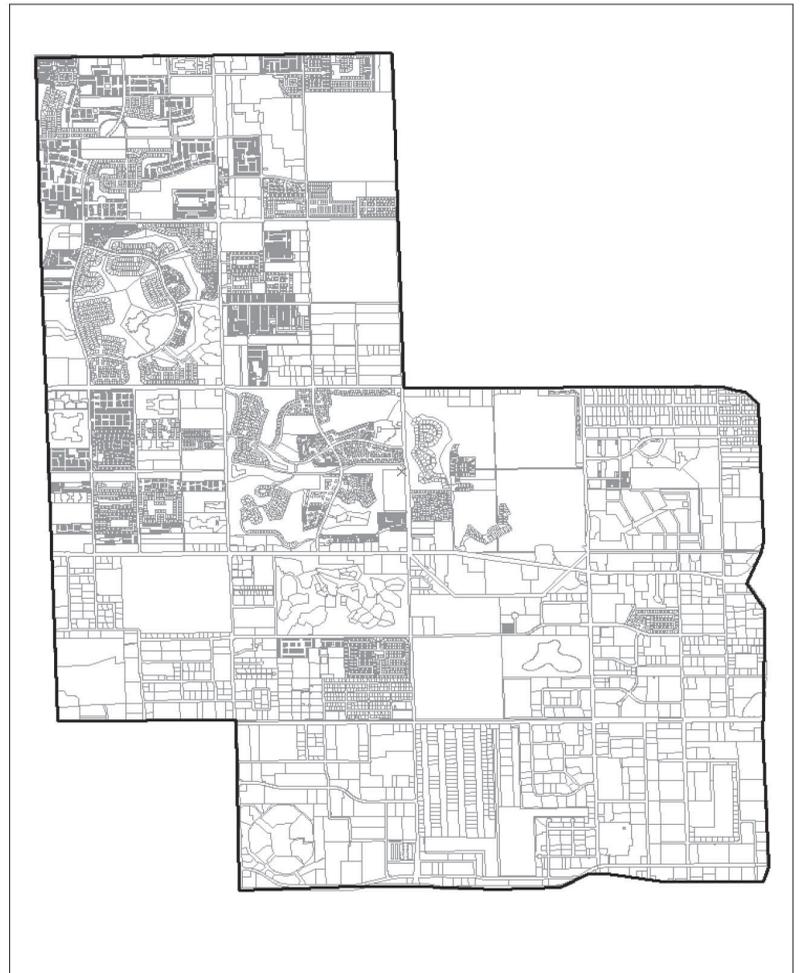
AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING CHAPTER 83 OF THE CITY’S CODE OF ORDINANCES, ENTITLED “SUBDIVISIONS”; PROVIDING CLARIFICATION FOR CITYWIDE PLATTING PROCESSES AND REQUIREMENTS; PROVIDING A REVISION TO THE LANGUAGE CONFORMING TO THE CITY PROCESSES; REVISION TO THE APPROVAL PROCESS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE

HEARING NO.: 20-05-DOR-12

APPLICANT: City of Doral

REQUEST: Text amendments to the City of Doral Land Development Code, Chapter 83 – “Subdivisions”.

Location Map



Inquiries regarding the item may be directed to the Planning and Zoning Department at 305-59-DORAL.

Pursuant to Section 286.0105, Florida Statutes If a person decides to appeal any decisions made by the City Council with respect to any matter considered at such meeting or hearing, they will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law. In accordance with the Americans with Disabilities Act, any person who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the Planning and Zoning Department at 305-59-DORAL no later than three (3) business days prior to the proceeding.

Connie Diaz, MMC
City Clerk
City of Doral

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