

U.S. DISTRICT COURT E.D.N.Y.

★ JUL 28 2009



ORIGINAL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

LISHAN WANG, M.D.

Plaintiff,

-against-

KINGSBROOK JEWISH MEDICAL CENTER,

Defendant(s),

VERIFIED COMPLAINT

09-3236

JURY TRIAL DEMANDED

GLEESON, J.
GOLD, M.J.

NATURE OF ACTION

1. Plaintiff LISHAN WANG, M.D. ("Dr. Wang" or "Plaintiff") brings this action against Defendant KINGSBROOK JEWISH MEDICAL CENTER. ("KJMC" or "Defendant"), for declaratory and monetary relief and damages (compensatory and punitive) for injuries Plaintiff has sustained as a result of KJMC's race, national origin and disability discrimination against him and KJMC's retaliation against him for investigating, disclosing and opposing said discrimination, in violation of the Civil Rights Act of 1866, 42 U.S.C. § 1981 ("Section 1981"); Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq., ("Title VII"), the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq., ("ADA"), Americans with Disabilities Act Amendments Act of 2008 ("ADA"), the New York State Human Rights Law, New York Executive Law § 296 et seq., (the "Executive Law"); and the Administrative Code of the City of New York § 8-107 et seq. (the "City Law").'

2. The Plaintiff, DR. WANG, through his attorney, CHRISTINE A. RODRIGUEZ, complaining of the defendants, respectfully alleges:

JURISDICTION

3. Pursuant to § 8-502(c) of the City Law, prior to filing this Complaint, Plaintiff served a copy of the Complaint on the City of New York Commission on Human Rights and the City of New York Corporation Counsel.

4. Jurisdiction is proper under 28 U.S.C. §§ 1331 and 1343(4). The Court has supplemental jurisdiction over the claims brought under the Executive Law and the City Law pursuant to 28 U.S.C. § 1367.

5. As the unlawful practices complained of herein occurred within the Eastern District of New York, venue is proper in this District pursuant to 28 U. S. C. § 1391.

6. The amount in controversy exceeds \$75,000.00 excluding interest and costs.

7. Dr. Wang filed his charge of discrimination with the Equal Employment Opportunity Commission (“EEOC”) on or about July 6, 2008.

8. The EEOC issued a “Dismissal and Notice of Rights” to sue to Dr. Wang and his attorney, dated May 8, 2009 and received by Dr. Wang’s attorney on May 11, 2009.

PARTIES

9. Plaintiff is a 43 year old native of China who emigrated to the U.S. as an adult and has been a permanent resident since 2004. Dr. Wang currently resides in the State of Georgia. At all times relevant to the complaint herein, plaintiff resided in the County of Kings, City and State of New York.

10. At all times relevant herein, the plaintiff was employed by defendant, KJMC as a resident in defendant's medical training program.

11. At all times hereinafter mentioned, and upon information and belief, the defendant, Kingsbrook Jewish Medical Center, was at all times relevant hereto, a not-for-profit corporation duly organized and existing pursuant to the laws, statutes and charters of the State of New York, with its principal place of business in Kings County, New York.

12. Defendant KJMC is a community hospital with an active medical training program that the plaintiff was a part of before his termination in July 2008.

FACTUAL ALLEGATIONS

13. Dr. Wang began as a first year resident in KJMC's Internal Medicine residency program on July 1, 2006. As a KJMC resident, Dr. Wang was covered by the collective bargaining agreement between KJMC and the Committee of Interns and Residents/National Affiliate of the Service Employees International Union (CIR/SEIU).

14. Dr. Wang successfully completed his first year in the residency program (PGY-1) after receiving good evaluations from his supervisors. As a result, Dr. Wang was offered and accepted a contract to continue into his second year of the program (PGY-2) beginning July 1, 2007.

15. However, several times during his PGY-1 year and increasingly during his PGY-2 year, Dr. Wang experienced repeated hostile treatment at the hands of his supervisors, other doctors and hospital staff who were not Chinese and who became upset on occasions when Dr. Wang would ask questions about or raise issues concerning what he sometimes believed was inadequate patient treatment standards and care.

Hinke, but Dr. Wang was required to offer her an apology.

17. Additionally, Chinese residents like Dr. Wang were repeatedly singled out and required to write detailed explanations for medical decisions when they made minor mistakes and sometimes when no mistakes were made. Residents who were not Chinese were not asked or required to provide similar explanations in similar circumstances. The Chinese residents, like Dr. Wang, who were continuously asked to provide written explanations of medical decisions worked in constant fear of termination because they were specifically told that all write ups would go in their permanent file.

18. In one such instance, Dr. Wang was ordered to provide a written explanation for why a patient was not prescribed influenza vaccine, even though the patient had not been under Dr. Wang's care. In another instance, Dr. Wang was ordered to provide a written explanation for why a patient with severe hypokalemia, who subsequently died, was not prescribed potassium although that patient refused the treatment and was not under Dr. Wang's care at the time. The resident who was actually taking care of this patient, and was not Chinese, was not asked to provide any explanation.

19. Throughout his employment with KJMC, Dr. Wang witnessed repeated instances of unfair treatment directed specifically towards Chinese residents like him.

For example, in one such instance, Dr. J. Patel, a non-Chinese coordinator in the program, sent Dr. Wang back to the audience of residents abruptly after he finished presenting the chief complaint of a patient in a morning report. Dr. Wang was unjustifiably singled out, scolded and warned that he should not have used the patient's own words in his report, as he was taught to do in textbook explanations of how to present a patient's chief complaint. Instead, Dr. Patel told Dr. Wang that he should use medical terminology to describe the chief complaint, which is unorthodox. Dr. Patel also tried to convince the Department to terminate another Chinese resident, simply because he failed to write a progress note. However, many of the other non-Chinese residents did not write progress notes and were not disciplined.

20. In April 2008,. Dr. Wang observed Dr. Vajinder, the Chief Resident for the Department of Medicine, single out two Chinese residents and humiliate them verbally in front of all the other medical residents during a morning conference.

21. Dr. Wang also witnessed, documented and reported numerous irregularities and mistakes in patient care during his employment for which he was deemed difficult. For example, Dr. Wang observed nurses, supervisors and directors altering medical charts as a matter of routine in order to cover their mistakes retroactively. On one occasion when Dr. Wang reported an incident in the emergency room concerning a patient who was dying of hypotensive shock and was not given necessary IV fluid. In response, Dr. Zahir, the program director, suggested that Dr. Wang have a psychiatric consult.

22. On yet another occasion, Dr. Wang observed the nurses administer chemotherapy to a patient in 6 hours, instead of the prescribed 46 hours, and then later

change the prescription to conceal the error. Nurses also infrequently disregarded patient's written Do Not Resuscitate and Do Not Intubate orders and altered medical charts to conceal this fact. Dr. Wang is also aware of and has observed patients restrained even after restraining orders expired, nurses forcing clearly competent elderly patients to take sleeping pills when they explicitly refused the medication, blood transfusions administered to a patient who clearly explicitly refused blood transfusion and patients with a fall risk who were on observation and were left unobserved and allowed to repeatedly fall to the floor. One of the chief residents, Dr. Shazad, who is not Chinese and was aware of these mishaps, repeatedly admitted patients without examination and was never questioned.

23. Additionally, during his PGY-2 year, in November 2007, Dr. Wang was required to report more than once before the KJMC's House Staff Affairs Committee to explain himself after doctors and some of the nursing staff complained about Dr. Wang. The doctors complaints suggested that Dr. Wang exhibited problems with his "interpersonal skills and following the direction of others." These complaints surfaced only after Dr. Wang expressed concern about the course of treatment provided to patients in several instances and in instances where it is alleged that Dr. Wang was absent from his assigned area and could not be found when needed by hospital staff.

24. However, in each instance, Dr. Wang was able to provide an uncontested explanation of his whereabouts that did not violate any hospital rules or jeopardize patient care, such as being in the library or on a brief break when there were no patients to be seen at the time. Additionally, when he was questioned about his medical decisions, he provided details written explanations that were disregarded by the

Committee. Instead, Dr. Wang was unfairly labeled as “excitable,” “emotional,” and unable to “control his anger.” The Committee instructed two of Dr. Wang’s supervisors to mentor and counsel him regarding his perceived problems, but this never occurred.

25. In fact, the “incidents” discussed at the Committee meetings addressing Dr. Wang’s “behavior” in November 2007 were uncorroborated, and presumably viewed as minor since Dr. Wang’s supervisors never addressed the issue further with Dr. Wang after the Committee meetings in November 2007 as requested. In fact, in November 2007, Dr. Wang was offered a PGY-3 contract to continue into his third year of residency and he received “satisfactory” marks for all of his rotation evaluations.

26. There was also a pattern of discriminatory behavior that persisted against Chinese residents with respect to the use of sick leave throughout Dr. Wang’s employment. Dr. Wang observed that other residents of various religious backgrounds at KJMC could take time off to observe their holidays, while it was difficult for Dr. Wang and other Chinese residents to take sick leave. Dr. Wang is aware of at least one Chinese resident who was not allowed to take sick leave in November 2007 even though she presented a note with a physician’s diagnosis to the Department of Medicine.

27. In stark contrast, a non-Chinese resident did not show up for her assigned shift on the night of April 7, 2008, but she was apparently never questioned or disciplined for this. Another non-Chinese resident, Dr. Afridi, was continually late for work, frequently left early before her shift ended and did so without being questioned or disciplined.

28. The first time that Dr. Wang was out sick during his residency at KJMC was October 19, 2006, after which he was immediately warned the next day by the chief

resident Dr. Salemi that he would be punished with two extra days on-call if he got sick again on a day that he was on-call. Dr. Wang reported this to the Department of Medicine via e-mail to the program secretary, but no action was taken.

29. Then, on March 13, 2008, Dr. Wang was at work and not feeling well. When he asked the chief resident Dr. Silkov to grant him permission to go home sick he was refused. By the afternoon on his shift that day, Dr. Wang felt increasingly ill and had developed a fever. He approached Dr. Silkov again and was referred to the Associate Director of the residency program, Dr. Mark Russell. Instead of allowing Dr. Wang to go home sick, Dr. Russell directed Dr. Wang to go to the emergency room for an examination.

30. While being examined by the Dr. Fuch in the emergency room, another chief resident Dr. Vajinder came into the emergency room and told Dr. Fuch to perform extra blood tests and unnecessary x-rays on Dr. Wang. Dr. Wang was not allowed to go home sick after the examination.

31. Dr. Wang sent a letter to the Department of Medicine on March 14, 2008 complaining about this unfair treatment and specifically detailing Dr. Vajinder's inappropriate interference with the examination performed by Dr. Fuch in the emergency room and Dr. Vajinder's insistence on unnecessary medical testing. Dr. Russell forwarded Dr. Wang's complaint to KJMC's Human Resources department.

32. Rather than investigate the matter or take any action, the Human Resources department sided with Dr. Vajinder and Dr. Russell pressured Dr. Wang to withdraw his complaint. Additionally, Human Resources, in correspondence with Dr. Wang's CIR/SEIU representative via email, suggested that Dr. Wang was in fact too sick

to hear Dr. Vajinder correctly, and as a result, his description of what happened in the emergency room was inaccurate. It was at this time that Dr. Wang first realized that KJMC perceived him as being disabled in that he may suffer from mental impairment that impacted on his ability to perceive.

33. Despite the unfair treatment he experienced and KJMC's misperception of Dr. Wang as mentally impaired, Dr. Wang continued to work through his second year in 2007. In fact, in direct contrast with what KJMC has characterized as Dr. Wang's behavioral problems, Dr. Wang received favorable evaluations throughout his first and second year of residency. Additionally, during the time period when some of his supervisors and KJMC Human Resources began to falsely characterize Dr. Wang as mentally impaired and suffering from "anger" issues, Dr. Wang scored well on the "interpersonal skills" sections of his evaluations with no mention of emotional or anger related problems.

34. Moreover, the series of House Staff Affairs Committee meetings show that Dr. Wang was unfairly perceived as mentally impaired and therefore "disabled" within the meaning of the ADA, New York State and City Law as early as November 2007, although this was not revealed to Dr. Wang until much later. Additionally, these meetings demonstrate an attempt to exploit and exaggerate Dr. Wang's attempts to protect himself from abusive staff and document incidents of sloppy procedure that he observed and objected to during his training. The meetings were precipitated in part by a complaint lodged by Dr. Geralda Xavier, who claimed the Dr. Wang yelled at her during a phone call and hung up on her when she called to ask him about admitting a patient to the critical care unit (CCU). Dr. Xavier is not Chinese and Dr. Wang had previously

complained to his supervisors that she had treated him in a rude and abusive manner. Nothing was done to address Dr. Wang's complaint. However, the Committee sided with Dr. Xavier who is not Chinese and inappropriately attributed the perceived problems with Dr. Wang's behavior to his unspecified "family problems." Despite the committee's misplaced perception that Dr. Wang was experiencing emotional problems at the time, he was not disciplined in any way or warned that any further complaints might lead to his termination.

35. Instead, the Committee met two more times on November 26 and November 28, 2007. Dr. Wang does not recall being present before the Committee on either of these dates. Notably, the meeting minutes simply indicate that Dr. Wang was encouraged to use the "support system available to him." It is unclear from the minutes why the Committee felt it necessary to meet twice in the space of two days regarding Dr. Wang. Again, Dr. Wang was not disciplined or warned that he risked being terminated for "unprofessional" behavior. The Committee's assessment of Dr. Wang in November 2007 was based mostly upon his demeanor. It is important to note that Dr. Wang speaks with a heavy accent, in a very formal manner and regularly gestures with his hands when speaking. This can be attributed to his cultural background as a Chinese immigrant who came to the United States as an adult. It is apparent that the Committee wrongly mistook Dr. Wang's mannerisms and demeanor (as may some of KJMC's staff) as some sort of exaggerated excitability and emotional impairment.

36. As Dr. Wang's PGY-2 year progressed, he continued to experience unfair discriminatory treatment and retaliation for his complaints about this treatment. In a further act of discrimination and retaliation, Dr. Vajinder unfairly targeted Dr. Wang on

May 15, 2008, by accusing him of ignoring pages and calls from hospital staff while on duty. Dr. Vajinder told DR. Wang that he had been looking for him for several hours in the afternoon, was unable to find him and that the nurses and other residents were unable to find him earlier that morning. Dr. Wang attempted to defend himself against Dr. Vajinder's accusations by explaining that he had been working at the intensive care unit (ICU) and the emergency room that morning, had answered pages regarding consults and renewed orders for ICU patients that afternoon in an effort to show that he was easily accessible throughout the entire day.

37. Dr. Vajinder pressed the issue, and engaged in a heated discussion with Dr. Wang after walking him from the emergency room towards the ICU and stopping in front of the security station in the hospital lobby. An hour after this heated discussion, Dr. Vajinder then accused Dr. Wang of threatening his safety by using hostile body language although he did not summon security to assist him. Dr. Vajinder also alerted Dr. Mukherji, the ICU director, who, without engaging in any discussion about the matter with Dr. Wang, declared, "we will take action (against Dr. Wang)." Dr. Wang was ordered to remain in a small room in ICU next to the nursing station for the rest of his shift and had to ask Dr. Mukherji if he could go home when his shift ended at 9:00 PM that evening.

38. Dr. Wang was immediately suspended with pay pending an investigation on May 22, 2008, and was advised by a letter from KJMC Vice President of Human Resources, John McKeon, that the hospital decided to propose his termination and that he could appeal this decision pursuant to the CIR/SEIU collective bargaining agreement. Dr. Wang chose to exercise this right with the assistance of a union representative and

union counsel. Notably, in violation of the collective bargaining agreement, once Dr. Wang chose to exercise this right, KJMC wrongfully suspended Dr. Wang's pay and reversed funds directly deposited into his account. However, after a grievance was filed with the union, KJMC finally issued Dr. Wang a check for his pay sometime after July 2008.

39. During the appeal process, Dr. Wang was informed by his union representative and counsel that KJMC would only allow him to remain employed if he sought disability leave for mental impairment. Dr. Wang was further informed that if he did not avail himself of this opportunity that he would be terminated. Dr. Wang's own union counsel urged him to seek counseling and go out on disability for his "impairment" in an effort to avoid termination, despite Dr. Wang's reluctance to feign impairment for the sake of saving his job. Left with no real option, Dr. Wang chose to seek the assistance of private counsel. In the meantime, a hearing was conducted before KJMC's House Staff Affairs Committee which was attended by union counsel.

40. After the Committee hearing, Dr. Wang was informed that the recommendation for his termination was approved by the committee. Dr. Wang's employment was terminated by a letter from KJMC dated July 25, 2008.

FIRST CAUSE OF ACTION
Retaliation in Violation of the Civil Rights Act of 1866, 42 U.S.C. §1981

41. Plaintiff repeats, reiterates and realleges paragraphs 1 to 40 of this Complaint as if fully set forth herein.

42. Section 1981 prohibits retaliation for a person's opposition to race discrimination in the making, enforcement, performance, modification, and termination

of contracts, including employment contracts, and the enjoyment of all benefits, privileges, terms, and conditions of the contractual relationship.

43. Plaintiff opposed Defendant's racially discriminatory practices by the conduct described above.

44. Defendant's decision to terminate Plaintiff's employment constituted retaliation in violation of Section 1981.

45. Defendant engaged in its retaliatory actions with malice and with reckless indifference to Plaintiff's federally protected rights.

46. Defendant's actions described above directly and proximately have caused, and continue to cause, Plaintiff to suffer loss of income and other financial benefits, a loss of future professional opportunities and future income, anguish, pain and suffering, humiliation, indignity, personal embarrassment, and damage to her professional reputation.

SECOND CAUSE OF ACTION
Racial Discrimination Under the Title VII

47. Plaintiff repeats, reiterates and realleges paragraphs 1 to 46 of this Complaint as if fully set forth herein.

48. By the acts and practices described above, Defendant has discriminated against Plaintiff in the terms and conditions of his employment on the basis of his race, in violation of Title VII.

49. Plaintiff is now suffering and will continue to suffer irreparable injury and monetary damages and damages for mental anguish and humiliation as a result of Defendant's discriminatory acts.

51. By the acts and practices described above, Defendant has discriminated against Plaintiff in the terms and conditions of his employment on the basis of his national origin , in violation of Title VII.

52. Plaintiff is now suffering and will continue to suffer irreparable injury and monetary damages and damages for mental anguish and humiliation as a result of Defendant's discriminatory acts.

FOURTH CAUSE OF ACTION
Disability Discrimination Under the ADA and ADAA

53. Plaintiff repeats, reiterates and realleges paragraphs 1 to 52 of this Complaint as if fully set forth herein.

54. By the acts and practices described above, Defendant has discriminated against Plaintiff in the terms and conditions of his employment on the basis of his being "regarded as" disabled, in violation of the ADA and ADAA.

55. Plaintiff is now suffering and will continue to suffer irreparable injury and monetary damages and damages for mental anguish and humiliation as a result of Defendant's discriminatory acts.

FIFTH CAUSE OF ACTION
Racial Discrimination Under the Executive Law

56. Plaintiff repeats, reiterates and realleges paragraphs 1 to 54 of this Complaint as if fully set forth herein.

57. By the acts and practices described above, Defendant has discriminated against Plaintiff in the terms and conditions of his employment on the basis of his race, in violation of the Executive Law.

58. Plaintiff is now suffering and will continue to suffer irreparable injury and monetary damages and damages for mental anguish and humiliation as a result of Defendant's discriminatory acts.

SIXTH CAUSE OF ACTION
National Origin Discrimination Under the Executive Law

59. Plaintiff repeats, reiterates and realleges paragraphs 1 to 58 of this Complaint as if fully set forth herein.

60. By the acts and practices described above, Defendant has discriminated against Plaintiff in the terms and conditions of his employment on the basis of his national origin, in violation of the Executive Law.

61. Plaintiff is now suffering and will continue to suffer irreparable injury and monetary damages and damages for mental anguish and humiliation as a result of Defendant's discriminatory acts.

SEVENTH CAUSE OF ACTION
Disability Discrimination Under the Executive Law

62. Plaintiff repeats, reiterates and realleges paragraphs 1 to 61 of this Complaint as if fully set forth herein.

63. By the acts and practices described above, Defendant has discriminated against Plaintiff in the terms and conditions of his employment on the basis of his being "regarded as" disabled, in violation of the Executive Law.

64. Plaintiff is now suffering and will continue to suffer irreparable injury and monetary damages and damages for mental anguish and humiliation as a result of Defendant's discriminatory acts.

EIGHTH CAUSE OF ACTION
Racial Discrimination Under the Administrative Code

65. Plaintiff repeats, reiterates and realleges paragraphs 1 to 64 of this Complaint as if fully set forth herein.

66. By the acts and practices described above, Defendant has discriminated against Plaintiff in the terms and conditions of his employment on the basis of his race, in violation of the Administrative Code.

67. Defendant acted with malice and/or reckless indifference to Plaintiffs statutorily protected rights.

68. Plaintiff is now suffering and will continue to suffer irreparable injury and monetary damages and damages for mental anguish and humiliation as a result of Defendant's discriminatory acts.

NINTH CAUSE OF ACTION
National Origin Discrimination Under the Administrative Code

69. Plaintiff repeats, reiterates and realleges paragraphs 1 to 68 of this Complaint as if fully set forth herein.

70. By the acts and practices described above, Defendant has discriminated against Plaintiff in the terms and conditions of his employment on the basis of his national origin, in violation of the Administrative Code.

71. Defendant acted with malice and/or reckless indifference to Plaintiffs statutorily protected rights.

72. Plaintiff is now suffering and will continue to suffer irreparable injury and monetary damages and damages for mental anguish and humiliation as a result of Defendant's discriminatory acts.

TENTH CAUSE OF ACTION
Disability Discrimination Under the Administrative Code

73. Plaintiff repeats, reiterates and realleges paragraphs 1 to 72 of this Complaint as if fully set forth herein.

74. By the acts and practices described above, Defendant has discriminated against Plaintiff in the terms and conditions of his employment on the basis of his being "regarded as" disabled, in violation of the Administrative Code.

75. Defendant acted with malice and/or reckless indifference to Plaintiffs statutorily protected rights.

76. Plaintiff is now suffering and will continue to suffer irreparable injury and monetary damages and damages for mental anguish and humiliation as a result of Defendant's discriminatory acts.

ELEVENTH CAUSE OF ACTION
Retaliation Under Title VII

77. Plaintiff repeats and realleges paragraphs 1 to 76 of this Complaint as if fully set forth herein.

78. By the acts and practices described above, Defendant has retaliated against Plaintiff in violation of Title VII.

79. Plaintiff is now suffering irreparable injury and monetary damage from Defendant's retaliatory conduct and will continue to do so unless and until the Court grants relief.

TWELFTH CAUSE OF ACTION
Retaliation Under the ADA/ADAA

80. Plaintiff repeats and realleges paragraphs 1 to 79 of this Complaint as if fully set forth herein.

81. By the acts and practices described above, Defendant has retaliated against Plaintiff in violation of the ADA/ADAA.

82. Plaintiff is now suffering irreparable injury and monetary damage from Defendant's retaliatory conduct and will continue to do so unless and until the Court grants relief.

THIRTEENTH CAUSE OF ACTION
Retaliation Under the Executive Law

83. Plaintiff repeats and realleges paragraphs 1 to 82 of this Complaint as if fully set forth herein.

84. By the acts and practices described above, Defendant has retaliated against Plaintiff in violation of the Executive Law.

85. Plaintiff is now suffering irreparable injury and monetary damage from Defendant's retaliatory conduct and will continue to do so unless and until the Court grants relief.

FOURTEENTH CAUSE OF ACTION
Retaliation Under the Administrative Code

86. Plaintiff repeats and realleges paragraphs 1 to 85 of this Complaint as if fully set forth herein.

87. By the acts and practices described above, Defendant has retaliated against Plaintiff in violation of the Administrative Code.

88. Defendant acted with malice and/or reckless indifference to Plaintiffs statutorily protected rights.

89. Plaintiff is now suffering irreparable injury and monetary damage from Defendant's retaliatory conduct and will continue to do so unless and until the Court grants relief.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter an award:

(a) declaring that the acts and practices complained of herein are in violation of Section 1981, Title VII, the ADA/ADAA, the Executive Law and the Administrative Code;

(b) enjoining and permanently restraining these violations of S Section 1981, Title VII, the ADA/ADAA, the Executive Law and the Administrative Code;

(c) directing Defendant to take such affirmative action as is necessary to ensure that the effects of these unlawful employment practices are eliminated and do not continue to affect plaintiff's employment opportunities;

(d) directing Defendant to reinstate Plaintiff to the position he would have occupied but for Defendant's unlawful conduct and making him whole for all earnings he would have received but for Defendant's unlawful conduct, including, but not limited to, wages, pension, 401(k) contributions, bonuses and other lost benefits;

(e) directing Defendant to pay Plaintiff punitive damages;

(f) directing Defendant to pay an additional amount to compensate Plaintiff for the emotional distress and reputational damage Defendant's unlawful conduct has caused Plaintiff;

- (g) awarding Plaintiff such interest as is allowed by law;
- (h) awarding Plaintiff his reasonable attorneys' fees and costs; and
- (i) - granting such other and further relief as the Court deems necessary and

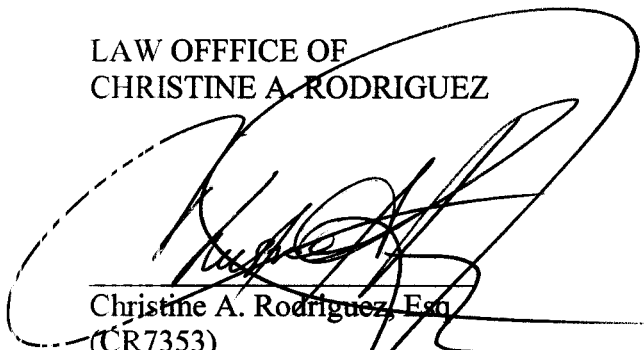
proper.

DEMAND FOR TRIAL BY JURY

Plaintiff hereby demands, pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, a trial by jury in this action.

Dated: New York, New York
July 28, 2009

LAW OFFICE OF
CHRISTINE A. RODRIGUEZ



Christine A. Rodriguez, Esq.
(CR7353)

Attorney for Plaintiff
LISHAN WANG, M.D.
225 Broadway, Suite 2900
New York, NY 10007
(212) 430-6525

Hand 5/11/09



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
New York District Office

33 Whitehall Street, 5th Floor
New York, NY 10004-2112
For General Information: (800) 669-4000
District Office: (212) 336-3620
General FAX: (212) 336-3625

Christine A. Rodriguez, Esq.
225 Broadway, Suite 2900
New York, NY 10007

Re: *EEOC Charge No. 520-2008-04172*
Lishan Wang v. Kingsbrook Jewish Medical Center

Dear Ms. Rodriguez:

The Equal Employment Opportunity Commission (hereinafter referred to as the "Commission"), has reviewed the above-referenced charge according to our charge prioritization procedures. These procedures, which are based on a reallocation of the Commission's staff resources, apply to all open charges in our inventory and call for us to focus our limited resources on those cases that are most likely to result in findings of violations of the laws we enforce.

In accordance with these procedures, we have evaluated your charge based upon the information and evidence submitted. You allege that Respondent wrongfully terminated you because of your national origin and retaliated against you, all in violation of Title VII of the Civil Rights Act of 1964, as amended.

Respondent denies your allegations of discrimination and retaliation. Respondent provided information and documentation evidencing that your termination was due to legitimate, non-discriminatory reasons, namely multiple performance problems. Respondent also alleges that over 50% of its residents are Asian and approximately eight residents are from China.

Based upon an analysis of the information submitted to us by both parties, the Commission is unable to conclude that the information establishes a violation of Federal law on the part of Respondent. This does not certify that Respondent is in compliance with the statutes. No finding is made as to any other issue that might be construed as having been raised by this charge.

The Commission's processing of this charge has been concluded. Included with this letter is your Notice of Dismissal and Right to Sue. Following this dismissal, you may only pursue this matter by filing suit against the Respondent named in the charge within 90 days of receipt of said notice. Otherwise, your right to sue will be lost. Please contact Federal Investigator Jessica Z. Maiman at (212) 336-3680 if you have any questions.

Sincerely,

Spencer H. Lewis, Jr. for
Spencer H. Lewis, Jr.
District Director

MAY 08 2009

Date

Enclosures

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: Dr. Lishan Wang
5602 Hazen Street
Houston, TX 77081

From: New York District Office
33 Whitehall Street
5th Floor
New York, NY 10004

Empty checkbox

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

520-2008-04172

Jessica Z. Maiman,
Investigator

(212) 336-3680

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- Empty checkbox: The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
Empty checkbox: Your allegations did not involve a disability as defined by the Americans With Disabilities Act.
Empty checkbox: The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
Empty checkbox: Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge
[X] The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
Empty checkbox: The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
Empty checkbox: Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

On behalf of the Commission

MAY 08 2009

Enclosures(s)

Spencer H. Lewis, Jr.,
Director

(Date Mailed)

cc: Kingsbrook Jewish Medical Center
c/o: John McKeon
David Minkin Plaza
585 Schenectady Avenue
Brooklyn, NY 11203-1891

Christine A. Rodriguez, Esq.
225 Broadway, Suite 2900
New York, NY 10007

ATTORNEY'S VERIFICATION

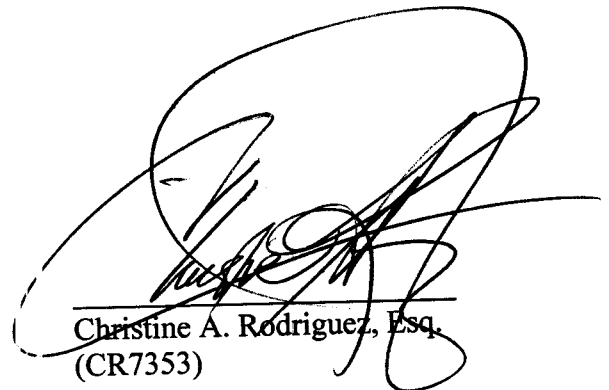
STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

CHRISTINE A. RODRIGUEZ, ESQ., an attorney duly admitted to practice before the Courts of the State of New York, affirms the following to be true under the penalties of perjury:

I am an attorney at the **LAW OFFICE OF CHRISTINE A. RODRIGUEZ**, attorneys of record for Plaintiff **LISHAN WANG, M.D.** I have read the annexed **VERIFIED COMPLAINT** and know the contents thereof, and the same is true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon facts, records, and other pertinent information contained in my files.

The reason I make the foregoing affirmation instead of the Plaintiff is because Plaintiff is not presently in the county or state wherein the attorneys for the Plaintiffs maintain their offices.

Dated: NEW YORK, NEW YORK
 July 28, 2009


Christine A. Rodriguez, Esq.
(CR7353)

CIVIL COVER SHEET

JS 44 (Rev. 12/07)

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

FILED IN CLERK'S OFFICE

JUL 28 2009

I. (a) PLAINTIFFS
LISHAN WANG, M.D.
(b) County of Residence of First Listed Plaintiff Harris County, Texas
(c) Attorney's (Firm Name, Address, and Telephone Number)
Christine A. Rodriguez, Esq. 225 Broadway, Suite 2900, NY NY 10007

DEFENDANTS
KINGSBROOK JEWISH MEDICAL CENTER
BROOKLYN OFFICE
County of Residence of First Listed Defendant Kings County, New York
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.
Attorneys (If Known) 3236

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)
1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
PERSON J. GOLD, M.J.

IV. NATURE OF SUIT (Place an "X" in One Box Only)
Grid with categories: PERSONAL INJURY, PERSONAL PROPERTY, AGRICULTURE, LABOR, TAXES, etc.
442 Employment is checked.

V. ORIGIN (Place an "X" in One Box Only)
1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from another district (specify)
6 Multidistrict Litigation
7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. § 1981, 42 U.S.C. § 2000e et seq., 42 U.S.C. § 12101 et seq.
Brief description of cause:
Wrongful termination and discrimination in employment based on race, national origin and disability.

VII. REQUESTED IN COMPLAINT:
CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23
DEMAND \$
CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY
(See instructions): JUDGE DOCKET NUMBER

DATE 07/28/2009
SIGNATURE OF ATTORNEY OF RECORD
FOR OFFICE USE ONLY
RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

ARBITRATION CERTIFICATION

I, Christine A. Rodriguez, counsel for Plaintiff, Lishan Wang, M.D. do hereby certify pursuant to the Local Arbitration Rule 83.10 that to the best of my knowledge and belief the damages recoverable in the above captioned civil action exceed the sum of \$150,000 exclusive of interest and costs. Relief other than monetary damages is sought.

DISCLOSURE STATEMENT - FEDERAL RULES CIVIL PROCEDURE 7.1

Identify any parent corporation and any publicly held corporation that owns 10% or more of its stocks:

Please refer to NY-E Division of Business Rule 50.1(d)(2)

1.) Is the civil action being filed in the Eastern District of New York removed from a New York State court located in Nassau or Suffolk County: NO

2.) If you answered "no" above:

a.) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in Nassau or Suffolk County? NO

b.) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in the Eastern District? YES

If your answer to question 2 (b) is "No," does the defendant (or a majority of the defendants, if there is more than one) reside in Nassau or Suffolk County, or, in an interpleader action, does the claimant (or a majority of the claimants, if there is more than one) reside in Nassau or Suffolk County? NO

(Note: A corporation shall be considered a resident of the County in which it has the most significant contacts).

I am currently admitted in the Eastern District of New York and currently a member in good standing of the bar of this court.

Yes [checked]

No

Are you currently the subject of any disciplinary action(s) in this or any other state or federal court?

Yes (If yes, please explain)

No [checked]

Please provide your E-MAIL Address and bar code below. Your bar code consists of the initials of your first and last name and the last four digits of your social security number or any other four digit number registered by the attorney with the Clerk of Court.

(This information must be provided pursuant to local rule 11.1(b) of the civil rules).

ATTORNEY BAR CODE: CR7353

E-MAIL Address: crodriguez@crodriguezlaw.com

I consent to the use of electronic filing procedures adopted by the Court in Administrative Order No. 97-12, "In re Electronic Filing Procedures (EFP)", and consent to the electronic service of all papers.

Signature:

[Handwritten signature of Christine A. Rodriguez]