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June 14, 2021

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*****FOR IMMEDIATE RELEASE*****

After 10 Year Legal Battle, Legal Aid and Loeb & Loeb Secure \$400,000 in Employee Sexual Harassment Case

(NEW YORK, NY) – The Legal Aid Society and Loeb & Loeb LLP announced a \$400,000 settlement for Monica Cardenas, a former employee with the Automatic Meter Reading Corporation (AMRC), in an employee sexual harassment and hostile work environment case. This settlement ends a 10-year long battle against the harasser, Jerome Fund, who passed away in 2018.

Background

The legal battle against Jerome Fund, owner of AMRC, began in 2011 with the filing of a complaint with the New York City Commission on Human Rights (CCHR). Ms. Cardenas had just tendered her resignation as she no longer could endure the abusive work environment created by Mr. Fund. Ms. Cardenas, who had initially been hired to work as a billing clerk in 1995, began directly reporting to Mr. Fund in 2008 when she was promoted to the position of office manager.

For a period of three years, Ms. Cardenas suffered repeated egregious physical, verbal and emotional abuse at the hands of Mr. Fund. Mr. Fund regularly made sexualized and sexist comments to Ms. Cardenas such as “Why did I put a woman in charge?” and “sex helps” with headaches. He offered to rub her chest when Mr. Cardenas had a cough and would suggest that they run away together saying he would remember his Viagra and Cialis. Mr. Fund had also posted a cartoon of a scantily dressed woman with the words “our own Monica” above the sole office copier and compared Ms. Cardenas to a Sports Illustrated swimsuit model stating to her coworkers that “she used to have a body like that”. Towards the end of her employment, Mr. Fund used an umbrella to touch Ms. Cardenas’ buttocks and despite her telling him to stop, he did it again and laughed in her face. Mr. Fund believed he had “the right to have a little fun” with Ms. Cardenas.

CCHR thoroughly investigated Ms. Cardenas’ claim and found her case to have probable cause. Respondents Fund and AMRC refused to settle the case, and it moved to trial. This evidence and witness testimony was presented over a period of six days before the New York City Office of Administrative Trials & Hearings (OATH) which found that Mr. Fund and AMRC violated New York City Human Rights Law (NYCHRL).

In a sign of what was to come, AMRC and Mr. Fund filed a federal lawsuit against the City of New York seeking, among other things, injunctive relief to prohibit CCHR from acting on the Report & Recommendation by OATH, causing a significant delay. The federal court dismissed the injunctive and declaratory relief claims but stayed the action regarding monetary damages until CCHR fully adjudicated Mr. Cardenas' claims.

In 2015, CCHR Chair and Commissioner Carmelyn P. Malalis fully adjudicated the claims by issuing the Commission's final decision awarding Ms. Cardenas a total of \$427,670.26 in damages (\$200,000 of which was emotional distress damages) and an additional amount of \$250,000 to the City of New York in civil penalties – the highest possible civil penalty allowed under the NYCHRL. Immediately thereafter, despite prior legal affirmation of the OATH Report and Recommendation, AMCR filed a lawsuit in New York State Court to annul or modify CCHR's decision, which caused further delay in Ms. Cardenas seeing any recovery. While this action was pending, Mr. Fund died in 2018.

CCHR's decision was ultimately affirmed in 2019 and the Court ordered AMRC and Mr. Fund to pay the same damages and civil penalties that had been awarded by CCHR in 2015. Loeb & Loeb LLP joined on to represent Ms. Cardenas as pro bono counsel to both enforce the monetary judgment and litigate the solvency of Mr. Fund's estate in Bergen County Surrogate's Court in New Jersey, where Mr. Fund lived and died.

The parties recently settled this case and Ms. Cardenas finally received her monetary settlement.

“Every woman expects to build a career in a workplace that is free from any form of sexual harassment, discrimination or intimidation, and every woman deserves to be treated equally, fairly and respectfully,” said **Monica Cardenas**. “My advice to women is to speak up if you are suffering from any inappropriate behavior in the workplace, and we hope that this settlement serves as proof that offenders will be held to account for their actions. Lastly, I'd like to thank The Legal Aid Society, especially attorney Amy Hong, for working tirelessly on my case which lasted for more than a decade.”

“For years, Ms. Cardenas suffered a continuous campaign of sexually hostile, offensive and discriminatory harassment by Mr. Fund, but we hope this settlement provides some semblance of justice to compensate her for enduring conditions that no one should have to tolerate,” said **Amy M. Hong, Staff Attorney with the Employment Law Unit at The Legal Aid Society, who has represented Ms. Cardenas since 2011**. “Our client had the courage to speak up and speak out, sharing many humiliating experiences that she was forced to endure even though it was not easy for her. She was so brave every step of the way and never gave up hope that she would one day see justice despite the litigation delays and death of Mr. Fund. I have so much respect for her.”

The result of this matter would not have been possible without pro bono counsel from Loeb & Loeb retained to enforce the monetary judgment and to represent Ms. Cardenas in the Surrogate's Court proceeding. “We are delighted that Monica has obtained long-overdue justice, and we were honored to stand side-by-side with The Legal Aid Society to support her as she finally resolved this matter,” said **Lindsay Feuer, associate and lead from Loeb & Loeb, LLP. The Loeb & Loeb legal team also consisted of Gregory Schwed, partner at Loeb & Loeb and Brandon Zamudio, associate at Loeb & Loeb LLP.**

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The Legal Aid Society exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For over 140 years, we have protected, defended, and advocated for those who have struggled in silence for far too long. Every day, in every borough, The Legal Aid Society changes the lives of our clients and helps improve our communities. www.legalaidnyc.org