

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

D23326
Y/hu

_____AD3d_____

Argued - March 13, 2009

FRED T. SANTUCCI, J.P.
ANITA R. FLORIO
JOSEPH COVELLO
THOMAS A. DICKERSON, JJ.

2008-04293

DECISION & JUDGMENT

In the Matter of Columbia Sussex Corporation, et al.,
petitioners, v New York State Division of Human
Rights, et al., respondents.

(Index No. 19294/07)

Meyer, Suozzi, English & Klein, P.C., New York, N.Y. (Steven E. Star of counsel),
for petitioners.

Caroline J. Downey, Bronx, N.Y. (Michael K. Swirsky of counsel), for respondent
New York State Division of Human Rights.

Proceeding pursuant to Executive Law § 298 to review a determination of the
Commissioner of the respondent New York State Division of Human Rights dated April 25, 2007,
which, after a hearing, found, in effect, that the petitioners unlawfully discriminated against the
complainant in relation to her employment by subjecting her to a hostile work environment, and
awarded the complainant the principal sum of \$50,000 in compensatory damages for mental anguish.

ADJUDGED that the determination is confirmed, the petition is denied, and the
proceeding is dismissed on the merits, with costs.

The determination of the Commissioner of the respondent New York State Division
of Human Rights which found, in effect, that the petitioners unlawfully discriminated against the
complainant in relation to her employment by subjecting her to a hostile work environment is
supported by substantial evidence, and thus, cannot be disturbed (*see Matter of Hilal v New York*

June 2, 2009

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State Div. of Human Rights, 57 AD3d 898). Furthermore, the compensatory award is reasonably related to the wrongdoing, supported by substantial evidence, and similar to comparable awards for similar injuries (see *Matter of New York City Tr. Auth. v State Div. of Human Rights*, 8 NY2d 207, 219; *Matter of State Div. of Human Rights v Stoute*, 36 AD3d 257, 266).

The petitioners' remaining contentions are without merit.

SANTUCCI, J.P., FLORIO, COVELLO and DICKERSON, JJ., concur.

ENTER:

A handwritten signature in black ink that reads "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer
Clerk of the Court