

CITY OF NEW YORK
COMMISSION ON HUMAN RIGHTS

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In the Matter of the Complaint of:

Verified Amended Complaint

[REDACTED];

Case No.

BOY DOE 1,
by and through his guardian [REDACTED];

BABY DOE 1,
by and through her guardian [REDACTED];

[REDACTED];

BOY DOE 2,
by and through his guardian [REDACTED];

BABY DOE 2,
by and through her guardian [REDACTED];

[REDACTED];

GIRL DOE 1,
by and through her guardian [REDACTED];

BOY DOE 3,
by and through her guardian [REDACTED];

GIRL DOE 2,
by and through her guardian [REDACTED]; and

BOY DOE 4,
by and through her guardian [REDACTED];

Complainants,

-against-

HNY FERRY, LLC;

**NEW YORK CITY ECONOMIC
DEVELOPMENT CORPORATION;**

CITY OF NEW YORK;

JOHN DOE 1, individual and official capacity; and,

JANE DOE 1, individual and official capacity,

Respondents.

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Complainants [REDACTED]; **BOY DOE 1**, by and through his guardian [REDACTED]; [REDACTED]; **BABY DOE 1**, by and through her guardian [REDACTED]; [REDACTED]; **BOY DOE 2**, by and through his guardian [REDACTED]; **BABY DOE 2**, by and through her guardian [REDACTED]; [REDACTED]; **GIRL DOE 1**, by and through her guardian [REDACTED]; **BOY DOE 3**, by and through his guardian [REDACTED]; **GIRL DOE 2**, by and through her guardian [REDACTED]; and **BOY DOE 4**, by and through his guardian [REDACTED], (collectively “Complainants”), by and through their attorney, the Council on American-Islamic Relations, New York (“CAIR-NY”), located at 46-01 20th Ave., Queens, NY 11105, against Respondents **HNY FERRY LLC, (“HNY FERRY”); NEW YORK CITY ECONOMIC DEVELOPMENT CORPORATION (“NYCEDC”); CITY OF NEW YORK (the “CITY”); JOHN DOE 1**, individual and official capacity; and **JANE DOE 1**, individual and official capacity, (collectively “Respondents”) pursuant to Title 47 of the Rules of the City of New York New York City Human Rights Law (“NYCHRL”), respectfully sets forth and alleges the following:

PARTIES IN THE COMPLAINT

1. Complainant [REDACTED] is a Muslim American woman of Pakistani descent.
2. Complainant Boy Doe 1, by and through his guardian [REDACTED], is a Muslim American four-year old boy.
3. Complainant Baby Doe 1, by and through her guardian [REDACTED], is a Muslim American two-month-old infant.

4. Complainants [REDACTED], Boy Doe 1, and Baby Doe 1 are collectively referred to as the [REDACTED] family.

5. Complainant [REDACTED] is a Muslim American woman of Pakistani descent. Ms. [REDACTED] is a New York City resident and resides at Bay Ridge, Brooklyn. Ms. [REDACTED] wears and was wearing a hijab (religious head covering) and long dress covering her legs and arms in accordance with her sincerely held religious beliefs during the incidents below.

6. Complainant Boy Doe 2, by and through his guardian [REDACTED], is a Muslim American five-year-old boy.

7. Complainant Baby Doe 2, by and through her guardian [REDACTED], is a Muslim American nineteen-month-old infant.

8. Complainants [REDACTED], Boy Doe 2, and Baby Doe 2 are collectively referred to as the [REDACTED] family.

9. Complainant [REDACTED] [REDACTED] is a New York City resident and wears and was wearing a hijab (religious head covering) and long dress covering her legs and arms in accordance with her sincerely held religious beliefs during the incidents below.

10. Complainant Girl Doe 1, by and through her guardian [REDACTED], is a Muslim American fourteen-year old girl.

11. Complainant Girl Doe 2, by and through her guardian [REDACTED], is a Muslim American eleven-year old girl.

12. Complainant Boy Doe 3, by and through his guardian [REDACTED], is a Muslim American twelve-year-old boy.

13. Complainant Boy Doe 4, by and through his guardian [REDACTED], is a Muslim American seven-year-old boy.

14. Complainants [REDACTED], Girl Doe 1, Girl Doe 2, Boy Doe 3, and Boy Doe 4 are collectively referred to as the [REDACTED] family.

15. Respondent HNY Ferry, LLC (“HNY Ferry”) is engaged as a commuter ferry service that transports passengers between ports located in Manhattan, Brooklyn, Queens, State Island, and the Bronx. The City of New York predetermines the routes and contracts with HNY Ferry to operate the service pursuant to an agreement between the New York City Economic Development Corporation and HNY Ferry, LLC, dated February 12, 2016. Respondent HNY Ferry’s New York City address is listed as 110 Wall Street, NYC, NY 10005. Respondent HNY Ferry operated the NYC Ferry and is a provider of public accommodations as defined by the NYCHRL. *See* § 8-102 Definitions (“[T]he term ‘place or provider of public accommodation’ includes providers, whether licensed or unlicensed, or goods, services, facilities, accommodations, advantages or privileges of any kind are extended, offered, sold or otherwise made available.”); *see also Staten Island Alliance v. Mentally Ill v. Mercado*, 273 A.D.2d 36, 36-37 (1st Dep’t 2000) (identifying the respondent MTA as a provider of public accommodation in holding that the Commission has statutory authority to adjudicate petitioner’s complaint of disability discrimination).

16. Respondent New York City Economic Development Corporation (NYCEDC) is a not-for-profit corporation organized under §1411 of the Not-For-Profit Corporation Law of the State of New York. NYCEDC administers the contract pursuant to which Respondent HNY Ferry operates. Respondent NYCEDC’s listed address is One Liberty Plaza, 165 Broadway, 14th Floor, New York, NY 10006. Respondent NYCEDC is responsible for the operation of NYC Ferry and is a provider of public accommodations as defined by the NYCHRL. According to the NYCEDC, Respondent NYCEDC is committed to ensuring that no person is excluded from participation in, or denied the benefits of, or subjected to discrimination in the delivery of its services on the basis of race,

color, national origin, age, sex, religion, gender identity, disability, or any other category protected by federal, state, or city law.

17. Respondent City of New York (the “City”) is responsible for the operations of the NYC Ferry. Respondent City is located at 100 Church Street New York, NY 10007. Upon information and belief, attorney for Respondent City may be: Office of the Corporation Counsel New York City Law Department 100 Church Street, 4th Floor New York, NY 10007 (212) 788-0303. Respondent City is a provider of public accommodations as defined by the NYCHRL.

18. Respondent John Doe 1 is employed by Respondent HNY Ferry. Upon information and belief, John Doe 1 is a crew member in HNY Ferry’s marine operations. Upon information and belief, John Doe 1’s primary place of employment is aboard a ferry vessel that operates routes to and from Brooklyn and Manhattan. Respondent John Doe 1 is an African American male. See Exhibit A for photo of John Doe 1. Claims against John Doe 1 are made against him in his individual and official capacity.

19. Respondent Jane Doe 1 is employed by Respondent HNY Ferry. Upon information and belief, Jane Doe 1 is a gate/ferry agent. Upon information and belief, Jane Doe 1’s primary place of employment is at the Wall Street Ferry location in Manhattan. Respondent Jane Doe 1 is an African American female. Claims against Jane Doe 1 are made against her in her individual and official capacity.

20. This discriminatory conduct alleged below occurred in New York City.

21. This Complaint is being filed within one year of the unlawful discriminatory practices alleged herein, pursuant to New York City Admin. Code § 8-109(c).

STATEMENT OF FACTS

22. On September 21, 2019, the Complainants set out to enjoy a beautiful day together as family and close friends.

23. That day was particularly special because Ms. [REDACTED] and her kids were preparing to travel to Pakistan for an extended period.

24. The [REDACTED] children were all friends and wanted to spend time together before the [REDACTED] children left the country.

25. Ms. [REDACTED] and Ms. [REDACTED] are family through marriage. Both are close friends with Ms. [REDACTED] and wanted to have one last memorable day before Ms. [REDACTED] left the country.

26. The children were extremely excited that day and wanted to visit Governor's Island.

27. Complainants all met in Bay Ridge, Brooklyn at approximately 3:30 p.m. to board a NYC Ferry, Ferry H103, to Wall St. Ferry.

28. Complainants enjoyed each other's company and enjoyed the initial ferry ride to the Wall St. Ferry. Complainants all were friendly and even spoke to ferry employees during the ride.

29. Complainants bought snacks from the concession area from a nice female employee named Crystal. Complainants also took photographs during the ferry ride.

30. Complainants made it to Wall St. Ferry without incident.

31. Once the Complainants docked at Wall St. Ferry, they realized that the next ferry to Governor's Island was at approximately 5 p.m., and the last ferry returning from Governor's Island was scheduled for approximately 6:49 p.m.

32. Complainants had a double scroller for Baby Does 1 and 2.

33. Because it was getting late, the length of the wait and ferry ride, and the short amount of potential time on Governor's Island the children would have to enjoy themselves, Complainants

decided it was best to forgo the trip to Governor's Island. Instead, Complainants decided to go to Brooklyn Pier 6 and enjoy the rest of the afternoon and evening together.

34. Complainants had valid tickets to ride the ferry from Wall St. Ferry to Brooklyn's Pier 6.

35. At this time, Complainants asked an HNY Ferry employee which line to get into for the Brooklyn ferry. Ms. [REDACTED] or Ms. [REDACTED] stood in line with the double stroller waiting for boarding to start.

36. After a lengthy wait, Complainants were told they were in the line for the ferry going to Astoria, Queens. Jane Doe 1 informed Complainants of the correct line for the Brooklyn ferry.

37. The Brooklyn ferry line was long at this point. Since Complainants had a double stroller and many kids, they asked Jane Doe 1 if they could wait on the side and board once everyone in line had boarded. Ms. [REDACTED] and Ms. [REDACTED] made this request to Jane Doe 1.

38. Jane Doe 1 informed Complainants that once all the passengers in line boarded, the families could board.

39. Complainants waited near the docketing area at or on a bench. Once the Brooklyn Ferry passengers in line boarded, Complainants attempted to board.

40. Complainants got up from the bench area and approached the ferry with Ms. [REDACTED] and Ms. [REDACTED] along with the double stroller and some of the children at the front.

41. As Complainants were getting ready to board, Jane Doe 1 approached John Doe 1. Jane and John Doe 1 had a small conversation. None of the Complainants heard what was being said.

42. Once Jane and John Doe 1's conversation ended, John Doe 1 prevented Complainants and from boarding the ferry.

43. Both Jane Doe 1 and John Doe 1 told Complainants they were not allowed to board the ferry.

44. Jane and John Doe 1 informed Ms. [REDACTED] and Ms. [REDACTED] that Complainants were being denied boarding because there was a “security issue.”

45. Both Ms. [REDACTED] and Ms. [REDACTED] were wearing hijabs, religious headcover, and long dresses covering their legs and arms for religious purposes.

46. Both Ms. [REDACTED] and Ms. [REDACTED] have pronounced accents.

47. At this point, Ms. [REDACTED], who was behind Ms. [REDACTED] and Ms. [REDACTED], stepped up to speak to Jane and John Doe 1 to inquire why Complainants were being denied service.

48. Jane and John Doe 1 tried to shut the ferry gate/door in as Ms. [REDACTED] began to speak.

49. When Ms. [REDACTED] asked why they were not allowed to board, John Doe 1 informed her that “security” informed him and Jane Doe 1 not to let Complainants onto the ferry.

50. Ms. [REDACTED], the other Complainants, were then escorted to a security officer named [REDACTED] that Complainants believe was the head of security for Wall St. Ferry (hereinafter “[REDACTED]”).

51. While Complainants were being escorted to security, as the ferry passengers watched, the ferry going to Brooklyn Pier 6 left without them.

52. Ms. [REDACTED] asked [REDACTED] why Complainants were being denied boarding.

53. [REDACTED] was confused and did not know why Jane and John Doe 1 were blaming security.

54. As Complainants continued to seek answers, Ms. [REDACTED] returned to get in line for the next ferry.

55. While [REDACTED] was assisting Complainants to the best of his abilities, another HNY Ferry employee, an African American woman named [REDACTED] (last name unknown), began to speak to Complainants.

56. [REDACTED] was rude, unprofessional, and raised her voice towards Complainants who were only trying to learn why they were being denied service.

57. Ms. [REDACTED] asked [REDACTED] for the identities of Jane and John Doe 1.

58. [REDACTED] refused to provide the identities of Jane and John Doe 1.

59. At some point, [REDACTED] informed Ms. [REDACTED] that they were denied boarding on the Wall St. Ferry going to Brooklyn Pier 6 because the children were allegedly standing on the seats.¹

60. Complainants believe this was an after-the-fact false excuse in an attempt to explain away Respondents' discriminatory conduct and denial of services.

61. During the incident described above, the child Complainants were all frustrated and upset. Many of them were crying and did not understand why they weren't allowed onto the ferry or why they were not allowed to go to Brooklyn Pier 6.

62. Eventually, Complainants were allowed to take a ferry from Wall St. to Bay Ridge, the same ferry they used to get to Wall St.

63. Complainants were forced to wait approximately two hours before they were allowed to board a ferry from Wall St.

¹ Respondents proffered reason fails for several reasons, including but not limited to: (1) the child Complainants acted appropriately during the ferry ride from Bay Ridge to Wall St. and did nothing out of the ordinary; (2) Complainants had not been on the ferry operated by John Doe 1; (3) no one from the ferry going from Bay Ridge to Wall St. complained to or informed Complainants of any issues; (4) Complainants were treated with respect and had a pleasant experience interacting with the crew members on the ferry ride from Bay Ridge to Wall St.; and (5) Complainants interacted with ferry employees on the ferry ride from Wall St. to Bay Ridge and ferry employees did not recall any wrongdoing by the child Complainants, described in more detail below.

64. On the return trip, Complainants returned to speak to the crew member, [REDACTED], that they had spoken with earlier in the day.

65. [REDACTED] was shocked and did not know why Complainants were treated in the manner described above.

66. [REDACTED] stated that she did not recall the child Complainants standing on any seats or acting inappropriately in any way. Instead, [REDACTED] opined that Complainants were good customers.

67. Because they were denied boarding, Complainants canceled their plans to go to Brooklyn's Pier 6. Instead, Complainants returned to Bay Ridge.

68. Complainants' entire day was ruined. The child Complainants are scarred, and this is the last memory that Ms. [REDACTED]'s and Ms. [REDACTED]'s children have of visiting their friends, Ms. [REDACTED]'s children.

69. For Ms. [REDACTED]'s children, this is the last memory that they have of New York City as they are now in Pakistan for an extended period.

70. During the events described above, Ms. [REDACTED]'s 5-year-old son, Boy Doe 2, was crying, upset, and very confused. He kept asking her what was going on and why they weren't allowed to get on the ferry.

71. At home, Boy Doe 1, Ms. [REDACTED]'s 4-year-old, asked his parents why they were treated in the manner described above and why they weren't allowed on the ferry.

72. Ms. [REDACTED] and her husband were heartbroken and did not know what to tell their child, Boy Doe 1, to comfort him.

73. On the evening of September 21, 2019, Ms. [REDACTED] submitted a complaint to NYC Ferry regarding the incident.

74. Conceding that the proffered reason was false, NYC Ferry called the incident a "misunderstanding" and offered to reimburse Complainants their fare.

75. Complainants were embarrassed and humiliated, especially since the incidents described above occurred in public view of all the ferry passengers. The ferry passengers were looking at Complainants during the events described above, and Complainants could feel the ferry passengers' eyes directed at them.

76. The events described above ruined what was supposed to be a fun, warm day for the Complainants.

77. Because of Respondents, this became one of the worst days of Complainants' lives.

78. Complainants charge that Respondents denied them the full and equal enjoyment, on equal terms and conditions, of the accommodations, advantages, services, facilities, or privileges of a provider of public accommodation.

79. Respondents provided Complainants with discriminatory service and refused to provide service to Complainants due to their real or perceived creed, ethnicity, nationality, or citizenship.

80. Respondents had reason to know Complainants' creed because Ms. [REDACTED] and Ms. [REDACTED] were wearing hijabs and other religious clothing at the time of the incidents. Additionally, Ms. [REDACTED] and Ms. [REDACTED] have pronounced accents.

81. Complainants further charge that Respondents provided discrimination service and refused to provide service to Complainants to due to their association or relationship to each other.

82. As a result of the Respondents' violations of N.Y.C. Admin. Code § 8-101 *et seq.*, Complainants have suffered damages including, but not limited to, humiliation, embarrassment, and severe emotional distress.

83. Among other relief, Complainants seeks a formal apology from Respondents for the discriminatory acts described above.

84. Complainants also seek for Respondents Jane and John Doe 1 to receive appropriate discipline and significant sensitivity and cultural trainings to deter future reprehensible conduct.

85. Complainants further seek payment of compensatory damages against Respondents for their damages, including but not limited to, humiliation, embarrassment, and severe emotional distress.

86. Complainants also seek punitive damages against Respondents to deter future reprehensible conduct. NYCHRL violations, by their very nature, inflict serious harm "to both the persons directly involved and the social fabric of the city as a whole." See *Chauca v. Abraham*, 30 N.Y. 3d 325, 334 (2017) (quoting Rep. of Comm. on Gen. Welfare, Loc. L. No. 85 (2005)). Thus, Respondents' unlawful discriminatory practices, if allowed to persist, will continue to greatly impede Complainants' right to travel in and around New York City and the right of those similarly situated.

87. The NYCHRL allows for the recovery of punitive damages where "the wrongdoer has engaged in discrimination with willful or wanton negligence, or recklessness, or a 'conscious disregard of the rights of others or conduct so reckless as to amount to such disregard.'" *Chauca*, 30 N.Y. 3d at 325.

88. Respondents intentionally denied Complainants fair and full access to NYC Ferry's services.

89. Complainants further seek an award for attorney fees, costs, and expenses pursuant to N.Y.C. Admin. Code § 8-120.

STATEMENT OF NO PRIOR FILINGS

90. Complainants have not previously filed any other civil or administrative action alleging an unlawful discriminatory practice with respect to the allegations of discrimination which are the subject of the complaint.

Dated: October 16, 2019

Respectfully submitted,

COUNCIL ON AMERICAN-ISLAMIC RELATIONS, NEW YORK
(CAIR-NY)

/s/ Ahmed Mohamed

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