

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

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KRIS STONE,

Plaintiff,

-against-

**FORDHAM UNIVERSITY and
MATTHEW MAGUIRE,**

Defendants.

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TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer or, if the complaint is not served with this summons, to serve a notice of appearance, on plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York
May __, 2016

Index No.:
Filed:

SUMMONS

Plaintiff designates New York County as the place for trial

Venue is based upon Plaintiff's residence

Geoffrey Mort, of Counsel to
KRAUS & ZUCHLEWSKI LLP



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New York, NY 10023

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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KRIS STONE, :
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 Plaintiff, : **COMPLAINT**
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 - against - : Index No.
 :
 FORDHAM UNIVERSITY and MATTHEW :
 MAGUIRE, :
 :
 Defendants. :
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Plaintiff, by her attorney, Geoffrey A. Mort, alleges as follows:

1. Plaintiff Kris Stone is a former employee of defendants. She resides in the Borough of Manhattan in New York City.
2. Defendant Fordham University (“Fordham” or the “University”) is a private institution of higher learning with campuses in the Bronx and Manhattan.
3. Defendant Matthew McGuire is the Director of Theatre in Fordham’s Theatre and Visual Arts Department and, on information and belief, a resident of the State of New York.
4. At all times relevant herein, defendant Fordham was responsible for the actions and inactions of its agents and employees, including but not limited to defendant McGuire.
5. On information and belief, and at all times relevant herein, defendant Fordham condoned the acts taken by, or the failure to take action by, its employees and agents, including but not limited to defendant McGuire.
6. Defendant Fordham has employed in excess of four employees during each of the relevant years.

7. This is an action based on claims of sex discrimination and sexual harassment committed by defendants (i) in violation of the New York State Executive Law, §§ 290 *et. seq.* (“NYSHRL”) and (ii) in violation of the New York City Human Rights Law, NYC Administrative Code §§ 8-108 *et. seq.* (“NYCHRL”).

FACTS

8. Ms. Stone was employed by defendant Fordham beginning in September 2011, when she was appointed as a tenure-track Assistant Professor in the University’s Theatre and Visual Arts Department (the “Department”).

9. Ms. Stone is a professional set designer for theatre productions, and prior to 2011 her set designs appeared in more than 200 productions in the United States, United Kingdom, Europe and elsewhere. She taught stage design at Vassar College, Swarthmore College and New York University.

10. In 2013, Ms. Stone was unanimously reappointed to a second term as Assistant Professor.

11. Ms. Stone directed the Design Program within the Department.

12. Throughout Ms. Stone’s tenure at Fordham, defendant Matthew Maguire was the Director of Theatre in the University’s Theatre Department.

13. From early in her employment at Fordham, Ms. Stone was subjected to a barrage of highly inappropriate sexual comments by Mr. Maguire.

14. Nearly every time Ms. Stone saw Mr. Maguire, which was at least once each week or two, he talked about sex.

15. Ms. Stone was made highly uncomfortable by Mr. Maguire’s behavior.

16. Mr. Maguire often boasted to her that he had slept with “hundreds of women.”

17. On at least one occasion, he volunteered to Ms. Stone that he had “masturbated with a snake.”

18. Mr. Maguire used the beginning of Theatre Department faculty meetings, at which Ms. Stone was present, as a vehicle to talk about his alleged sexual exploits.

19. Among other things, Mr. Maguire described various sexual activities he said he engaged in with his wife.

20. Mr. Maguire also frequently held forth on what he called his “open marriage” and how it allowed to him to have sexual relations with anyone he pleased.

21. Approximately the first twenty minutes of most faculty meetings were devoted to a monologue by Mr. Maguire about sex.

22. On a number of occasions, Mr. Maguire talked to Ms. Stone about his sexual interest in a particular set designer, describing how sexy she was and making other unwanted comments about the designer’s physical attributes and appearance.

23. Mr. Maguire had similar conversations with Ms. Stone about other women.

24. Mr. Maguire produced and acted in a play he wrote about himself, which was performed at Fordham’s Rose Hill campus as well as at the “Wild Project” in New York City.

25. The autobiographical play, entitled “Wild Man,” contained many explicit details about Mr. Maguire’s sex life.

26. Mr. Maguire required members of the Department faculty to see the play, including Ms. Stone, which she and others found to be offensive and embarrassing.

27. Contributing to the hostile work environment that Mr. Maguire created was his inclusion of students in his improper activities.

28. Mr. Maguire, for example, required some students in his acting classes to perform in class acts of rape, masturbation and molestation. Mr. Maguire even directed students to perform acts of simulated anal sex on stage.

29. On many occasions, Mr. Maguire required attractive female students in the Department, including young women to whom he was faculty advisor, to go on a date with him.

30. Mr. Maguire told freshman students that after his daughter reached college age, he decided to no longer have sex with female students.

31. During the first two years of Ms. Stone's tenure, Mr. Maguire's daughter was in high school. During this period, based on his own statements, Mr. Maguire presumably had sexual relations with his students.

32. Ms. Stone both witnessed (and was offended by) this conduct and was told about it by students who came to her to report Mr. Maguire's actions and how they sought to avoid contact with him.

33. One Theatre Department student of both Ms. Stone's and Mr. Maguire's came to Ms. Stone's office crying because she was terrified by Mr. Maguire's insistence that she participate as a victim in a rape scene on stage.

34. Other students also approached Ms. Stone to complain about Mr. Maguire's behavior, emphasizing that they were afraid of him.

35. In fact, Mr. Maguire rarely had a conversation with Ms. Stone – who reported to him – in which he did not bring up the subject of sex.

36. At one point Mr. Maguire expressed to Ms. Stone his desire to sleep with one of her friends and colleagues.

37. Mr. Maguire's relentless sexual banter made Mr. Stone extremely uncomfortable and she reached a point where she dreaded encountering him and even coming to work. Ms. Stone came to view the Theatre Department as an unpleasant and intimidating workplace.

38. On several occasions, Ms. Stone reported Mr. Maguire's behavior to Elizabeth Margid, Chair of the Department.

39. Notwithstanding Ms. Stone's complaints, Mr. Maguire's behavior continued as before.

40. Mr. Maguire chaired the Department's Personnel Committee, which recommended reappointment or non-reappointment of faculty members to the University's Reappointment Committee.

41. On information and belief, the Reappointment Committee merely "rubber stamped" the decision of the Personnel Committee.

42. On May 14, 2014, Ms. Stone received a letter from Associate Vice President Benjamin Crooker advising her that she would not be reappointed for the 2015 – 2016 term and beyond.

43. All three members of the Personnel Committee from the Theatre half of the Department, who knew and worked with Ms. Stone, voted in favor of her reappointment. Only Mr. Maguire voted for non-reappointment, along with the Visual Arts members who had had little or no direct interaction with Ms. Stone and had no knowledge of set design.

44. On information and belief, the Visual Arts members voted as they did for fear of alienating Mr. Maguire, who chaired the reappointment committee.

45. In August 2014, Ms. Stone appealed her non-reappointment to Fordham's Tenure and Reappointment Appeals Committee ("TRAC").

46. Among the grounds on which Ms. Stone based her TRAC appeal was unlawful discrimination, specifically sexual harassment in the form a hostile work environment created by Mr. Maguire.

47. The conduct of defendants, as pleaded above, was wanton and reckless and one in such a manner and under such circumstances as to show heedlessness and an utter disregard of the results upon the rights of Ms. Stone that may flow from the aforesaid acts or the manner in which they were done.

48. The conduct of defendants, as pleaded above, was malicious and done deliberately with knowledge of Ms. Stone's rights and with intent to interfere with those rights.

49. The conduct of defendants, as pleaded above, caused Ms. Stone severe and permanent emotional pain and suffering, loss of income, and other pecuniary losses.

50. The damages sought herein exceed the jurisdictional amounts of all lower courts.

FIRST CAUSE OF ACTION

1. Plaintiff repeats and re-alleges the allegations contained in paragraphs 1 through 50 of the Complaint as if fully set forth herein.

2. Defendants' conduct constitutes unlawful discrimination against plaintiff on the basis of her sex in violation of the New York Executive Law, §§ 290 *et. seq.*, and specifically § 296.

SECOND CAUSE OF ACTION

1. Plaintiff repeats and re-alleges the allegations contained in paragraphs 1 through 50 of the Complaint as if fully set forth herein.

2. Defendant Maguire aided, abetted, incited, compelled, coerced and participated in the doing of acts forbidden under the New York Executive Law, or attempted to do so, in violation of the New York Executive Law, §§ 290 *et. seq.*, and specifically § 296.

THIRD CAUSE OF ACTION

1. Plaintiff repeats and re-alleges the allegations contained in paragraphs 1 through 50 of the Complaint as if fully set forth herein.

2. Defendants discriminated against Plaintiff on the basis of her sex in violation of § 8-107 of the New York City Administrative Code.

FOURTH CAUSE OF ACTION

1. Plaintiff repeats and re-alleges the allegations contained in paragraphs 1 through 50 of the Complaint as if fully set forth herein.

2. Defendant Maguire aided, abetted, incited, compelled, coerced and participated in the doing of acts forbidden by the New York City Administrative Code, § 8-107.

WHEREFORE, plaintiff respectfully requests that this Court enter judgment against defendants for:

- A. On all causes of action, money damages sufficient to compensate plaintiff for her personal and emotional injuries and her past, present and future emotional pain and suffering;
- B. On the Third and Fourth causes of action, punitive damages;
- C. On the Third and Fourth causes of action, reasonable attorney's fees;
- D. The costs and disbursements of this action; and
- E. Such other and further relief as this Court deems just and proper.

Dated: New York, New York
May 23, 2016

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By: 
GEOFFREY A. MORT