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April 16, 2010

PRESS RELEASE - FOR IMMEDIATE RELEASE

Eugene Gray v. Volmar Construction, Inc.
Supreme Court of the State of New York, County of Kings
Index No. 46027/2007

KINGS COUNTY SUPREME COURT DENIES DEFENDANT VOLMAR CONSTRUCTION'S MOTION FOR SUMMARY JUDGMENT IN EMPLOYMENT DISCRIMINATION CASE - On December 18, 2007, plaintiff, Eugene Gray, filed a complaint in the Kings County Supreme Court, in Brooklyn, New York, alleging race and disability discrimination. The plaintiff, was employed by Volmar Construction, Inc. ("Volmar"), and had been working on the renovation of Newark Penn Station when he sustained a job related injury. Plaintiff, who is a 45-year-old African American male, alleged that he was referred to by his Greek colleagues as a nigger, ape and monkey. In addition, he claimed that he was denied reinstatement on the basis of his race, and on the basis of his perceived disability. He brought his lawsuit under New York State and New York City anti-discrimination laws (New York Executive Law § 290, et seq., and New York City Administrative Code § 8-107, et seq.)

Following the completion of discovery, Volmar moved for summary judgment, to have Mr. Gray's complaint dismissed in its entirety. Among other things, it denied having discriminated against Mr. Gray on the basis of race or disability, and it argued that Mr. Gray was

terminated because the Penn Station job was winding down, and, therefore it no longer required as many laborers.

On March 19, 2010, after reviewing the motion papers and hearing oral argument, the Honorable Francois A. Rivera, Justice of the Supreme Court, denied Volmar's motion for summary judgment. He held that Volmar had not demonstrated a legitimate, non-discriminatory reason for having terminated Mr. Gray. Among other things, Volmar's President, Aretmois Marinakis, had testified that it was his responsibility to hire and fire all employees. However, he admitted "I do not recall the decision to hire or lay off Gray."

At a conference that is currently scheduled for April 27, 2010, the parties anticipate that a trial date will be set.

The plaintiff is represented by Todd J. Krouner and Diana M. Carlino of the Law Office of Todd J. Krouner in Pleasantville, New York. Mr. Krouner and Ms. Carlino represent victims of employment discrimination in New York.

It is against the law to discriminate in employment, or to deny an individual his or her civil rights due to factors such as: age, sex, religion, national origin, race or disability. With extensive experience and diversity in the practice of employment and civil rights issues, The Law Office of Todd J. Krouner provides clients with care, accuracy and dedication expected of seasoned litigators.

For further information, please contact Todd J. Krouner, or Diana M. Carlino, at (914) 769-8700. A copy of Judge Rivera's Order and Decision is available at www.krounerlaw.com.