

STATE DIVISION OF HUMAN RIGHTS
STATE OF NEW YORK EXECUTIVE DEPARTMENT

STATE DIVISION OF HUMAN RIGHTS
on the Complaint of

Shivon Super,

Complainant

VERIFIED COMPLAINT
Pursuant to Executive

v.

Beach and Surf Medical and
Dr. Edward Kleiner as Aider
and Abettor

Respondents

Shivon Super, is the above named respondent, whose address is 1013 West Beech St., Long Beach, NY 11561 with an unlawful discriminatory practice relating to employment in violation of Article 15 of the Executive Law of the State of New York (Human Rights Law) because of gender, sexual harassment and retaliation.

The most recent date of discrimination is October 27, 2010.

The particulars are:

1. In or around June 2007, Shivon Super ("Super"), then 27 years old, began working for Beach and Surf Medical as the office manager. Shivon worked directly for Dr. Edward Kleiner ("Kleiner"), the only doctor in the practice. Since the commencement of her position, Shivon, along with the two other administrative employees in the office, Lauren Schlanger ("Schlanger") and Samantha Romanger ("Romanger") was sexually harassed by Kleiner.
2. In or around June 2008, Kleiner told a patient (name has been withheld for confidentiality reasons but is available upon request) that he had slept with all three of the women who worked in the office, including Shivon.
3. In or around Summer 2009, Kleiner told Shivon that her vagina had atrophy from lack of sex and that he could give her "the best orgasm of [her] life."
4. In or around January 2010, Kleiner told Shivon's grandmother, who was also a former patient, that he was in love with Shivon and wanted her to have his child.

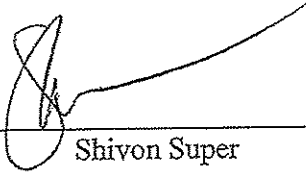
5. In or around March 2010, at a work related dinner, Kleiner told a pharmaceutical representative, Howard (last name unknown) that he was going to marry Shivon. Schlanger and Romanger were present for this conversation.
6. Throughout Shivon's tenure with Beach and Surf, Kleiner often grabbed her thighs and commented that her legs were so tight and that if her legs were tight her vagina was probably tight as well. Kleiner also often sent Shivon text messages of an inappropriate sexual nature.
7. Kleiner often charged patients cash for stitches and then subsequently billed the insurance company as well. He would also charge patients additional money for drugs for which the insurance company already covered.
8. Kleiner's patients (names available upon request) often told Shivon that he would discuss how sexy she was with them and which of the women in his office had the best body parts.
9. Kleiner frequently forced Shivon to write prescriptions for narcotics for patients while he was on vacation. Kleiner also wrote prescriptions for narcotics for patients that he had not seen in years.
10. In or around March or April 2010, Kleiner walked into Shivon's house uninvited while she was in the bathroom. Shivon immediately asked him to leave.
11. Kleiner often took marijuana from patients in lieu of cash as payment for their visits.
12. In or around March 2010, Kleiner told Shivon that he was taking Flomax and testosterone to increase the size and girth of this penis and that his penis was turning purple.
13. In or around June 2010, Kleiner asked Shivon's son, who was 8 years old at the time, if his penis was circumcised.
14. In July 2010, Kleiner send Shivon a text messages which stated, "I was just gonna attack you. Now you can tell me to go to hell or just as usual ignore all sexual advances." (See Exhibit 1).
15. In July 2010, Shivon asked Kleiner a medical question related to gynecology. In response, Kleiner sent Shivon a text messages which stated, "I'm not being gross but HONESTLY I wooda known something was wrong down there by scent alone. As your bf I would be going downtown on you daily, I wooda picked that up in a SECOND as being off..." (See Exhibit 2).
16. On July 21, 2010, Kleiner sent Shivon a text message which stated, "Shivon can we PLEASE have an affair???" (See Exhibit 3).

17. On July 23, 2010, Kleiner sent Shivon a text message which stated, "Ur a rilly good person N I become more and more attracted to you every day." (See Exhibit 4).
18. On August 6, 2010, Kleiner sent Shivon a text message which stated, "Girls told Jak there were no checks, Swear. Then he starts givin me shit. Then they found them. Again, Im sorri, ill do sexual favors 4u2 make up 4 it." (See Exhibit 5).
19. On October 16, 2010, Kleiner sent Shivon a text message which stated, "I think we should talk about your 'stomach condition'." Kleiner was referring to Shivon's pregnancy. (See Exhibit 6).
20. In October 2010, Kleiner told Shivon that her breasts looked "nice and big" because she was pregnant. This was witnessed by Schlanger and Romanger.
21. On October 26, 2010 and October 27, 2010, Kleiner terminated Shivon, Schlanger and Romanger for refusing to participate in an inappropriate and possibly illegal act. Specifically, a couple came into the office and Kleiner agreed to artificially inseminate the woman. Notably, Kleiner is not a specialist in fertility and, upon information and belief, is not qualified to perform such a procedure. Kleiner instructed the couple to go into the office's only bathroom and have sex in order to obtain the man's semen. Schlanger and Romanger were forced to endure hearing the couple have sex, as the sounds traveled through the small office. After the couple finished having sex, Kleiner instructed Schlanger and Romanger to be in the exam room with them for the insemination. The girls refused as they believed that Kleiner's action, without being certified as a fertility specialist and without having done any prior fertility tests, constituted malpractice. In addition, the women were administrative employees and not health care workers. As a result of the women's refusal to participate in malpractice and continual denials of his sexual advances, Kleiner terminated Schlanger and Romanger in retaliation for their refusals. Shivon was terminated the next day when the doctor told her if she did not support him she could no longer work there.

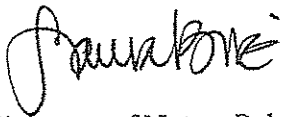
Based on the foregoing, I charge respondent with an unlawful discriminatory practice relating to employment because of gender, sexual harassment and retaliation in violation of the New York State Human Rights Law (Executive Law, Article 15), Section 296.

I have not commenced any other civil action, nor do I have an action pending before any administrative agency, under any state or local law, based upon this same unlawful discriminatory practice.

Shivon Super, being duly sworn, deposes and says: that she is the complainant herein; that she has read (or had read to her) the foregoing complaint and knows the content thereof; that the same is true of her own knowledge except as to the matters therein stated on information and belief; and that as to those matters, she believes the same to be true.


Shivon Super

Subscribed and sworn to
before me this day
of December 14, 2010



Signature of Notary Public

Laura Bone
NOTARY PUBLIC STATE OF NEW YORK
NASSAU COUNTY, N.Y. #0000000000
COMM. EXP. 11-16-2012

EXHIBIT 1

Kleiner (Mobile)

Received 7/8/2010 @ 12:07a

Kleiner

Oh, nothing just was gonna
attack u

Now u can tell me go 2 hell or
just the usual ignore all sexual
advances

EXHIBIT 2

Kilmer (Mobile)

Received 7/21/2010 @ 8:27P

Owner

I'm not being gross but
HONESTLY I wooda known
something was wrong down
there by scent alone.

As if I wood b going
down town on a daily
I wood a picked that up in a
second as being 'off'

EXHIBIT 3

Kleiner (Mobile)

Received: 7/21/2010 @ 8:49p

Kleiner:

Shivon can't we PLEASE hav an affair???

EXHIBIT 4

Kleiner (Mobile)

Received: 7/23/2010 @ 12:42a

Kleiner:

a really good person.

I'll become more n more

attracted 2 u every day.

EXHIBIT 5

Kleiner (Mobile)

Received 8/6/2010 @ 12:50p

Kleiner

Girls told yak there were no
cheks

Swear

Then he starts givin me shit.
Then they found them.

Again in some ill do sexual
favors and 2 make up 4 it

EXHIBIT 6

Kleiner (Mobile)

Received 10/16/2010 @ 10:57a

Kleiner:

□ think we should talk about ur
"stomach condition"