

SUPREME COURT OF THE STATE OF NEW YORK
Appellate Division, Fourth Judicial Department

1078

TP 07-00669

PRESENT: HURLBUTT, J.P., MARTOCHE, SMITH, FAHEY, AND PINE, JJ.

IN THE MATTER OF MAILSTAR, INC.,
PETITIONER-RESPONDENT,

V

ORDER

NEW YORK STATE DIVISION OF HUMAN RIGHTS,
MICHELLE CHENEY DONALDSON, COMMISSIONER,
RESPONDENTS-PETITIONERS,
AND DOROTHEA HAMPTON, RESPONDENT.

HARRIS, CHESWORTH, O'BRIEN, JOHNSTONE, WELCH & LEONE LLP, ROCHESTER
(MICHAEL P. LEONE OF COUNSEL), FOR PETITIONER-RESPONDENT.

CAROLINE J. DOWNEY, BRONX (PETER G. BUCHENHOLZ OF COUNSEL), FOR
RESPONDENTS-PETITIONERS.

Proceeding pursuant to Executive Law § 298 (transferred to the Appellate Division of the Supreme Court in the Fourth Judicial Department by order of the Supreme Court, Monroe County [David M. Barry, J.], entered February 12, 2007) to review a determination of respondents-petitioners. The determination found that petitioner-respondent had unlawfully discriminated against respondent in the form of a hostile work environment based upon race and sex and awarded her \$15,000 for mental anguish and humiliation.

It is hereby ORDERED that the determination be and the same hereby is unanimously confirmed without costs, the petition is dismissed, the cross petition is granted, and petitioner-respondent is directed to pay respondent the sum of \$15,000, together with interest at the rate of 9% per annum, commencing November 17, 2006.

Entered: September 28, 2007

JoAnn M. Wahl
Clerk of the Court