

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

Andre Hinds v. PSEG Long Island LLC, Long Island Electric Utility Servco LLC, National Grid Electric Services, LLC, Michael Abrams, and Michael Star

Hinds · No. 23-CV-08701 (RER) (LGD) · Decided February 2, 2026

SUMMARY

The United States District Court for the Eastern District of New York addresses motions to dismiss Andre Hinds's claims alleging race- and disability-based discrimination, retaliation, and hostile work environment under federal, state, and city law. The court dismisses the claims against PSEG Long Island LLC and National Grid without prejudice for failure to plausibly plead an employment relationship, dismisses the withdrawn ADA disability-discrimination claim, and otherwise grants or denies the motions in part as discussed in the opinion.

CASE DETAILS

COURT	United States District Court for the Eastern District of New York
WRITING FOR THE COURT	Ramón E. Reyes, Jr.
JURISDICTION	United States District Court for the Eastern District of New York
DECIDED	February 2, 2026
DOCKET	23-CV-08701 (RER) (LGD)
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) to dismiss Plaintiff's amended employment-discrimination complaint.
STANDARD OF REVIEW	For Rule 12(b)(1), the party invoking subject-matter jurisdiction bears the burden of establishing jurisdiction by a preponderance of the evidence; material allegations are accepted as true, but inferences are not drawn in favor of the jurisdictional proponent. For Rule 12(b)(6), the complaint must contain sufficient factual matter to state a facially plausible claim; well-pleaded facts are accepted as true and reasonable inferences are drawn for the plaintiff.
PRECEDENTIAL VALUE	nonprecedential

PARTIES

Andre Hinds v. PSEG Long Island LLC, Long Island Electric Utility
Servco LLC, National Grid Electric Services, LLC, Michael Abrams,
Michael Star

TOPICS

employment discrimination

ada / disability

hostile work environment

retaliation

motions to dismiss

PRACTICE AREAS

employment law

civil rights

disability discrimination

employment discrimination

civil procedure

QUESTIONS PRESENTED

1. Whether Hinds plausibly alleged that PSEG Long Island and Servco were single or joint employers.
2. Whether the court had subject-matter jurisdiction over adequately pleaded NYCHRL claims based on alleged workplace impact in New York City.
3. Which claims were timely under Title VII, the ADA, section 1981, the NYSHRL, and the NYCHRL, and whether the continuing-violations doctrine applied.
4. Whether Hinds plausibly pleaded race-discrimination claims under Title VII, section 1981, the NYSHRL, and the NYCHRL.
5. Whether Hinds plausibly pleaded disability-discrimination claims under the ADA, NYSHRL, and NYCHRL.
6. Whether Hinds plausibly pleaded retaliation claims under federal, state, and city law.
7. Whether Hinds plausibly pleaded hostile-work-environment claims under section 1981, the ADA, the NYSHRL, and the NYCHRL.
8. Whether Abrams and Star could be liable for aiding and abetting under the NYSHRL and NYCHRL.

HOLDINGS

1. The absence of an alleged New York City impact does not eliminate federal subject-matter jurisdiction over NYCHRL claims, and the court had supplemental jurisdiction because the NYCHRL claims formed part of the same case or controversy as federal claims. Hinds also adequately alleged New York City impact by alleging that he worked two to three days per week in Queens.
2. Hinds failed to plausibly allege that PSEG Long Island and Servco were a single integrated employer or that they jointly employed him. All claims against PSEG Long Island and National Grid were dismissed without prejudice.
3. The continuing-violations doctrine could extend otherwise untimely discrimination or harassment allegations when they were part of the same ongoing unlawful employment practice and at least one related act was timely, but discrete acts such as termination, failure to promote, denial of transfer, or refusal to hire generally remained independently untimely under federal and state law.

4. Hinds plausibly pleaded race-discrimination claims based on the post-collision training and driving restrictions, assignment to work in extreme heat while white coworkers worked inside, and the first noose incident. Those claims survived under Title VII, section 1981, the NYSHRL, and the NYCHRL against Servco and Abrams, but not against Star.
5. Hinds's ADA disability-discrimination claim was dismissed because he withdrew it and, in any event, the timely allegations did not plausibly connect the challenged conduct to disability. His disability-based NYSHRL and NYCHRL hostile-environment allegations survived.
6. Hinds failed to plead timely federal retaliation claims because he did not allege that the timely adverse actions were taken in response to protected opposition to discrimination. He plausibly pleaded NYSHRL and NYCHRL retaliation based on reporting hypertension, followed by a threat of demotion and a six-week driving suspension, against Servco and Abrams.
7. Hinds plausibly pleaded a race-based hostile work environment under section 1981 and corresponding NYSHRL and NYCHRL claims, but failed to plead an ADA hostile-work-environment claim.
8. Abrams and Star plausibly could be liable for aiding and abetting discrimination, retaliation, and hostile work environment under the NYSHRL and NYCHRL because the complaint alleged their direct, purposeful participation in the challenged conduct.

KEY QUOTATIONS

“a plaintiff must show that they faced an adverse employment action and allege “facts that directly show discrimination or facts that indirectly show discrimination by giving rise to a plausible inference of discrimination.”” (Discussion § IV.A)

“a plaintiff must show that ‘the workplace is permeated with discriminatory intimidation, ridicule, and insult that is sufficiently severe or pervasive to alter the conditions of the victim's employment and create an abusive working environment.’” (Discussion § VI.A)

“For the reasons set forth above, the Court grants in parts and denies in part Defendants’ motion to dismiss.” (Conclusion)

FACTUAL BACKGROUND

Andre Hinds, a Black man of Jamaican descent who took medical leave during his employment, alleged that his employers and supervisors subjected him to race- and disability-based discrimination, retaliation, and a hostile work environment. The alleged conduct included denial of a preferred position, ridicule concerning his medical conditions and leave, differential discipline and working conditions compared with white coworkers, racial symbols including nooses and a swastika, and restrictions following his disclosure of hypertension. Hinds also alleged that he complained to supervisors and human resources but that defendants failed to take corrective action.

PROCEDURAL HISTORY

Hinds filed an EEOC charge on August 22, 2022, received a right-to-sue notice on September 12, 2023, and commenced this action on November 25, 2023. He voluntarily dismissed PSEG Power, LLC; the original

complaint was dismissed; and Hinds filed an amended complaint on June 21, 2024. PSEG Long Island and Servco, followed by Abrams and Star, moved to dismiss. The court granted the motions in part and denied them in part, dismissing all claims against PSEG Long Island and National Grid without prejudice and allowing several claims against Servco, Abrams, and Star to proceed.

DISPOSITION

other

CASES CITED

- Makarova v. United States, 201 F.3d 110, 113 (2d Cir. 2000)
- Morrison v. National Australia Bank Ltd., 547 F.3d 167, 170 (2d Cir. 2008)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678, 697 (2009)
- Hoffman v. Parade Publications, 15 N.Y.3d 285, 291 (N.Y. 2010)
- Shukla v. Viacom Inc., 2019 WL 1932568, at *7 (S.D.N.Y. May 1, 2019)
- Cook v. Arrowsmith Shelburne, Inc., 69 F.3d 1235, 1240 (2d Cir. 1995)
- Felder v. U.S. Tennis Association, 27 F.4th 834, 843 (2d Cir. 2022)
- King v. Aramark Services Inc., 96 F.4th 546, 559-61 (2d Cir. 2024)
- National Railroad Passenger Corp. v. Morgan, 536 U.S. 101, 113-14 (2002)
- Muldrow v. City of St. Louis, 601 U.S. 346, 348, 353 n.1, 355, 357 (2024)
- Littlejohn v. City of New York, 795 F.3d 297, 311-12, 315, 318, 320-21 (2d Cir. 2015)
- Vega v. Hempstead Union Free School District, 801 F.3d 72, 84-87, 90 (2d Cir. 2015)
- Smith v. Town of Hempstead Department of Sanitation Sanitary District No. 2, 798 F. Supp. 2d 443, 452-54 (E.D.N.Y. 2011)
- Mihalik v. Credit Agricole Cheuvreux North America, Inc., 715 F.3d 102, 109-13 (2d Cir. 2013)
- Feingold v. New York, 366 F.3d 138, 157-59 (2d Cir. 2004)
- Tomka v. Seiler Corp., 66 F.3d 1295, 1317 (2d Cir. 1995)
- Burlington Industries, Inc. v. Ellerth, 524 U.S. 742, 753 (1998)