

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK, COUNTY OF NEW YORK**

CANDICE LUE, an individual,

Plaintiff

V.

JPMORGAN CHASE & CO. a Delaware Corporation; ALEX KHAVIN, an individual; FIDELIA SHILLINGFORD, an individual; JOHN VEGA, an individual; HELEN DUBOWY, an individual; PHILIPPE QUIX, an individual; THOMAS POZ, an individual; CHRIS LIASIS, an individual; MICHELLE SULLIVAN, an individual; and DOES 1 - 10, inclusive,

Defendants

Civil Action No.: 16 CV 3207 (AJN) (GWG)

**Affidavit in Response/Opposition to
“Defendants’ Statement of Undisputed
Material Facts under Local Civil
Rule 56.1 (Docket # 90)”**

I, pro se Plaintiff, Candice Lue hereby respond/oppose to the Defendants, JPMorgan Chase & Co. (“JPMorgan Chase”), Alex Khavin (“Khavin”), Fidelia Shillingford (“Shillingford”), John Vega (“Vega”), Helen Dubowy (“Dubowy”), Philippe Quix (“Quix”), Thomas Poz (“Poz”), Chris Liasis (“Liasis”), Michelle Sullivan (“Sullivan”) and DOES 1 through 10, inclusive, “Defendants’ Statement of Undisputed Material Facts under Local Civil Rule 56.1”, in good faith and under sworn oath, as follows:

STATEMENT

Rule 56 of the Federal Rules of Civil Procedure authorizes this Court to grant judgment as a matter of law where there is no genuine issue as to any material fact. An issue is “genuine” only if “the evidence is such that a reasonable jury could return a verdict for the non-moving party.” *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). Accordingly, the moving party must establish that no such issue remains for trial, even if the evidence is viewed in the light most

favorable to the non-moving party. See *Adickes v. S.H. Kress & Co.*, 398 U.S. 144, 157 (1970); *Lopez v. S.B. Thomas, Inc.*, 831 F.2d 1184, 1187 (2d Cir. 1987).

In light of Rule 56 of the Federal Rules of Civil Procedure, the Defendants' Motion for Summary Judgment should be denied because not only are their "Undisputed Material Facts" disputable and make clear that JPMorgan Chase & Co., et al perpetrated Employment Racial Discrimination and Retaliation against me but their said "Undisputed Material Facts" and the majority of the "Declarations" the said Defendants submitted "*in Support re: 89 Motion for Summary Judgment*", are either not supported by facts and/or are categorically false¹ (*Ante*, at 521-522. *Under McDonnell Douglas and Burdine, an employer caught in a lie will lose on the merits, subjecting himself to liability not only for damages, but also for the prevailing plaintiff's attorney's fees, including, presumably, fees for the extra time spent to show pretext. See 42 U. S. C. § 2000e-5(k) (1988 ed., Supp. III) (providing for an award of a "reasonable attorney's fee" to the "prevailing party" in a Title VII action).*

In conjunction, unless the said Defendants can make the documents required/requested in my "Affidavit in Opposition/Response to their Motion for Summary Judgment - Docket Nos. 90 – 99" available to me to either justify my said opposition/response or in the alternative, support the said Defendants' "Statements of Undisputed Material Facts" and their Declarations submitted "*in Support re: 89 Motion for Summary Judgment*", then I respectfully ask that the Court deny the Defendants' Motion for Summary Judgment pursuant to Rule 56(d) of Federal Rules of Civil Procedure – "When Facts Are Unavailable To The Nonmovant" which states:

"If a nonmovant shows by affidavit or declaration that, for specified reasons, it cannot present facts essential to justify its opposition, the court may: (1) defer considering the motion or

¹ EEOC Compliance Manual Section 15 - Race and Color Discrimination" - V(A)(2) – EMPLOYER CREDIBILITY: "*The credibility of the employer's explanation is key and must be judged in light of all the evidence obtained during the investigation. If an employer's explanation for the employee's treatment ultimately is not credible, that is powerful evidence that discrimination is the most likely explanation. (59) An employer's credibility will be undermined if its explanation is unsupported by or contrary to the balance of the facts. Similarly, the credibility of the explanation can be called into question if it is unduly vague, (60) appears to be an after-the-fact explanation, or appears otherwise fabricated (e.g., the explanation shifts, or inconsistent reasons are given).*"

deny it; (2) allow time to obtain affidavits or declarations or to take discovery; or (3) issue any other appropriate order” and;

St. Mary's Honor Center v. Hicks, 509 U.S. at 511 which states:

“In order to rebut the inference of discrimination, the employer must articulate, through admissible evidence, a legitimate, nondiscriminatory reason for its actions. The employer's burden is one of production, not persuasion; the ultimate burden of persuasion always remains with the plaintiff”.

I. BACKGROUND

Defendants’ Undisputed Material Fact # 1

“Candice Lue (“Plaintiff”) is a Black woman. (Amended Complaint (“Am. Compl.”) (ECF No. 33), ¶ 4.)”

Plaintiff, Candice Lue Response/Opposition

I, Plaintiff, Candice Lue, concur.

Defendants’ Undisputed Material Fact # 2

“Plaintiff began her employment with Chase on August 20, 2012 as an Energy Confirmations Drafting Analyst (“Drafting Analyst”) in the Commodities Operations Department of the Commercial Investment Bank, a business unit of Chase. (Am. Compl., ¶ 49.)”

Plaintiff, Candice Lue Response/Opposition

I, Plaintiff, Candice Lue began my employment with JPMorgan Chase on August 20, 2012 as an Energy Conformations Drafting Analyst (“Drafting Analyst”) in the Commodities Operations Department of the Corporate and Investment Bank, a business unit of JPMorgan Chase.

Defendants' Undisputed Material Fact # 3

“Except for the first few months of her employment, Plaintiff reported to Sullivan while she was in the Commodities Operations Department. (Am. Compl., ¶¶ 49, 83.) Sullivan, in turn, reported to Liasis. (Am. Compl., ¶ 83.)”

Plaintiff, Candice Lue Response/Opposition

The “Defendants’ Undisputed Material Fact # 3” is categorically false as I articulated in my “Affidavit in Opposition/Response to ‘Declaration of Michelle Sullivan - Docket # 95’” – “Response to Declaration Statement # 2”. I reported to Sullivan from the inception of my employment in the Confirmations department (Am. Compl. ¶ 49). I was hired in the Confirmations department on August 20, 2012 and from that day through my end date of November 7, 2014 in the said department, Michelle Sullivan had been my manager as well as the manager for all the other analysts and associates in the Confirmations department (Exhibit G – 2012 Performance Review).

Defendants' Undisputed Material Fact # 4

“In or about July 2013, while Sullivan was on leave, Liasis conducted Plaintiff’s 2013 mid-year performance review (or “PMC”) (Am. Compl., ¶ 154; Liasis Dec., ¶ 8.) Plaintiff received an “M” for “Meets Expectations.” (Liasis Dec., Ex. A, at JPMORGAN CHASE (“JPMC”) 377.) Liasis noted in the PMC that Plaintiff’s “communication style needs continued refinement and . . . managing the perception and expectation others have of [Plaintiff] is paramount to her success, this is an ongoing focus area.” (Id.)”

Plaintiff, Candice Lue Response/Opposition

The Defendants’ Undisputed Material Fact # 4 is one of the reasons why my Tenth Cause of Action – “Defamation of Character on the Basis of Race in Violation of Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981” is legitimate, plausible, relevant and warranted.

As I stated in Paragraph 200 of my Amended Complaint: *“Without proper clarification, this [“communication style” comment by Liasis] would clearly be an assault on my character as the first thing that any prospective hiring manager at JPMorgan Chase would think of me, a Black person, is that stereotypically I have poor communication skills whereby good communication skills are such an integral part of an employee’s career. No one would be thinking that as a Black person this comment would be in relation to me being advised to “tone down my professionalism”.² As a Black person they might be thinking that Ebonics was my first language.”*

With that said, my “Employee Comment” in response to Liasis’ “communication style” comment on my 2013 mid year performance review was: *“My communication style is for the most part very thorough but that is because I usually prefer to solve queries as efficiently as possible instead of through constant back and forth emails/phone calls. For instance, if I can be proactive in taking care of a trader’s or marketer’s queries/concerns in one email without the trader or marketer having to send back for additional information, Id always opt for that. I think that doing so helps with the enhancement of productivity not only for me but also for the trader or marketer and for J.P. Morgan Chase as a whole”* (Exhibit G – 2013 Performance Review, page 5).

Because of this said comment I made in response to Liasis’ “communication style” comment on my 2013 mid-year performance review, Sullivan was forced to provide further explanation when she also made the said racially stereotypical comment on my 2014 mid-year performance review regarding my “communication style” where she stated: *“Another key development point for Candice is tailoring her communication style for her audience. She should try to move away from detailed explanation of investigation and steps performed (although good when training team members) when providing updates and feedback and put together a more executive level summary clearly highlighting status & next steps.”* (Exhibit G – 2014 Performance Review, page 10)

² In the meeting for the verbal portion of my 2013 mid-year performance review, one of the “feedbacks” Liasis gave me as it related to my overall performance was: *“you are very professional. You need to tone down your professionalism to integrate with the team”* – to “act Black” – (Am. Compl. ¶ 197, Exhibit QQ - “Acting White” and “Uppity Negro”)

However, as the “Defendants’ Undisputed Material Fact # 4” shows, this clarification by Sullivan has been totally ignored and just as how the Defendants, JPMorgan Chase & Co., et al see this racially stereotypical comment fit to defame my character to the point that they have used it against me in this lawsuit then as a Black person and based on the overt stereotype that Black people have poor communication skills, this comment by Liasis on my 2013 mid-year performance review would be a “wink-wink”³ to the overwhelming majority of White prospective hiring managers at JPMorgan Chase (Exhibit QQ – “How Can I explain to a White Person...”) So again, “Defendants’ Undisputed Material Fact # 4” is one of the reasons why my Tenth Cause of Action – “*Defamation of Character on the Basis of Race in Violation of Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981*” is legitimate, plausible, relevant and warranted.

And, as to Liasis’ comment about “*managing the perception and expectation others have of [Plaintiff] is paramount to her success, this is an ongoing focus area*”, my “Employee Comment” in response to that comment by Liasis was, “*Complaints about my emails being too thorough or me escalating priority queries when I am not scheduled to do so or my need to be less professional, do not do much in the enhancement of the Confirmations process as a whole. And maybe to my own detriment, but I tend to ignore these complaints and focus more on learning and growing in my position, the contribution that I can make to the Confirmations Team and by large to J.P. Morgan Chase as a whole*” (EXHIBIT G – 2013 Performance, page 5).

Defendant Liasis is a racist whose ideology was for me to “act Black. As I stated in Paragraph 197 of my Amended Complaint, “....*In the meeting for the verbal portion of my said review, one of the “feedbacks” Liasis gave me as it related to my overall performance was, and I*

³ EEOC Compliance Manual Section 15 – Race and Color Discrimination - V(A)(2) – RACE-RELATED STATEMENTS (ORAL OR WRITTEN) MADE BY DECISIONMAKERS OR PERSONS INFLUENTIAL TO THE DECISION. “*Race-related statements include not only slurs and patently biased statements, but also “code words” that are purportedly neutral on their face but which, in context, convey a racial meaning.* (47) *The credibility of the witness(es) attesting to discriminatory statements, and the credibility of the witness(es) denying them, are critical to determining whether such statements actually were made. If racially discriminatory statements were made, their importance will depend on their egregiousness and how closely they relate – in time and content – to the decision in question.*” Also Exhibit A-1 - “*Often, unconscious stereotypes or implicit biases are, [can be, and will be] at play*” - Former Equal Employment Opportunity Commissioner, Stuart Ishimaru.

will quote, “you are very professional. You need to tone down your professionalism to integrate with the team.” In light of the foregoing, what Liasis was really trying to say when his “feedback” to me was “you are very professional... You need to tone down your professionalism to integrate with the team” was not that I was too professional for JPMorgan Chase or for the Confirmations Team which was a professional team but that I was too professional for a Black person. Or, as they say in the inner-city Black communities, “I am too Sadiddy/Bougie. I am acting White”. Because of Liasis’ obvious effort to portray himself as someone who is highly professional, he should have been the last person I would have expected to tell me, “you are very professional. You need to tone down your professionalism” for whatever reason.”

Again, without proper clarification, these comments by Liasis would clearly be an assault on my character as the first thing that any prospective hiring manager at JPMorgan Chase would think of me, a Black person, is that stereotypically I have poor communication skills whereby good communication skills are such an integral part of an employee’s career. As a Black person they might be thinking that Ebonics was my first language. No one would be thinking that as a Black person these comments would be in relation to me being advised to tone down my professionalism (Exhibit QQ– Acting White).

In light of the foregoing, “Defendants’ Undisputed Material Fact # 4” is one of the reasons why my Tenth Cause of Action – “*Defamation of Character on the Basis of Race in Violation of Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981*” is legitimate, plausible, relevant and warranted.

Defendants’ Undisputed Material Fact # 5

“In or about January 2014, Sullivan conducted Plaintiff’s 2013 year-end PMC; Plaintiff received another “M.” (Sullivan Dec., Ex. A, at JPMC 378.) Sullivan noted in the PMC that “[r]eaction to constructive feedback [] should be focused [on] as a key area of improvement.” (Id. at JPMC 377.)”

Plaintiff, Candice Lue Response/Opposition

The Defendants' Undisputed Material Fact # 5 is one of the reasons why my Sixth and Tenth Causes of Action – *“Intentional Infliction of Career Regression and Career Stagnation on the Basis of Race in Violation of Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981”* and *“Defamation of Character on the Basis of Race in Violation of Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981”* are legitimate, plausible, relevant and warranted.

The “*constructive feedback*”⁴ that Sullivan is alluding to is for the two process improvement initiatives that I had put forth (the “Query Management Tool” and the “Reference Data Knowledge Share”) within my first year of being a member of the Global Commodities Group - Energy Confirmations Department (“Confirmations department”), the department Sullivan managed.

In conjunction with my “Affidavit in Opposition/Response to ‘Declaration of Michelle Sullivan’ – Docket # 95” and “Affidavit in Opposition/Response to ‘Declaration of Chris Liasis’ – Docket # 94”, below is my word for word “Employee Comment” in response to Sullivan’s said comment (Defendants’ “Undisputed Material Fact # 5”) on my 2013 year end performance review (JPMorgan Chase 000376 - Exhibit A attached to Declaration of Michelle Sullivan):

“For the two initiatives that I presented to improve BAU processes, I had always made it clear that, and I quote, your feedback/suggestions are most welcome.

For the query management tool that I created, some of my colleagues approved of the idea and responded as such but no further constructive feedback beyond their approval was offered. The ones who did not approve, response or feedback was not another spreadsheet. As for the support from management, I will respectfully say that such support was lackluster to non-existent. I understand not being completely sold on my idea but that in and of itself is not a constructive feedback for execution of any idea, neither is not getting responses verbally or in writing to emails sent [to Sullivan and Liasis]. So, this was the kind of attitude/reaction that caused me to pull back

⁴ Liasis’ and Sullivan’s “constructive feedback” was to contain me in my “Black hole” (¶¶ 150 – 160 - Am. Compl., Exhibit II-1, “Affidavit in Opposition/Response to ‘Declaration of Michelle Sullivan’ – Docket # 95 & “Affidavit in Opposition/Response to ‘Declaration of Chris Liasis’ – Docket # 94)

on this effort. As, after assessing the situation, I decided that my continued pursuit could be misconstrued as overstepping my boundaries or insubordination.

For the reference data knowledge share that I created, I only received feedback from one person [Ine Lolomari] after discussing it in one of our huddles and the feedback was most welcomed. After meeting with her [Ine Lolomari] a couple times to discuss her contribution, I incorporated some of her suggestions into the knowledge share, sent out the updated knowledge share to the team and other JPMC employees and gave her [Ine Lolomari] credit in the email for providing the feedback. I also, as usual, mentioned in the said email containing the reference data knowledge share attachment that as always, feedback is always welcome. However, I did not get any other feedback from anyone. (Email is available upon request.)

As for my regular BAU, I have always solicited feedback on my work from the traders, marketers and legal team who I support/liase with and on most occasions incorporated those suggestions into my work with the intent of improving my efficiency, accuracy, etc. This has helped to enhance my professional growth and my ability to provide optimal service to them. (Email evidence is available upon request).

Furthermore, as I liaise with my Confirmations colleagues on a daily basis, I strive to ensure that substantive discussions ensue wherein, I maintain an openness and approachable attitude toward feedback. I am always receptive and thankful for their insight and input on matters regarding the most effective way to execute the drafting of a confirmation and performing other BAU activities.

However, I must admit though that if I know that a colleague has the tendency to be malicious or unconscionable [Sullivan's and Liasis' unconscionable⁵ confidant], I will not in any

⁵ This employee, through her own words, thought it was funny (she was actually laughing) to get rid of a temp by calling the employment agency through which he worked to tell them "not to send him back" just because, in her sole opinion, she thought "he is creepy". Having worked as a temp myself and understanding how the temp agencies operate as a business, I am aware that this unconscionable act by Linda Murphy will, or at least could, result in the employment agency through which the temp worked not sending this temp worker on any other assignment, especially on another assignment at JPMorgan Chase because, at the end of the day, it's all about business. Also see Exhibit II-1.

way be swayed to have such person write a feedback on my behalf on my permanent work record. And as such, would refuse the suggestion of such feedback as a matter of shrewd thinking.”

No employee is perfect but a manager given the authority to write negative comments on an employee’s performance review should not abuse such authority, by writing lies that are not only defamatory to the said employee’s character but are racially stereotypical (“Uppity Negro”), to carry out the said manager’s nefarious agenda.

As my aforesaid “Employee Comment” shows, Sullivan’s comment is a concerted effort to minimize my efforts of contributing to the process improvement initiatives of the Confirmations department in her quest to unlawfully regress and stagnate my career growth at JPMorgan Chase. As, it never mattered what I did to exceed my work expectation, Sullivan and Liasis would never give me a performance rating above “Meets Expectation (M)”. And, to even be considered for a promotion, a JPMorgan Chase employee needs to have at least a “Meets Expectation Plus (M+)” performance rating” (Exhibit QQ - “Why Black Workers Really Need to be Twice as Good” & Exhibit H-3)

Defendants’ Undisputed Material Fact # 6

“In or about July 2014, Sullivan conducted Plaintiff’s 2014 mid-year PMC. Plaintiff received an “M.” (Sullivan Dec., Ex. C, at JPMC 428.)”

Plaintiff, Candice Lue Response/Opposition

That is correct.

II. PLAINTIFF JOINS THE COUNTERPARTY RISK GROUP

Defendants’ Undisputed Material Fact # 7

“On or about November 10, 2014, following the sale of Chase’s commodities business and the closing of her department, Plaintiff transferred to the role of Credit Reporting Risk Analyst

(“Reporting Analyst”) in the Counterparty Risk Group (“CRG”) of JPMorgan Asset management, a business unit of Chase. (Am. Compl., ¶ 50.)”

Plaintiff, Candice Lue Response/Opposition

Contrary to the Defendants’ “citing”, as is clearly stated in Paragraph 50 of my Amended Complaint: “I was **rehired** by JPMorgan Chase on November 10, 2014 as a Credit Reporting Risk Analyst in Asset Management Credit Risk Department”.

As the letter dated September 26, 2014 and the email dated October 3, 2014 (Exhibit JJ) show, I was officially **terminated** effective Sunday, November 9, 2014 by JPMorgan Chase from my position as an Energy Confirmations Drafting Analyst (“Drafting Analyst”) in the Global Commodities Group - Energy Confirmations Department of JPMorgan Chase Corporate & Investment Bank due to the sale of the company’s physical commodities business in which I worked (Exhibit JJ). However and by chance⁶, I was successful in securing another position as a Credit Reporting Risk Analyst with the said company in its Asset Management Counterparty Risk Group (“Counterparty Risk Group”) which I was able to start and started on Monday, November 10, 2014 **after my date of termination**. It was only out of convenience that when I spoke with the JPMorgan Chase HR representative who was handling the said position via an IM conversation on November 6, 2014 (Exhibit JJ) that he decided to put me in the system as a “transfer” before my November 9, 2014 termination date because after my said termination date, I would have been automatically cleared out of the system and would have to be onboarded as a new hire - from scratch. Meaning, that it would have been more work for him to do.

⁶ Response to “Affidavit in Opposition/Response to Declaration of Michelle Sullivan in Support re: 89 Motion for Summary Judgment - Docket # 95” – Pg. 8 – “Statement”

Defendants Undisputed Material Fact # 8

“In her position in CRG, Plaintiff reported to Shillingford, a Black female. (Am. Compl., ¶ 18; Shillingford Dec., ¶ 2.) Shillingford, in turn, reported to Khavin. (Khavin Dec., ¶¶ 2-3.)”

Plaintiff, Candice Lue Response/Opposition

That is correct.

Defendants Undisputed Material Fact # 9

“In or about December 2014, Sullivan, in conjunction with Shillingford, conducted Plaintiff’s year-end 2014 PMC, with each manager providing feedback. (Sullivan Dec., Ex. C, at JPMC 428-429.) Plaintiff received an “M-“ for “Low Meets Expectations” from Sullivan for her time as a Drafting Analyst. (Id. at JPMC 429.)”

Plaintiff, Candice Lue Response/Opposition

As Exhibit II shows, this was a hostile exchange. After adding Sullivan as an additional manager on my PMC for my 2014 year end performance review, Shillingford found out that Sullivan’s motives and adamancy in wanting to have access to my said 2014 year end performance review were ill willed and so Shillingford removed Sullivan as an additional manager. As the email trail in Exhibit II also shows, Shillingford never reinstated Sullivan as an additional manager but she, Shillingford was forced by HR representative, Ana Cabrera-Vargas to put Sullivan’s comments as well as her “Low Meets Expectation (M-)” rating on my 2014 year end performance review. Since Shillingford did not reinstate Sullivan’s privilege because she realized that Sullivan was ill willed, Sullivan had to send Shillingford her comments via email and Shillingford copied and pasted them along with the “Low Meets Expectation (M-)” rating into my PMC. There was no working “*in conjunction with*” per se as Shillingford was forced to work with Sullivan.

While Sullivan's performance rating for me was "Low Meets Expectation (M-)", Shillingford could not have given me a rating because of the short time I had been in the department but her, Shillingford's comment for my brief tenure was "*Candice has hit the ground running in this new role. She has been very hands-on and follows up on outstanding issues; additionally, Candice is willing to take on new responsibilities with a can-do-attitude. It's going to be a steep learning curve and she needs to be proactive in understanding the business, the processes/procedures, and the various products in order to be successful in this new role. For further development, I would encourage Candice to take advantage of AM University course geared for Counterparty Risk to expand her knowledge*"⁷ (Exhibit G – JPMorgan Chase 000471⁸ & 2014 Performance Review, page 11 – Current Manager Feedback – Fidelia Shillingford).

Defendants Undisputed Material Fact # 10

"On or about January 5, 2015, Plaintiff sent Human Resources a five-page "response" to Sullivan's portion of the year-end 2014 PMC, calling her feedback "malicious," "mendacious," and "defamatory," and demanding that HR "do its job." (Id. at JPMC 429, 379-383.)"

Plaintiff, Candice Lue Response/Opposition

On or about January 5, 2015, I did not send such five-page "response" to Human Resources.

I only made undisputed comments on my PMC in the "Employee Comments" section.

⁷ As page 7 of my 2014 year end performance review shows (Exhibit G - 2014 Performance Review), in my brief tenure in the Counterparty Risk Group, I had already started to take advantage of "AM University course[s] geared for Counterparty Risk".

⁸ "JPMorgan Chase 000471" was the "draft" my then manager, Shillingford sent to my skip level manager, Khavin, who is a racist, as her, Shillingford's comment for my 2014 year end performance review (I was on the job for less than two months. This was also before my former manager, Michelle Sullivan submitted her malicious, mendacious and racially stereotypical comments that she, Sullivan fought tooth and nail to put on my said 2014 year end performance review). "JPMorgan Chase 000471" states: "*Candice has had to hit the ground running in this new role; her ability to learn quickly and prioritize her work has helped her to accomplish the given tasks within her new role. Candice is very proactive and willing to take on new responsibilities. For 2015, she needs to develop an understanding of the various trading products and business operations; and to build relationships within the business.*" However, as page 11 of my 2014 year end performance review shows, this "draft" by Shillingford was modified to reflect a less praiseworthy comment (as shown above) for my said 2014 year end performance review.

Defendants Undisputed Material Fact # 11

“On January 12, 2015, Plaintiff filed an official HR complaint against Sullivan. (Am. Compl., Ex. D.)”

Plaintiff, Candice Lue Response/Opposition

That is correct.

Defendants Undisputed Material Fact # 12

“Between January 12 and February 12, 2015, Nancy Sebastian, a member of the Chase HR Advice Direct team, conducted an investigation into Plaintiff’s claims. Sebastian reviewed Plaintiff’s 2013 and 2014 PMCs and interviewed Sullivan, Ana Cabrera-Vargas (the HR Business Partner for the Commercial Investment Bank, Plaintiff’s former group), Shillingford, Brooke Miller (the HRBP to Plaintiff’s then-current group, Asset Management), and Plaintiff. (DuBowy Dec., Ex. A.)”

Plaintiff, Candice Lue Response/Opposition

Just like the complaint I made to JPMorgan Chase’s HR department about Khavin’s racial discrimination against Blacks, the complaint I made to Julie Johnson about Sullivan’s harassment (JPMorgan Chase 000123 - 000126 - Exhibit A attached to Dubowy’s Declaration) was to no avail. HR representative, Nancy Sebastian found nothing “*wrong/malicious*” (Exhibit DDD).

JPMorgan Chase’s HR department is a farce and the HR representatives are only looking out for the best interest of JPMorgan Chase whether it means making sure to not expose the racist culture within the company through unlawful retaliations, bogus investigations and cover-ups or to not take culpability for a manager willfully harassing an employee (Am. Compl. ¶ 137, Exhibit CC).

Defendants Undisputed Material Fact # 13

“Sebastian concluded that Plaintiff’s allegations were unfounded. (Id. at JPMC 110-114.) With respect to Plaintiff’s allegations that Sullivan had fought “tooth and nail” to leave feedback on Plaintiff’s 2014 year-end PMC, Sebastian determined that Sullivan had in fact sought guidance from Cabrera-Vargas whether she was the appropriate person to provide feedback on Plaintiff given that she no longer supervised Plaintiff. (Id.) After consulting with Miller, Cabrera-Vargas informed Sullivan and Shillingford that, under company practice, the primary feedback and rating should be furnished by Sullivan, the supervisor under whom Plaintiff spent the majority of 2014. (Id.)”

Plaintiff, Candice Lue Response/Opposition

“JPMorgan Chase 000116 – 000122”⁹ - Exhibit A attached to Declaration of Helen Dubowy and/or Exhibit II make it as clear as day that Sullivan fought tooth and nail to put her malicious, mendacious, rancorous and racially stereotypical comments on my 2014 year end performance review.

Sensing Sullivan’s malicious intent, on Friday, December 12, 2014, Shillingford who had previously given Sullivan access to my PMC as an “additional manager” to make comments on my 2014 year end performance review, revoked the said access (JPMorgan Chase 000122 - Exhibit B attached to Sullivan’s Declaration) and thereafter, Sullivan’s tooth and nail fight ensued with an email from Sullivan to Shillingford¹⁰, first thing on Monday (8:15 AM), December 15, 2014, which “ordered”: *“I received the below notice late Friday. Can you add me back in today please?”* (JPMorgan Chase 000121 - 000122 - Exhibit B attached to Sullivan’s Declaration)

It is obvious from HR representative, Ana Cabrera-Vargas’ 9:27 AM email response (JPMorgan Chase 000121 attached to Sullivan’s Declaration) that she, Ana Cabrera-Vargas, did not

⁹ “JPMorgan Chase 000116 – 000118” has to be viewed in Exhibit A attached to Declaration of Helen Dubowy and/or Exhibit II because these emails between Sullivan and Shillingford were surreptitiously omitted from Sullivan’s Exhibit B.

¹⁰ With a copy to HR representative, Ana Cabrera-Vargas with whom Sullivan has leverage.

even as much as discussed the matter with Shillingford before she gave Shillingford the directive to add Sullivan back to my PMC as an additional manager. Shillingford did not re-add Sullivan as an additional manager but she requested that Sullivan email a copy of her feedback to her and she, Shillingford *“will coordinate with Candice”* (JPMorgan Chase 000120 - Exhibit B attached to Sullivan’s Declaration).

However, as Sullivan’s email dated December 16, 2014 (JPMorgan Chase 000120 - Exhibit B attached to Sullivan’s Declaration) makes it as clear as day, Sullivan was not content with only being given the opportunity to send whatever feedback she had for my 2014 year end performance review to Shillingford for Shillingford to put such comments on my PMC. She, Sullivan wanted her own access to ensure that her malicious, mendacious, rancorous and racially stereotypical comments were put on my said performance review. Shillingford not only continued to deny Sullivan such access to my PMC but she, Shillingford also defied HR representative, Ana Cabrera-Vargas’ threat (email dated December 16, 2014 time stamped 11:15 AM - JPMorgan Chase 000119 attached to Sullivan’s Declaration) which states: *“If you [Shillingford] are not able to include Michelle’s [Sullivan’s] feedback, please let us know and we [the authority vested in HR] will add her back in as an additional manager.... And include her [Sullivan] in the YE [year end] discussion”* by forwarding Ana Cabrera-Vargas’ said email to the Asset Management HR Business Partner, Brooke Miller with the message *“Can you please give me a call to discuss? Thanks in advance”* (JPMorgan Chase 000119 - Exhibit A attached to Declaration of Helen Dubowy and/or Exhibit II). Please note that to view the said message in Shillingford’s forwarded email to Brooke Miller you will have to go to Exhibit A attached to Helen Dubowy’s Declaration – Docket # 96 or Exhibit II as that surreptitious “blank space” at the top of “JPMorgan Chase 000119 - Exhibit B attached to Sullivan’s Declaration” is where you will find Shillingford’s forwarded email.

Sullivan’s “tooth and nail” fight to do my 2014 year end performance review was so evident in emails between Sullivan and Shillingford labeled “JPMorgan Chase 000116 – 000118 - Exhibit

A attached to Declaration of Helen Dubowy and/or Exhibit II”, that to help her, Sullivan’s defense, in addition to blanking out Shillingford’s message in her aforesaid forwarded email, “JPMorgan Chase 000116 – 000118” emails between Sullivan and Shillingford were also surreptitiously omitted from Exhibit B attached to Sullivan Declaration. These emails have to be viewed in either Exhibit A attached to “Declaration of Helen Dubowy” and/or Exhibit II.

I respectfully refer the Court to “JPMorgan Chase 000116 – 000122” moreso “JPMorgan Chase 000116 – 000117” (Exhibit A attached to Declaration of Helen Dubowy - Docket # 96 and/or Exhibit II) ¹¹ which shows that **on the day** that Sullivan returned from her vacation¹², January 5, 2015, she wanted confirmation from Shillingford that Shillingford had put the comments she, Sullivan had provided for my 2014 year end performance review on my said review - *“please confirm that [Plaintiff, Candice Lue’s] PMC has been updated with my feedback and ranking”*.

In conjunction with the aforesaid, I respectfully refer the Court to my “Opposition/Response to Plaintiff Cannot Show a Triable Issue of Harassment” – “Memorandum of Law in Opposition to Defendants’ Motion for Summary Judgment” - (2)(a) - pgs. 176 - 181). No good intentioned manager would have fought tooth and nail to have her malicious, mendacious, rancorous and racially stereotypical comments and poor performance rating put on a **former** subordinate’s performance review unless that manager’s vendetta was to harass the employee and based on Sullivan’s nature, to do so on the basis of my race (“wink-wink” ¹³).

¹¹ This email has to be viewed in Exhibit A attached to Declaration of Helen Dubowy and/or Exhibit II as again, emails between Sullivan and Shillingford labeled “JPMorgan Chase 000116 – 000118 were surreptitiously omitted from Sullivan’s Exhibit B.

¹² Sullivan went on vacation on December 19, 2014 (JPMorgan Chase 000118 - Exhibit A attached to Declaration of Helen Dubowy and/or Exhibit II)

¹³ EEOC Compliance Manual Section 15 – Race and Color Discrimination - V(A)(2) – RACE-RELATED STATEMENTS (ORAL OR WRITTEN) MADE BY DECISIONMAKERS OR PERSONS INFLUENTIAL TO THE DECISION. “Race-related statements include not only slurs and patently biased statements, but also “code words” that are purportedly neutral on their face but which, in context, convey a racial meaning. (47) The credibility of the witness(es) attesting to discriminatory statements, and the credibility of the witness(es) denying them, are critical to determining whether such statements actually were made. If racially discriminatory statements were made, their importance will depend on their egregiousness and how closely they relate – in time and content – to the decision in question.” Also Exhibit A-1 - “Often, unconscious stereotypes or implicit biases are, [can be, and will be] at play” - Former Equal Employment Opportunity Commissioner, Stuart Ishimaru.

As it relates to “*under company practice, the primary feedback and rating should be furnished by Sullivan, the supervisor under whom Plaintiff spent the majority of 2014*”, I respectfully refer the Court to Shillingford’s email dated December 15, 2014 (JPMorgan Chase 000121 - Exhibit B attached to Sullivan’s Declaration)

Defendants Undisputed Material Fact # 14

“*Sebastian further concluded that Sullivan was able to substantiate the feedback that was left on Plaintiff PMCs, noting that while Plaintiff had some accomplishments during the year, there were shortcomings that could not be ignored. Sebastian informed Plaintiff of these findings and the investigation was closed. (Id.)*”

Plaintiff, Candice Lue Response/Opposition

As per Paragraphs 133, 137, 161 and 207a of my Amended Complaint and my email to Julie Johnson dated February 12, 2015 (Exhibit D), Sebastian informed me that per the findings of her “investigation”, she “*saw nothing malicious/wrong*”. However, those “*shortcomings*” were the malicious, mendacious, rancorous and racially stereotypical comments¹⁴ under the guise of “Manager Opportunities” that Sullivan fought tooth and nail (Exhibit II - JPMorgan Chase 000116 – 000122) to put on my 2014 year end performance review in her quest to regress and stagnate my career at JPMorgan Chase on the basis of my race¹⁵. I respectfully refer the Court to my “Affidavit

¹⁴ EEOC Compliance Manual Section 15 – Race and Color Discrimination - V(A)(2) – RACE-RELATED STATEMENTS (ORAL OR WRITTEN) MADE BY DECISIONMAKERS OR PERSONS INFLUENTIAL TO THE DECISION. “*Race-related statements include not only slurs and patently biased statements, but also “code words” that are purportedly neutral on their face but which, in context, convey a racial meaning.* (47) *The credibility of the witness(es) attesting to discriminatory statements, and the credibility of the witness(es) denying them, are critical to determining whether such statements actually were made. If racially discriminatory statements were made, their importance will depend on their egregiousness and how closely they relate – in time and content – to the decision in question.*” Also Exhibit A-1 - “*Often, unconscious stereotypes or implicit biases are, [can be, and will be] at play*” - Former Equal Employment Opportunity Commissioner, Stuart Ishimaru.

¹⁵ The method that was available to Sullivan was JPMorgan Chase’s Performance Management Central (PMC) and the means she found possible was my race.

in Opposition/Response to ‘Declaration of Helen Dubowy’ – Docket # 96” - “Nancy Sebastian’s ‘Investigation’ into Complaint I Made about Sullivan”.

Defendants Undisputed Material Fact # 15

“After Plaintiff communicated her disappointment with the determination, Chase informed Plaintiff of the appeals process. Plaintiff declined to pursue an appeal. (Am. Compl., Ex. D.)”

Plaintiff, Candice Lue Response/Opposition

JPMorgan Chase’s HR department is a total farce (Exhibits CC, CC-1 and Am. Compl. ¶ 137). As per (Exhibit DDD), I informed JPMorgan Chase’s HR that “.... *As much as I would or should be interested in appealing this case via the appeals process you mentioned, there is a feeling of lack of confidence that I now have in the system that prohibits me from moving forward with this appeals process.*”

III. PLAINTIFF’S UNSATISFACTORY PERFORMANCE

I. Plaintiff’s Objections to Performing Certain Tasks

Defendants Undisputed Material Fact # 16

“As a Reporting Analyst, Plaintiff’s job description states that “Specific responsibilities will include.... Contributing to team-wide efforts such as.... preparing management presentation.... (Am. Compl., Ex. H.)”

Plaintiff, Candice Lue Response/Opposition

First off, this responsibility was on ALL of the analysts’ and associates’ in the Counterparty Risk Group’s job descriptions (Exhibit H). With that said, anyone of reasonable mind perusing the job descriptions for the said analysts and associates in the Counterparty Risk Group would observe that based on the responsibilities listed and the qualifications and the skills required to execute those

responsibilities, “*preparing management presentation*” does not correlate with the tasks of printing, collating, and stapling 13 copies of each of the non-Black team members of the Counterparty Risk Group’s presentation materials (one copy for each member of the team), and the emailing and lugging of the said presentation materials to the monthly team meeting, etc., the employment racially discriminatory tasks that I was solely assigned during my tenure in the Counterparty Risk Group.

Without the “.....” in the “Defendants Undisputed Material Fact # 16”, this is exactly what responsibility “iv” of the Credit Reporting Risk Analyst job description states: “*Contributing to team-wide efforts such as risk assessment methodology enhancements, portfolio-wide reviews and preparing management presentations*” (Exhibit H – Job Descriptions). And, each month, without fail, I prepared and presented my up to three management presentations at the Counterparty Risk Group’s Monthly Governance Meeting.

Linking the printing, etc. to “*preparing management presentations*” was a ploy concocted by Defendant John Vega¹⁶ and Defendant JPMorgan Chase’s HR department to use as cover for the employment racial discrimination that I had reported being perpetrated against me (Am. Compl. ¶ 116).

The true interpretation of and what correlates with “*preparing management presentations*” is the caliber of presentations the candidate sought for the Credit Reporting Risk Analyst position should be able to produce and present. Based on the fact that these presentations are viewed by senior level managers, the said candidate would need to have the ability to produce and present high quality and intellectually stimulating presentations to the senior management audience. That is why, one of the questions that Tatevik Avetyan asked me when she was interviewing me was “*how do you feel about doing presentations in front of senior management?*” (“Letter Response to

¹⁶ John Vega was in charge of investigating my employment racial discrimination claim.

Defendants' Responses and Objections to Plaintiff's Second Set of Document Requests [pg 4]" - Docket entry # 60).

With that said, senior management is the ultimate audience for many of the presentations that the Counterparty Risk Group, including myself, prepares. This audience encompasses as high as, not only Defendant Philippe Quix, the Global Investment Management Chief Risk Officer but also the Asset Management Chief Risk Officer who reports to the firm-wide Chief Risk Officer who in turn reports to JPMorgan Chase's Chairman and CEO, Jamie Dimon. I was also advised that the Asset Management CEO views these presentations. Case in point, in a December 2015 global townhall meeting held by the Global Investment Management Chief Risk Officer, Defendant Philippe Quix, he asked my then manager, Defendant Shillingford a question from the firm-wide Chief Risk Officer about the calculation logic of the Exposure Report. As the Credit Reporting Risk Analyst, one of my main responsibilities was working on the said Exposure Report and presenting the analysis at the Counterparty Risk Group's Monthly Governance Meetings.

In light of the foregoing, how can "*preparing management presentation*" be interpreted as printing, etc. presentation materials for the non-Black team members, including non-Black team members on my job level, given the high credential requirements sought for the Credit Reporting Risk Analyst position and the caliber and level of the ultimate audience for these presentations? Again, linking the printing, etc. to "*preparing management presentation*" was a ploy concocted by Defendant John Vega¹⁷ and JPMorgan Chase's HR department to use as cover for the employment racial discrimination that I had reported being perpetrated against me.

Defendants Undisputed Material Fact # 17

"On or about January 26, 2015, Plaintiff met with Shillingford to complain that Khavin was treating Plaintiff "as if she was the help" as if this is 1910" because Khavin had assigned her the

¹⁷ John Vega was in charge of investigating my employment racial discrimination claim

task of collecting and distributing the materials, as well as taking minutes, for the monthly governance meetings (collectively, the “Tasks”). (Shillingford Dec., ¶ 15.)”

Plaintiff, Candice Lue Response/Opposition

Actually, these racially discriminatory tasks should not be sugar coated as being “*collecting and distributing the materials*”¹⁸. But rather, as the only Black analyst in the Counterparty Risk Group and reminiscent of the 1800s plantation style living, in the era of slavery when Blacks had to serve their masters and their masters’ families, Khavin solely assigned me the task of the taking of the minutes for the monthly team meetings (a task that was so undesirable that for the two years prior to me joining the Counterparty Risk Group Khavin had made it rotational among all the analysts and associates) and the tasks of printing, collating, and stapling 13 copies of each of the non-Black team members of the Counterparty Risk Group’s presentation materials (one copy for each member of the team), and the emailing and lugging of the said presentation materials to the monthly team meeting where the said non-Black team members, including the ones on my own job level, would be waiting to “be served” (tasks which never existed prior to me joining the Counterparty Risk Group). Khavin also solely assigned me the task whereby, instead of the said non-Black team members each sending their presentation material attachments via email to the team, as they used to do prior to me joining the Counterparty Risk Group, they should send those email attachments directly to me and I should pull those presentation material email attachments and put them together in one email to make work, in Khavin’s own words, “*easier*” for the said non-Black team members which included analysts like myself. Bearing in mind that what would become “*easier*” for everyone else would become three times harder for me, the “Black one”

¹⁸ I respectfully refer the Court to my Response to Shillingford’s Declaration Statement # 31 (Affidavit in Opposition/Response to Declaration of Fidelia Shillingford - docket # 93) where I addressed her mendacious email dated October 22, 2015 (JPMorgan Chase 001409 - Exhibit N attached to Shillingford’s Declaration). However, in this said email, even though totally false, Shillingford gave a more realistic description of what “the Tasks” entailed where she stated, “*This analyst printed all the materials, organized into a packet and brought copies to the meeting*”.

“Response to Declaration Statement #s 12, 13 & 14” – “Affidavit in Opposition/Response to ‘Declaration of Alex Khavin - Docket # 92’” and Exhibit QQ – “Why Black Workers Really Need to be Twice as Good”).

Defendants Undisputed Material Fact # 18

“However, prior to Plaintiff’s arrival in the CRG, Baruch Horowitz, a Caucasian male and a senior Associate (a higher rank than Plaintiff’s role of Analyst), performed the Tasks exclusively. (Horowitz Dec., ¶¶ 2-6, ; Khavin Dec., ¶¶ 10-11, 16; Dauber., ¶¶ 4-5; Shillingford Dec., ¶¶ 10.) In June 2014, Horowitz began a disability leave. (Khavin Dec., ¶ 12, 16; Dauber., ¶ 5; Shillingford Dec., ¶ 11.) Due to Horowitz’s absence, each member of the CRG brought and distributed their own materials at the governance meetings, and Khavin temporarily rotated the task of taking minutes among the CRG analysts and associates. (Khavin Dec., ¶ 11-14, 17-19; Dauber., ¶ 5; Shillingford Dec., ¶¶ 11-12.)”

Plaintiff, Candice Lue Response/Opposition

First off, as “a senior Associate (a higher rank than Plaintiff’s role of Analyst)”, Baruch Horowitz would have been in a position with more seniority than all the other analysts and/or analysts turned associates of the Counterparty Risk Group as they all joined the group after he, Baruch Horowitz did. In 2014, Baruch Horowitz had been with JPMorgan Chase for almost nine (9) years since he said that he had been with the company from November 2005 (Horowitz Dec., ¶ 3). In 2005, I was a sophomore in college and at age twenty eight (28) when I joined the Counterparty Risk Group, I was the second oldest of the analysts and associates on the team. With that said, it would make more sense to someone of reasonable mind that it would be more likely for the recent college graduates, with not that many years of work experience, whether from working at JPMorgan Chase or elsewhere, who joined the Counterparty Risk Group as analysts after Baruch

Horowitz did to be the ones doing the printing, collating, stapling, etc. of Baruch Horowitz's Governance Meeting presentation materials and not the other way around.

In the fourteen (14) months that I worked as a Credit Reporting Risk Analyst in the Counterparty Risk Group, no one in the said Counterparty Risk Group including Khavin, Dauber, Shillingford and Poz had ever told me verbally or in any form of writing that Baruch Horowitz, the first of my three predecessors had ever "*performed the Tasks exclusively*".

In my joint interview which took place on October 31, 2014 (Exhibit O – IM conversation with HR) with former co-workers Mohammad (Zeeshan) Haider¹⁹ and Tatevik Avetyan, when Tatevik Avetyan asked me "*how do you feel about taking minutes at meetings?*" and I in turn asked her "*if the taking of the minutes would solely be my duty*" her answer to me was "*no, the taking of the meeting minutes is rotated among all the analysts and associates in the group*" (Am. Compl. ¶ 128). Neither Tatevik Avetyan nor Mohammad (Zeeshan) Haider told me that the first of my three predecessors, Baruch Horowitz "*performed [those] Tasks exclusively*". And, neither at that opportune time did either of them tell me that I would be solely assigned the tasks of printing 13 copies of each of my non-Black team members' presentation materials (one copy for each member of the team), collating, stapling and lugging of the said presentation materials to the monthly team meeting because Baruch Horowitz, the first of my three predecessors or any of my other two predecessors, Kenneth Ng and/or Thomas Monaco, "*performed [those] Tasks exclusively*". As a matter of fact, there was no mention by Mohammad (Zeeshan) Haider or Tatevik Avetyan, who were both working in the Counterparty Risk Group during Baruch Horowitz's tenure, of the printing, etc. of everyone on the team's presentation materials by the Credit Reporting Risk Analyst because prior to me, the only Black analyst to have ever joined Khavin's team, no such tasks existed. And, Kenneth Ng who also interviewed me in a one on one interview whereby the reason for him interviewing me was not only to see how viable I was as a candidate for the Credit

¹⁹Mohammad (Zeeshan) Haider told me that he shared a cubicle with Baruch Horowitz and he also told me a lot of what I know about Baruch Horowitz.

Reporting Risk Analyst position but as the person who was currently in the said position, to also discuss the demands the position entails and the tasks required and he did not mention anything about the taking of the monthly meeting minutes and the printing, etc. being solely the responsibility of the Credit Reporting Risk Analyst.

On January 26, 2015, the first time that I officially raised this issue to my then direct manager, Shillingford, of Khavin racially discriminating against me by treating me *“as if I am the help and as if this is 1910”*, by Khavin solely assigning me the task of taking the minutes for the Monthly Governance Meetings and the tasks of printing, collating, and stapling 13 copies of each of the non-Black team members of the Counterparty Risk Group’s presentation materials (one copy for each member of the team), and the emailing and lugging of the said presentation materials to the monthly team meeting (Am. Compl. ¶¶ 2 & 138), Shillingford did not tell me that the first of my three predecessors, Baruch Horowitz or any of my other two predecessors, Kenneth Ng and/or Thomas Monaco, *“performed [those] Tasks exclusively”* because those tasks were never done exclusively by any one analyst and in the case of the printing, etc., never existed.

In an email from Kimberly Dauber dated February 4, 2015 (Exhibit B – Am. Compl.), Kimberly Dauber stated: *“Every analyst and/or associate on this team has been the minute taker of our Extended meetings at some time during the last 2 years. I don’t think this is a function that is specifically written out in job duties because it’s an adhoc function. However, Alex would pick a different person each time during our meetings. Most recently, it was understood that the reporting analyst would handle it...”*

Kimberly Dauber, who was Baruch Horowitz’s manager during *“the last 2 years”* did not say that Baruch Horowitz, the first of my three predecessors or any of my other two predecessors, Kenneth Ng and/or Thomas Monaco, who also reported to her, *“performed [those] Tasks exclusively”*. She also clearly stated that *“Alex would pick a different person each time during our meetings”* which is totally consistent with what I wrote in my Complaint to the Equal Employment

Opportunity Commission (EEOC) and in my Amended Complaint (Exhibit A – EEOC Intake Questionnaire – Question # 6 – Last ¶ on page 2, 1st ¶ on page 3 and ¶ 172 - Am. Compl. respectively). Now, in their quest to deceive the Court and to obstruct justice, as the “Defendants Undisputed Material Fact # 18” shows, Defendants Khavin and Shillingford along with Declarant, Kimberly Dauber is now claiming that Baruch Horowitz “*performed the Tasks exclusively*”.

However, if that was so, as Baruch Horowitz’s manager for “*the last 2 years*”, instead of writing that “*Most recently, it was understood that the reporting analyst [Plaintiff, Candice Lue] would handle it*” wouldn’t February 4, 2015, when she wrote the said referenced email, have been the most opportune time for Kimberly Dauber to have written that my predecessor, Baruch Horowitz “*performed the Tasks exclusively*”? It is not only obvious in Kimberly Dauber’s email that having the taking of the minutes assigned solely to one person was a recent understanding of hers but it was also a recent understanding of hers that the “*reporting analyst would handle it*”. And, that was obviously based on what transpired in the November and December 2014 and the January 2015 Monthly Governance Meetings pursuant to Paragraph 172 of my Amended Complaint.

In a meeting I had with Shillingford on April 23, 2015 (email dated May 24, 2015 - Exhibit B – Am. Compl.) about the said issue of Khavin racially discriminating against me by treating me “*as if I am the help and as if this is 1910*”, Shillingford did not tell me that the first of my three predecessors, Baruch Horowitz or any of my other two predecessors, Kenneth Ng and/or Thomas Monaco, “*performed [those] Tasks exclusively*” because those tasks were never done exclusively by any one analyst and in the case of the printing, etc., never existed.

In the meeting I had with Alex Khavin on April 24, 2015 where I articulated to her how I felt about her treating me “*as if I am the help and as if this is 1910*” and she looked at me as if I was crazy to have had the nerve to be telling her what I was telling her then condescendingly, unapologetically and unrepentantly yelled at me saying: “*It’s your job and I expect you to do it.*”

You are going to do it and I expect it to be done well!" (Am. Compl. ¶ 172a), at no time in Khavin's yelling did she yell that the first of my three predecessors, Baruch Horowitz or any of my other two predecessors, Thomas Monaco and Kenneth Ng, "*performed [those] Tasks exclusively*". And, at no time during the conversation did she say that Baruch Horowitz, the first of my three predecessors or any of my other two predecessors, Kenneth Ng and/or Thomas Monaco, "*performed [those] Tasks exclusively*" because those tasks were never done exclusively by any one analyst and in the case of the printing, etc., never existed.

In Khavin's email response dated May 27, 2015 (Exhibit B - RE: Monthly CRG Governance Meeting), where she doubled down that the racially discriminatory tasks of printing 13 copies of each of my non-Black team member's presentation materials (one copy for each member of the team), collating, stapling and lugging of the said presentation materials to the monthly team meeting was solely mine to do, Khavin did not mention anything about these tasks being previously "*performed exclusively*" by the first of my three predecessors, Baruch Horowitz or any of my other two predecessors, Kenneth Ng and/or Thomas Monaco because those tasks were never done exclusively by any one analyst and in the case of the printing, etc., never existed.

At 8:20 AM on May 28, 2015²⁰ when Khavin went to pick up something from the printer and Ryan Vroom who was Baruch Horowitz's teammate during the time of Horowitz's tenure asked Khavin, "*So now when we have documents to print, we send it to an analyst (laughs)?*" and Khavin's sarcastic response to Ryan Vroom was "*I have to print it for myself*", there was no where in the conversation between Ryan Vroom and Khavin where Ryan Vroom, who again, was a teammate of Baruch Horowitz during Baruch Horowitz's tenure in the Counterparty Risk Group made mention that the first of my three predecessors, Baruch Horowitz or any of my other two

²⁰ May 28, 2015 was the day after I sent an email to the team saying: "*In the interest of team spirit, can you please print, sort, organize and staple as well as send out your own presentation materials to the team? I find it unfair and demeaning that the task of printing, sorting, organizing, stapling, sending out and lugging YOUR presentation materials to the meetings is placed on me.*" (Exhibit B - RE: Monthly CRG Governance Meeting)

predecessors, Kenneth Ng and/or Thomas Monaco “*performed [those] Tasks exclusively*” (Exhibit KK - ¶ 5 of email dated July 23, 2015).

The first time that I heard anything about Baruch Horowitz “*performed the Tasks exclusively*” was in a meeting on July 23, 2015 with Defendant John Vega who was not and had never been a member of the Counterparty Risk Group but he was an attorney from JPMorgan Chase’s HR department who was “investigating” my claim of racial discrimination against Khavin and her conduit and servile employee, Shillingford whereby he told me in that said meeting that he was told by Khavin and Shillingford that Baruch Horowitz, the first of my three predecessors, was responsible for doing the meeting minutes and the printing, etc. of every one in the said Counterparty Risk Group Monthly Governance Meeting presentation materials (Exhibit KK - ¶¶ 2 and 6 of email dated July 23, 2015). I respectfully ask the Court to note that I ended this July 23, 2015 email with: “*Funny, it seems as if only Fidelia and Alex have any knowledge of Baruch Horowitz having the responsibility of the taking of the minutes and the printing, etc. of everyone’s Governance Meeting presentation materials during his more than 1 year tenure.*”

As paragraph 3 of my said email dated July 23, 2015 (Exhibit KK) to Vega shows, I asked Vega the following question to which he did not provide an answer: “*If this was a regular task for the job that was done by my first predecessor [Baruch Horowitz] during the 2 years before me joining the team and up to 5 months before my arrival, why wasn’t it a part of my job description? Why was it “suddenly scrubbed” from the job description of my second and third predecessors during the 5 months they preceded me?*”

In my 2015 mid-year performance review with Shillingford, my then manager and Dubowy, an Executive Director/HR Business Partner, when they both were emphasizing that the tasks of printing 13 copies of each of my non-Black team member’s presentation materials (one copy for each member of the team), collating, stapling and lugging of the said presentation materials to the monthly team meeting, etc. that Khavin had disparately assigned to me, the only Black analyst on

the team, the said demeaning and discriminatory tasks that I complained about to HR in my racial discrimination claim against Khavin, were my job to do, there was no mention that the first of my three predecessors, Baruch Horowitz or any of my other two predecessors, Kenneth Ng and/or Thomas Monaco, “*performed [those] Tasks exclusively*” (§ 65 - Am. Compl.) because those tasks were never done exclusively by any one analyst and in the case of the printing, etc., never existed.

In the “performance improvement plan” dated July 30, 2015 (Exhibit C) that I was placed on by Shillingford in section 1 where she stated: “*she [Plaintiff, Candice Lue] has not taken on all tasks assigned to her*” there was nothing mentioned that Baruch Horowitz or any of my other two predecessors “*performed [those] Tasks exclusively*”. And, nothing that she wrote about “*previous analysts who performed the job*” included a statement that Baruch Horowitz or any of my other two predecessors, Kenneth Ng and/or Thomas Monaco “*performed [those] Tasks exclusively*” because those tasks were never done exclusively by any one analyst and in the case of the printing, etc., never existed.

In the Written Warning dated September 24, 2015 (Exhibit F) that was presented to me on September 24, 2015 with the ONLY expectation being: “*It is my expectation that Candice perform the job responsibilities for which she was hired; she is expected to print all materials for our monthly team meeting and provide copies for each member*”, Shillingford claimed that “*this responsibility had to be picked up by an associate with the team*²¹” but no where in the said written warning did Shillingford state that the first of my three predecessors, Baruch Horowitz or any of my other two predecessors, Kenneth Ng and/or Thomas Monaco “*performed [those] Tasks exclusively*” because those tasks were never done exclusively by any one analyst and in the case of the printing, etc., never existed.

According to “Defendants Undisputed Material Fact # 18”, “*Due to Horowitz’s absence, each member of the CRG brought and distributed their own materials at the governance meetings,*

²¹ I respectfully refer the Court to my response to Shillingford’s claim in my email dated September 25, 2015 (Exhibit F)

and Khavin temporarily rotated the task of taking minutes among the CRG analysts and associates.”

In Exhibit K attached, there are two emails dated February 23, 2015 and June 23, 2015 respectively that were sent out recognizing my two absences²² on the day the CRG Governance Meeting took place and the need for a temporary directive as it relates to the taking of the minutes and the tasks of printing, collating, and stapling 13 copies of each of the non-Black team members of the Counterparty Risk Group’s presentation materials (one copy for each member of the team), and the emailing and lugging of the said presentation materials to the monthly team meeting, etc.

In addition, during my fourteen (14) months working in the Counterparty Risk Group, as Exhibit K also shows, I received several other emails regarding the task of the taking of the monthly meeting minutes and the tasks of printing, collating, and stapling 13 copies of each of the non-Black team members of the Counterparty Risk Group’s presentation materials (one copy for each member of the team), and the emailing and lugging of the said presentation materials to the monthly team meeting, etc. being solely assigned to me. With that said, if Defendants JPMorgan Chase & Co., et al cannot make factual evidence consistent with their claim that these said tasks were exclusively assigned to/performed by Baruch Horowitz available, such as providing at least one (1) year of consecutive emails showing Baruch Horowitz sending out the minutes for the Counterparty Risk Group’s Monthly Governance Meetings to all the members of the said group and/or cannot at least produce any email correspondence such as those said emails in Exhibit K to prove that, just like me, Plaintiff, Candice Lue, who is Black, the first of my three predecessors, Baruch Horowitz, was assigned/*“performed [those] Tasks exclusively”*, then I respectfully ask that the Court, with prejudice, accept my opposition to the “Defendants Undisputed Material Fact # 18” pursuant to Rule 56(d) of Federal Rules of Civil Procedure.

²² As the employee who is solely assigned the taking of the Governance Meeting minutes and the printing, etc.

Also, per my “Affidavit in Opposition/Response to ‘Declaration of Baruch Horowitz - Docket # 99’”, in all the “jokes” that were told about Baruch Horowitz by different members of the Counterparty Risk Group, there was never one “joke”, whereby based on what is reported in the said “Affidavit in Opposition/Response to ‘Declaration of Baruch Horowitz - Docket # 99’”, there should have been many - at least one joke per analyst/associate/vice-president (Shillingford), by any of those said members relating to the myth that Baruch Horowitz “*performed [those] Tasks exclusively*” because those tasks were never done exclusively by any one analyst and in the case of the printing, etc., never existed.

Pursuant to Rule 56(d) of Federal Rules of Civil Procedure – “When Facts Are Unavailable To The Nonmovant” which states: “*If a nonmovant shows by affidavit or declaration that, for specified reasons, it cannot present facts essential to justify its opposition, the court may: (1) defer considering the motion or deny it; (2) allow time to obtain affidavits or declarations or to take discovery; or (3) issue any other appropriate order*” **and** St. Mary's Honor Center v. Hicks, 509 U.S. at 511 which states “*In order to rebut the inference of discrimination, the employer must articulate, through admissible evidence, a legitimate, nondiscriminatory reason for its actions. The employer's burden is one of production, not persuasion; the ultimate burden of persuasion always remains with the plaintiff*” again, if Defendants JPMorgan Chase & Co., et al cannot make factual evidence consistent with their claim that “the Tasks” were exclusively assigned to/performed by Baruch Horowitz available, such as providing at least one (1) year of consecutive emails showing Baruch Horowitz sending out the minutes for the Counterparty Risk Group’s monthly meetings to all the members of the said group and/or cannot at least produce any email correspondence, such as the ones that I have referenced and/or produced in Exhibit K to prove that, just like me, Plaintiff, Candice Lue, who is Black, the first of my three predecessors, Baruch Horowitz, was assigned/performed those “*Tasks exclusively*”, then I respectfully ask that the Court, with prejudice, accept my opposition to the “Defendants Undisputed Material Fact # 18”. As, just like the

“Declaration of Baruch Horowitz – docket # 99”, the “Defendants Undisputed Material Fact # 18” is totally false.

Baruch Horowitz was the “*team’s running joke*” I wrote about in Paragraph 4 of my email dated August 3, 2015 (Exhibit C - Am. Compl.). Sadly, and with all due respect and based on the behavioral practices that have been so often reiterated and laughed at among different team members of the Counterparty Risk Group (Response to Request # 35 - “Response to Defendants First Request for Production of Documents” - docket # 45, “Affidavit in Opposition/Response to ‘Declaration of Baruch Horowitz - Docket # 99’”) and pursuant to Paragraph 107 of my Amended Complaint where I stated that, “*I was voluntarily informed by another team member and believe, and on that basis allege, that the first of my three predecessors had to go out on long term disability due to overwork, stress and the unrealistic expectation for one person to do a job that realistically requires two people to do*”, it is my contention that Baruch Horowitz who I do not think is of sound mind was disgracefully, whether by their wealth and/or otherwise, exploited by Defendants JPMorgan Chase & Co., et al.

Defendants Undisputed Material Fact # 19

“*In February 2015²³, because Plaintiff was still new in her role as Reporting Analyst, Shillingford was concerned with Plaintiff’s ability to juggle the Tasks with her other reporting responsibilities. (Shillingford Dec., ¶ 16.) Shillingford conferred with Khavin, and, in an effort to accommodate Plaintiff and give her time to get up to speed, they agreed to temporarily rotate the Tasks among the CRG analysts and associates, as had been done when Horowitz was, first, on a disability leave and, then, after he left Chase.*”

²³ February 4, 2015 to be exact, up to a week after my complaint as noted in my response/opposition.

Plaintiff, Candice Lue Response/Opposition

The “Defendants Undisputed Material Fact # 19” is categorically false. The temporary rotation was due to the two meetings I had with Shillingford on January 26, 2015 and January 30, 2015²⁴, respectively whereby I raised the issue of “*Khavin treating me as if I am the help and as if this is 1910*” by solely assigning me the task of the taking of the minutes for the monthly team meetings and the tasks of printing, collating, and stapling 13 copies of each of the non-Black team members of the Counterparty Risk Group’s presentation materials (one copy for each member of the team), and the emailing and lugging of the said presentation materials to the monthly team meeting where the said non-Black team members, including the ones on my own job level, would be waiting to “be served” (“Defendants Undisputed Material Fact # 17” above, Exhibit N – Email trail dated July 22, 2015 - Chronology of Events of Racial Discrimination – Events of January 26, 2015, January 30, 2015, February 4, 2015 and July 22, 2015 **and** Exhibit B – Email dated February 4, 2015/time stamped 1:55 PM - my response to Shillingford). I also respectfully refer the Court to my “Affidavit in Opposition/Response to ‘Declaration of Fidelia Shillingford - Docket # 93’” – “Response to Declaration Statement #s 16 & 17” where I stated: “*There was and will be no “up to speed” in my lifetime that was going to/will cause me to have my dignity insulted by the racist, Alex Khavin and be treated as a second class citizen/the help/house slave.*”

Defendants Undisputed Material Fact # 20

“*Shillingford e-mailed Kimberly Dauber, a Vice President and the person to whom the Credit Analysts reported, asking her to select two Credit Analysts to assist Plaintiff with the Tasks. (Dauber Dec., Ex. A, at JPMC 2367.) Plaintiff (who had been copied on the e-mail) responded that she never considered the Tasks to be her responsibility. (Id. at JPMC 2366.)*”

²⁴ At these meetings Shillingford tried to convince me that I should do whatever Khavin tells me to do because Khavin is the boss and according to her, Shillingford: “*I’ve been taking crap for years*” (Am. Comp. ¶ 130).

Plaintiff, Candice Lue Response/Opposition

My response that “[I] never considered the Tasks to be [my] responsibility” was to clarify “to assist Plaintiff with the Tasks.” As, in pursuance to what I said in my Response to “Defendants’ Undisputed Material Fact # 18” above: “In my joint interview which took place on October 31, 2014 (Exhibit O – IM conversation with HR) with former co-workers Mohammad (Zeeshan) Haider and Tatevik Avetyan, when Tatevik Avetyan asked me “how do you feel about taking minutes at meetings?” and I in turn asked her “if the taking of the minutes would solely be my duty” her answer to me was “no, the taking of the meeting minutes is rotated among all the analysts and associates in the group” (Am. Compl. ¶ 128) **and** as the email from Kimberly Dauber dated February 4, 2015 (Exhibit B – Am. Compl.) states: “Every analyst and/or associate on this team has been the minute taker of our Extended meetings at some time during the last 2 years. I don’t think this is a function that is specifically written out in job duties because it’s an adhoc function. However, Alex would pick a different person each time during our meetings. Most recently, it was understood²⁵ that the reporting analyst would handle it...” those Tasks of solely taking the minutes for the Monthly Governance Meeting and the printing, etc. of all the non-Black team members’ presentation materials, should not have been mine in the first place. These tasks were just assigned to me by Khavin, who is a racist, to be a perk/benefit for the non-Black members of the team at the expense of me, the only Black analyst on the team²⁶.

Also, the only assisting with “the Tasks” for the “two Credit Analysts” Kimberly Dauber selected (Kimberly Dauber’s email dated February 4, 2015 and time stamped 2:04 - Exhibit NN) was for the rotation of the minutes which lasted for two months only – March and April 2015. There was no enforcement for these two analysts to do the printing, etc. of the other team members’ presentation materials for the Monthly Governance Meeting. Case in point, for the February 2015 Governance Meeting when I was away at a mandatory two week Asset Management Training

²⁵ “Understood” – the operative word due to how Khavin treated me as the help/house slave in the November and December 2014 and the January 2015 Monthly Governance Meetings (Am. Compl. ¶ 172).

²⁶ “Back in the day”, the Black person would automatically be the help.

Program and Kenneth Ng, one of the two analysts selected, did the minutes for that meeting, he did not and was not instructed to do the printing, etc. of the other team members' presentation materials²⁷. And, it was the same thing for the March 2015 Governance Meeting when Fiona Nguyen only did the minutes for that said meeting and did not and/or was not instructed to do the printing, etc. of the other team members' presentation materials (Exhibit A – EEOC Intake Questionnaire – Question # 6 – Page 4, 2nd ¶). As a matter of fact, when I was on vacation at the time of the June 2015 Governance Meeting, in my absence, it was Shillingford, a **vice president** who was the only other Black member of the team who had to take on the tasks of the printing, etc. of the non-Black team members' presentation materials (Exhibit K - email dated June 23, 2015 and Am. Compl. ¶ 79).

Defendants Undisputed Material Fact # 21

“At the April 2015 Governance Meeting, Khavin asked that the group send all materials for the May 2015 Governance Meeting to Plaintiff, who had been assigned the Tasks for the May meeting. (Khavin Dec., ¶ 21.) That way, Plaintiff could send the materials to all participants in advance of the May 2015 Governance Meeting in order to save time at the meeting itself. (Id.) In response, Plaintiff got up and walked out of the meeting. (Id.)”

Plaintiff, Candice Lue Response/Opposition

First off, I was “assigned the Tasks for [EVERY MONTH OF THE YEAR]”.

As I articulated in Exhibit A – EEOC Intake Questionnaire – Question # 6 – Page 2: “During the April monthly meeting, a team member had asked about a presentation material that had absolutely nothing to do with my meeting presentation/credit reporting risk analyst tasks and instead of addressing the individuals responsible, Alex immediately asked, “Did Candice send that

²⁷ As email from Shillingford dated February 23, 2015 (Exhibit NN) shows, the rotation of the printing, etc. of the team members' presentation materials was never enforced.

out last night?” Again, as if I am the team’s help. Why should I be the one responsible for printing, etc. and sending out everyone else’s presentation material when that task is not even shared or reciprocated by the non-Black teammates on my level?

After it was realized that the person questioning the presentation material might have had an oversight, Alex immediately directed the team that to make things EASIER for everyone, instead of everyone going through their emails searching for presentation materials sent to the team, going forward, they should all send their presentation materials to me and along with me doing all their printing, etc., I should also open each email sent, pull the attachments, put all the attachments together in one email then send this email to the team. So, it is too hard for everyone to go through their emails for the sent documents and print them for themselves but for me, along with printing everyone’s documents, I must not only search through my emails for the documents, I must open each email sent, pull the attachments and put all those attachments together in one email to make it “easier” for everyone else. So what will become easier for everyone else would become three times harder for me. I am made to feel as if I share the same sentiment as a slave working on a plantation.”

I respectfully refer the Court to my “Response to Declaration Statement #s 12, 13 & 14” – “Affidavit in Opposition/Response to ‘Declaration of Alex Khavin’ - Docket # 92”.

Defendants Undisputed Material Fact # 22

“Thereafter, Khavin met with Plaintiff to find out why she walked out of the April 2015 Governance Meeting. (Id. at ¶ 22.) Plaintiff stated that it was because she had been assigned the Tasks, which she found to be demeaning. (Id.) Khavin explained that the Tasks were an important part of the Reporting Analyst role, and suggested that Plaintiff enlist the help of the group’s administrative assistant with printing the materials if needed. (Id.)”

Plaintiff, Candice Lue Response/Opposition

First off, whether or not it was out of GUILT of treating me, the only Black analyst in her group, as the help/house slave why Khavin wanted to know why I walked out of the April 2015 Governance Meeting, I will never know. However, the first thing that Khavin asked me when I went into the April 24, 2015 meeting that she called me to was if it was “*due to a biological issue*” why I walked out of the meeting the day before²⁸. This was because I was not disruptive, rude or disrespectful when I walked out. I walked out as peacefully as I could to avoid any disturbance. The only thing of suspect was that I was out for 20 minutes.

Secondly, with regards to the Defendants’ statement that: “*Khavin explained that the Tasks were an important part of the Reporting Analyst role, and suggested that Plaintiff enlist the help of the group’s administrative assistant with printing the materials if needed*”.... Sweet Lady... (NOT!) Khavin is a racist. As I articulated in Paragraphs 9, 24, 25, 57, 91 and 172a of my Amended Complaint:

Paragraph 9: “*In a meeting with Khavin on April 24, 2015, I tried my best to articulate to her how I felt about her treating me “as if I am the help and as if this is 1910” and her “how dare you” response to me, “it is your job and I expect you to do it. If you need help go and ask the [White] administrative assistant to help you” was condescending, unapologetic and unrepentant.*”

Paragraph 24: “*In the meeting I had with her [Khavin] on April 24, 2015 in which I told her how I felt about her treating me “as if I am the help and as if this is 1910”, a part of her condescending, unapologetic and unrepentant response to me was, “I can give you anything I want to give you to do.”*”

Paragraph 25: “*In the said meeting with Khavin on April 24, 2015, she accidentally blurted out to me, “you are not an analyst!” Then there was a surprise look on her face as she came to grips with what she had just said then she mumbled “you are a reporting analyst” This is further*

²⁸ In addition to my sworn oath, I respectfully ask that the Court accept my additional layer of swearing under penalty of perjury to this statement.

explained in Paragraph 70 as follows: *“Bearing in mind that generally employees below the analyst level do not have access to the “Work from Home” benefit and Khavin’s disparate treatment against me was as if I was below the other analysts on the team (see in # 25 where I wrote about how Khavin accidentally blurted out to me in our April 24, 2015 meeting, “you are not an analyst!”).*

Paragraph 57: *“[B]ecause of the amount of work preparing my up to three presentations for the monthly team meeting entailed, which included conducting necessary research to be able to speak to the points in my presentations and to be prepared to answer grueling questions from the team, especially from Khavin, just only helping to print, etc. Shillingford’s presentation materials, I would have to work late. So, one could only imagine how late I would have to work to print, collate, etc. the said materials for everyone on the team. However, according to what Khavin told me in her unapologetic, unrepentant and condescending speech in our April 24, 2015 meeting, “I don’t care if you have to be here working at 10 or 11 o’ clock, it is your job and I expect you to do it.”*

Paragraph 91: *“[A]s evidence of the disparity in how Khavin treated me versus how she treated the non-Black analysts and associates in the group, when I complained to her on April 24, 2015 about her disparate treatment against me based on the discriminatory and demeaning tasks she assigned solely to me, Khavin’s “how dare you”, condescending, unapologetic and unrepentant response to me was, “it is your job and I expect you to do it. If you need help go and ask the [White administrative assistant] to help you”. Khavin refused or failed to instruct me to ask help of any of the non-Black analysts in my own job category or on my same job level. However, she, in her act of lack of respect and disparate treatment against Blacks instructed me to go and ask the White administrative assistant to help me, an analyst, to do a task that would more likely fall into the administrative assistant’s job category. Also, please note that Khavin herself had never given the White administrative assistant the directive to provide me with this help.”*

Paragraph 172a: *"In my April 24, 2015 meeting with Khavin, I informed her that due to the stress I had been enduring because of her treating me "as if I am the help and as if this is 1910", I had to be drinking herbal teas and listening to meditation music at my desk in an effort to alleviate the said stress. I also told her that I had to take off sick days due to stress caused by the said demeaning treatment she had meted out to me. Khavin looked at me as if I was crazy to have had the nerve to be telling her what I was telling her. She then immediately went back to condescendingly, unapologetically and unrepentantly telling me that "it's your job and I expect you to do it". This JPMorgan Chase "culture ambassador" further yelled at me: "**You are going to do it and I expect it to be done well!**"*

Defendants Undisputed Material Fact # 23

"On April 24, 2015, Plaintiff sent an e-mail to Shillingford in which she complained that Khavin was demeaning her by assigning her the Tasks. She concluded the e-mail asking, "Am I the help? Is this 1910?" (Shillingford Dec., Ex. B.)"

Plaintiff, Candice Lue Response/Opposition

Pursuant to my "Response to Declaration Statement #s 12, 13 & 14" – "Affidavit in Opposition/Response to 'Declaration of Alex Khavin - Docket # 92'", the conclusion of my April 24, 2015 email asking: *"Am I the help? Is this 1910?"* is/was warranted.

Defendants Undisputed Material Fact # 24

"On May 26, 2015, Plaintiff sent a meeting invite to Shillingford to discuss Plaintiff's "lack of trust and confidence I have in your management." (Am. Compl., Ex. Q.) Shillingford forwarded the e-mail to HR, asking for assistance. (Shillingford Dec., Ex. D.)"

Plaintiff, Candice Lue Response/Opposition

Pursuant to my “Response to Declaration Statement # 20 – Exhibit D” – “Affidavit in Opposition/Response to ‘Declaration of Fidelia Shillingford’ - Docket # 93”, which explicitly states the need for this “*meeting invite*”, this said meeting invite was warranted. Both Shillingford and JPMorgan Chase should be ashamed of themselves.

Defendants Undisputed Material Fact # 25

“On May 27, 2015, prior to the May Governance Meeting, one of the members of the CRG sent Plaintiff his materials per Khavin’s directive at the April 2015 Governance Meeting. (Khavin Dec., Ex. A.) In response, Plaintiff e-mailed the entire CRG, stating: “In the interest of team spirit, can you please print, sort, organize and staple as well as send your own presentation materials to the team? I find it unfair and demeaning that the task of printing, sorting, organizing, stapling, sending out and lugging YOUR presentation materials to the meetings is placed on me.” (Id.)”

Plaintiff, Candice Lue Response/Opposition

As I articulated in Exhibit A – EEOC Intake Questionnaire – Question # 6 – Page 5, ¶ 2”:
“Come May, I have had it. The humiliating feeling of being treated as the help was unbearable. When the first email was sent to me to not only do the printing of all presentation materials but the new additional “punishment” as stated in the preceding paragraph, I sent an email to the team saying, “In the interest of team spirit, can you please print, sort, organize and staple as well as send out your own presentation materials to the team? I find it unfair and demeaning that the task of printing, sorting, organizing, stapling, sending out and lugging YOUR presentation materials to the meetings is placed on me.”

And, as I articulated in Paragraph 106 of my Amended Complaint: *“When I was getting nowhere with stopping Khavin and Shillingford from treating me as if I was the house slave, [in search of empathy], I sent this email to the team....”*

Defendants Undisputed Material Fact # 26

“As head of the CRG, Khavin responded to Plaintiff’s May 27 e-mail, copying Shillingford, her manager. The e-mail stated:

[Shillingford] and I have specifically asked you to take on this task, repeatedly. My expectation has not changed, and I expect that there will be one package for the monthly meeting which will be put together by you, and sent out ahead of the meeting. Again, if you need help printing, you can give Eileen [the administrative assistant] the prepared package and Eileen can make the copies, however, you should be putting the full presentation together, and storing the pdf in our shared folder for the month This should be done today ahead of our meeting, as our colleagues in other regions need to print for themselves as well.”

Plaintiff, Candice Lue Response/Opposition

I respectfully ask the Court to take note that besides the “.....” which actually states: *“Also, please remember to have the follow ups from the previous meeting included”*²⁹ (“JPMorgan Chase 002252” attached to Declaration of Alex Khavin) being omitted, Khavin **did not** copy the White administrative assistant on her said May 27 email, she only copied the only two Black employees in the Counterparty Risk Group (“CRG”) which she, Khavin headed. Because, just like the non-Black analysts and associates in the CRG, Khavin was cognizant of not making the said White administrative assistant feel demeaned by making her feel as if the printing, etc. of the team members’ presentation material was a task for her to do – but it was okay for her, the White administrative assistant to feel as if she was just doing Plaintiff, Candice Lue, the Black one, a favor.

As I stated in paragraph 91 of my Amended Complaint: *“Also, please note that Khavin herself had never given the White administrative assistant the directive to provide me with this help”* [meaning that the White administrative assistant would only be “helping me” at her

²⁹ I was to solely put together all the “follow ups from the previous Governance Meeting, do the printing, collating, stapling and lugging of 13 copies of each of all the non-Black team members’ presentation materials, make up to three presentations at the Governance Meeting that I have to speak to when questioned and solely take the said meeting minutes. No wonder the “.....” as anyone of reasonable mind would see that as the only Black analyst in the Counterparty Risk Group, I was being treated as the help/house slave reminiscent of the 1800s plantation style living in the era of slavery when Blacks had to serve their masters and their masters’ families.

discretion] **and** in Paragraph 125 where I said: *“These were tasks that were not only off limits for the non-Black analysts to do but they were even off limits for the White administrative assistant on staff to be asked [assigned] to do. The White administrative assistant was not even asked [assigned] to print the agenda she prepared and sent out via email to the team for the said monthly team meeting. But, printing 13 copies, one for each of the non-Black team members, of this said meeting agenda was a part of the demeaning and discriminatory printing task that Khavin assigned to me, a credit reporting risk analyst, to do.”*

Defendants Undisputed Material Fact # 27

“Plaintiff responded to Khavin’s May 27 e-mail that she felt it was demeaning to be assigned the Tasks and concluded by again asking “Am I the help? Is this 1910?”

Plaintiff, Candice Lue Response/Opposition

I respectfully refer the Court to my “Response to Declaration Statement #s 12, 13 & 14” – “Affidavit in Opposition/Response to ‘Declaration of Alex Khavin - Docket # 92’”, Title VII of the Civil Rights Act of 1964 - EEOC Compliance Manual Section 15 – Race and Color Discrimination – VII - C. RETALIATION which states: *“Employees have a right to be free from retaliation for their opposition to discrimination or their participation in an EEOC proceeding by filing a charge, testifying, assisting, or otherwise participating in any manner in an investigation, proceeding, or hearing under Title VII.(156)”* and Title VII of the Civil Rights Act of 1964 - EEOC Compliance Manual Section 15 – Race and Color Discrimination – VII(B)(1) – WORK ASSIGNMENTS which states: *“Work assignments must be distributed in a nondiscriminatory manner. This means that race cannot be a factor in determining the amount of work a person receives, or in determining who gets the more, or less, desirable assignments.”*

B. HR Investigation Into Plaintiff's Concerns

Defendants Undisputed Material Fact # 28

"Based on the e-mail Shillingford had forwarded to HR on May 26, Terri Vernon, a Vice President on the HR Advice Direct team, contacted Plaintiff to schedule a time to discuss her concerns regarding Shillingford and her job responsibilities. (Am. Compl., Ex. Q.)"

Plaintiff, Candice Lue Response/Opposition

I had the meeting with Terri Vernon. It was scheduled for June 2, 2015 (Am. Compl., Ex. E). The email in Exhibit Q was for when I had to forward the meeting invite with Terri Vernon's message to Shillingford as proof that I was not the one who initially contacted HR as Shillingford was mendaciously claiming (even the Defendants' Undisputed Material Fact # 28 states such).

Defendants Undisputed Material Fact # 29

"On May 29, 2015, Plaintiff responded to Vernon's May 26 e-mail stating that she considered herself to be a victim of racial discrimination. (Am. Compl., Ex. E.)"

Plaintiff, Candice Lue Response/Opposition

On May 29, 2015, I responded to Terri Vernon's email dated May 27, 2015 stating that: *"I consider myself to be a victim of racial discrimination"* (Am. Compl., Ex. E.).

Defendants Undisputed Material Fact # 30

"Vernon referred Plaintiff's e-mail to John Vega, an Executive Director in Chase's Employee Relations department, requesting that he conduct an investigation into Plaintiff's concerns regarding Khavin, Shillingford, and her job responsibilities. (Vega Dec., ¶ 2.) Between June 2 and July 29, 2015, Vega reviewed Plaintiff's job responsibilities and interviewed Khavin, Shillingford (twice), Dauber, and Plaintiff (twice). (DuBoway Dec., Ex. B.)"

Plaintiff, Candice Lue Response/Opposition

I respectfully refer the Court to my “Affidavit in Opposition/Response to ‘Declaration of John Vega - Docket # 98” – John Vega’s ‘Investigation””

Defendants Undisputed Material Fact # 31

“Plaintiff’s scheduled mid-year PMC for 2015 was postponed due to the ongoing investigation as well as Plaintiff’s vacation in June. (Vega Dec., ¶ 4.)”

Plaintiff, Candice Lue Response/Opposition

My mid-year performance review and my Claim of Employment Racial Discrimination are two separate and independent matters which legally should have had no bearing on each other. That is why the performance improvement plan (PIP) on which I was placed is not only fallacious, pretextual and retaliatory but it was intended to obstruct justice.

First off, my vacation was from June 19 through June 26, 2015 and my mid-year performance review was done on July 30, 2015, more than one month later. With that said and as Exhibits CC and CC-1 show, the postponement was due to the alleged perpetrators and the HR legal representatives needing adequate time to concoct the aforesaid fallacious, pretextual and retaliatory performance improvement plan (“PIP”) to use against me for reporting the issue of Employment Racial Discrimination.

Also, per my articulation in Paragraphs 62 - 66 of my Amended Complaint, with regards to Khavin who is a master at subtly covering her bigotry, it would have been too obvious if Khavin was the one presenting me with the fallacious, pretextual and retaliatory performance improvement plan (“PIP”) at my originally scheduled June 18, 2015 mid-year performance review (Exhibit CC-3). With that said, as “JPMorgan Chase 003001” (Exhibit CC-3) shows, Khavin waited until after

hours to respond to Defendant Helen Dubowy's email with regards to giving her, Khavin the go-ahead to do my performance review.

Khavin's first email to me on June 18, 2015, which was her initial attempt to weasel herself out of doing my 2015 mid-year performance review by rescheduling my said review to June 19, 2015 when I would have been on vacation, is time stamped 9:16 AM (Exhibit CC-3), my scheduled performance review was at 4:00 PM and as I articulated in Paragraphs 63 and 64 of my Amended Complaint, there was more than adequate time for Khavin to have done my 2015 mid-year performance review on June 18, 2015.

Defendants Undisputed Material Fact # 32

"In or about mid-July, at a meeting between Shillingford and Plaintiff to discuss her workload, Plaintiff accused Shillingford of "bullying her" when Shillingford asked when Plaintiff would complete a report she was preparing. (Shillingford Dec., Ex. E.) Shillingford explained that, as Plaintiff's manager, she was entitled to know when Plaintiff would finish her assigned task. (Id.) Shillingford conveyed the substance of this conversation to HR, which was still investigating Plaintiff's claims. (Id.)"

Plaintiff, Candice Lue Response/Opposition

Just to clarify, this meeting was one of Shillingford's and I scheduled one on ones where we *"discussed workload for the last two weeks, upcoming two weeks and any other tasks/issues"* (Exhibit CC-1 – Shillingford's email dated July 20, 2015 - JPMorgan Chase 002990). Secondly, as my previous experience working at JPMorgan Chase shows, I had **never** missed a task deadline. I was always cognizant of hard deadlines as well as the fact that the second reviewer³⁰ needs adequate time to do his/her review.

³⁰ Second review is commonplace at JPMorgan Chase

Deadlines for Shillingford however, were based on HER, Shillingford's convenience as the second reviewer of my reports not the Counterparty Risk Group's deadlines. Because Shillingford "had" HR representatives, Dubowy, Vega, etc. as the "wind beneath her wings" she bullied and went on. In other words, if Shillingford wanted to leave early that day, I had to have the report ready by such time. This behavior was especially prevalent with Shillingford after I was denied the company's work from home benefit and when I returned to work, three (3) days of my Business as Usual (BAU) workload were sitting there waiting on my return.

As I stated in Paragraph 20 of my Amended Complaint: *"Shillingford's behavior and attitude in enforcing Khavin's bigotry against me was reminiscent of the epitome of being a "slave master's pet" in the era of slavery. Her behavior and attitude were that of a slave that his master had found favor with to carry out the lashing, etc. of the other slaves on the slave master's behalf. As the automatic second reviewer of my work, mainly because I took a stance against her enforcement of Khavin's bigotry against Blacks, against me, Shillingford's reaction to finding even just one error or omission in my work was always rancorous and condescending. (More in Second Cause of Action - "Unlawful Retaliation on the Basis of Race in Violation of Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981")."*

Defendants Undisputed Material Fact # 33

"Vega concluded that Plaintiff's allegations were unfounded and that there was no evidence of discriminatory animus. (Vega Dec., ¶ 4; DuBowy Dec., Ex. B, at JPMC 102.) Specifically, among other things, Vega found that (i) everyone who occupied this role was responsible for the Tasks, regardless of race; and (ii) it was within management's purview to decide who Plaintiff's manager was going to be, the role did not change, and Plaintiff decided to accept the job as offered. (DuBowy Dec., Ex. B, at JPMC 102.) Vega informed Plaintiff of his findings on July 29, 2015, and the investigation was closed. (Id.)"

Plaintiff, Candice Lue Response/Opposition

As Exhibits CC and CC-1 clearly show and as articulated in my “Affidavit in Opposition/Response to ‘Declaration of John Vega - Docket # 98’” - “John Vega’s ‘Investigation’”, the only thing that was “*unfounded*” about my Employment Racial Discrimination allegations was Defendant/“neutral investigator” Vega’s biased, totally farce and unlawfully retaliatory “investigation”. And, contrary to Vega’s “findings” “*that there was no evidence of discriminatory animus*”, the Equal Employment Opportunity Commission (EEOC) found probable cause to serve my Charge and a Perfected Charge on Defendant, JPMorgan Chase & Co.

As per the start of my “Affidavit in Opposition/Response to ‘Declaration of John Vega - Docket # 98’” - “John Vega’s ‘Investigation’”: “*With all due respect, excerpts of the drunken “investigation report” done by Defendant John Vega that were provided to me by Defendants, JPMorgan Chase & Co., et al’s attorneys during Discovery and the full said report attached to “Declaration of Helen Dubowy – Docket # 96” as “JPMorgan Chase 000101 – 000108 & 002095 - Exhibit B” in conjunction with Defendant John Vega’s display of impropriety as evidenced in Exhibit CC-1, explain why JPMorgan Chase & Co. (“JPMorgan Chase”) fired him (at least, I think Vega was fired)*”, John Vega’s “investigation” is a total DISGRACE and a MOCKERY of the Equal Employment Opportunity Commission (EEOC), Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981.

With regards to “*Vega found that (i) everyone who occupied this role was responsible for the Tasks, regardless of race – [“The Baruch Horowitz’s Lie”]*”, as I stated in my “Affidavit in Opposition/Response to ‘Declaration of Baruch Horowitz’s - Docket # 99’”: “*Pursuant to Rule 56(d) of Federal Rules of Civil Procedure – “When Facts Are Unavailable To The Nonmovant”, if Declarant, Baruch Horowitz and/or Defendants, JPMorgan Chase & Co., et al cannot make factual evidence consistent with Baruch Horowitz’s claim available such as providing at least one (1) year of consecutive emails showing Baruch Horowitz sending out the minutes for the Counterparty Risk*

Group's monthly meetings to all the members of the said group and/or cannot at least produce any email correspondence such as the ones I have provided in Exhibit K to prove that, just like me, Plaintiff, Candice Lue, who is Black, the first of my three predecessors, Baruch Horowitz, was exclusively assigned and/or performed the task of the taking of the minutes for the Counterparty Risk Group's monthly team meetings and the tasks of the printing, organizing, sorting, collating, stapling, emailing of presentation materials of each of the team members of the said Counterparty Risk Group and the lugging of copies of the said presentation materials to the group's monthly meetings to distribute to each person in attendance, then I respectfully ask that the Court, with prejudice, reject statement # 6 of Baruch Horowitz's Declaration."

In response to: "(ii) it was within management's purview to decide who Plaintiff's manager was going to be, the role did not change³¹, and Plaintiff decided to accept the job as offered", as I stated in my "Response to Declaration Statement # 5" – "Affidavit in Opposition/Response to 'Declaration of Fidelia Shillingford - Docket # 93'": "It was only on November 6, 2014 when I found out that I was chosen for the position that I also found out that Shillingford was going to be my manager³². And, the truth is, my heart sank. I tried to play it off because I had found myself in a precarious position but I was very disappointed. How could I, after expressing so much interest up to that point, all of a sudden say I was no longer interested? It would have been way too obvious that the reason for no longer wanting the job was because Shillingford would have been my manager. And, in all honesty, from a "Black" point of view, it would not have looked good."

³¹ For me, the only Black analyst to have ever joined Khavin's Counterparty Risk Group, the role changed. As I have stated throughout all my Court filings, for the two years prior to me joining the said group, these "Tasks" were either never exclusively assigned to any one analyst or associate or were non-existent. Prior to my hire, this perk/benefit created by Khavin, the racist, and enforced as well as reinforced by Shillingford, the horizontal racist, was not available to the non-Black team members.

³² During my interview process, all set up by Kimberly Dauber (Exhibit O), Kimberly Dauber spoke with me as if, like all the other analysts and associates who were currently on the team, she expected to be my manager and never once mentioned even the possibility of Shillingford being my manager. When I interviewed with Shillingford on October 30, 2014, she spoke with me as if I would be working with her like my three non-Black predecessors did and in no way, shape or form as if she would be my manager.

C. Plaintiff's Performance Improvement Plan

Defendants Undisputed Material Fact # 34

“On July 30, 2015, Shillingford and DuBow, HR Business Partner to Asset Management Risk, conducted Plaintiff's mid-year PMC. (Shillingford Dec., ¶ 22.) Shillingford asked DuBow to sit in on the review because Shillingford knew she had been monitoring Vega's investigation and because she thought it was important to have an HR representative present at the review meeting. (Id.) By the time of this meeting, Plaintiff had also been advised that the responsibility of the Tasks would no longer be rotated, since she had been given sufficient time to acclimate to her role. (Id. at ¶ 17.)”

Plaintiff, Candice Lue Response/Opposition

I respectfully refer the Court to my “Response to Declaration Statement #s 16 & 17” – “Affidavit in Opposition/Response to ‘Declaration of Fidelia Shillingford - Docket # 93’” where I said: *“Statement #s 16 & 17 are an insult to anyone of reasonable mind's intellect. What does someone complaining about being demeaningly treated, “as if I am the help and as if this is 1910”, have to do with “Because I knew that Plaintiff was still very new in her role as [a] Reporting Analyst, I was concerned with Plaintiff's ability to juggle the Tasks [the employment racially discriminatory tasks] with her other reporting responsibilities”?*

The aforesaid Response is tantamount to what my response is for the Defendants' Undisputed Material Fact # 34 which states: *“By the time of this meeting, Plaintiff had also been advised that the responsibility of the Tasks would no longer be rotated³³, since she had been given sufficient time to acclimate to her role.”* Further, *“since she had been given sufficient time to acclimate to her role”* had never been communicated to me. This statement is categorically false. Never happened.

³³ The “Tasks” was “rotated” for two months, March and April 2015. And, this “rotation” did not include the printing, etc. of all the team members' presentation materials for the Governance Meeting ONLY the taking of the meeting minutes.

In conjunction, as I stated in my email to Shillingford and Kimberly Dauber dated February 4, 2015 and time stamped 1:55 PM (Exhibit B), *“Just to reiterate, as previously discussed, I have never considered these tasks to be my responsibility as I had confirmed such in the interview and on the job”* and since such time, I had been in **full opposition** of these “Tasks” being racially discriminatorily assigned solely to me, the only Black analyst in the Counterparty Risk Group. Furthermore, during the “time of acclimation” the printing, etc. of the team members’ presentation materials were never enforced for any of the non-Black analysts and/or associates to do and the taking of the monthly meeting minutes was only rotated for the months of March and April 2015.

What a farce! *“Shillingford asked DuBowy to sit in on the review because Shillingford knew she had been **monitoring** Vega’s investigation”*. As is obvious in the few emails, of the thousands of copies of duplicated emails I received from the Defendants attorneys’ office on March 21, 2017, that I provided in Exhibits CC and CC-1, Defendant Helen Dubowy was not only instrumental in writing the fallacious, pretextual and retaliatory “performance improvement plan³⁴” (Exhibit C) and the equally fallacious, pretextual and retaliatory written warning (Exhibit F) that were issued to me but she was the driving force in/behind the recommendation of my termination.

As I said in Paragraph 65 of my Amended Complaint: *“This woman [Dubowy] whom I had never met before [July 30, 2015] or with whom I had never even done an email correspondence was supporting everything that was purported on the retaliatory and pretextual “performance improvement plan³⁵” (EXHIBIT C) that Shillingford presented me with as if I had previously worked with her in some capacity or another or as if, barring what she was told by the perpetrators, Khavin and Shillingford, she was personally aware of the quality of work I had or was able to produce.”*

³⁴ Sending the “performance improvement plan” (PIP) template to Shillingford on July 6, 2015 (before July 8, 2015 - the commencement of Vega’s biased, farce and retaliatory “investigation” and before my July 30, 2015 mid-year performance review) with the message *“As discussed. Thanks”*.

³⁵ Unbeknownst to me at the time, Dubowy was one of the “authors” of the said fallacious, pretextual and retaliatory “performance improvement plan” (PIP)

Also, what does the “*investigation*” that Defendant Vega was doing on my Claim of Employment Racial Discrimination have to do with my 2015 mid-year performance review? Especially, from before the said “*investigation*” even started, Dubowy had already sent the PIP template to Shillingford with the message “*As discussed. Thanks*”.

Basing my 2015 mid-year performance review on Defendant Vega’s “*investigation*” of the Employment Racial Discrimination Claim against me that I had reported to JPMorgan Chase’s HR Department was not only pretextual and retaliatory but it was also Obstruction of Justice as the Defendants were trying to use the said fallacious performance review against me to obstruct justice.

Defendants Undisputed Material Fact # 35

“At the PMC, Plaintiff was placed on a performance improvement plan (“PIP”). (Id. at ¶ 22.) Among other things, Plaintiff was informed that she was expected to perform all projects and tasks assigned to her and to improve her communication style, the tone of which had been hostile and unprofessional. (Id., at Ex. F.)”

Plaintiff, Candice Lue Response/Opposition

I am quite sure that my “*communication style*” and “*tone*” would not have been deemed “*hostile and unprofessional*” if I were a “*yes, yes*” employee like Shillingford is, as articulated in Factual Allegation “G” - “*Khavin Rendered Second Class Treatment to Shillingford and Shillingford Accepted It*” (¶¶ 76 - 79 Am. Comp.). If I had just accepted Khavin’s, who is a racist, second class treatment, as Shillingford did, I’d be the greatest little “N”. In other words, turn a blind eye to the racial discrimination against you and your financial career at JPMorgan Chase will be just fine (¶ 117 Am. Comp.).

As a Black person who was raised with dignity and someone who admires and emulates the likes of Harriet Tubman, Rosa Parks, Martin Luther King, Jr., Bob Marley, Nelson Mandela and Marcus Garvey, just to name a few, I will not allow myself to be used, humiliated and/or

manipulated on the basis of my race by lowering my dignity and/or relegating myself to being a good little “N”.

And lastly, as it relates to “*Plaintiff was informed that she was expected to perform all projects and tasks assigned to her*”³⁶, pursuant to Title VII of the Civil Rights Act of 1964 - EEOC Compliance Manual Section 15 – Race and Color Discrimination – VII - C. RETALIATION: “*Employees have a right to be free from retaliation for their opposition to discrimination or their participation in an EEOC proceeding by filing a charge, testifying, assisting, or otherwise participating in any manner in an investigation, proceeding, or hearing under Title VII.*”(156)”.

In addition, pursuant to VII(B)(1) - WORK ASSIGNMENTS: “*Work assignments must be distributed in a nondiscriminatory manner. This means that race cannot be a factor in determining the amount of work a person receives, or in determining who gets the more, or less, desirable assignments.*”³⁷

Defendants Undisputed Material Fact # 36

“*On August 3, 2015, Plaintiff e-mailed Shillingford (copying DuBow, Khavin, Vega, Vernon, and John Donnelly (Chase’s global head of HR) regarding the PIP:*

Since I was raised in a household where TRUTH matters, I will not compromise my dignity to fully respond to or to sign off on the malicious and mendacious comments you have made about me and my work Having a manager who will fabricate things to make me seem incompetent . . . is a blight on any career success I could or would have had at JP Morgan. I consider you to be the enabler, the facilitator and the coordinator of the second class treatment from Alex Khavin that has been meted out to me It’s amazing how bad managers can turn good employees into bad employees. (Shake my head). (Shillingford Dec., Ex. H.)”

³⁶ The ONLY tasks I had refused to do were the employment racially discriminatory tasks that were solely assigned to me, the only Black analyst to have ever joined the Counterparty Risk Group, tasks that had NEVER been solely and/or on a rotational basis assigned to any of the non-Black analysts and/or associates in the two years prior to me joining the said group and during my tenure in the group. These tasks which would more likely fall into the administrative assistant job category were not even assigned to the White administrative assistant who was on staff to do. Also, I respectfully refer the Court to my “Response to Declaration Statement #s 12, 13 & 14 - Affidavit in Opposition/Response to Declaration of Alex Khavin - docket # 92”.

³⁷ Am. Compl. ¶ 8

Plaintiff, Candice Lue Response/Opposition

Pursuant to Title VII of the Civil Rights Act of 1964 - EEOC Compliance Manual Section 15 – Race and Color Discrimination – VII - C. RETALIATION: “*Employees have a right to be free from retaliation for their opposition to discrimination or their participation in an EEOC proceeding by filing a charge, testifying, assisting, or otherwise participating in any manner in an investigation, proceeding, or hearing under Title VII.* (156)”.

With that said, the “performance improvement plan” (PIP) that Defendants Shillingford and Dubowy placed me on, on July 30, 2015, for opposing the Employment Racial Discrimination that was being perpetrated against me, was in violation of Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981. I painstakingly refuted this retaliatory and tangible employment action against me in my “Second Cause of Action - Unlawful Retaliation on the Basis of Race in Violation of Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981” of my Amended Complaint.

Further, as my “Fifth Cause of Action - “Failure to Take Steps to Prevent Discrimination, Retaliation and Harassment in Violation of Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981” of my Amended Complaint and the said “Defendants Undisputed Material Fact # 36” show, escalating the issue of Employment Racial Discrimination to John Donnelly whose title is “Chase’s global head of HR [reporting to Jamie Dimon, JPMorgan Chase’s Chairman and CEO]” was to no avail.

Defendants Undisputed Material Fact # 37

“On August 25, 2015, Shillingford asked Plaintiff to remind all CRG members to save their materials in the shared folder on the Chase computer system so that Plaintiff could print them in advance of the August 2015 Governance Meeting. (Shillingford Dec., Ex. I.) Plaintiff did not do so. (Shillingford Dec., ¶ 26.)”

Plaintiff, Candice Lue Response/Opposition

First off, as I stated in Paragraph 8 of my Amended Complaint *“with me having up to three presentations to make at these monthly meetings, only someone with a bigoted conscience like Khavin [and horizontal racist and Khavin’s conduit/Black servile employee, Shillingford³⁸] would see it fit to assign me, and solely me the less than palatable and undesirable tasks of taking the meeting minutes and to print, collate, staple and lug the presentation materials of everyone on the team for these monthly meetings.”*

According to the “Defendants Undisputed Material Fact # 37”: *“On August 25, 2015, Shillingford asked Plaintiff to remind all CRG members to save their materials in the shared folder on the Chase computer system”....* But why should I, the Black analyst, be “reminding” the non-Black team members of the Counterparty Risk Group to *“save their materials in the shared folder on the Chase computer system”* when this had been the procedure in the two years prior to me joining the said group? It is as if I am Babsy, the household help who works for spoiled kids/teenagers who have to be constantly reminded to put their clothes in the wash so that, I, “Babsy” can wash them.

This is tantamount to what I wrote in my “Response to Declaration Statement #s 12, 13 & 14” – “Affidavit in Opposition/Response to ‘Declaration of Alex Khavin - Docket # 92’” where, as I stated in my “Response to “Defendants’ Responses to Plaintiff’s First Set of Document Requests” Dated November 16, 2016” (Exhibit PP - ¶ 2 of page 11), I said: *“[White employee] Ryan [Vroom] was the worst of the bunch to be organized and ready for the meeting as it relates to preparing and handing out copies of his presentation materials. As a matter of fact, I witnessed that Ryan was unprepared with his presentation materials for at least 3 monthly meetings, including my first two monthly meetings in the department where Khavin had to frustratingly stop the meeting and wait on*

³⁸ “Although black folks say that they have to work twice as hard as a white person to reach the same amount of success (which is true), they also must be twice as good at all the other things that make the white collar world, such as twice as much of a backstabber, twice as servile to people in positions of power and twice as hard on black folks in proving their allegiance to the basic tenets of white supremacy.” - “BreakingBrown.com - Corporate Careerist Blacks” - (Exhibit QQ)

Ryan to go and make copies of his presentation materials to hand out to the team". And, the fact that in Shillingford's email dated June 23, 2015 (Exhibit K), she wrote: "*Please ensure that all materials are available in the folder by Wednesday 3pm; otherwise you will have to bring a hard copy to the meeting*" further explains the "Babsy" scenario.

To add to this scenario explanation of feeling as if I was the help/house slave as the only Black Analyst in the Counterparty Risk Group, when the mother, the father and any of the spoiled kids/teenagers can call to "Babsy" saying, "Babsy, my clothes are in the wash, can you please do the wash?" Babsy, on the other hand cannot call to the mother, the father or any of the children and ask them to wash her clothes³⁹. In other words, when the non-Black employees in the Counterparty Risk Group, including analysts at my job level, can send me their presentation materials or "*save their materials in the shared folder on the Chase network*" for the Monthly Governance Meeting for me, Black Plaintiff, Candice Lue, to print, I cannot send my said presentation materials to any of the said non-Black employees, including analysts at my said job level, to print. I have to print them for myself⁴⁰. So, there is obviously disparate treatment here as it relates to, as a Black employee, having the same benefits that the non-Black employees, including the ones at my job level, have which is in violation of 42 U.S.C. § 1981 and Title VII of the Civil Rights Act of 1964.

The foregoing is akin to why I coined the question that I have asked Defendants JPMorgan Chase & Co., et al directly and rhetorically: "*Am I the help? Is this 1910?*" whereby, as the only Black analyst in the Counterparty Risk Group, the employment racially discriminatory tasks were assigned to me to both "remind" the non-Black team members of the said group to "*save their materials in the shared folder on the Chase computer system*" and then on my own, print, collate and staple 13 copies of each of the said non-Black team members presentation materials (one copy for each member of the team), email and lug the said presentation materials to the monthly team

³⁹ Work traditionally done in White households by Black/African American women especially up to the late 1960's as reenacted in the movie "The Help".

⁴⁰ As email dated June 23, 2015 (Exhibit K) shows, the only other Black team member of the CRG, Shillingford had to do the printing of the non-Black team members' presentation materials when I was on vacation.

meeting where the said non-Black team members, including the ones on my own job level, would be waiting to “be served”. Then, at the end of the day, non-Black team members like Ryan Vroom get **promoted** by Khavin while myself and Black, servile employee, Shillingford end up being demoted/rated as “low performers” (Exhibit FF).

Secondly, pursuant to Rule 56(d) of Federal Rules of Civil Procedure – “When Facts Are Unavailable To The Nonmovant” which states: “*If a nonmovant shows by affidavit or declaration that, for specified reasons, it cannot present facts essential to justify its opposition, the court may: (1) defer considering the motion or deny it; (2) allow time to obtain affidavits or declarations or to take discovery; or (3) issue any other appropriate order*” **and** *St. Mary's Honor Center v. Hicks*, 509 U.S. at 511 which states “*In order to rebut the inference of discrimination, the employer must articulate, through admissible evidence, a legitimate, nondiscriminatory reason for its actions. The employer's burden is one of production, not persuasion; the ultimate burden of persuasion always remains with the plaintiff*”, if:

Defendant Shillingford cannot make factual evidence available showing that for the two years prior to Plaintiff, Candice Lue, who is Black, joining the Counterparty Risk Group she had asked any of the non-Black analysts and/or associates, including Plaintiff, Candice Lue’s three non-Black predecessors, Baruch Horowitz, Kenneth Ng and Thomas Monaco “*to remind all CRG members to save their materials in the shared folder on the Chase computer system so that [a non-Black analyst and/or associate] could print them in advance of the [Month/Year] Governance Meeting*” then Shillingford solely assigning these less desirable and racially discriminatory tasks to me, Plaintiff, Candice Lue, the only Black analyst in the CRG to do on a monthly basis is in violation of 42 U.S.C. § 1981 and Title VII of the Civil Rights Act of 1964 - EEOC Compliance Manual Section 15 – Race and Color Discrimination – VII(B)(1) – WORK ASSIGNMENTS which states: “*Work assignments must be distributed in a nondiscriminatory manner. This means that race*

cannot be a factor in determining the amount of work a person receives, or in determining who gets the more, or less, desirable assignments.”

And third and last, pursuant to Title VII of the Civil Rights Act of 1964 - EEOC Compliance Manual Section 15 – Race and Color Discrimination – VII - C. RETALIATION – *“Employees have a right to be free from retaliation for their opposition to discrimination or their participation in an EEOC proceeding by filing a charge, testifying, assisting, or otherwise participating in any manner in an investigation, proceeding, or hearing under Title VII. (156)”*.

Defendants Undisputed Material Fact # 38

“On August 26, 2015, Shillingford informed Plaintiff that she had saved her documents in the shared folder and again asked Plaintiff to remind all CRG members to do so in advance of the August 2015 Governance Meeting, which was to take place the next day. (Shillingford Dec., Ex. I.) Plaintiff’s response was a blank stare. (Id.) Shillingford then advised Plaintiff that refusing to perform her assigned duties was both unacceptable and one of the areas highlighted for improvement during her mid-year PMC and in her PIP. (Id.) Plaintiff responded, “I have no further comments.” (Id.)”

Plaintiff, Candice Lue Response/Opposition

“Plaintiff’s response was a blank stare.” How coincidental! That was the same *“blank stare”* that Harriet Tubman, Rosa Parks, Martin Luther King, Jr., Bob Marley, Nelson Mandela, and Marcus Garvey were giving Shillingford from their respective graves. With that said, *“I have no further comments”* could not have been a better response.

Furthermore, pursuant to 42 U.S.C. § 1981 and Title VII of the Civil Rights Act of 1964 - EEOC Compliance Manual Section 15 – Race and Color Discrimination – VII - C. RETALIATION – *“Employees have a right to be free from retaliation for their opposition to discrimination or their*

participation in an EEOC proceeding by filing a charge, testifying, assisting, or otherwise participating in any manner in an investigation, proceeding, or hearing under Title VII. (156)".

In conjunction, I respectfully refer the Court to my "Response/Opposition to "Defendants Undisputed Material Fact # 37" above.

Defendants Undisputed Material Fact # 39

"Plaintiff did not print the documents for the August 2015 Governance Meeting, failing to print both Shillingford's and the rest of the team's materials. (Id.) Another member of the group had to step in and print the materials in Plaintiff's stead. (Shillingford Dec., ¶ 26.)"

Plaintiff, Candice Lue Response/Opposition

"Another member of the group [the ploy, Ryan Vroom] had to step in and print the materials in Plaintiff's stead."

As I stated in my "Affidavit in Opposition/Response to 'Declaration of Fidelia Shillingford - Docket # 93'" – "Response to Declaration Statement # 26 – Exhibit I": *"prior to him [Ryan Vroom] being the volunteer for the ploy concocted by Shillingford, et al, [Ryan Vroom] was the worst "member of the group" to be organized and ready for the monthly governance meeting as it related to preparing/printing and handing out copies of his presentation materials to all the members of the team ("Affidavit in Opposition/Response to Declaration of Alex Khavin - docket # 92 – "Response to Statement #s 12, 13 & 14").*

Furthermore, the only "completing of the Tasks" that Ryan Vroom did as per Shillingford's Declaration in statement # 26, was to go around (as he had nothing to do – Am. Compl. ¶ 69) telling the other employees to print copies of their presentation materials for the governance meeting (which included putting the pages in order and stapling) then to give them to him, Ryan Vroom for him to put in order of the Meeting Agenda ("collate") for him, Ryan Vroom to take into the governance meeting (Exhibit OO-1 – Email dated September 23, 2015 and Exhibit PP - ¶ 2 of

page 11 -“Response to “Defendants’ Responses to Plaintiff’s First Set of Document Requests”
Dated November 16, 2016”).

As it relates to “Plaintiff did not print the documents for the August 2015 Governance Meeting, failing to print both Shillingford’s and the rest of the team’s materials”, I respectfully refer the Court to 42 U.S.C. § 1981 and Title VII of the Civil Rights Act of 1964 - EEOC Compliance Manual Section 15 – Race and Color Discrimination – VII - C. RETALIATION which states: “Employees have a right to be free from retaliation for their opposition to discrimination or their participation in an EEOC proceeding by filing a charge, testifying, assisting, or otherwise participating in any manner in an investigation, proceeding, or hearing under Title VII.(156)” and;

EEOC Compliance Manual Section 15 – Race and Color Discrimination – VII(B)(1) – WORK ASSIGNMENTS which states: “Work assignments must be distributed in a nondiscriminatory manner. This means that race cannot be a factor in determining the amount of work a person receives, or *in determining who gets the more, or less, desirable assignments*”.

Defendants Undisputed Material Fact # 40

“On September 23, 2015, Shillingford asked Plaintiff to bring copies of three items to the September 2015 Governance Meeting. (Shillingford Dec., Ex. J.) In response, Plaintiff stated that she would print only one of the requested documents. (Id.) Shillingford replied:

You were brought in to assist with my roles and responsibilities. At the time of hire, specific functions were outline[d] but as with any other job, overtime, more will be assigned. It is rather disrespectful and insubordinate for you to refuse to perform a responsibility assigned by your immediate manager. This is one of my responsibilities which I am off boarding to you given my increasing workload and it's my expectation[] that you fully pick this responsibility [up] going forward.”

Plaintiff, Candice Lue Response/Opposition

I respectfully refer the Court to my “Response to Declaration Statement # 27 – Exhibit J” – “Affidavit in Opposition/Response to Declaration of Fidelia Shillingford – Docket # 93” where I

have outlined in explicit detail how this September 23, 2015 email from Shillingford is part of a pre-planned, pre-arranged and pretextual ploy to unlawfully retaliate against me for raising the Claim of Employment Racial Discrimination to JPMorgan Chase's HR Department and the Equal Employment Opportunity Commission (EEOC).

This surreptitious move was a desperate attempt to get fodder for the written warning which I was given on September 24, 2015 and to contort into insubordination, my stance against the disparate treatment of Employment racial Discrimination that was being meted out to me by using the Black, servile employee⁴¹, Fidelia Shillingford (Factual Allegation "B" - "JPMorgan Chase Surreptitiously Tried To Contort My Stance Against Racial Discrimination Into Insubordination ¶¶ 54 & 55").

Pursuant to 42 U.S.C. § 1981 and Title VII of the Civil Rights Act of 1964 - EEOC Compliance Manual Section 15 – Race and Color Discrimination – VII - C. RETALIATION – *"Employees have a right to be free from retaliation for their opposition to discrimination or their participation in an EEOC proceeding by filing a charge, testifying, assisting, or otherwise participating in any manner in an investigation, proceeding, or hearing under Title VII. (156)"*.

Defendants Undisputed Material Fact # 41

"In response, Plaintiff stated, "You can continue to be disingenuous and willful as much as you want to but this is stemming from the racial discrimination charge I raised with HR. As I said in our impromptu meeting earlier today, I have no further comments on this matter." (Id.)"

Plaintiff, Candice Lue Response/Opposition

I respectfully refer the Court to my "Response to Declaration Statement # 27 – Exhibit J" – "Affidavit in Opposition/Response to Declaration of Fidelia Shillingford – Docket # 93" which

⁴¹ "[Black folks are] twice as servile to people in positions of power and twice as hard on black folks in proving their allegiance to the basic tenets of white supremacy." - "BreakingBrown.com - Corporate Careerist Blacks" - (Exhibit QQ)

clearly shows that my said response was in no way disrespectful but that Shillingford's surreptitious September 23, 2015 email was a ploy concocted by her and obviously HR legal representatives (Exhibit CC) in their attempts to unlawfully retaliate against me as well as to discredit the Claim of Employment Racial Discrimination I had reported to JPMorgan Chase's HR Department and the Equal Employment Opportunity Commission (EEOC).

D. Plaintiff's Written Warning

Defendants Undisputed Material Fact # 42

"Following the incidents of August 25, 26, and 27 and September 23, Plaintiff was issued a Written Warning on September 24, 2015. (Shillingford Dec., Ex. K.) Plaintiff was informed that she was expected to "perform the job responsibilities for which she was hired; she is expected to print all materials for our monthly governance team meeting and provide copies for each team member." (Id.)"

Plaintiff, Candice Lue Response/Opposition

As the only Black analyst in the Counterparty Risk Group and reminiscent of the 1800s plantation style living, in the era of slavery when Blacks had to serve their masters and their masters' families, as if I were the help/the house slave, Khavin, both directly and through her conduit/Black servile employee and horizontal racist, Shillingford⁴², solely assigned me the task of the taking of the minutes for the monthly team meetings (a task that was so undesirable that Khavin made it rotational among all the analysts and associates for the two years prior to me joining the Counterparty Risk Group) and the tasks of printing, collating, and stapling 13 copies of each of the non-Black team members of the Counterparty Risk Group's presentation materials (one copy for each member of the team), and the emailing and lugging of the said presentation materials to the

⁴² "[Black folks are] twice as servile to people in positions of power and twice as hard on black folks in proving their allegiance to the basic tenets of white supremacy." - "BreakingBrown.com - Corporate Careerist Blacks" - (Exhibit QQ)

monthly team meeting where the said non-Black team members, including the ones on my own job level, would be waiting to “be served”, tasks which never existed prior to me joining the Counterparty Risk Group.

This task assignment was nothing but a mere benefit/perk for the non-Black members of the team at the expense of me, the only Black analyst on the team. A benefit/perk, that like a plantation slave, I would have never gotten the opportunity to enjoy which is not only unfair but is in violation of 42 U.S.C. § 1981 and Title VII of the Civil Rights Act of 1964.

That is why if I were aware that these employment racially discriminatory tasks were “*the job responsibilities for which [I] was hired*”, I would have **NEVER** accepted the position when it was offered to me. And, that is why THE MOMENT it became undoubtedly obvious to me that I was being racially discriminated against, I SPOKE UP AND SPOKE OUT⁴³. And, when I was unlawfully retaliated against for speaking up and speaking out⁴⁴, I immediately took legal action by filing a Charge with the Equal Employment Opportunity Commission because Employment Racial Discrimination and Retaliation are against the law.

The “Defendants Undisputed Material Fact # 42” proves that I was unlawfully retaliated against, which included being terminated, because as the written warning that was issued to me and the said “Undisputed Material Fact # 42” state, the **sole** “Expectation” of me was: “*she [Plaintiff, Candice Lue] is expected to print all materials for our monthly team meeting and provide copies for each member*”. Meaning that, I, Black Plaintiff, Candice Lue was **expected** to be the team’s help/house slave for the non-Black members of the Counterparty Risk Group including members on my same job level, a perk/benefit that, like a plantation slave and unlike every other member of the said group, I would have never gotten the opportunity to enjoy which is not only unfair but is in violation of 42 U.S.C. § 1981 and Title VII of the Civil Rights Act of 1964.

⁴³ January 26, 2015, after being on the job for two months.

⁴⁴ Eight (8) months after I spoke up and spoke out then continued to take a peaceful stance against the said disparate treatment against me.

With that said, it was due to my opposition of this employment racially discriminatory act against me that I was issued a written warning which pursuant to 42 U.S.C. § 1981 and Title VII of the Civil Rights Act of 1964 - EEOC Compliance Manual Section 15 – Race and Color Discrimination – VII - C. RETALIATION which states: “*Employees have a right to be free from retaliation for their opposition to discrimination or their participation in an EEOC proceeding by filing a charge, testifying, assisting, or otherwise participating in any manner in an investigation, proceeding, or hearing under Title VII.(156)*” and;

EEOC Compliance Manual Section 15 – Race and Color Discrimination – VII(B)(1) – WORK ASSIGNMENTS which states: “*Work assignments must be distributed in a nondiscriminatory manner. This means that race cannot be a factor in determining the amount of work a person receives, or in determining who gets the more, or less, desirable assignments*” this tangible employment action of giving me a written warning for opposing Employment Racial Discrimination, is against the law.

Defendants Undisputed Material Fact # 43

“On September 25, 2015, Plaintiff e-mailed Shillingford:

As is evidenced in the attached “Written Warning” dated 9/24/15 that you presented to me in a meeting yesterday, you continue to be the enabler, the facilitator, the coordinator and the enforcer of the second class treatment which originated from Alex Khavin and has been meted out to me. This is why, I have repeatedly asked HR to remove you as my manager to prevent you from carrying out these unlawful acts against me. However, it is including HR's failure to prevent these unlawful acts against me that has caused you to continue to harass me on a monthly basis since Alex Khavin and/or cohorts subtly made it solely your job to enforce the second class treatment against me whereby I am ordered to print, collate, staple and lug the presentation materials of each of the team members to the monthly meetings. (Shillingford Dec., Ex. L.)”

Plaintiff, Candice Lue Response/Opposition

"I have repeatedly asked HR to remove [Shillingford] as my manager to prevent [her] from carrying out these unlawful acts against me." However, even after repeated requests, HR failed to remove Shillingford, the Black, servile employee who had relegated herself to being a horizontal racist and who they continued to use as a conduit for the disparate treatment perpetrated against me.

As I stated in Paragraph 114 of my Amended Complaint: *"I spoke with [Defendant/'Neutral Investigator' Vega] about the disparate treatment on the basis of my race that was being meted out to me by Khavin with the help of Shillingford making sure to disclose at that point that Shillingford is Black. He told me that he was aware that Shillingford was a "woman of color" and tried to assure me, as an attorney by profession, I guess, that because Shillingford is also Black/"woman of color" that she could not be racist against me. I begged to differ but he was so much into doing his job of covering up JPMorgan Chase's and its managers' racial discrimination against Blacks that he was not having any part of my divergence."* However, pursuant to Title VII of the Civil Rights Act of 1964 - EEOC Compliance Manual Section 15 – Race and Color Discrimination - The decisionmaker's race: *"The race of the decisionmaker may be relevant, but is not controlling. (55) In other words, it should not be presumed that a person would not discriminate against members of his own race. As the Supreme Court has noted, "[b]ecause of the many facets of human motivation, it would be unwise to presume as a matter of law that human beings of one definable group will not discriminate against other members of their group." (56).*

In conjunction, as I stated in Paragraph 23 of my Amended Complaint: *"I had asked HR to remove Shillingford as my direct manager but in their intent to aid and abet violations of Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981, they ignored my request. Shillingford was not removed as my manager because that would mean that I would have to report to a White manager. And, since the White manager did not enforce disparate treatment against the non-Black employees who reported to her, it would have been way too obvious for her to enforce Khavin's bigoted and*

disparate treatment against Blacks against me alone. So, Shillingford who is Black and who was willing to horizontally, as it related to race, enable, facilitate, coordinate and enforce Khavin's bigoted and disparate treatment against me, stayed as my manager."

Defendants Undisputed Material Fact # 44

"In an e-mail exchange on October 14 and 15, 2015, Plaintiff reacted unprofessionally and negatively in response to constructive feedback provided by Shillingford. (Shillingford Dec., Ex. M.) Exasperated, Shillingford reached out to HR, saying:

These are the patronizing and accusatory emails that I receive from Candice on a frequent basis. The environment has become toxic and inoperable. Instead of directing my time and effort into my work; my efforts are channeled on internalizing how to approach Candice on a task and/or how to respond appropriately to these emails. In effect, my primary focus has shifted to managing my interactions and the work has become secondary. I cannot continue to be productive in this environment. Can we please have a conversation this afternoon; if your schedules permit? (Id.)"

Plaintiff, Candice Lue Response/Opposition

"Exasperated, Shillingford reached out to HR, saying": The said thing she, Shillingford, was instructed by her coaches, JPMorgan Chase's HR legal representatives to say (Exhibits CC & CC-1).

Having gotten a "Low Meets Expectation (M-)" rating from Khavin on her 2014 year end performance review (Exhibit FF), Shillingford's career at JPMorgan was at the mercy of Khavin and HR so in her quest to secure her career/future at JPMC, Shillingford who is Black was willing to relegate herself to horizontal racist status (Exhibit QQ – "Corporate Careerist Blacks").

Also, in conjunction with my "Response to Declaration Statement # 30 – Exhibit M" – "Affidavit in Opposition/Response to 'Declaration of Fidelia Shillingford - Docket # 93'", my emails that Shillingford was referring to (JPMorgan Chase 000095 & 000096 – Exhibit M attached to Declaration of Fidelia Shillingford - Docket # 93) are the said emails I used in my "Response [under Sworn Oath] to Request #s 11, 30 & 32 - "Response to Defendants First Request for

Production of Documents” - Docket # 45” as proof of Shillingford’s deliberate, unlawful, pretextual and retaliatory attempts to denigrate my performance (EXHIBIT Y-1)⁴⁵.

With that said, my email responses to Shillingford’s attempts to denigrate my performance should not be misconstrued as being “*unprofessional, patronizing and accusatory*”, because they were meant to call out Shillingford in her quest to unlawfully and pretextually retaliate against me. And, as my email dated July 21, 2015 (Exhibit Y-1) shows, I forwarded an example of my email response to Shillingford’s quest to denigrate my performance to Defendant/”Investigator” Vega to show the mechanism Shillingford was using to strategically retaliate against me for raising the issue of Employment Racial Discrimination. Sadly, I did not know at the time that this was the inner workings of Vega himself, Shillingford and the other HR legal representatives who were working in tandem, behind the scenes, to unlawfully retaliate against me (Exhibits CC & CC-1).

In light of the aforesaid and pursuant to 42 U.S.C. § 1981 and Title VII of the Civil Rights Act of 1964 - EEOC Compliance Manual Section 15 – Race and Color Discrimination – VII - C. RETALIATION: “*Employees have a right to be free from retaliation for their opposition to discrimination or their participation in an EEOC proceeding by filing a charge, testifying, assisting, or otherwise participating in any manner in an investigation, proceeding, or hearing under Title VII.(156)*”.

Defendants Undisputed Material Fact # 45

“*On October 21, 2015, Shillingford sent an e-mail to Plaintiff reminding her to ensure that all of the group’s materials are ready for the following day’s October 2015 Governance Meeting. (Shillingford Dec., Ex. N.) Instead of collecting all team members’ documents to print and distribute, Plaintiff only e-mailed her personal documents to the group and once again failed to*

⁴⁵ As she did on the fallacious, pretextual and retaliatory “performance improvement plan” she placed me on, on July 30, 2015. Now the said denigration attempts have been put under the guise of “*constructive feedback*”.

collect, print, and distribute the documents as directed for the October 2015 Governance Meeting. (Id.)”

Plaintiff, Candice Lue Response/Opposition

I respectfully refer the Court to my Response/Opposition to the “Defendants Undisputed Material Fact # 37” and “Defendants Undisputed Material Fact # 38” above.

Defendants Undisputed Material Fact # 46

“Also on October 21, 2015, Shillingford reminded Plaintiff that she had transitioned the responsibility of the “Dashboard” to Plaintiff and that she was expected to present it at the Governance Meeting. (Shillingford Dec., Ex. O.) In response, Plaintiff was again disrespectful and unprofessional, responding “that it takes very little intellect for anyone to see that the full trail of the email attachment you referenced gave no directive of the transitioning to me of PRESENTING the Dashboard . . . only ordering me to print same.” (Id.) Shillingford replied that they had discussed it in person. (Id.) Plaintiff’s responded, “[w]ith ALL due respect, your statement is untrue.” (Id.)”

Plaintiff, Candice Lue Response/Opposition

Shillingford and I worked on the Reporting side of the Counterparty Risk Group. Between us, we had a total of three (3) presentations that we had to do at the Monthly Governance Meetings. I did the presentations for and spoke to the Exposure Report⁴⁶ and the Reconciliation Report while Shillingford did the same for the “Dashboard”.

However, in Shillingford’s quest, as the enabler, the facilitator, the coordinator and the enforcer of the disparate treatment and retaliation that had been meted out to me, Shillingford was looking for “incidents” (Exhibit CC - JPMorgan Chase 001893) to garner material for her and

⁴⁶ The Exposure Report was once referred to as “the monster” by a former co-worker of the Counterparty Risk Group.

JPMorgan Chase's HR legal representatives' unlawful and pretextual argument against me to justify my pre-planned and impending retaliatory termination by making it seem that I am refusing to do CRG essential tasks.

With that said, in Shillingford's email dated October 21, 2015 and time stamped 6:35 PM⁴⁷ (JPMorgan Chase 001411 – Exhibit O attached to Shillingford's Declaration), Shillingford mendaciously stated that *“Additionally, as discussed (please reference attached email) I have transitioned the responsibility of the Dashboard to you; you are expected to talk to it tomorrow and have copies available for the team members.”*

First off, I had **never** verbally discussed this *“transition[]”* with Shillingford. And, secondly, as I stated in my email response to Shillingford's *“(reference[d] attached email)”*, the said attachment gave **no** such directive (JPMorgan Chase 001410 – Exhibit O attached to Shillingford's Declaration). So, by calling out Shillingford for another one of her deliberate lies in her quest to garner material for her and JPMorgan Chase's HR legal representatives' unlawful and pretextual argument against me to justify my pre-planned and impending retaliatory termination by making it seem that I am refusing to do CRG essential tasks, in my said email response to Shillingford, I said: *“Let me **respectfully** say that it takes very little intellect for anyone to see that the full trail of the email attachment you referenced gave no directive of the transitioning to me of PRESENTING the Dashboard at the Monthly Governance Meeting. Your directive was only ordering me to print same.”* What the “Defendants Undisputed Material Fact # 46” failed to state though, is that I ended that said email response by saying: *“However, I can take a shot at presenting the Dashboard at tomorrow's team meeting”* (Email time stamped 8:50 PM - JPMorgan Chase 001410 – Exhibit O attached to Shillingford's Declaration).

Shillingford's response to me after calling her out for another one of her lies, using her manager, Defendant Thomas Poz as witness, was *“the email does not explicitly state that but we*

⁴⁷ I had managed to have left work about 6:30 PM that day.

had an offline conversation and I did tell that to you.” To which I responded “With ALL due respect, your statement is untrue.”

If I had not responded to Shillingford’s email at 8:50 PM on October 21, 2015 showing her up for being disingenuous and deliberate, she would be using that said mendacious email against me in this said lawsuit (Exhibit C – Email dated August 3, 2015. ¶ 5). And that is why, exercising my First Amendment right by **respectfully** telling my then manager, Shillingford that she is a liar, “*With ALL due respect, your statement is untrue*”, which she is, based on the communications I had with her on October 21 and October 22, 2015 and pursuant to my “Affidavit in Opposition/Response to ‘Declaration of Fidelia Shillingford – Docket # 93’”, should not be grounds for my unlawful and retaliatory termination of January 6, 2016.

It is important to note that this late in the evening assignment that Shillingford sprang on me is the same one I articulated about in my “Response to Declaration Statement #s 12, 13 & 14 – pg. 10” – “Affidavit in Opposition/Response to ‘Declaration of Alex Khavin - Docket # 92’” where I stated: “*When Defendant Shillingford informed me, via BlackBerry on my way home from work, that I was to do the presentation for the Asset Management Dashboard for the October 2015 governance meeting, in order to make sure that the presentation materials for the said Dashboard were distributed before the 8:30 AM governance meeting the next day, when I reached home, I signed on remotely from my home computer to prepare the presentation materials and emailed the said materials to the team after 9:00 PM that night. Then, the next day, I was in the office before 8:00 AM to print, collate and staple thirteen (13) hard copies of the said materials so that I would have them ready for distribution when the meeting started at 8:30 AM.*”

Defendants Undisputed Material Fact # 47

“On December 1, 2015, Shillingford met with Plaintiff and advised her that another analyst was going to be responsible for organizing the materials for the December Governance Meeting, but

that he would be working from home the next day. (Shillingford Dec., Ex. P.) She asked Plaintiff to coordinate with this analyst to make sure the task is completed. (Id.) Plaintiff did not respond but instead turned her head and continued working on her computer. (Id.) Shillingford asked Plaintiff for a response, but Plaintiff replied, "I have no comments." (Id.)"

Plaintiff, Candice Lue Response/Opposition

The "Defendants Undisputed Material Fact # 47" is another insult to anyone of reasonable mind's intellect. Why would Ryan Vroom, **the ploy**, "*working from home the next day*", the day of the Governance Meeting, have any bearing on him doing the printing, collating and stapling of the presentation materials for all the members of the Counterparty Risk Group **when such tasks needed to be done the day prior to the said Governance Meeting when he, Ryan Vroom was working from the office?** Further, if Ryan Vroom was not **the ploy**, why wouldn't Shillingford have me "*coordinate*" with another analyst who would **not** be "*working from home the next day*"? Why, because Shillingford had never asked any of the non-Black analysts and/or associates in the Counterparty Risk Group to do these tasks.

In addition, as I articulated in my "Response/Opposition to Defendants Undisputed Material Fact # 39" above, the only "*organizing the materials*" that Ryan Vroom ever did, which was for the September 2015 Governance Meeting, was to tell the other team members to print copies of their own presentation materials for the Governance Meeting (which included putting the pages in order and stapling) then to give them to him, Ryan Vroom for him to put in order of the Meeting Agenda ("*collate*") for him, Ryan Vroom to take into the Governance Meeting (Exhibit OO-1 – Email dated September 23, 2015). He, Ryan Vroom, never did the printing, etc. of the said presentation materials himself.

With that said, "[Shillingford] ask[ing] Plaintiff, [Candice Lue], to coordinate with this analyst/**ploy** to make sure the task is completed" simply meant that I, Plaintiff, Candice Lue was supposed to do the printing, collating and stapling of all the members of the CRG's presentation

materials for the November 2015 Governance Meeting⁴⁸ and give them to Ryan Vroom for him to put in order of the Meeting Agenda (“collate”) - the easiest part of the tasks. As, “the easiest part of the tasks”, was the only thing that Ryan Vroom, **the ploy**, ended up doing after I took my peaceful stance when *“Shillingford asked [me] Plaintiff for a response, but [I] Plaintiff replied, “I have no comments”.*

As is shown in Shillingford’s email dated December 1, 2015 to Terri Vernon and Defendants Helen Dubowy and Thomas Poz, (JPMorgan Chase 000088 – Exhibit P attached to Shillingford’s Declaration), this **ploy** was just another “incident” in Shillingford’s quest to garner material for her and JPMorgan Chase’s HR legal representatives’ unlawful and pretextual argument against me to justify my pre-planned and impending retaliatory termination as I articulated in “Defendants Undisputed Material Fact # 47” above and my email response to Shillingford dated December 1, 2015 (JPMorgan Chase 000089 – Exhibit Q attached to Shillingford’s Declaration).

As I stated in Paragraph 20 of my Amended Complaint, *“Shillingford’s behavior and attitude in enforcing Khavin’s bigotry against me was reminiscent of the epitome of being a “slave master’s pet” in the era of slavery. Her behavior and attitude were that of a slave that his master had found favor with to carry out the lashing, etc. of the other slaves on the slave master’s behalf.”* And, as the post from “BreakingBrown.com - Corporate Careerist Blacks” - (Exhibit QQ) states: *“Black people who try to achieve success in a Western society predicated on white supremacy and superiority are even more maniacal in their actions since they don’t have white privilege to rely upon to rise up the corporate ladder. Hence, although black folks say that they have to work twice as hard as a white person to reach the same amount of success (which is true), they also must be twice as good at all the other things that make the white collar world, such as twice as much of a backstabber, twice as servile to people in positions of power and twice as hard on black folks in proving their allegiance to the basic tenets of white supremacy.”*

⁴⁸ The November 2015 Governance Meeting was postponed to December 2, 2015 due to the Thanksgiving Holiday.

Defendants Undisputed Material Fact # 48

“Following this encounter, Shillingford sent Plaintiff a confirmatory e-mail, noting that she had refused to coordinate with the other analyst in preparing the documents for the Governance Meeting. (Shillingford Dec., Ex. Q.) Plaintiff replied:

For the record, your PLOYS which are cover ups for the unlawful behavior being meted out to me will not stand. There is no ‘other analyst’ who is being ordered to have everyone in the department send their documents to them to print, collate, staple and lug to the monthly meetings. Your ploys ONLY consist of ‘other analysts’ asking team members to give their printed, collated and stapled documents to them for them to put the documents in order as per the agenda and take them into the meeting. Again, that's all your ploys consist of. Furthermore, please be advised that this racial discrimination against me has been escalated to the point where these ploy compromises will not be effective. (Id.)”

Plaintiff, Candice Lue Response/Opposition

In response to the “Defendants Undisputed Material Fact # 48”, I respectfully refer the Court to my Response/Opposition to the said “Defendants Undisputed Material Fact # 47” above.

In addition, this “coordinating with another analyst” had never been reciprocated to me. What I was told when I articulated the unfairness of me, Plaintiff, Candice Lue, the only Black analyst in the Counterparty Risk Group, solely being assigned the tasks of the taking of the minutes for the monthly team meetings, a task that was so undesirable that Khavin had made it rotational among all the analysts and associates for the two years prior to me joining the Counterparty Risk Group, and the tasks of printing, collating, and stapling 13 copies of each of the non-Black team members of the Counterparty Risk Group’s presentation materials (one copy for each member of the team), and the emailing and lugging of the said presentation materials to the monthly team meeting where the said non-Black team members, including the ones on my own job level, would be waiting to “be served”, tasks which never existed prior to me joining the Counterparty Risk Group was: *“If you need help go and ask the [White administrative assistant] to help you.”* Also, as I said in Paragraph 91 of my Amended Complaint: *“Khavin refused or failed to instruct me to ask help of any of the non-Black analysts in my own job category or on my same job level. However,*

she, in her act of lack of respect and disparate treatment against Blacks instructed me to go and ask the White administrative assistant to help me, an analyst, to do a task that would more likely fall into the administrative assistant's job category. Also, please note that Khavin herself had never given the White administrative assistant the directive to provide me with this help."

E. Plaintiff's Termination

Defendants Undisputed Material Fact # 49

"Following this incident, as well as those from the preceding months, and in view of the fact that Plaintiff had been placed on a PIP and Written Warning, Shillingford decided that Plaintiff's employment should be terminated. (Shillingford Dec., ¶ 35.)"

Plaintiff, Candice Lue Response/Opposition

As my Second Cause of Action - "Unlawful Retaliation on the Basis of Race in Violation of Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981", Exhibits CC⁴⁹ and CC-1 show and as articulated in my "Response/Opposition to Defendants Undisputed Material Fact # 42" above, the "performance improvement plan" (PIP) and the "written warning" on which I was placed were pretextual, retaliatory and tangible employment actions that were taken against me for reporting to JPMorgan Chase's HR Department that I had been racially discriminated against by my skip level manager, Alex Khavin who is White and that Shillingford, who is Black and a servile employee of Khavin was the enabler, the facilitator, the coordinator and the enforcer of the said racist and disparate treatment that Khavin was meting out to me.

The two pretextual, retaliatory and tangible employment actions of putting me on a PIP and a written warning were also taken against me due to my staunch opposition to the employment racially discriminatory tasks that were solely assigned to me, the only Black analyst in the

⁴⁹ JPMorgan Chase's HR legal representatives were instrumental in concocting the PIP on which I was placed, the Written Warning which I was given and my January 6, 2016 retaliatory termination.

Counterparty Risk Group, which is in violation of 42 U.S.C. § 1981 and Title VII of the Civil Rights Act of 1964 - EEOC Compliance Manual Section 15 – Race and Color Discrimination – VII - C. RETALIATION which states: “*Employees have a right to be free from retaliation for their opposition to discrimination or their participation in an EEOC proceeding by filing a charge, testifying, assisting, or otherwise participating in any manner in an investigation, proceeding, or hearing under Title VII.* (156)” and;

Title VII of the Civil Rights Act of 1964 - EEOC Compliance Manual Section 15 – Race and Color Discrimination – VII(B)(1) – WORK ASSIGNMENTS which states: “*Work assignments must be distributed in a nondiscriminatory manner. This means that race cannot be a factor in determining the amount of work a person receives, or in determining who gets the more, or less, desirable assignments.*”

As it relates to “*Shillingford decided that Plaintiff’s employment should be terminated*”... In their quest to cover/mitigate the Employment Racial Discrimination that was perpetrated against me, the HR legal representatives were subtly trying to shift my claim of Employment Racial Discrimination against me, from Khavin, the main perpetrator who is White unto Shillingford, the conduit of Khavin’s said Employment Racial Discrimination, who is Black. And, Shillingford, a servile employee, was willing to take on this position as a badge of honor in service to her “masters” (Exhibit CC - JPMorgan Chase 001392 & 003342, Am. Compl. ¶ 114, Exhibit F and Declaration of Fidelia Shillingford - Docket # 93).

However, and pursuant to Title VII of the Civil Rights Act of 1964 - EEOC Compliance Manual Section 15 – Race and Color Discrimination - The decisionmaker’s race: “*The race of the decisionmaker may be relevant, but is not controlling.* (55) *In other words, it should not be presumed that a person would not discriminate against members of his own race. As the Supreme Court has noted, “[b]ecause of the many facets of human motivation, it would be unwise to presume*

as a matter of law that human beings of one definable group will not discriminate against other members of their group.”(56).

With that said, as I articulated in my “Affidavit in Opposition/Response to ‘Declaration of Fidelia Shillingford - Docket # 93’” – “Response to Declaration Statement # 35”, “*Just as how the ultimate decision to hire me Plaintiff, Candice Lue was **not** made by Shillingford, as I have articulated and provided proof of in my “Response to Declaration Statement # 5” and my “Response to Declaration Statement # 6” above, the ultimate decision for my January 6, 2016 retaliatory termination or the recommendation of my said retaliatory termination by JPMorgan Chase, as per the evidence provided in Exhibit CC-2, was **not** made by Shillingford.*”

Defendants Undisputed Material Fact # 50

“Vernon prepared a Recommendation for Termination (“RFT”), stating in part:

Both [her PIP and Written Warning] included issues on refusing to perform assigned tasks [] as well as a lack of professionalism including inappropriate tone of emails and verbal communications. Despite numerous conversations that Candice has had with Employee Relations and managements, she still has had sustained improvement in these areas Because of the lack of professionalism and refusal to perform the work asked of her, it is the recommendation to move forward with termination of employment. (DuBow Dec., Ex. C.)”

Plaintiff, Candice Lue Response/Opposition

As I articulated in my “Affidavit in Opposition/Response to ‘Declaration of Helen Dubowy - Docket # 96’” – “Response to Helen Dubowy Exhibit C” – “Recommendation for Termination”:

“The only thing right about the “Recommendation for Termination” is that I had numerous conversations with Employee Relations (Defendant Vega) and Management (Defendants Khavin and Shillingford) whereby, I tried my best to articulate that “Alex Khavin has been treating me as if I am the help, as if it is 1910”, Shillingford is the enabler, the facilitator, the coordinator and the enforcer of the said racist treatment that Khavin had been meting out to me and that it was unfair as the only Black analyst on the team to be treated at a double standard, but to no avail.

If the “Recommendation for Termination” had explicitly declared the racially discriminatory “assigned tasks” it states I refused to perform and the fact that Khavin who had assigned these tasks solely to me had never assigned these said tasks, in the two years prior to me joining the team and after I joined the team, to any of the non-Black analysts and/or associates to do, whether exclusively or on a rotational basis, then anyone of reasonable mind would see that this act by Khavin was a disparate/racially discriminatory act on her part.

As the only Black Analyst in the Counterparty Risk Group, as if I were the house slave for the non-Black members of the group⁵⁰, including the members on my own job level, and reminiscent of the 1800s plantation style living, in the era of slavery when Blacks had to serve their masters and their masters’ families, Khavin solely assigned the task of taking the minutes for the Monthly Governance Meetings (a task which was so undesirable that Khavin had made it rotational among the analysts and associates before I joined the team as I was told in my interview and per Kimberly Dauber’s email dated February 4, 2015⁵¹ – Exhibit B) and the tasks of printing 13 copies of each of the non-Black team member’s presentation materials (one copy for each member of the team), collating, stapling and lugging of the said presentation materials to the monthly team meetings where the said non-Black team members will be waiting to “be served” (tasks which never existed before I joined the team or tasks that were not even assigned to the White administrative assistant on the team to do). (I respectfully refer the Court to my “Affidavit in Opposition/Response to ‘Declaration of Alex Khavin - docket # 92’” – “Response to Declaration Statement #s 12, 13 & 14”).

In light of the aforesaid and Khavin being condescending, unapologetic and unrepentant during my meeting with her on April 24, 2015 where I tried my best to articulate to her how I felt about her treating me “as if I am the help and as if this is 1910” (Am. Compl. ¶¶ 9 & 172a), I was

⁵⁰ I was on the Credit Reporting side of the group and all these non-Black members were on the Credit Analysis side (Shillingford Dec., ¶ 8).

⁵¹ “Every analyst and/or associate on this team has been the minute taker of our Extended meetings at some time during the last 2 years. I don’t think this is a function that is specifically written out in job duties because it’s an adhoc function. However, Alex would pick a different person each time during our meetings...”

made to feel as if I shared the same sentiment as a house slave working on a plantation. And, as someone of slave ancestry, I found the unessential (as it related to benefiting the department or the company as a whole) and undesirable task assignment of doing the printing, etc. of the non-Black team members presentation materials for the Monthly Governance Meeting and the task of solely being assigned to take the minutes for the said Monthly Governance Meeting racially demeaning and degrading (Exhibit B – my email dated May 27, 2015/time stamped 8:39 AM).

As the “Recommendation for Termination” attached as “JPMorgan Chase 000060 - Exhibit C” to Dubowy’s Declaration shows, for taking a stance against this disparate treatment, the unlawful act of Employment Racial Discrimination, through peaceful defiance⁵², by reporting the matter to JPMorgan Chase’s HR Department and by filing a Charge against the said company with the Equal Employment Opportunity Commission (EEOC), I was severely punished by JPMorgan Chase and its managers. These severe punishments included being placed on a retaliatory and pretextual “performance improvement plan” on July 30, 2015 (Exhibit C), issued a “written warning” on September 24, 2015 (Exhibit F) and ultimately terminated on January 6, 2016.

*The **only** “expectation” for the “written warning” that was issued to me on September 24, 2015 for my stance against the racially discriminatory tasks that were solely assigned to me, the only Black analyst in the Counterparty Risk Group, was: “It is my expectation that Candice perform the job responsibilities for which she was hired; she is expected to print all materials for our monthly team meeting and provide copies for each member” (Exhibit F) – meaning, be the house slave for the non-Black members on the team including the ones on my job level, **who are not even members of the Reporting side of the group as I was** (Shillingford Dec., ¶ 8) **and whose presentation materials for the monthly team meeting had nothing to do with mine, or else.***

In contrast, while I was severely punished by way of a poor performance review and put on a retaliatory and pretextual “performance improvement plan”, given a written warning, (both of

⁵² 2nd paragraph of the said “Recommendation for Termination” and Shillingford’s email dated August 26, 2015/time stamped 4.25 PM (Exhibit CC-1)

which barred me from accessing the company's progressive benefits) and ultimately terminated on January 6, 2016 for taking a stance against obvious disparate treatment against me in the assignments that were off limits for the non-Black analysts on the team but were solely assigned to me to do, without fear of being punished, my White co-worker, Ryan Vroom was unabashed about his outright refusal to do the reconciliation report which is an essential task of the Counterparty Risk Group. This is a tedious task that I ended up having to do (Am. Comp. ¶ 69).

*Ryan Vroom is the said White employee who, when another co-worker left the company and a task that the exited co-worker previously did was passed on to him to do, he also flat out refused to do it, throwing a tantrum shouting, "**I am not taking this on!**" and just like the reconciliation report that he refused to do, I, Plaintiff, Candice Lue, am the one who also had to end up doing this task as well (Exhibit PP - ¶ 2 of page 10 - "Response to "Defendants' Responses to Plaintiff's First Set of Document Requests" Dated November 16, 2016").*

*However, unlike me, White employee, Ryan Vroom was not severely punished by means of a poor performance review put on a retaliatory and pretextual "performance improvement plan", he was not given a written warning, both of which would have barred him from all of the company's progressive benefits and most of all, he was not terminated. As a matter of fact, he got **promoted** – Bearing in mind that for this White employee to have gotten a promotion, his performance rating would have to be, per JPMorgan Chase's "promotion criteria", at least 2 years of Meets Expectation (M) or above performance, with rating of Meets Expectation Plus (M+) or Exceeds Expectation (E) in the year of the promotion (Exhibit QQ – "Why Black Workers Really Need to be Twice as Good", "Black Troops More Likely to Face Military Punishment", Am. Compl. ¶ 69 & Exhibit H-3).*

With regards to my "professionalism", any issue with my professionalism is a direct result of the racially discriminatory treatment I endured working at JPMorgan Chase. With that said, admonishing racial discrimination should not be misconstrued as being "disrespectful". The days

*when Black people had to stand up straight and look downward to the ground because it was “disrespectful” to look a racist in the eye as the said racist was demeaning them and treating them as second class citizens, are over. The days when a racist addressed an adult Black male as “boy” and the adult Black male had to stand there and be respectful to the racist while being demeaned by being referred to as “a boy”, are over. And, so are the days when as a Black employee working for JPMorgan Chase, it is “disrespectful” of me to take a stance against or to not accept second class treatment meted out to me on the basis of my race from racist managers or conduits of racist managers who for their own job security, these conduits engage in horizontal racism. Racism **must** be admonished in whatever way necessary without violence and without care as to whether or not the racist thinks that doing so is being disrespectful to him or her.*

It is despicable and shameful of Defendants JPMorgan Chase & Co., et al to intentionally misconstrue my admonition of racial discrimination against me by using my said stance⁵³ as a defense for my unlawful and retaliatory termination. Further and pursuant to Title VII of the Civil Rights Act of 1964 - EEOC Compliance Manual Section 15 – Race and Color Discrimination – VII - C. RETALIATION: “Employees have a right to be free from retaliation for their opposition to discrimination or their participation in an EEOC proceeding by filing a charge, testifying, assisting, or otherwise participating in any manner in an investigation, proceeding, or hearing under Title VII.(156).”

Defendants Undisputed Material Fact # 51

“DuBowy signed the RFT on January 6, 2016. (Id.) Plaintiff was terminated that day. (Am. Compl., ¶51.)”

⁵³ The said stance Martin Luther King, Jr. was found “disrespectful” for taking that landed him in jail, the said stance Nelson Mandela was found “disrespectful” for taking that landed him in prison for twenty-seven (27) years, the said stance Rosa Parks was found “disrespectful” for taking that landed her in jail, the said stance Harriett Tubman would have been found “disrespectful” for taking if she was caught and was sent to jail, the said stance Congressman John Lewis was found “disrespectful” for taking that caused him to get bloodied on Bloody Sunday and the said stance Bob Marley advocated in his songs that just like Martin Luther King, Jr., Nelson Mandela and Rosa Parks propelled him to worldwide fame.

Plaintiff, Candice Lue Response/Opposition

Upon request in a letter dated January 8, 2016 to the Director of the Equal Employment Opportunity Commission (EEOC), New York District Office, U.S. Equal Employment Opportunity Commission, 33 Whitehall Street, 5th Floor, New York, NY 10004, I was issued a "Notice of Right to Sue" signed by the District Director, Kevin J. Berry and dated February 8, 2016 (Exhibit J). I filed a lawsuit against the named Defendants on April 29, 2016.

Respectfully submitted,

DATED: July 28, 2017

CANDICE LUE

Candice S. M. Lue

Signature

Address

City, State, Zip Code

Sworn to before me this 28th day of July, 2017

Frank D. Rotelli

FRANK D. ROTELLI
NOTARY PUBLIC OF NEW JERSEY
Commission Expires 9/26/2017
License # 2292270

Notary Public