

**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 Opposition/Response to
"Declaration of **Chris Liasis**
in Support re: 89 Motion for Summary
Judgment – (Docket # 94)"

I, pro se Plaintiff, Candice Lue hereby oppose/respond in good faith and under sworn oath to Defendant, Chris Liasis' ("Liasis") Declaration in support of the Defendants' Motion for Summary Judgment as follows:

STATEMENT

Defendant Liasis is a racist who puts limits on Blacks¹. As a Black JPMorgan Chase & Co. ("JPMorgan Chase") employee, Liasis was hell-bent on limiting me to my "Black status" ("Response [under Sworn Oath] to Request No. 12" of my "Response to Defendants First Request for Production of Documents" - docket # 45).

It never mattered what I did to exceed my work expectation in the Global Commodities Group - Energy Confirmations Department of JPMorgan Chase Corporate & Investment Bank

¹ 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")

("Confirmations") in which I worked and for which Liasis was the skip level manager, Liasis and his co-conspirator, my manager, Defendant Michelle Sullivan ("Sullivan") would never recognize and/or were biased against my contributions to efforts that would/should enhance my, or any employee's regardless of race, career at JPMorgan Chase. Those career enhancement efforts included, but were not limited to, my contributions to the department's process improvement initiatives (Query Management Tool, JPMorgan Chase 000357 – 000364 - Exhibit A attached to Liasis' Declaration), my success in tackling challenges, impromptu or otherwise (Am. Compl. ¶¶ 158 & 160, Exhibit G – 2012 Performance Review – "Objective 2 – Manager Comments" - Page 1), my creation of Standard Operating Procedures (SOPs) whereby I shared my knowledge with other JPMorgan Chase employees, including but not limited to, members of the Confirmations Team (Exhibit GG & JPMorgan Chase 000374 - Exhibit A attached to Liasis' Declaration - Lue, Candice (17-Dec-2013)), going beyond the firm-wide training requirements to self-identify and successfully complete courses in an effort to enhance my personal and career development/growth, being the most cross-trained in the department whereby, if needs be, I could always jump in and execute other co-workers' tasks, etc.

I made light of the intentional regression and stagnation of my career at JPMorgan Chase (Exhibit QQ-1, Ninth Cause of Action – Am. Compl. & Exhibit FF) that were perpetrated against me by Liasis and Sullivan on January 9, 2014 in my 2013 year end performance review comments (JPMorgan Chase 000376 – 000377 - Exhibit A attached to Liasis' Declaration) because, it never mattered how much I went above and beyond my call of duty in the Confirmations department, Liasis and Sullivan never gave 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 in the year of the promotion (Exhibit H-3 and Exhibit QQ – "Black Workers Really Do Need to Be Twice as Good").

What is interesting to note however, is that while Liasis was using his deep-seated bigotry, through the power vested in him by JPMorgan Chase, to regress and stagnate my financial career on the basis of my race for the two years working with him as my skip level manager at the said company, within the said two years, in the Marketing Middle Office Group for which he, Liasis was the direct manager, I had seen where he promoted, Alexandra Nash, a White female employee who was within two years of my age from an Analyst to a Senior Analyst to an Associate/Manager then to a Vice President/Manager. And, with all due respect, I have yet to hear about any process improvement or any other substantial or significant contribution that Alexandra Nash had made to the Marketing Middle Office Group that worked closely with Confirmations (Am. Compl. ¶ 162, and Exhibit QQ – “Black Workers Really Do Need to Be Twice as Good”).

Liasis and Sullivan stereotypically defamed my character on the basis of my race (wink-wink²) by depicting me as being a habitual latecomer/tardy person who was always coming to work late which was farthest from the truth (¶¶ 209 - 212 Am. Compl., & Exhibit QQ – “Black/Colored people’s time”).

Just a brief background, one of my 2013 year end accomplishments was: *“I have accomplished my personal goal of coming into the office earlier than required. I am now usually in the office between 8:00 am and 8:30 am with an effort of being in closer to 8:00 am”* (Exhibit G – 2013 Performance Review – Page 7 - 17-DEC-2013).

I had made coming into the office by 8:00 AM one of my performance goals (Exhibit QQ – “Why Black Workers Really Need to be Twice as Good”) because I found it unfair that Liasis used

² 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.

my efforts to be a responsible team member³ to defame my character on my 2013 mid-year performance review where he wrote to the effect that I was a habitual latecomer which again was farthest from the truth⁴. However, in Liasis' co-conspirator, Sullivan's usual quest to intentionally inflict regression and stagnation on my career at JPMorgan Chase (Exhibit QQ-1, Ninth Cause of Action – Am. Compl. & Exhibit FF), Sullivan's response to my aforesaid accomplishment on my 2013 year end performance review was: "*Candice has also taken measures to rectify issues noted at mid year in regards to her tardiness*" (Exhibit G – 2013 Performance Review – Page 9 - 06-JAN-2014).

Depicting a Black employee as being "a habitual latecomer" and/or "tardy", especially if this depiction is untrue, is a very serious matter as this overt racial stereotype about Black people can be and will be detrimental and defaming to a Black employee's character and career growth as, in a lot of positions and/or departments, employees are not only expected to attend early morning meetings but they are expected to be on time for those said meetings. And, if a hiring manager sees Liasis' comment on my 2013 mid-year performance review which says: "*Candice should be cognizant of attendance, specific observations of start times.... The perception of being late on multiple occasions due [to] transportation challenges is noticeable*" (Exhibit G – 2013 Performance Review – Page 9 - 16-JUL-2013) and/or Sullivan's comment on my 2013 year end performance review which says: "*Candice has also taken measures to rectify issues noted at mid year in regards to her tardiness*" (Exhibit G – 2013 Performance Review – Page 9 - 06-JAN-2014), for a Black employee at that, because the racial stereotype that "Black people are always late" is so overt that

³ If I had any doubt of making it into the office by 9:00 AM due to issues with my commute, I would call the office to let my teammates know (sometimes more than one hour before 9:00 AM because an employee was always there by 7:30 AM) as I thought that that was the professional and responsible thing to do. However, on most of the occasions after calling in with the heads up, I still managed to reach into the office before or by 9:00 AM and if not, by an average time of 9:15 AM. "Tardy" people do not operate like that. But, just the fact that I called into the office, Liasis was able to spin that into me being a habitual latecomer which as explicitly articulated ¶¶ 209 – 212 of my Am. Compl., could not be farther from the truth. Also, Liasis normally worked from/stationed in the 383 Madison (Midtown) office not the Brooklyn office but he was a part of the email sent by the co-worker I called to inform of my commuting situation.

⁴ This was during the time after the Sandy Hurricane, JPMorgan Chase's 4 New York Plaza office had to relocate to Brooklyn and there was a lot of damage to New Jersey Transit trains so there was increased pressure on the buses. With that said, the commute was a bit unpredictable but as soon as I got an update from NJ Transit, I relayed it to my teammates, even if the update was at 7:30 AM.

there is even a name for it, “Black/Colored people’s time”, it is extremely likely that the hiring manager would **not** want to hire me, just in case I “relapse” into “*not being cognizant of attendance/tardiness*”. And, based on footnote #s 3 and 4 above, how can I be someone who is not “*cognizant of attendance*”?

In addition, Liasis and Sullivan racially stereotypically and maliciously branded me as being an arrogant/“uppity” person who did not take other people’s, including managers, feedback and advice⁵ because I had the “gall” to stand up to them for being hell-bent on regressing and stagnating my financial career at JPMorgan Chase (Exhibit QQ-1, Ninth Cause of Action – Am. Compl. & Exhibit FF) or even as much as to have had the “gall” to question a situation⁶. Liasis and Sullivan also racially stereotypically and maliciously branded me as being an “angry Black woman” by using words to describe me such as “VERY DEFENSIVE⁷” and phrases such as “*this person...the continual attitude concerns*”.

Liasis was also very racially stereotypically condescending and belittling in his November 7, 2013 email response to Sullivan (Exhibit II-2 - JPMorgan Chase 002824), after Sullivan forwarded an email I had sent to her to him with a message in which she, Sullivan labeled me, in all caps, as being “VERY DEFENSIVE”, by Liasis going further to say: “*We [Liasis and Sullivan] should look at courses to expose and educate her [Plaintiff, Candice Lue] to communicative styles and JPM culture, and to raise her EQ [emotional intelligence/‘Black people have poor communication skills’/‘angry Black woman’]*” (Exhibit QQ – “The Myth of the Angry Black Woman”, “How Michelle Obama Felt about Being Labeled an ‘Angry Black Woman’”, “Angry Black Woman”,

⁵ Liasis’ and Sullivan’s “feedback/advice” was to contain me in my “Black hole” (§§ 150 – 160 - Am. Compl., Exhibit II-1)

⁶ The other Black employees just took whatever was handed to them without question or courage. The most they would do (especially Cecille Taylor-Simpson) was to go back to their desks and hum Negro spirituals or a Gospel song (I Know Why the Caged Bird Sings – Maya Angelou). According to what Liasis once scold me: “*Why is it that you are the only one who is always complaining?*” Because, I questioned my “raise”. Only to find out that Cecille Taylor-Simpson had not gotten a raise in years and that her last bonus was \$500.00 after eighteen (18) years of service.

⁷ Me being protective of my dignity, my integrity, my God given rights as a human being, my civil and constitutional rights as a citizen should not be construed in a negative light to enhance Sullivan’s and Liasis’ nefarious intentions/agenda.

“Uppity Negro”, “Why Black Workers Really Need to be Twice as Good”, “How can I explain to White people....” and “Black Troops More Likely to Face Military Punishment”).

Liasis’ condescending and belittling email response about me to Sullivan (Exhibit II-2 - JPMorgan Chase 002824) was based on the fact that I dared, yes dared as a Black person, to have had the “gall” to question Sullivan’s intent as per my email on the said trail dated November 6, 2013 (Exhibit II-2 - JPMorgan Chase 002825) which states: *“I don’t mean to be rude, accusatory or in any way disrespectful but I think you are steering me to people who are likely to write less flattering comments on my permanent work record. I try to send PMC requests to people who I think based on my overall experience working here would be to some degree fair in giving their feedback on my work and who would or are likely to write an assessment of my performance without bias or underlying malice. As for Ine⁸, I do not work with her on a daily basis in terms of the duties I perform here so I do not think that she would be able to provide enough insight for an assessment of my performance as the PMC requires.”*

For having the “gall” to stand up to Sullivan and Liasis steering me to get feedback from their confidants (Exhibit HH-1) so that these said confidants could write malicious and mendacious comments on my performance review (“PMC”) to justify their, Sullivan’s and Liasis’, defamatory comments about me, Sullivan and Liasis not only stereotypically defamed my character on the basis of my race because of the overt racial stereotypes about Black women (“angry Black woman”) and Black people having poor communication skills but they intentionally regressed and stagnated my career at JPMorgan Chase by getting HR involved. I respectfully refer the Court to “Affidavit in Opposition/Response to ‘Declaration of Michelle Sullivan’ – Docket # 95”.

In conjunction, Liasis and Sullivan racially stereotypically skewed my communication skills to make it seem that as a Black person, I have poor communication skills as it related to my regular Business as usual (“BAU”) communication (Exhibit QQ – “How can I explain to White

⁸ The Black employee/“ploy” working on behalf of Sullivan and Liasis (Exhibit HH-1)

people....”). I had to attempt to refute/clarify this racial stereotype in my July 18, 2013 performance review (PMC) response by saying: “*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, I’d 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).

“Poor communication skills” is a very overt racial stereotype against Black people whereby good communication skills are such an integral part of an employee’s career. This racial stereotype is so overt that if a Black person dares or happens to “speak well”, he or she is immediately complimented with “*you speak well for a Black Person*” (“Response to Defendants’ Undisputed Material Fact # 4” – “Affidavit in Response/Opposition to ‘Defendants’ Statement of Undisputed Material Facts under Local Civil Rule 56.1” and Exhibit QQ – “How can I explain to White people....”).

Liasis, who is a racist, intent, was to keep me contained in my “Black hole” by quelling my efforts to grow my career at JPMorgan Chase (§§ 154a – 156 Am. Compl.) while undeservedly promoting another White employee. Pursuant to the article “Uppity Negro” (Exhibit QQ) which defines an “Uppity Negro” as “*a fearless black person who by social definition is “not in their place”*”, if I, for instance, as much as peacefully questioned the scarcity of my salary increase and/or the pittance of a bonus being offered to me, Liasis would sternly ask me, “*why are you the only one that is always complaining?*” Because, unlike the other five (5) Black employees who were in the Confirmations department who just took whatever raise and/or bonus Liasis and Sullivan, at their discretion, gave them or accepted that no raise and/or bonus was given to them by Liasis and

Sullivan and just timidly went back to their desks and either sat quietly and/or hummed Negro spirituals, I had the “gall” to question it (Footnote # 6 on page 5 above).

Response to Declaration Statement # 3 - Confirmations Department Division of Labor

In 2013, Sullivan and Liasis reorganized the Confirmations Department and assigned me to work exclusively on physical commodities⁹. However, within a few months of the said reorganization, the department was informed that JPMorgan Chase would be selling its physical commodities side of the business. In any event, pursuant to the reorganization, the members of the Confirmations Department were divided between physical commodities and financial commodities as follows:

Physical Commodities

Cecille Taylor-Simpson

Medegine St. Fort Colin

Candice Lue

LaSant Maye

Financial Commodities

Linda Murphy

Thomas Moore (“Tom”)

Gavin Bennett

Ikechi Ngwangwa

Gerren Young (I do not recall which team Gerren was on. He was the last one to join the team and he mainly did client service work.)

Response to Declaration Statement # 4 - Novations

Liasis barring me from assisting with the novations process is a prime example of how Liasis was hell-bent on regressing and stagnating my career growth at JPMorgan Chase (Exhibit QQ-1, Ninth Cause of Action – Am. Compl. & Exhibit FF).

Liasis’ statement that: *“the novation process, however, occurred primarily within the financial commodities context, not the physical commodities context”*, is nothing more than a lame excuse for his intentional infliction of career regression and stagnation on my career at JPMorgan

⁹ Prior to this reorganization, I worked on both physical and financial commodities.

Chase because although most of the novations had to do with financial commodities, Liasis reassigned the said back-up duties for the novations to Medegine St. Fort Colin¹⁰ who, like me, Medegine St. Fort Colin was also assigned to handle **physical commodities** not financial commodities (I respectfully refer the Court to “Response to Declaration Statement # 3 above - Confirmations Department Division of Labor” - Medegine St. Fort Colin is listed on the **physical commodities** side).

Other members of the team such as Gavin Bennett, Ikechi Ngwangwa and LaSant Maye were **subsequently** trained to handle novations and I was instrumental in their training. However, the novation process is so complicated and tedious that for the few months that I had left in the department (JPMorgan Chase had sold its physical commodities business), none of these guys was really up to speed to handle them. The department lasted for about up to six (6) months after I left meaning that I could have more than spent that short time being the backup for the novations which was an enhancement to my résumé in my quest to find another job.

In light of the aforesaid, the part of Liasis’ statement # 4 which states: *“I directed her to focus her efforts on supporting her assigned group, and members of the financial commodities group thereafter assumed the novation process”* with all due respect, is categorically untrue and disingenuous.

It is also worth noting that when I responded to Liasis’ email, naming Medegine St. Fort Colin as the back-up, to tell him that I had now been backing up Tom Moore for some time with the novations and that I had no problem doing so, he gave me his usual “managerial treatment”, he completely ignored what I had to say by pretty much responding to say that his decision to remove me as the backup for novations stands (Am. Compl. ¶ 158).

¹⁰ Medegine St. Fort Colin, who was an Associate, may have had some prior knowledge of how to do the Novations but because novations can be tedious and time consuming, she abhorred and deliberately ignored doing them. With that said, even though Liasis removed me from being the back-up for the novations (which was done at the associate level), when Medegine St. Fort Colin “dropped the ball” on handling a novation, I took the initiative to jump in and help the team in completing it because the company was running the risk of not being compliant in completing the said novation.

Just a brief background, novations is a process that was done at a level higher than mine (the Associate level) that I took the initiative to learn by initiating a couple training sessions with Tom Moore, an associate, whose job it was to do novations (Am. Compl. ¶ 158). My proactivity in taking the initiative to learn this process resulted in my then manager, Defendant Sullivan writing this comment on my 2012 year end performance review:¹¹ :“....*She [Candice Lue] picked up the novation process very quickly and was very dependable when Tom was out of the office. Although novations can be very time consuming, Candice was able to manage this function along with her other tasks*” (Exhibit G – 2012 Performance Review “Objective 2 – Manager Comments” - Page 1).

However, because of my ambition and motivation to be a high achiever (like I was in high school and college), I did not only take on this challenge to do the one time “*when Tom was out of the office*” but I was more than willing to be the backup to take on this task, which I was effectively able to manage along with my high workload demands and in the very time-sensitive environment, in my quest to enhance my career growth at JPMorgan Chase (Exhibit G – 2012 Performance Review “Objective 2 – Manager Comments” - Page 1 & Exhibit QQ – “Why Black Workers Really Need to be Twice as Good”). As, in order to be considered for a promotion, a JPMorgan Chase employee needs to have at least a “Meets Expectation Plus (M+)” performance rating – meaning that an employee’s performance and contribution have to surpass the normal expectation. And, anyone of reasonable mind would understand that taking on a task that is done at a higher level and executing that task well would be surpassing one’s “normal expectation”.

When this ambition of mine came to the realization of Liasis, however, he immediately “shut it down” then “shut me down” when I expressed my willingness to continue to be the back-up for the novations/surpass my normal expectation (Am. Compl. ¶ 158).

Sullivan’s comment on my 2012 year end performance review alone is enough to disprove the part of Liasis’ statement # 4 where he stated: “[Plaintiff] *was spending time on novations which*

¹¹ Before she started knocking heads with Liasis, a racist and her new direct manager.

took her away from her duties on the physical commodities side” because not only was I “able to manage this function along with [my] other tasks” (Exhibit G – 2012 Performance Review “Objective 2 – [Sullivan’s Comment]” - Page 1) but I was just a **back-up** for this duty, which was above my grade level, for when Tom was out or was overwhelmed with novation requests.

Response to Declaration Statement # 5 – Query Management Tool (“QMT”)

Liasis states that: “*Plaintiff made a suggestion that involved inputting **all [100+] incoming emails** into an Excel Spreadsheet*”. However, page 1 of “What is The Query Management Tool?” (JPMorgan Chase 000357 - Exhibit A attached to Liasis’ Declaration) and page 1 of my 2013 performance review (JPMorgan Chase 000369 - Exhibit A attached to Liasis’ Declaration) make it as clear as day that Liasis’ statement # 5 is categorically false.

Both these references clearly state that: “*The Query Management Tool (“QMT”) [which I created as one of my contributions to the department’s process improvement initiative] is a spreadsheet designed to manage incoming **noteworthy queries**... .. **Noteworthy queries** are queries which would require more thought and/or time than average to resolve.*”

To further elaborate on “*Noteworthy Queries*”, noteworthy queries are queries that could take up to a month to resolve and the QMT would have functioned as a central data resource that is transparent and is accessible to all the members of the Confirmations Team to input, track and readily extract data on **only** these queries not “*all [100+] incoming emails*”. Any query that would take more than say, three (3) days/five (5) days¹² depending on how much investigation, etc. is required for it to be resolved could be **worthy of making a note of** in the QMT.

Liasis also states that: “*She [Plaintiff] presented her idea to me and I also gave her significant time to present the idea to the team*”. However, as I have explicitly detailed in Paragraphs 150 – 156 of my Amended Complaint, Liasis’ statement couldn’t be farther from the

¹² If the managers, Liasis and Sullivan, had any interest or if they were not so hell-bent on making sure that the QMT I created did not see the light of day then they could have decided the time period for a query to be considered “noteworthy”.

truth. Liasis did everything in his power to prevent me from presenting the Query Management Tool to the team. As I articulated in Paragraph 155 of my Amended Complaint: *“In a future huddle (the team’s morning meeting), he [Liasis] deliberately acted as though he was completely oblivious to our discussions about my idea to improve the team’s query management process.... I immediately realized that Liasis was attempting to stagnate my career growth by quelling my efforts to contribute to process improvement initiatives. After he made his appeal for suggestions (because by now it had reached “appeal” status), I raised my hand to ask if I could present my idea to the team while reminding him that what I was asking to present to the team was what I had been speaking with him about. At this point, it was very obvious by his impatient demeanor that he was trying to completely shut down what I was trying to say. He immediately tried to end the conversation and to move on to another topic to prevent me from having the opportunity to share my idea with the team. It was a struggle but I was persistent so, I raised my hand again. It was difficult for him [Liasis] to ignore my persistent, raised hand so I finally was given the opportunity to speak. After I spoke and was able to garner some interest from the team in making a presentation to them, as if he didn’t know what I was talking about, Liasis sternly insisted, “I need to see what you will be presenting to the team.” So, in a meeting with him [Liasis], I showed him what I would be presenting, **again.**”*

In addition, as I articulated in Paragraph 156 of my Amended Complaint, *“On the day I was permitted to make my presentation [of the Query Management Tool], “Liasis made a five minute speech with the intent of swaying the team into not supporting my idea for process improvement, an idea that could have been beneficial to the enhancement of my financial career at JPMorgan Chase. Liasis was rambling on so much in his speech that I was thinking that he would have reneged on having me present my idea to the team. Some of the team members’ expressions began to reflect “what was going on here?” as his [Liasis]’ speech consisted of “**warnings**” [to the team members] like “make sure you think about this (my idea/presentation) very carefully..... Seriously? All these “warnings” just for me **to present** an idea.”*

If Liasis was able to issue so many “warnings” to the team with regards to the presentation of my idea/contribution to the department’s query management improvement initiative, why wasn’t he, Liasis, able to come up with an idea of his own?

Response to Declaration Statement # 6 – Query Management Tool (“QMT”)

With regards to Liasis’ statement: *“However, following the presentation, my management team and I concluded that adopting Plaintiff’s suggested solution would cause further delays and inefficiencies”*, first off, the only member of Liasis’ “management team” who was present at the presentation of my “suggested solution” was Liasis.

In a meeting I had with Charlie Coignard¹³, Liasis’ manager and Sullivan’s skip level manager (Exhibit R) to discuss with him the fact that Liasis and Sullivan were intentionally regressing and stagnating my career at JPMorgan Chase (Exhibit QQ-1, Ninth Cause of Action – Am. Compl. & Exhibit FF), I told him about the QMT effort I had put forth. Charlie Coignard’s response to me was that Ine Lolomari¹⁴, who is not even a member of the Confirmations Team but a Black employee, a vice president, who they used as a conduit¹⁵ (Exhibits HH and HH-1) to carry out their racially discriminatory acts, told him about the QMT and that he, Charlie Coignard, thinks that the QMT is not strategic (obviously, based on what Ine Lolomari told him).

Charlie Coignard mentioned nothing about Liasis and/or Sullivan telling him anything about the QMT but again, they used servile, Black employee, Ine Lolomari (Exhibit QQ - Corporate Careerist Blacks) to cover for their employment racially discriminatory acts. And, why would Ine

¹³ I found out in an email among the thousands of duplicated copies of emails I received from the Defendants’, JPMorgan Chase & Co., et al’s attorneys that the day prior to this meeting there was an email exchange between Charlie Coignard and Liasis “mocking” this said meeting. I had informed Liasis and Sullivan that I would be requesting a meeting with Charlie Coignard. At our meeting however, Charlie Coignard played innocent as if the said email exchange between him and Liasis never happened (JPMorgan Chase’s managers and HR Department work in tandem).

¹⁴ The Black employee/“ploy” working on behalf of Sullivan and Liasis (Exhibit HH-1) and apparently Charlie Coignard

¹⁵ See more on Blacks relegating themselves to horizontal racist status to secure and/or enhance their careers at JPMorgan Chase in Summary of Arguments ¶ 2, page 15 - Defendant JPMorgan Chase & Co. – “Memorandum of Law in Opposition to Defendants’ Motion for Summary Judgment” and ¶ 30 – Am. Compl.

Lolomari be telling Charlie Coignard about the QMT when, besides not even being a member of the Confirmations Team (she only habitually came over to gossip with Liasis and Sullivan), she was not even present at my QMT presentation.

The full presentation of the Query Management Tool which includes its full design, how the design works, its functions, its features and its benefits, is attached to Liasis' Declaration (JPMorgan Chase 000357 - 000368 - Exhibit A). And, no one of reasonable mind would think, according to Liasis, that this tool would "*cause further delays and inefficiencies*" – Bearing in mind that as managers, neither Liasis nor Sullivan could come up with a solution for the management of processing "*all [100+] incoming daily emails*" of their own. And, with I, Plaintiff, Candice Lue being a member of the Confirmations team who dealt with the deficiencies of the said query management process on a daily basis, was there not even one feature in the QMT that I created that Liasis and Sullivan could find useful to address the said deficiencies of managing the queries that came into the department?

For example, all of the "**Benefits of the QMT**" (JPMorgan Chase 000358 - Exhibit A attached to Liasis' Declaration) reflect the core deficiencies of the Confirmations query management process and the said "Benefits of the QMT" are ways to address those said deficiencies. Take for instance the first bullet of the "Benefits of the QMT" - What had been happening in the absence of a QMT is, if the manager, Sullivan wanted to know the status of a "noteworthy" query, she pretty much "stopped the presses" by sending an email to the whole team asking "*Who is working on this? What's the status of this?*" Then the whole team would stop what we were doing to investigate amongst ourselves to see who is working and/or who worked on the query, etc. in order to get back to Sullivan with a status. I remembered how that affected the group's, including my own, productivity. However, with the QMT, all that information would have been in a centralized location and for the most part, Sullivan would not need to send those "stop the presses" emails to the team. Another case in point is bullet four whereby, what had been happening

in the absence of a QMT is, if a team member was out, the other members of the team often do not know the status or progress of the query the absent/point person was working on because such information was stored in the team member's inbox, folder or notebook. So again, with the QMT, all that information would have been in a centralized and transparent location for another member of the team to efficiently execute the requested task without delay or without wasting valuable productivity time trying to figure out what had been going on with the query.

As it relates to *"stored in the team member's inbox, folder or notebook"*, instead of team members storing pertinent supporting documents in their inbox, folders or notebooks, as per the **"Features of the QMT"** - (JPMorgan Chase 000357 - 000358 - Exhibit A attached to Liasis' Declaration), I created two columns in the Excel spreadsheet for "Supporting Documents and Additional Supporting Documents". These columns would provide the option to insert a hyperlink or hyperlinks directly to any supporting documents which in turn would be more beneficial to the team, especially if a team member is absent from work, in enhancing efficiency, accuracy, transparency and turn around time than to have those said documents stored in individual team member's inbox, folders or notebooks.

And, to benefit the Confirmations Team and JPMorgan Chase as a whole as I articulated in the last bullet of the **"Benefits of the QMT"** (JPMorgan Chase 000358 - Exhibit A attached to Liasis' Declaration), the QMT could vastly improve productivity time. The Confirmations department had a huddle each and every morning with its thirteen (13) team members (including Liasis and Sullivan) which lasted for at least 30 minutes. These huddles were mainly to discuss who is working on what "noteworthy" query request and the status of the said "noteworthy" query requests, etc. If one was to calculate cumulative productivity time, the total time spent per week just to find out information that could have been stored in one centralized location, that calculation would be 5 (days per week huddles are held) x 13 (number of team members) x 30 (minutes per huddle) which cumulatively equals 1950 minutes per week. Or, when divided by 60 (60 minutes in

one hour) equals cumulatively 32.5 hours of productivity time spent per week on having these huddles. If the QMT was implemented, whereby all of the information exchanged in the daily 30 minute huddles had been inputted into the Excel Spreadsheet by each individual team member, then these huddles where all the team members had to be present, could be reduced to a maximum of three (3) per week instead of five (5) per week, saving the Confirmations department and JPMorgan Chase on a whole at least 13 hours per week of productivity time. And who knows, the company could have saved money from having to pay me and the other non-exempt analysts in the group for at least half an hour per day of overtime work.

This QMT effort in my quest to contribute to the Confirmations department process improvement initiative and to enhance my career at JPMorgan Chase was a labor above and beyond my call of duties. As I stated in paragraph 5 of my July 2013 mid-year performance review comments (JPMorgan Chase 000373 - Exhibit A attached to Liasis' Declaration), *"I spent hours of my personal time (after work and on weekends) working on it..... this [Excel] spreadsheet was carefully thought out to include every aspect of the noteworthy query request process."*

With regards to Liasis' statement: *"I tried to explain to Plaintiff the various reasons for this decision, but she reacted defensively rather than accepting constructive feedback"* which is not only mendacious but, as a Black employee, is also racially stereotypically defaming of my character (Exhibit QQ - "angry Black woman"/"uppity"), the most Liasis did after I made the presentation of my QMT to the team was to give me his usual "rolled eyes" (Am. Compl. ¶ 156). I heard absolutely nothing further from Liasis and/or Sullivan after I made my QMT presentation and I did not pursue the matter with them any further either. As I said in my comment in my 2013 year end performance review: *"After assessing the situation, I decided that my continued pursuit could be misconstrued as overstepping my boundaries or insubordination"* (Exhibit G – 2013 Performance Review – Page 8 - 09-JAN-2014). Liasis did not even as much as tell me "thank you" after I made the presentation much less *"explain to Plaintiff the various reasons for this decision [not to*

implement my QMTJ” – total baloney. Again, the only “constructive feedback” I got from Liasis was his usual “rolled eyes”.

Response to Declaration Statement # 7 – “Constructive Feedback”/“Aggressive and Defensive”

There was no “constructive feedback”¹⁶ from Liasis. And, Liasis’ attempt to maliciously and mendaciously paint me as acting “aggressively and defensively” - “when he gave me “many” constructive feedback” which **never** happened, is racially stereotypically defaming of my character, as a Black employee, based on the overt racial stereotypes of the “angry Black woman” and “uppity Negro” (Exhibit QQ – “The Myth of the Angry Black Woman”, “How Michelle Obama Felt about Being Labeled an ‘Angry Black Woman’”, “Angry Black Woman”, “Uppity Negro”, “Why Black Workers Really Need to be Twice as Good” and “Black Troops More Likely to Face Military Punishment”).

First off, Liasis did not even know how to execute the tasks in the Confirmations department so how is he going to be giving feedback, “constructive feedback” at that? If all the members of the Confirmations team were to be out one day neither Liasis nor Sullivan would be able to do the work (BAU) as neither of them had hands-on experience as to how to do the work. That is why, as managers, neither of them (or as a team) could come up with a simple solution to properly manage the deficiencies of the query management system. So again, how on God’s green earth would either of them be able to give “constructive feedback”.

Liasis and Sullivan manufactured this “aggressively and defensively”¹⁷ lie to subtly and surreptitiously defame my character on the basis of my race by stereotypically branding me as being

¹⁶ Liasis’ and Sullivan’s “constructive feedback” was to contain me in my “Black hole” (¶¶ 150 – 160 - Am. Compl.)

¹⁷ 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.

an “angry Black woman” in conjunction with branding me as being an arrogant/“uppity”¹⁸ person (very overt racial stereotypes against Blacks), who did not take other people’s, including managers, feedback and advice which couldn’t be farther from the truth (Exhibit QQ – “The Myth of the Angry Black Woman”, “How Michelle Obama Felt about Being Labeled an ‘Angry Black Woman’”, “Angry Black Woman” and “Uppity Negro”).

In light of the aforesaid, 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, Chris Liasis cannot make factual evidence available (besides trying to contain me in my “Black hole”) to prove the “*constructive feedback*” he gave me “*on many occasions*” based on the content of the process improvement initiatives I put forth, then I respectfully ask that the Court, with prejudice, reject statement # 7 of Chris Liasis’ Declaration.

And, with regards to “*raising voice and talking over*”, I respectfully refer the Court to the last paragraph of page 3 of “Complaint: Michelle Sullivan - I Need Help” (Exhibit D) where I described how I was verbally “man-handled” by Liasis.

Just a brief background, on April 11, 2014, the day after I had the meeting with Liasis’ manager, Charlie Coignard, to escalate/discuss Liasis’ and Sullivan’s intentional infliction of career regression and stagnation on my career at JPMorgan Chase which included how Liasis and Sullivan

¹⁸ Description for Black people who have the gall to take a stance against disparate treatment that is perpetrated against them (Exhibit QQ – “Uppity Negro”).

took away my regular duties as an Energy Confirmations Drafting Analyst and replaced them with the duties of a Client Service representative (I respectfully refer the Court to my “Response to Declaration Statements 10 & 11 – “Counting Pencils” below) which was not only regressive to my career at JPMorgan Chase (2nd to last ¶ - My “Response [under Sworn Oath] to Request No. 12” of My “Response to Defendants First Request for Production of Documents” - docket # 45, Exhibit QQ-1, Ninth Cause of Action – Am. Compl. & Exhibit FF) but it was also a tangible employment action against me as it relates to reassignment with significantly different responsibilities - Vance v. Ball State University, 133 S. Ct. 2434 (2013), in a follow up meeting with Liasis and Sullivan, upon entering the meeting room, an enraged Liasis addressed me saying: *“this is not going to take long, you don’t even have to sit down.... You are going to do whatever we assign you. If you don’t want to do it, we need to know now...”*¹⁹

Because Liasis was angry about the above referenced escalation to his manager, Charlie Coignard, Liasis was extremely loud, boisterous and condescending when addressing me. Anyone in the working area could have heard the commotion created by Liasis in the meeting room. It was so bad that directly after the meeting, still shaken up from the vile experience I had just encountered with Liasis, I had to go to the ladies room to cry before returning to my BAU.

Response to Declaration Statement # 8 – “2013 Mid-Year Performance Review”

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” – (Exhibit G – 2013 Performance Review - Page 5 - 18-JUL-2013, Am. Compl. ¶ 197, Exhibit QQ - “Acting White” and “Uppity Negro”).

¹⁹ (¶ 5 of page 3 – Exhibit D and/or JPMorgan Chase 000123 - 000126 - Exhibit A attached to Declaration of Helen Dubowy)

Response to Declaration Statements 9, 10 & 11 – “Counting Pencils”

Let me respectfully say that prior to my regular duties being taken away from me and Liasis and Sullivan relegated me to “counting pencils” in an effort to put blight on my marketability by indirectly forcing me to update my résumé with tasks that would be regressive to my financial career, I had no problem, in addition to my regular duties, jumping in to back up a team member who was absent from the client service side of the business to call clients to ask them if they had received issued trade confirmations and when can we expect a returned signed copy, because I was always a team player²⁰.

However, when you are asked to cross-train your co-workers with your regular duties which you have been competently executing then your said regular duties are taken away from you and you are relegated to using the **majority** of your BAU to call clients to ask them if they had received issued trade confirmations and when can we expect a returned signed copy²¹, this kind of significant difference in responsibilities/“change” would have been questioned by any ambitious²², forward thinking individual – bearing in mind that I had never had a problem, if needs be, to jump in and help out on the client service side of the business²³.

With that said, with all due respect and contrary to Liasis’ attempt to cover up his intentional infliction of career regression and stagnation on my career at JPMorgan Chase, spending the day calling clients to ask them if they had received issued trade confirmations and when can we expect a returned signed copy is by no means “*an opportunity to broaden the teams’ knowledge of processes end-to-end*” as, besides the fact that I was already able to handle the client service tasks, any reasonable person should be able to make such a call.

²⁰ Additionally, I had NEVER refused to do this task. I only questioned it as it relates to the significant change in my job responsibilities. (I respectfully refer the Court to ¶ 2 of page 4 of “Complaint: Michelle Sullivan – I Need Help” (Exhibit D))

²¹ Confirmed by Charlie Coignard, Liasis’ manager and Sullivan’s skip level manager (¶ 5 of page 3 - JPMorgan Chase 000123 - 000126 - Exhibit A attached to Declaration of Helen Dubowy and Exhibit D)

²² Or, for me as a Black employee, Liasis might think “uppity” (Exhibit QQ – “Uppity Negro”)

²³ I was the most cross-trained in the department and as such was always able to jump in to help others (Exhibit G – 2014 Performance Review – Page 10 - 24-JUL-2014 – “Manager Mid Year”)

CONCLUSION

In light of the foregoing, Defendant Liasis' Declaration is nothing more than a falsified cover up for his obvious deep-seated racism against Blacks which resulted in his defamation of my, a Black employee, character and his intentional infliction of career regression and stagnation on my career at JPMorgan Chase on the basis of my Black race ("Emerging and nuanced forms of workplace discrimination" as described in the Article by Former Equal Employment Opportunity Commissioner, Stuart Ishimaru - Exhibit A-1 and explicitly described in my Sixth and Tenth Causes of Action – Am. Compl.).

With that said, Liasis' racially discriminatory acts are in violation of Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981 making him a worthy Defendant in this lawsuit. Also, in conjunction with and 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"*, unless Defendant, Chris Liasis can provide solid proof that Alexandra Nash, a White female employee, who within two (2) years he, Liasis promoted from an Analyst to a Senior Analyst to an Associate/Manager then to a Vice President/Manager, had contributed to any process improvement initiative or had made any other substantial or significant contribution to the Marketing Middle Office Group, that worked closely with the Confirmations department in which I worked and for which Liasis was the skip level manager (Am. Compl. ¶ 162), which was more than or the equivalent of the contributions that I, Black, pro se Plaintiff, Candice Lue had made to the

said Confirmations department that made her, Alexandra Nash, a White female employee, worthy of such promotions and me, a Black female employee not even worthy of a "Meets Expectation Plus (M+)" performance rating, for me to be even considered for a promotion, then my Employment Racial Discrimination lawsuit against Liasis is legitimate, plausible, relevant and warranted.

In addition, Chris Liasis' Declaration was submitted in bad faith and pursuant to 18 USC § 1621 and 56(h) of the Federal Rules of Civil Procedure – "Affidavit or Declaration Submitted in Bad Faith" which states: *"If satisfied that an affidavit or declaration under this rule is submitted in bad faith or solely for delay, the court — after notice and a reasonable time to respond — may order the submitting party to pay the other party the reasonable expenses, including attorney's fees, it incurred as a result. An offending party or attorney may also be held in contempt or subjected to other appropriate sanctions"*, Chris Liasis and Defendants, JPMorgan Chase & Co., et al's attorneys should be punished to the full extent of the law for lying under penalty of perjury.

DATED: July 28, 2017

CANDICE LUE

Candice S.M. Lue

Signature

[REDACTED]

Address

[REDACTED]

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

