

**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 **Fidelia Shillingford**  
in Support re: 89 Motion for Summary  
Judgment – (Docket # 93)"

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

**STATEMENT**

"I freed a thousand slaves. I could have freed a thousand more if only they knew they were slaves." – Harriet Tubman

Harriet Tubman, Rosa Parks and Martin Luther King, Jr. must be rolling over in their respective graves to see the actions of Shillingford, a Black servile employee who has relegated herself to horizontal racist status<sup>1</sup> to secure her job at JPMorgan Chase & Co. ("JPMorgan Chase") and to appease her "masters" (Am. Compl. ¶ 30).

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<sup>1</sup> "The absence of White privilege forces careerist Blacks to be even more maniacal than their White counterparts" - "BreakingBrown.com - Corporate Careerist Blacks" - (Exhibit QQ)

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.”*

### **“Manager Switch”**

#### **Response to Declaration Statement # 4**

Statement # 4 by Shillingford epitomizes all that I said in my “Statement” above. The length that Shillingford goes to appease her “masters” is unnerving (Am. Compl. ¶ 20 and Exhibit QQ – “Corporate Careerist Blacks”).

This statement by Shillingford is categorically false. First off, *“in the months leading up to Plaintiff’s hiring into CRG in November 2014”*, I had three non-Black predecessors who worked in the Credit Reporting Risk Analyst position, Baruch Horowitz, Kenneth Ng (Exhibit L-1) and Thomas Monaco, who all reported to the White manager, Kimberly Dauber. Meaning that, Defendant Alex Khavin (“Khavin”) did not have to wait for me to be hired in November 2014 for Shillingford *“to gain managerial experience”* (Am. Compl. - Eighth and Ninth Causes of Action – *“Unlawful Segregation on the Basis of Race and Unwillingness/Failure to Promote to a Managerial Position on the Basis of Race in Violation of Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981”*). Furthermore, I would not have been hired in the Counterparty Risk Group (“CRG”) if Thomas Monaco had not resigned from the said Credit Reporting Risk Analyst position.



Also, why would Shillingford be expressing “to Khavin that [she, Shillingford] wanted to gain managerial experience” when becoming a manager would have been a promotion of sort and according to Exhibit FF, “in the months leading up to Plaintiff’s hiring into CRG in November 2014”, Shillingford was not only trending a performance rating of “Low Meets Expectation (M-)” which Khavin subsequently gave Shillingford on her 2014 year end performance review along with putting Shillingford on a Development Plan as a “Course of Action” for her low performance but as Exhibit FF also shows, when Khavin became the head of CRG “in or about 2013”, Shillingford’s performance rating for year end 2012 was “High Meets Expectation (M+)” and for year end 2013, Khavin downgraded her to “Meets Expectation (M)” and then eventually to “Low Meets Expectation (M-)” in 2014 which would mean in Khavin’s estimation that Shillingford’s performance was on a downward spiral from “High Meets Expectation (M+)” in 2012 to “Low Meets Expectation (M-)” in 2014? With that said, what manager “promotes” an employee whose performance is on a downward trend and/or what employee goes to their manager to express that they want “managerial experience” when their performance, according to the said manager they are “expressing to”, is literally going down the tubes to the point where the manager sees it fit to put the said employee on a development plan as a “Course of Action”?

In light of the aforesaid, Khavin switching the White manager, Kimberly Dauber who I was slated to report to, who all the non-Black analysts and associates (including my three non-Black predecessors) reported to, who, she, Khavin did not need to put on a Development Plan and who as of 2014 year end was not on JPMorgan Chase’s list of “low performers”, to a servile Black employee, Shillingford, a subpar manager who Khavin had never made any of the non-Black analysts and/or associates (including my three predecessors) report to and in Khavin’s estimation, a

low performer, was not only unlawful segregation on Khavin's part but it was Khavin's first act of disparate treatment against me, the first and only Black analyst to have joined her group<sup>2</sup>.

#### Response to Declaration Statement # 5

This statement is totally and categorically false as is articulated in my Eighth Cause of Action – “*Unlawful Segregation 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. As I stated in Paragraph 181 of the said Cause of Action “*Throughout my whole interview process, Kim Dauber spoke with me as if, like all the other analysts and associates [including my predecessors], 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 the three previous non-Black analysts did and in no way, shape or form as if she would be my manager. And, in my interview with Khavin on November 3, 2014, she made no mention of any possible manager change because I was not yet confirmed by the team as the chosen candidate.*” Not even Shillingford knew that she was going to be my manager and no other member including Kenneth Ng who was put back in the Credit Reporting Risk Analyst position after Thomas Monaco's abrupt departure told me that Shillingford would be my manager/supervisor – making Shillingford's statement # 5 an outrageous lie.

Frankly and with all due respect, if it was made clear to me during the interview process that Shillingford would have been my manager, after interviewing with Shillingford, I would not have proceeded any further with the interviews – meaning that Shillingford would not even have had the opportunity to “hire me”. As I said in my email to Defendant John Vega (“Vega”) dated July 21, 2015 (Exhibit MM): “*as [Shillingford] stated in my interview with her on October 30, 2014, “I’m all about getting my work done. Some people don’t like me. You may not like me” and as I*

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<sup>2</sup> Assigning me to a subpar manager was Khavin's first act of disparate treatment against me - similar to “back in the days” when Black children were relegated to schools that were in poor structural/financial condition and the “colored” water fountains needed upkeep/repair, etc. while respectively, the segregated White schools were in good condition and the water fountains for “Whites” had better upkeep.



*correctly interpreted it to be, she [Shillingford] creates a stressful and to an extent hostile working environment. That is why I said that I would not have accepted the position if I had known that my manager would have been switched to her [Shillingford].”* Also, besides Khavin who I thought was just acting as “the big cheese”, of all the other people I interviewed with, Shillingford was my least favorite.

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 manager. 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.

Even though my prior job was going to be eliminated on November 7, 2014, my acceptance of any position was still based on a list of criteria (with “manager” high on that list) that I look for when I interview for a job. And, that is why on or about October 2, 2014, I had declined a position at JPMorgan Chase that was offered to me<sup>3</sup> (Exhibit MM). As a matter of fact, as Exhibit MM also shows, I had even declined the previous position for which Defendant Michelle Sullivan (“Sullivan”) was my manager before the HR representative got back to me and kind of coaxed me into taking the position. I was also interviewing for other jobs outside of JPMorgan Chase and have in writing one that I had to respectfully decline because of the position I got in the Counterparty Risk Group (Exhibit MM). So again, if I was told that Shillingford was going to be my manager, my first instinct would have been “run!”.

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<sup>3</sup> The audit trail in Exhibit MM states the reason for me declining this position as “salary” but it was “salary” in combination with the fact that this job required me to work until at least 9:00 PM on a daily basis.

## Response to Declaration Statement # 6

“Exhibit A” (JPMorgan Chase 000764 attached to Shillingford’s Declaration) is not enough to count as evidence that “*the ultimate decision to hire Plaintiff was [Shillingford’s]*” as, the said “Exhibit A”, dated November 6, 2014, was also when I first found out that my manager was switched from Kimberly Dauber who is White to Shillingford who is Black and who none of the non-Black analysts and/or associates in the Counterparty Risk Group, including my three non-Black predecessors, ever reported to. Where the true evidence for who my hiring manager was lies, is in Exhibit O which explicitly shows that up to November 5, 2014, the day before I was hired, (Exhibit O - JPMorgan Chase 000221), Kimberly Dauber was listed as the hiring manager for the Credit Reporting Risk Analyst position and that the complete interviewing process was done by and through Kimberly Dauber.

In October 2014 when I saw that the position was still open and I applied for it, as the email correspondence dated October 27, 2014 (Exhibit O) between myself and Kimberly Dauber shows, Kimberly Dauber was still listed as the hiring manager. 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. And, in my interview with Khavin on November 3, 2014, she made no mention of any possible manager change because I was not yet confirmed by the team as the chosen candidate. During all that time, there was no utterance from anyone including Kimberly Dauber, Khavin and/or Shillingford herself of Shillingford being my manager (Exhibit O).

Further, because of the little “hubhub” (Exhibit N-2) concerning the malicious, mendacious, rancorous and racially stereotypical defamatory comments and performance rating that my previous



manager, Defendant Sullivan put on my 2014 year end performance review, Shillingford had seemed to be distancing herself from my hire. So, contrary to Shillingford's mendacious statement that "*the ultimate decision to hire Plaintiff was [hers]*", when I was working with Shillingford as my manager, at every opportunity, whether good, bad or indifferent, in either one on one meetings I had with her, a general conversation and/or small group meetings with her, Kenneth Ng (my predecessor) and myself, Shillingford consistently asserted that "*Kim [Kimberly Dauber] hired you [Plaintiff, Candice Lue]*" or "*Kim [Kimberly Dauber] hired her [Plaintiff, Candice Lue]*". At no time did Shillingford ever say, "*I hired you [Plaintiff, Candice Lue]*" or "*I hired her [Plaintiff, Candice Lue]*". The only reason why "Exhibit A" **dated November 6, 2014** states: "*reporting to Fidelia Shillingford*" is due to the last minute manager switch on November 5, 2014 (Exhibit O - JPMorgan Chase 000221).

In light of the aforesaid and pursuant to Rule 56(d) of Federal Rules of Civil Procedure – "When Facts Are Unavailable To The Nonmovant", if Shillingford cannot make factual evidence consistent with her claim that "*the ultimate decision to hire Plaintiff was [hers]*," available, such as providing emails showing résumés of prospective candidates for the Reporting Analyst position sent to her for her consideration and/or cannot provide proof that contradicts Exhibit O - JPMorgan Chase 000221 that shows that it was only after I, the Black candidate, was confirmed by the team as the chosen candidate for the Reporting Analyst position, that on November 5, 2014, the day before I was officially offered the job, Khavin switched my manager from being Kimberly Dauber who is White to her, Shillingford who is Black, then I respectfully ask that the Court, with prejudice, reject this mendacious statement # 6 of Fidelia Shillingford's Declaration.

#### Response to Declaration Statement # 7

By the time of my retaliatory termination of January 6, 2016, the Equal Employment Opportunity Commission (EEOC) had already served JPMorgan Chase with my Perfected Charge in which I articulated the fact that none of my three (3) non-Black predecessors, who were like me a

part of Credit Risk Reporting, reported to Shillingford, the vice president in Credit Risk Reporting who is Black but to Kimberly Dauber, the vice president in Credit Risk Analysis who is White - Bearing in mind that unlike Shillingford, Kimberly Dauber was not and had never been a part of Credit Risk Reporting (Exhibit A – EEOC Intake Questionnaire – Question # 6 – Pages 8 & 9 & Am. Compl. ¶¶ 188 & 189).

With that said, it is very obvious why “*the individual who replaced Plaintiff, a Caucasian, reports to [Shillingford] as well*” – strategic cover. The only difference, however, is that as Exhibit H-6 (job descriptions dated January 8, 2016 and July 9, 2016, respectively) shows, the “responsibilities” and “qualifications” job requirements for that Caucasian individual are not exactly the same job requirements I had and/or any of the other non-Black analysts and/or associates had (Exhibit H) and/or currently has (Exhibit H-6 – job description dated August 8, 2016 for Credit Analysis hire). Case in point, compared to the academic requirements that were requested of me and those said analysts and/or associates (Exhibit H), as Exhibit H-6 (job descriptions dated January 8, 2016 and July 9, 2016, respectively) shows, for this Caucasian individual to have been hired to report to Shillingford, the job description posted on January 7, 2016 did not even require as much as an undergraduate degree much less “*strong academic performance with coursework in Economics, Statistics and Finance*”.

The afore-stated proves that it is the conviction of the management of the Counterparty Risk Group that no non-Black individual who meets the intellectual demands<sup>4</sup> of the job descriptions in Exhibit H should report to Shillingford who is not only Black but who is a subpar manager. There is an obvious difference between the job description for the August 8, 2016 Credit Analyst position and the January 8, 2016 and July 9, 2016 Reporting Analyst position. As Exhibit H shows, the

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<sup>4</sup> Intellectual demands which are necessary for the Credit Reporting Risk Analyst position in order to run the reports required to be run, to make presentations for and to speak to at the Monthly Governance Meetings. These presentations are view by senior level management. 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. Unless Shillingford herself has to take on these responsibilities as she had to do with the Reconciliation Report before I was hired (Am. Comp. ¶ 69)



Credit Reporting Risk Analyst position that I applied for in October 2014 is almost identical to the one for the Credit Risk Analyst position in October 2014 and the one in August 2016.

### **“Job Description”**

#### **Response to Declaration Statement #s 8 & 9**

The statements: “*Reporting Analysts and [] Counterparty Risk Analysts (“Credit Analysts”)* are two different positions and serve two different functions” and “[I, Plaintiff, Candice Lue] was hired as a Reporting Analyst” are true. That is why it makes logical sense that the **only reason** why Khavin solely assigned me, the only Black analyst on the team, the employment racially discriminatory tasks of printing 13 copies of each of the non-Black team member’s, **who have a different position from mine and serve a different function from mine**, presentation materials (one copy for each said team member), collating, stapling and lugging of the said presentation materials to the monthly team meeting where the said non-Black team members will be waiting to “be served” is only to be a benefit/perk for the non-Black members of the team, including the non-Black team members on my job level, 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. My presentation materials and content had nothing to do with their respective presentation materials and content whereby it should be my duty to do their printing of the said materials.

### **“Taking Minutes and Document Collection”**

#### **Response to Declaration Statement # 10**

As articulated in my “Response/Opposition to “Defendants Undisputed Material Fact # 18” – “Affidavit in Response/Opposition to Defendants’ Statement of Undisputed Material Facts under Local Civil Rule 56.1” 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”, if:*

Defendants, JPMorgan Chase & Co., et al cannot make factual evidence consistent with their claim that 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*” 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 # 10 of Fidelia Shillingford’s Declaration.



## Response to Declaration Statement #s 11 & 12

I respectfully refer the Court to my Response to Statement # 10 above and my “Affidavit in Opposition/Response to ‘Declaration of Alex Khavin - docket # 92’” – “Response to Statement #s 12, 13 & 14”.

## **“Work from Home”**

### Response to Declaration Statement #s 13 & 14

Prior to me having a totally unexpected major emergency situation whereby I needed to work from home to fulfill my job responsibilities and was mercilessly denied to do so and as Exhibit L shows, judging from how the non-Black employees including the ones on my job level could just send an email to the team saying, “I am not feeling well today so I will be working from home”, I would have never known that “*employees are permitted to work from home (“WFH”) at the discretion of their manager*” and “*Prior to working from home, employees must obtain supervisor approval.*”<sup>5</sup> Thus, my email dated May 7, 2015 (Exhibit L) to Shillingford on which I copied Defendant Alex Khavin (“Khavin”) voicing the fact that I was being treated at a double standard. Further, as it relates to “*prior to working from home, employees must obtain supervisor approval*” as emails dated March 30, 2015 and March 31, 2015 in Exhibit L show, as the only Black analyst in the Counterparty Risk Group even when I asked permission, one week in advance, to work from home, I was denied that privilege. I had to take the day as a vacation day.

As my said email dated May 7, 2015 and time stamped 5:58 AM (Exhibit L) shows, my need to work from home on that day was due to a family emergency<sup>6</sup>, for which I had no prior

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<sup>5</sup> The aforesaid statement “*not feeling well today so I will be working from home*” with regards to the non-Black analysts can also be confirmed in the email trail between myself and Shillingford dated March 16, 2015 (Exhibit L) where Shillingford asked: “*Will you be WFH or taking a sick day?*” This was prior to me putting on the group’s calendar that I would be working from home due to my Easter observance (emails dated March 30, 2015 and March 31, 2015 in Exhibit L) and Khavin giving Shillingford the directive to deny me that benefit. Because Khavin is a racist, she saw me in a lesser light than the other analysts in the group and generally employees below the analyst level do not have access to the work from home (WFH) benefit (Am. Comp. ¶¶ 25, 70 & 174).

<sup>6</sup> As my email dated May 7, 2015 and time stamped 5:58 AM (Exhibit L) shows, I only said “family emergency”. I did not divulge anything further than that until later in the evening when Shillingford passed on the directive from Khavin to me.

knowledge or could have had prior knowledge of until the morning of May 7, 2015. And, to be frank, one of my main concerns was how to balance my family emergency and the overwhelming amount of work I had on the job to do. So, the most logical thing to do was to work from home.

With that said, the worst part of Khavin, at her discretion and through Shillingford, denying me the company's work from home privilege was, when I returned to work after ending up having to take off three (3) business days due to the said family emergency, the three days work of my regular Business as Usual (BAU) was sitting there waiting for me to do and I was pressured and expected to meet all the hard deadlines that were required for my job (Exhibit L-2 – JPMorgan Chase 000613). This had never happened to any of the non-Black analysts and/or associates (Exhibit QQ – “Why Black Workers Really Need to be Twice as Good”, “Black Troops More Likely to Face Military Punishment” & Am. Compl. ¶ 71).

If I was given the opportunity to work from home, I would have been caught up with my duties because the main reason for wanting to work from home was just to stay close to my mother who became incapacitated by pain due to a fall she had on May 6, 2015. So, in between the time I would be working, if she needed help with removing the cover of a pain reliever bottle, a water bottle or help turning over in bed due to pain, I'd be close and could just spare a few minutes to help her. But again, unlike the non-Black analysts and/or associates in the Counterparty Risk Group, I was not granted permission to work from home (Exhibit L-2 – JPMorgan Chase 000613).

I just thought I'd add that for the said reasons that I have no interest in the Court's ECF system, I was not fond of working from home either. Frankly, it is because of my experience with working from home why I do not have any interest in ECF. Case in point, I had a laptop that I used exclusively (with emphasis) for work from home and, when I happened to do a malware/spyware scan of the said laptop the amount of results that came up was unnerving. So, it had to be a good reason for me to want to work from home much less to be willy nilly complaining about not getting the privilege to work from home.



## **“Plaintiff’s Unsatisfactory Performance, Disrespect, and Insubordination”**

### **Response to Declaration Statement #s 16 & 17**

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”*? Again, Harriet Tubman, Rosa Parks and Martin Luther King, Jr. must be rolling over in their respective graves.

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. To further prove that these statements by Shillingford are categorically false, I respectfully refer the Court to Exhibit B (Email dated February 4, 2015 and time stamped 1:55 PM), Exhibit N (Email dated July 22, 2015) and Shillingford’s comments on my 2014 year end performance review, less than one month before it became fully apparent to me that I was being designated by Khavin as the team’s house slave, where she, Shillingford stated: *“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”* (Exhibit G – JPMorgan Chase 000471<sup>7</sup> & 2014 Performance Review - Page 11 - 31-DEC-2014 & Am. Compl. ¶ 101).... with the latter showing that I was quite *“up to speed”*.

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<sup>7</sup> “JPMorgan Chase 000471” was the “draft” my then manager, Shillingford sent to my step 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, rancorous 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.

I also respectively refer the Court to my “Response/Opposition to “Defendants Undisputed Material Fact # 17” – “Affidavit in Response/Opposition to Defendants’ Statement of Undisputed Material Facts under Local Civil Rule 56.1” which states: *“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 task of collecting and distributing the materials, as well as taking minutes, for the monthly governance meetings (collectively, the “Tasks”).”*

Response to Declaration Statement # 18 - Exhibit B

Shillingford did not respond to my email to her dated April 24, 2015. The email that I sent to Shillingford on April 24, 2015 was completely ignored by her. Unless Shillingford can provide proof that she responded to this said email, then her statement that *“attached as Exhibit B hereto is a true and correct copy of email correspondence I exchanged with Plaintiff on April 24, 2015”* is false as there was no *“email correspondence exchanged”* with myself and Shillingford.

Response to Declaration Statement # 19 - Exhibit C

Pursuant to my “Response to Declaration Statement #s 13 & 14” above, as cover for Khavin’s racial bigotry, the Defendants are trying to twist the fact that I was treated at a double standard by Khavin with regards to using JPMorgan Chase’s work from home privilege, into the company’s “time away from work to care for an ill family member” policy - totally ridiculous and disingenuous.

First off, before I was given the directive by Khavin through her conduit and servile employee, Shillingford that unlike the non-Black analysts who could just send an email to the team saying, “I am not feeling well today so I will be working from home” (Exhibit L), for me, the only Black analyst on the team, I had to first send Shillingford an email letting her, Shillingford know



my situation and asking for permission<sup>8</sup> to work from home and then Shillingford should be the one communicating accordingly to the team (Exhibit L-1 - JPMorgan Chase 000665), neither Khavin nor Shillingford knew that the reason I wanted to work from home was to help my mother who had had a terrible fall the day before and woke up in extreme pain the morning after the said fall (May 7, 2015).

As my initial email dated May 7, 2015 (Exhibit L) where I informed the team that I was working from home shows, I did not mention anything about “an ill family member” all I said was “*due to a family emergency*”<sup>9</sup>. This emergency could have been a fire, a robbery, having to take a family member somewhere or to pick up a family member from somewhere, etc.

It was only after Shillingford passed on Khavin’s directive to me in a telephone call I had with Shillingford on the afternoon of May 7, 2015 (Exhibit EE-2)<sup>10</sup> that I told Shillingford about my mother’s accidental fall and that was when Shillingford and Khavin knew my exact reason for wanting to work from home. Shortly after I spoke to Shillingford, I sent an email (Exhibit L – dated May 7, 2015, time stamped 6:20 PM) to Shillingford on which I copied Khavin pointing out Khavin’s treating me at a double standard. And, it was because of this email pointing out Khavin’s treating me at a double standard why, as cover, my “work from home” access denial quickly turned into “time away from work to care for an ill family member” policy.

I also did not know that I would not have been able to go into work the next day because, as a tough cookie, myself and my mother’s thought was that with some Bengay, painkillers, pain wraps, hot/cold pads, etc<sup>11</sup>, by next day, she would have been able to manage on her own. So, Khavin’s directive for me in response to my May 7, 2015 email to the team to say that I had to work

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<sup>8</sup> Permission which would have to come from Khavin herself, Khavin only made Shillingford my manager so that she, Khavin could extend her racial bigotry to me.

<sup>9</sup> Because this was an emergency/accident there was no way for me to have asked in advance for permission to work from home.

<sup>10</sup> Please note Shillingford’s initial response to this email (Exhibit EE-2) before she spoke to Khavin. There was nothing regarding Khavin’s directive. Confirming what Shillingford told me on the phone that the directive was from Khavin.

<sup>11</sup> I had to get these at the pharmacy and the pharmacy did not open until about 9:00 AM so that is also why I had to work from home. However, I started working at/or around 7:30 AM to facilitate this but still had to end up working until about 9:30 that night to facilitate my regular Business as Usual (BAU).

from home, was strictly based on treating me at a double standard and, at the time, had absolutely nothing to do with JPMorgan Chase's "time away from work to care for an ill family member" policy.

To show how vile Khavin is, on the afternoon of May 7, 2015 before she told Shillingford to call me and give me her double standard directive, she herself called me and gave me a tedious task to work on. I was surprised when I saw Khavin's number as an incoming call on my telephone (Exhibit EE-2) but was even more surprised to find out that someone could be so vile that after sending a message of a family emergency, she would call just to give me such a tedious and urgent task to work on, a task which could have been worked on by any one of the other analysts or associates in the group.

As I said in my "Response to Declaration Statement #s 13 & 14" above, *"the worst part of Khavin, at her discretion and through Shillingford, denying me the company's work from home privilege was, when I returned to work after ending up having to take off three (3) business days due to the said family emergency, the three days work of my regular Business as Usual (BAU) was sitting there waiting for me to do and I was pressured and expected to meet all the hard deadlines that were required for my job (Exhibit L-2 – JPMorgan Chase 000613). This had never happened to any of the non-Black analysts and/or associates (Exhibit QQ – "Why Black Workers Really Need to be Twice as Good", "Black Troops More Likely to Face Military Punishment" & Am. Compl. ¶ 71)."*

#### Response to Declaration Statement # 20 – Exhibit D

In a meeting invite dated May 26, 2015, I requested a one on one with Shillingford because as my manager, I was not comfortable with the level of trust I had in her as it related to the relationship she was having with my former manager, Defendant Michelle Sullivan and the way how she, Shillingford had become adamant in enforcing the employment racially discriminatory tasks that Khavin had assigned solely to me, the only Black analyst on the team, to do.



By then it had become apparent to me that Shillingford was the enabler, the facilitator, the coordinator and the enforcer of the Employment Racial Discrimination that Khavin was meting out to me. It also began to come full circle to me, as this was now obvious, the real reason why my manager was switched at the last minute (November 5, 2014 – Exhibit O - JPMorgan Chase 000221) from the White manager, Kimberly Dauber to Shillingford who is Black and who had never managed any of the other non-Black analysts and/or associates before, including the non-Black analysts who had previously worked in my position, the Credit Reporting Risk Analyst position (Am. Compl. ¶¶ 23, 68, 163 and Eighth and Ninth Causes of Action – “*Unlawful Segregation on the Basis of Race and Unwillingness/Failure to Promote to a Managerial Position on the Basis of Race in Violation of Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981*”).

With that said, I wanted to have this one on one (just between Shillingford and me) to discuss with her the “*influence my previous manager [Sullivan] has in my current work affairs and the lack of trust and confidence I have in your [Shillingford’s] management*”. This said meeting invite was titled “*Lack of trust and Confidence AND Your Relationship with Michelle Sullivan*”.

However, as is obvious, before even responding to me, Shillingford forwarded this private one on one invite to Khavin and HR representatives because, I was being “disrespectful” to her. Only to find out via the thousands of duplicate copies of emails that I received from the Defendants’ attorneys’ office on March 21, 2017 that, besides the obvious that Shillingford was indeed the enabler, the facilitator, the coordinator and the enforcer of the Employment Racial Discrimination that Khavin was meting out to me, that my instincts as it related to the Subject of my invite - “*Lack of Trust and Confidence AND Your Relationship with Michelle Sullivan*” were right on par.

When I sent this invite to Shillingford, I did not mean to be rude but judging from why Shillingford is a Defendant in this lawsuit and what I am able to provide as Exhibit EE-1, anyone of reasonable mind would understand why I sent this meeting invite to Shillingford.

Exhibit EE-1 shows the following:

- Shillingford was not only forwarding and/or discussing my personal and confidential affairs with internal employees, she was also doing so with an “**outside unknown source**”.
- When I informed Shillingford, via email on March 16, 2015 that I was not feeling well and stated in detail the type of issue I was having, Shillingford forwarded this email, my personal business, to an “**outside unknown source**” by the name of Franklin Dieudonne.
- On March 31, 2015 when I informed Shillingford, via email of my doctor’s appointment and provided “my personal cell phone number” along with other personal information, those personal information were also forwarded to the said “**outside unknown source**”.
- When I informed Shillingford, via email on July 31, 2015, of my inability to attend work due to the “*mental stress and emotional anxiety [which] were so overwhelming that I became physically sick with nausea and exhaustion*” (Am. Compl. ¶ 169), my email was not only forwarded to and ridiculed by Defendant and “neutral investigator”, John Vega in a series of back and forth emails between Shillingford and Vega dated July 31, 2015 and August 3, 2015 but my email was also forwarded to the said “**outside unknown source**” to obviously ridicule me as well.
- In an email trail dated May 14, 2015<sup>12</sup> which was six months after my start date in the Counterparty Risk Group, Shillingford was discussing my personal and confidential (with emphasis) information with my former manager, Sullivan. Shillingford should not have been “screen sharing” my personal and confidential email with my ex-manager Sullivan, maybe someone in HR who has access to my personal information but not with anyone with whom she had to “screen share” because that person should not have access to my personal and confidential information. Also to take note of is Shillingford’s email dated May 13, 2015 where she starts off by saying “*Sorry to bother you again*”.

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<sup>12</sup> This email correspondence between Shillingford and Sullivan was pursuant to my email dated May 7, 2015 (Exhibit L) and the communication that ensued. The information regarding my “sick days” was needed as part of the cover-up for me being denied the privilege of the company’s work from home benefit.



- Unbeknownst to me, in an email dated October 22, 2015 that Shillingford sent to Helen Dubowy, Terri Vernon and Thomas Poz (JPMorgan Chase 001409 - Exhibit N attached to Shillingford's Declaration), she stated that "*Candice emailed only her materials for the team meeting. We had to request the help of another analyst to coordinate the materials. This analyst printed all the materials, organized into a packet and brought copies to the meeting*". This statement by Shillingford is categorically false – meaning that Shillingford had been lying about me behind my back. The "*analyst*" Shillingford is referencing is Fiona Nguyen and as the email from Fiona Nguyen dated October 21, 2015 (Exhibit OO-1) shows, just like Ryan Vroom ("Response to Statement # 26 – Exhibit I), Fiona Nguyen never "*printed all the materials*". All Fiona Nguyen did was she asked the other team members, including myself, for the already printed, organized and stapled copies of their presentation materials for the Governance Meeting for her to put in order of the Meeting Agenda ("collate") for her, Fiona Nguyen to take into the Governance Meeting (Exhibit PP - ¶ 2 of page 11 - "Response to "Defendants' Responses to Plaintiff's First Set of Document Requests" Dated November 16, 2016").
- As I stated on the second page of my "2015 Final Analyst/Associate Evaluation" ( Exhibit G) as "Strength 4": "*My gossip free discipline that allows me to refrain from discussing team members' private, personal or professional situations and/or issues with other team members to influence them or to gain favor from them.*" This "strength" was "tongue in cheek" for the way how Shillingford gossiped away my business with the members of the Counterparty Risk Group and members of other outside groups to gain their favor and to pit them against me. Shillingford is a pro at trying (the operative word) to gain people's favor but she is not so in gaining their respect (Am. Compl ¶ 103).

Based on the fact that JPMorgan Chase is providing legal representation for the alleged perpetrators/Defendants in this lawsuit, I cannot say much about the company's ethics/credibility.

However, I do not think that any reputable company would be proud of what I have provided in Exhibit EE-1 as it relates to the “*Lack of Trust and Confidence*” an employee would have in one of their managers.

Response to Declaration Statement # 21 - Exhibit E

With all due respect, I did not need Shillingford to “explain” deadlines to me as I have/had been working towards and meeting them for years. Deadlines for Shillingford were based on her convenience as the second reviewer of my reports, not the department’s deadlines. In other words, she wanted me to work around her time not around/based on the deadlines set by the department. Because Shillingford thought that she had her “masters” as the “wind beneath her wings” she bullied me and went on. As Exhibit CC shows, as I sneezed, she reported me to them.

As I said 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.”*

As the email trail with Shillingford’s email dated July 20, 2015 (JPMorgan Chase 001835 - Exhibit E attached to Shillingford’s Declaration) shows, Shillingford’s email is not really about “insubordination”, it is mere fodder in trying to justify Defendants, JPMorgan Chase & Co., et al’s unlawful retaliation against me for my Employment Racial Discrimination Claim. With that said, I respectfully ask that the Court note the subject of the said email trail - “Performance Improvement



Plan (PIP) Template”<sup>13</sup>. This email is fodder for the fallacious, pretextual and retaliatory “performance improvement plan” the said Defendants were concocting to put me on.

I also respectfully ask that the Court note Defendant Helen Dubowy’s (“Dubowy”) response to the said fodder: *“We have to figure out what to do here. This kind of behavior is not appropriate. Any way to get John”<sup>14</sup> to expedite the rest of the investigation?”* As is obvious in Exhibit CC and Exhibit CC-1, in her quest to unlawfully retaliate against me for raising the issue of Employment Racial Discrimination, Dubowy was always vehemently pushing for tangible employment actions against me up to and including termination. Case in point, what does Shillingford’s email dated July 20, 2015 (JPMorgan Chase 001835 - Exhibit E attached to Shillingford’s Declaration) have to do with Defendant/”neutral investigator” John Vega’s (“Vega”) “investigation”<sup>15</sup> of my Claim of Employment Racial Discrimination that I reported to JPMorgan Chase’s HR Department?

#### Response to Declaration Statement # 22

Dubowy was not just “*monitoring the progress of an HR investigation into complaints Plaintiff had made*”. As Exhibits CC and CC-1 show, Dubowy was instrumental as an active participant in the fallacious, pretextual and retaliatory tangible employment actions (“performance improvement plan”, “written warning” and January 6, 2016 termination) to unlawfully retaliate against me for raising the claim of Employment Racial Discrimination to HR.

Dubowy, whom I had never seen or met before she presented herself with Shillingford at my 2015 mid-year performance review or with whom I had never even as much as done an email correspondence was not only supporting everything that was purported on the said fallacious, pretextual and retaliatory “performance improvement plan” (Exhibit C) that Shillingford presented me with on July 30, 2015 at my said performance review, as if I had previously worked with her in

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<sup>13</sup> This template was sent by Dubowy to Shillingford on July 6, 2015 with the message: “*As discussed. Thanks*” (JPMorgan Chase 002992 - Exhibit CC-1)

<sup>14</sup> John Vega who is a named Defendant was in charge of investigating my Employment Racial Discrimination Claim

<sup>15</sup> I respectfully refer the Court to my “Affidavit in Opposition/Response to Declaration of John Vega – Docket # 98” – “John Vega’s ‘Investigation’”

some capacity or another or as if barring what she was told by the alleged perpetrators, Khavin and Shillingford and Defendant/“neutral investigator” John Vega<sup>16</sup> she was personally aware of the quality of work I had or was able to produce, but, as is evidenced in Exhibits CC and CC-1, Dubowy was instrumental in writing the said fallacious, pretextual and retaliatory “performance improvement plan” (Exhibit C) as well as the equally fallacious, pretextual and retaliatory “written warning” (Exhibit F) on which I was placed<sup>17</sup>. As Exhibits CC and CC-1 also show, Defendant Helen Dubowy had substantial input/involvement in the unlawful retaliations that were perpetrated against me and displayed as much or even more vehemence than Defendant/”neutral investigator” Vega and the other HR legal representatives in her quest to take tangible employment actions against me, up to and including my termination.

#### Response to Declaration Statement # 23 – Exhibit F

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, I painstakingly refuted this fallacious, pretextual and retaliatory “performance improvement plan” which as Exhibit CC and Exhibit CC-1 show was pre-planned, pre-arranged and well thought out by JPMorgan Chase’s HR legal representatives. People I had never met or even as much as had an email communication with yet they were instrumental in putting together this “performance improvement plan”.

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<sup>16</sup> JPMorgan Chase’s managers and its HR representatives work in tandem. The HR representatives’ job is to protect and look 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.

<sup>17</sup> The first time I ever knew of Helen Dubowy was on July 30, 2015, the day of my 2015 mid-year performance review and the issuance of the PIP. I have never even as much as had an email communication with her yet she was not only instrumental in writing the “performance improvement plan” (Exhibit C) and the written warning (Exhibit F) that were issued to me but, she was the one who signed off on my “Recommendation for Termination”.



Response to Declaration Statement # 24 – Exhibit G

Conspicuously missing from Shillingford's "Exhibit G – attached to Declaration of Fidelia Shillingford" is my 2014 Performance Review for which the comment Shillingford wrote for my 2014 year end performance review 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"*<sup>18</sup>. Coincidentally, I happen to have all the performance reviews I received during my tenure at JPMorgan Chase in Exhibit G of my "Exhibits in Opposition/Response to Defendants' Motion for Summary Judgment - Docket #s 89-100" and as such, I respectfully refer the Court to the afore-stated comment that Shillingford made on my 2014 Performance Review (2014 Performance Review - Page 11 - 31-DEC-2014)

I also respectfully refer the Court to "JPMorgan Chase 000471" (Exhibit G - "Exhibits in Opposition/Response to Defendants' Motion for Summary Judgment - Docket #s 89-100") which was the "draft" my then manager, Shillingford sent to my step level manager, Khavin, who is a racist, as her, Shillingford's comment for my 2014 year end performance review<sup>19</sup>. "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*

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<sup>18</sup> 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".

<sup>19</sup> I was on the job for a little less than two months. This was also before my former manager, Defendant Michelle Sullivan submitted her malicious, mendacious, rancorous and racially stereotypical comments that she, Sullivan fought tooth and nail to put on my said 2014 year end performance review.

*relationships within the business.”* However, as page 11 of my 2014 year end performance review shows, this “draft” by Shillingford, sent to Khavin, was modified to reflect a less praiseworthy comment for my said 2014 year end performance review.

#### Response to Declaration Statement # 25 – Exhibit H

I respectfully refer the Court to 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)”*.

#### Response to Declaration Statement # 26 – Exhibit I

As Shillingford’s email dated August 25, 2015 that she sent to me (JPMorgan Chase 001688 - Exhibit I attached to Shillingford’s Declaration) shows, she was “piggybacking” off the Agenda for the August 2015 monthly meeting sent by the White administrative assistant who was not even as much as was assigned to print the said monthly meeting agenda she sends out to the team as, that was a part of my, Plaintiff, Candice Lue’s, the only Black analyst on the team, “task” to print 13 copies of the said agenda, one copy for each of the non-Black members of the team.

Exhibit I attached to Shillingford’s Declaration also shows that the only email I received from Shillingford and which I ignored pursuant to Title VII of the Civil Rights Act of 1964 - EEOC Compliance Manual Section 15 – Race and Color Discrimination – VII(B)(1) – Work Assignments and Title VII of the Civil Rights Act of 1964 - EEOC Compliance Manual Section 15 – Race and Color Discrimination – VII - C. Retaliation, was the said employment racially discriminatory email dated August 25, 2015 instructing me to first “*remind*” the non-Black team members, who are not even a part of the Reporting side of the Counterparty Risk Group like I was, “*to save their documents (presentation materials) in the shared folder so that*” I, Plaintiff, Candice Lue, the



help/house slave, can print 13 copies of each of the said documents (one copy for each member of the team), collate, staple and lug the said presentation materials to the monthly team meeting where the said non-Black team members, including the ones on my job level, will be waiting to “be served”. These were tasks which never existed before I joined the Counterparty Risk Group and tasks that were not even asked of the White administrative assistant on staff to do even though they would more fall into the administrative assistant job category.

As emails dated August 26 and August 27, 2015 (JPMorgan Chase 001687 - 001688 - Exhibit I attached to Shillingford’s Declaration) show, I was not a part of those conversations which were clearly about taking tangible employment actions against me for opposing the discriminatory act of treating me, the only Black analyst in the Counterparty Risk Group, 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.

With regards to “*another member of the group had to complete the Tasks for August monthly governance meeting*”, this is a ploy concocted by Shillingford and more than likely the HR representatives who were giving her, Shillingford step by step directives as to how to cover for the Employment Racial Discrimination I had reported to the HR Department (JPMorgan Chase 001687 - Exhibit I attached to Shillingford’s Declaration).

This “*member of the group*” was Ryan Vroom, a White employee who, prior to him being the volunteer for the ploy concocted by Shillingford, et al, 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. (I respectfully refer the Court to my “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, contrary to Shillingford’s mendacious Declaration 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”).

In contrast, the “Tasks” assigned to me, the only Black analyst in the Counterparty Risk Group, was for me to personally print 13 copies of each of the non-Black team member’s presentation materials (one copy for each member of the team), personally collate, staple and lug each of those 13 copies of the said presentation materials to the Monthly Governance Meetings where the said non-Black team members, including the ones on my job level, will be waiting to “be served”.

With that said, anyone of reasonable mind will see that the “Tasks” that Ryan Vroom, the ploy, who is White and who was the worst “*member of the group*” to be organized and ready for the Monthly Governance Meeting “completed”, was not the same “Tasks” that I, Plaintiff, Candice Lue, who is Black, was assigned/ordered to do. Ryan Vroom also took part in this ploy the day before the written warning was issued to me as a way to justify the impending tangible employment action of retaliation that was perpetrated against me in the form of the said written warning. I respectfully refer the Court to my response to this written warning which is in Exhibit F.

#### Response to Declaration Statement # 27 – Exhibit J

The Defendants are trying to make it seem that my email response dated September 23, 2015 (“JPMorgan Chase 001432” attached to Shillingford’s Declaration) to Shillingford was disrespectful, however, it was not. As my said email shows, at the time, I was well aware of the ploys Shillingford was concocting in her and obviously HR legal representatives’ attempts (Exhibit CC) 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).

Shillingford's email dated September 23, 2015<sup>20</sup> and time stamped 2:03 PM ("JPMorgan Chase 001432" attached to Shillingford's Declaration) that I responded to, was a surreptitious attempt to contort my stance against the disparate treatment that was being perpetrated against me into insubordination<sup>21</sup> and to garner fodder for the fallacious, pretextual and retaliatory written warning I would have been placed on the next day, September 24, 2015.

The aforesaid is evident in Shillingford's email dated September 23, 2015 and time stamped 2:05 PM<sup>22</sup> that she sent to the HR legal representatives and Defendant Poz ("JPMorgan Chase 001394" – Exhibit CC), which states: *"All, following up on the below; given we have another scenario (see attached email) and the email dated September 23, 2015 from Defendant Helen Dubowy to Shillingford, et al ("JPMorgan Chase 001893" – Exhibit CC) which states: "Terri - I just spoke to Fidelia, she now has a 2<sup>nd</sup> example of something [Candice] refused to do. I asked Fidelia to include the 2<sup>nd</sup> example in the written warning and then send to you for approval. She never delivered the 1<sup>st</sup> warning<sup>23</sup>, so once you approve this, Fidelia and Tom [Defendant Thomas Poz] will communicate this to her [Plaintiff, Candice Lue]. They are **hoping** to do it tomorrow. If your schedule would permit to review and approve once you get it, **that would be great.**"*

In light of the foregoing and as Footnote # 23 shows, my email response to Shillingford dated September 23, 2015 ("JPMorgan Chase 001432" attached to Shillingford's Declaration) was

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<sup>20</sup> This was the day before I was issued the written warning

<sup>21</sup> I respectfully refer the Court to Paragraph 55 of Factual Allegation B – "JPMorgan Chase Surreptitiously Tried to Contort My Stance against Racial Discrimination into Insubordination" of my Amended Complaint.

<sup>22</sup> Sent with high importance **two minutes after** sending the said surreptitious one to me

<sup>23</sup> As Helen Dubowy's email dated September 2, 2015 (JPMorgan Chase 001956 – Exhibit CC) states, Dubowy "usually like to see 2 issues". With that said, the ploy as articulated in Shillingford's surreptitious email dated September 23, 2015 ("JPMorgan Chase 001432" attached to Shillingford's Declaration) was concocted to generate the "2<sup>nd</sup> issue". The issuance of the written warning to me had to be delayed for this 2<sup>nd</sup> issue, thus the urgency per Dubowy's email "JPMorgan Chase 001893" (Exhibit CC) to execute after Shillingford sent Dubowy, et al the email with high importance, two minutes after sending the surreptitious one to me, informing them that she had another "scenario". I also respectfully refer the Court to Shillingford's email dated September 2, 2015 (JPMorgan Chase 001394) to the HR legal representatives which states: *"Note, the next schedule[d] monthly meeting is 9/25. I would want to give Candice this warning a few days before this meeting (preferably by the week of September 14 – 18) so that she can pick up the [Employment Racially Discriminatory] task"*. There was obviously a push for the week of September 14 -18, 2015, but that did not come to fruition because of the delay in getting the 2<sup>nd</sup> issue "JPMorgan Chase 001956" (Exhibit CC)

not disrespectful. I just wanted to let Shillingford know that I was aware of the ploy concoctions that were going on with her and obviously HR legal representatives 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).

Admonishing employment racial discrimination or racial discrimination of any sort should not be misconstrued as being "*disrespectful*". The days, in the era of slavery, when a Black person working in the field had to endure the "slave master's pet's" (Black person working in the slave master's house) rancorous and condescending behavior towards him or her in order for the said "slave master's pet" to carry out the discriminatory acts against the other slaves on the slave master's behalf, are over. And, so should be the days of having to accept corporate careerist Black employees', who have relegated themselves to being horizontal racists in order to secure their jobs and/or careers, rancorous and condescending behavior towards other Blacks (Am. Compl. ¶ 30 and Exhibit QQ - Corporate Careerist Blacks).

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)*" and;

Title VII of the Civil Rights Act of 1964 - EEOC Compliance Manual Section 15 – Race and Color Discrimination - V(A)(2) - 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).*

Racism **must** be admonished in whatever way necessary without violence and without care as to whether or not the racist and/or his or her servile Black employee (horizontal racist) think that doing so is being disrespectful to him or her. The stance<sup>24</sup> that I have taken against Defendants JPMorgan Chase & Co., et al which includes Black employee Shillingford is the said stance that Shillingford herself should have been taking based on what I wrote in Factual Allegation G (“Khavin Rendered Second Class Treatment to Shillingford and Shillingford Accepted It”) of my Amended Complaint.

That is why, I was almost floored when I was going through the thousands of duplicate copies of emails I received from the Defendants attorneys’ office on March 21, 2017 and saw Exhibit FF. Exhibit FF shows that when Khavin, who is a racist, became the head of the Counterparty Risk Group in 2013, Shillingford’s performance rating for year end 2012 was “High Meets Expectation (M+)” and for year end 2013, Khavin downgraded Shillingford to “Meets Expectation (M)” and then eventually to “Low Meets Expectation (M-)” in 2014.

This “Low Meets Expectation (M-)” that Khavin gave to Shillingford on her 2014 year end performance review automatically puts Shillingford’s career at JPMorgan Chase at the mercy of Khavin because it automatically disqualified Shillingford from access to all of the company’s progressive benefits which includes applying for better jobs within the company, cash awards, etc. Yet, instead of taking “that stance”, as a servile Black employee, Shillingford chose to continue to relegate herself to being a horizontal racist - “I freed a thousand slaves. I could have freed a thousand more if only they knew they were slaves.” – Harriet Tubman.

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<sup>24</sup> 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.

## Response to Declaration Statement # 28 – Exhibit K

As is obvious, the ONLY expectation that was stated in the “written warning” (JPMorgan Chase 000090 - Exhibit K attached to Shillingford’s Declaration) that was presented to me on September 24, 2015 is *“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”*. Meaning, be the help/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 (Statement # 8 above) and whose presentation materials for the monthly team meeting had nothing to do with mine, **or else**.

With that said, I was obviously placed on this “written warning” not because of my inability to *“perform the job responsibilities for which [I] was hired”* but due to my rightful opposition<sup>25</sup> to the employment racially discriminatory tasks that were not a part of my or my three non-Black predecessors’, Baruch Horowitz, Kenneth Ng and Thomas Monaco, job responsibilities but were assigned solely to me on the basis of my race<sup>26</sup>.

The aforesaid reasoning is also evident in Shillingford’s email dated September 2, 2015 and time stamped 10:21 AM to Terri Vernon, Defendant Helen Dubowy and Defendant Thomas Poz where Shillingford states: *“All, Note, the next schedule[d] monthly meeting is 9/25. I would want to give Candice this [written] warning a few days before this meeting (preferably by the week of Sept 14-18) so that she can pick up the task”* (JPMorgan Chase 001394 - Exhibit CC). In other words, placing me on the written warning was a tangible employment action that I suffered, just like the fallacious, pretextual and retaliatory “performance improvement plan” I was placed on, on July 30,

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<sup>25</sup> 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)”*

<sup>26</sup> 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”*?



2015 and my retaliatory termination on January 6, 2016, due to my opposition to the employment racially discriminatory tasks which were off limits for the non-Black analysts and associates and even the White administrative assistant in the Counterparty Risk Group but were solely assigned to me, the only Black analyst in the said group. I respectfully refer the Court to Footnote #s 25 and 26.

As it related to the Business as Usual “*for which [I] was hired*”, I worked with dignity, maturity and professionalism as per my 2015 Final Analyst/Associate Evaluation, Defendant Philippe Quix’s, Global Investment Management Chief Risk Officer/Khavin’s manager, email correspondence (Exhibit LL), Paragraph 101d of my Amended Complaint and the “Thank You” email I received from Nikhil Saxena, the 2015 summer intern, (Exhibit LL) who I think ended up working in the said Counterparty Risk Group. I respectfully ask that the Court note the date of Nikhil Saxena’s email. It was right in the midst of the turmoil I was going through being relegated to the help/house slave for the non-Black team members of the Counterparty Risk Group.

#### Response to Declaration Statement # 29 – Exhibit L

In conjunction with my “Response to Declaration Statement # 27 – Exhibit J” above, I respectfully refer the Court to 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 - V(A)(2) - THE DECISIONMAKER’S RACE) which states: “*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).*

#### Response to Declaration Statement # 30 – Exhibit M

*As I said 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.”*

As my emails dated October 14 and October 15, 2015 (JPMorgan Chase 000096 and 000095, respectively) show, I took my peaceful stance, in writing, against Shillingford’s horizontal racial bigotry, in her quest to save her career at JPMorgan Chase<sup>27</sup> (Exhibit QQ - Corporate Careerist Blacks) and to enhance my impending retaliatory termination. As have become obvious via the thousands of duplicate emails I received from the Defendants’ JPMorgan Chase & Co., et al’s attorneys office on March 17, 2017, Shillingford’s email response dated October 15, 2015 and time stamped 11:51 AM (JPMorgan Chase 000095 - Exhibit M attached to Shillingford’s Declaration) was more than likely strategically concocted by the HR legal representatives Shillingford had been going back and forth with as additional fodder for my impending retaliatory termination considering by then, as emails dated October 6 and October 7, 2015 (JPMorgan Chase 001630 and 001612 - Exhibit CC-2) show, my said retaliatory termination was already being planned.

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<sup>27</sup> 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”).



#### Response to Declaration Statement # 31 – Exhibit N

In the email dated October 22, 2015 that Shillingford sent to Helen Dubowy, Terri Vernon and Thomas Poz (JPMorgan Chase 001409 - Exhibit N attached to Shillingford's Declaration) where she, Shillingford stated that "*Candice emailed only her materials for the team meeting. We had to request the help of another analyst to coordinate the materials. This analyst printed all the materials, organized into a packet and brought copies to the meeting*", this statement by Shillingford is categorically false.

The "*analyst*" Shillingford is referencing is Fiona Nguyen and as the email from Fiona Nguyen dated October 21, 2015 (Exhibit OO-1) shows, just like Ryan Vroom ("Response to Statement # 26 – Exhibit I" above), Fiona Nguyen never "*printed all the materials*". All Fiona Nguyen did was she asked the other team members, including myself, for the already printed, organized and stapled copies of their presentation materials for the Governance Meeting for her to put in order of the Meeting Agenda ("collate") for her, Fiona Nguyen to take into the Governance Meeting (Exhibit PP - ¶ 2 of page 11 - "Response to "Defendants' Responses to Plaintiff's First Set of Document Requests" Dated November 16, 2016").

Further, in regards to "*pls note she [Plaintiff, Candice Lue] did not perform the task assigned*" (JPMorgan Chase 001409 - Exhibit N attached to Shillingford's Declaration), 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)*".

#### Response to Declaration Statement # 32 – Exhibit O

The plethora of lies Shillingford has told **under penalty of perjury** in this Declaration is all the evidence anyone of reasonable mind needs to see that Shillingford is someone who is less than

truthful. With that said, I had to respectfully let Shillingford know that the statement she made in her email dated October 22, 2015<sup>28</sup> (JPMorgan Chase 001410 - Exhibit O attached to Shillingford's Declaration) was untrue – "*With ALL due respect, your statement is untrue*".

Further, if I had not responded to Shillingford's email at 8:50 PM on October 21, 2015 (JPMorgan Chase 001410 - Exhibit O attached to Shillingford's Declaration) 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 (JPMorgan Chase 001410 – 001411 - Exhibit O attached to Shillingford's Declaration), should not be grounds for my unlawful and retaliatory termination of January 6, 2016.

#### Response to Declaration Statement # 33 – Exhibit P

I respectfully refer the Court to my "Response/Opposition to Defendants' Undisputed Material Fact # 47" – "Affidavit in Response/Opposition to Defendants' Statement of Undisputed Material Facts under Local Civil Rule 56.1" which starts as follows: "*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, as I articulated in Paragraph 2 of Page 11 of my "Response to "Defendants' Responses to Plaintiff's First Set of Document Requests" Dated November 16, 2016" (Exhibit PP), "*Ryan [Vroom] was the worst of the bunch to be organized and ready for the meeting as it relates*

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<sup>28</sup> Incidentally, October 22, 2015 is the same day Shillingford told the lie in her Declaration Statement # 31 – Exhibit N



*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 Ryan to go and make copies of his presentation materials to hand out to the team.”*

As Shillingford’s email dated December 1, 2015 (JPMorgan Chase 000088 - Exhibit P attached to Shillingford’s Declaration) shows, I took my usual peaceful stance against the Employment Racial Discrimination that was perpetrated against me by not uttering a word. However, Shillingford, a Black servile employee, found my said peaceful stance to be “*very disrespectful and this behavior is not acceptable....*”

As I articulated in my “Response to Declaration Statement # 27 – Exhibit J” above: “*Admonishing employment racial discrimination or racial discrimination of any sort should not be misconstrued as being “disrespectful”. The days, in the era of slavery, when a Black person working in the field had to endure the “slave master’s pet’s” (Black person working in the slave master’s house) rancorous and condescending behavior towards him or her in order for the said “slave master’s pet” to carry out the discriminatory acts against the other slaves on the slave master’s behalf, are over. And, so should be the days of having to accept corporate careerist Black employees’, who have relegated themselves to being horizontal racists in order to secure their jobs and/or careers, rancorous and condescending behavior towards other Blacks (Am. Compl. ¶ 30 and Exhibit QQ - Corporate Careerist Blacks).*”

#### Response to Declaration Statement # 34 – Exhibit Q

In her quest to save her career at JPMorgan Chase<sup>29</sup> (Exhibit QQ - Corporate Careerist Blacks) and to enhance my impending retaliatory termination, Shillingford allowed herself to be

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<sup>29</sup> 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

used as a conduit<sup>30</sup>, not only to extend Khavin's racial bigotry against me, but also as a means for concocting "ploys" in collaboration with JPMorgan Chase's HR legal representatives (Exhibit CC) to justify the said impending tangible employment action of retaliation that was perpetrated against me.

Shillingford's statement in her email that: *"Note that the other analysts have been assisting with this task for the past few months"* is disingenuous as articulated in my "Response to Declaration Statement # 26 – Exhibit I ¶¶ 3 -7" and "Response to Declaration Statement # 31 – Exhibit N" above.

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)"*.

#### Response to Declaration Statement # 35

From evidence provided in Exhibits C, CC-1 and CC-2, it is obvious that from the date of me 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 treatment that Khavin was meting out to me, the planning of my termination via a bogus investigation and a fallacious, pretextual and retaliatory "performance improvement plan" (PIP) went into action by JPMorgan Chase's HR Department legal representatives.

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career/future at JPMC, Shillingford who is Black was willing to relegate herself to horizontal racist status (Exhibit QQ – "Corporate Careerist Blacks").

<sup>30</sup> Title VII of the Civil Rights Act of 1964 - EEOC Compliance Manual Section 15 – Race and Color Discrimination - V(A)(2) - 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)"*



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. As a matter of fact, as the email trail in Exhibit CC-2 with the email response from Helen Dubowy to John Vega’s email dated July 30, 2015 being “Yes!”<sup>31</sup> (JPMorgan Chase 001467) shows, tangible employment actions “corrective actions” against me were pre-planned, pre-arranged and pre-discussed by JPMorgan Chase’s HR legal representatives without (with emphasis) Shillingford’s involvement, as the said email trail shows that Shillingford, who was my manager, was not even as much as copied on this email trail.

The said situation was for emails dated October 6 and October 7, 2015 (JPMorgan Chase 001630 and 001612) where a meeting was set up by JPMorgan Chase’s HR legal representatives “*to discuss next steps with Candice Lue and pre-planning for a possible termination*” and Shillingford was not even invited to be a part of this meeting - further making Shillingford’s Statement # 35 where she states: “*following the incidents in October and December, I expressed my desire to HR to terminate Plaintiff’s employment*” categorically false as my pre-planned, pre-arranged and well thought out employment termination by JPMorgan Chase’s HR legal representatives without the presence or input of Shillingford (with emphasis) took place even before Shillingford’s “*October incident*” which, as per Shillingford’s mendacious email dated October 22, 2015 (JPMorgan Chase 001409 - Exhibit N attached to Shillingford’s Declaration) and Fiona Nguyen’s email dated October 21, 2015 (Exhibit OO-1), this “*October incident*” happened on October 21, 2015 which is **after** the meeting to which Shillingford was **not** invited “*to discuss next steps with Candice Lue and pre-planning for a possible termination*”.

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<sup>31</sup> Evidence my termination was pretextual and retaliatory.

Further, as JPMorgan Chase 001788 - Exhibit CC-2 shows, after Shillingford sent the said mendacious October 22, 2015 email<sup>32</sup> to Helen Dubowy, Terri Vernon and Thomas Poz, Terri Vernon forwarded it to higher level HR legal representatives, again, without copying Shillingford and when “higher level HR legal representative”, Linda Padilla responded via email dated October 23, 2015 (JPMorgan Chase 001787) that “*I honk it’s time to move forward [with termination]*”, Shillingford’s name was no where on that email.

Shillingford being omitted for not having any real influence in my employment termination process<sup>33</sup> is also evident in the email from Terri Vernon to Helen Dubowy dated January 5, 2016, 2015 (JPMorgan Chase 001818) where Terri Vernon asked Helen Dubowy to “*review and/or revise*” [my recommendation for termination] while the directive given to Shillingford in the email dated January 6, 2016 (JPMorgan Chase 000327) for my said recommendation for termination was “*there is a section that we need you [Shillingford] to complete marked by the XXXXX*”, nothing about “*review and/or revise*”.

In light of the aforesaid and with all due respect, the only true “*desire*” that was granted to Shillingford by HR as it relates to my employment termination was as per email dated January 6, 2016 (JPMorgan Chase 000327) where Shillingford was asked to “*print and hand out the “As you leave guide” and have for [Plaintiff, Candice Lue] after [Plaintiff, Candice Lue’s termination is communicated by Defendant Thomas Poz]*” (Exhibit CC-2). Shillingford was not even given the opportunity to personally communicate my termination to me. She sat with myself and Defendant Thomas Poz, as he, Thomas Poz communicated/gave the directive. The only thing that Shillingford did was, as instructed, handed me the “*As you leave guide*”.

As it relates to Shillingford’s statement that “*I did not wish to see her [Plaintiff, Candice Lue] terminated during the holiday season, so I requested to HR that the termination occur in early*

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<sup>32</sup> I respectfully refer the Court to my response to Statement # 20 – Exhibit D, Bullet 6, Statement # 31 – Exhibit N above and Exhibit PP - ¶ 2 of page 11 – “Response to “Defendants’ Responses to Plaintiff’s First Set of Document Requests” Dated November 16, 2016”.

<sup>33</sup> Meaning that JPMorgan Chase’s HR legal representatives did not care whether or not Shillingford recommended /approved.... Shillingford was just there to be used e.g. to concoct emails, etc. like the one she did on October 22, 2015.



January”, this statement just like her statement that: *“following the incidents in October and December, I expressed my desire to HR to terminate Plaintiff’s employment”* is, as Former Vice President, the one and only, Joe Biden would say, *“malarkey”*. The true reason for my *“early January”* termination was to justify the *“ploy”* rotation<sup>34</sup> as is articulated in my *“Response [under sworn oath] to Request # 46” - “Response to Defendants First Request for Production of Documents” - docket # 45”*. And, to ensure that this *“ploy”* was not reciprocated to me, the only Black analyst on the team, I was slated to do the meeting minutes and the printing, etc. of the non-Black team members presentation materials for the December 23, 2015 Monthly Governance Meeting for the second time in one month (with emphasis) thus, my termination date of January 6, 2016.

## CONCLUSION

The preceding shows that Shillingford who is Black and a servile employee has been used by JPMorgan Chase, its managers and its HR representatives on the basis of her race. However, Shillingford’s own willingness to be *“used”* by relegating herself to being a horizontal racist to secure her, Shillingford’s career at JPMorgan Chase, makes her a worthy Defendant in this lawsuit.

Obviously, what these said managers, HR representatives and Shillingford herself seem not to be aware of is that pursuant to Title VII of the Civil Rights Act of 1964 - EEOC Compliance Manual Section 15 – Race and Color Discrimination - V(A)(2) - 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)”*

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<sup>34</sup> This was after the Equal Employment Opportunity Commission (EEOC) served JPMorgan Chase with the Perfected Charge they tried to concoct a *“ploy”* rotation for the December 23, 2015 Governance Meeting

In light of the foregoing, Fidelia Shillingford's 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"*, Fidelia Shillingford 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

Address

City, State, Zip Code

Sworn to before me this 28<sup>th</sup> day of July, 2017

*Frank D. Rotelli*

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

Notary Public

