

**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 **Michelle Sullivan**  
in Support re: 89 Motion for Summary  
Judgment – (Docket # 95)”

I, pro se Plaintiff, Candice Lue hereby oppose/respond in good faith and under sworn oath to Defendant, Michelle Sullivan’s (“Sullivan”) Declaration in support of the Defendants’ Motion for Summary Judgment as follows:

**STATEMENT**

Michelle Sullivan is a mean-spirited, gossip person who along with Defendant Chris Liasis (“Liasis”) intentionally inflicted regression and stagnation on my career at JPMorgan Chase & Co. (“JPMorgan Chase”) as well as stereotypically defamed my character on the basis of my race (wink-wink<sup>1</sup>) by depicting me as being a tardy person who was always coming to work late which was farthest from the truth (Exhibit QQ – “Black/Colored people’s time” and ¶¶ 209 - 212 Am. Compl.).

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<sup>1</sup> EEOC Compliance Manual Section 15 – Race and Color Discrimination - V(A)(2) – RACE-RELATED STATEMENTS (ORAL OR WRITTEN) MADE BY DECISIONMAKERS OR PERSONS INFLUENTIAL TO THE DECISION. “Race-related statements include not only slurs and patently biased statements, but also “code words” that are purportedly neutral on their face but which, in context, convey a racial meaning.(47) The credibility of the witness(es) attesting to discriminatory statements, and the credibility of the witness(es) denying them, are critical to

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

I had made coming into the office by 8:00 AM one of my performance goals (Exhibit QQ – "Why Black Workers Really Need to be Twice as Good") because I found it unfair that Liasis used my efforts to be a responsible team member<sup>2</sup> to defame my character on my 2013 mid-year performance review where he wrote to the effect that I was a habitual latecomer which again could not be farther from the truth<sup>3</sup>. However, in Sullivan's usual quest to intentionally inflict regression and stagnation on my career at JPMorgan Chase (Exhibit QQ-1, Ninth Cause of Action – Am. Compl. & Exhibit FF), her response to my aforesaid accomplishment was: *"Candice has also taken measures to rectify issues noted at mid year in regards to her tardiness"* (Exhibit G – 2013 Performance Review – Page 9 - 06-JAN-2014).

Depicting a Black employee as being "a habitual latecomer" and/or "tardy", especially if this depiction is untrue, is a very serious matter as this overt racial stereotype about Black people can be and will be detrimental and defaming to a Black employee's character and career growth as, in a lot of positions and/or departments, employees are not only expected to attend early morning meetings but they are expected to be on time for those said meetings. And, if a hiring manager sees

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*determining whether such statements actually were made. If racially discriminatory statements were made, their importance will depend on their egregiousness and how closely they relate – in time and content – to the decision in question."* Also Exhibit A-1 - *"Often, unconscious stereotypes or implicit biases are, [can be, and will be] at play"* - Former Equal Employment Opportunity Commissioner, Stuart Ishimaru.

<sup>2</sup> If I had any doubt of making it into the office by 9:00 AM due to issues with my commute, I would call the office to let my teammates know (sometimes more than one hour before 9:00 AM because an employee was always there by 7:30 AM) as I thought that that was the professional and responsible thing to do. However, on most of the occasions after calling in with the heads up, I still managed to reach into the office before or by 9:00 AM and if not, by an average time of 9:15 AM. "Tardy" people do not operate like that. But, just the fact that I called into the office, Liasis was able to spin that into me being a habitual latecomer which as articulated in ¶¶ 209 – 212 of my Am. Compl., could not be farther from the truth. Also, Liasis normally worked from/stationed in the 383 Madison (Midtown) office not the Brooklyn office but he was a part of the email sent by the co-worker I called to inform of my commuting situation.

<sup>3</sup> This was during the time after the Sandy Hurricane, JPMorgan Chase's 4 New York Plaza office had to relocate to Brooklyn and there was a lot of damage to New Jersey Transit trains so there was increased pressure on the buses. With that said, the commute was a bit unpredictable but as soon as I got an update from NJ Transit, I relayed it to my teammates, even if the update was at 7:30 AM.



Liasis' comment on my 2013 mid-year performance review which says: "*Candice should be cognizant of attendance, specific observations of start times.... The perception of being late on multiple occasions due [to] transportation challenges is noticeable*" (Exhibit G – 2013 Performance Review – Page 9 - 16-JUL-2013) and/or Sullivan's comment on my 2013 year end performance review which says: "*Candice has also taken measures to rectify issues noted at mid year in regards to her tardiness*" (Exhibit G – 2013 Performance Review – Page 9 - 06-JAN-2014), for a Black employee at that, because the racial stereotype that "Black people are always late" is so overt that there is even a name for it, "Black/Colored people's time", it is extremely likely that the hiring manager would **not** want to hire me, just in case I "relapse" into "*not being cognizant of attendance/tardiness*". And, based on footnote #s 2 and 3 above, how can I be someone who is not "*cognizant of attendance*"?

In addition, Sullivan and Liasis racially stereotypically, mendaciously and maliciously branded me as being an arrogant/"uppity" person who did not take other people's, including managers, feedback and advice<sup>4</sup> because, as a Black person, I had the "gall" to stand up to them for being hell-bent on regressing and stagnating my financial career at JPMorgan Chase (Exhibit QQ-1, Ninth Cause of Action – Am. Compl. & Exhibit FF) or even as much as to have the "gall" to question a situation<sup>5</sup>. Take for instance Sullivan's email to Liasis dated April 9, 2014 where she had my first "negative" as "*not really receptive to feedback and management suggestions*" (Exhibit II-2 - JPMorgan Chase 002859 - 002862). This "negative" was based on the trail of emails ("Stretch Objectives") below Sullivan's said April 9, 2014 email and as that trail clearly shows, it is because I had the "gall" to question Sullivan why I ended up with that "negative" against me (Exhibit QQ – "Uppity Negro", "Why Black Workers Really Need to be Twice as Good" and

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<sup>4</sup> Liasis' and Sullivan's "feedback/advice" was to contain me in my "Black hole" (§§ 150 – 160 - Am. Compl., Exhibit II-1 & "Affidavit in Opposition/Response to 'Declaration of Chris Liasis' – Docket # 94)

<sup>5</sup> The other Black employees just took whatever was handed to them without question or courage. The most they would do (especially Cecille Taylor-Simpson) was to go back to their desks and hum Negro spirituals or a Gospel song (I Know Why the Caged Bird Sings – Maya Angelou). According to what Liasis once scold me: "*Why is it that you are the only one who is always complaining?*" Because, I questioned my "raise". Only to find out that Cecille Taylor-Simpson had not gotten a raise in years and that her last bonus was \$500.00 after eighteen (18) years of service.

“Black Troops More Likely to Face Military Punishment”). The said “Stretch Objectives” email trail also shows that Sullivan’s statement that *“not really receptive to feedback and management suggestions”* could not have been farther from the truth as I tried to make the conversation a pleasant and accommodating back and forth. However, in Sullivan’s undying quest to intentionally inflict regression and stagnation on my career at JPMorgan Chase (Exhibit QQ-1, Ninth Cause of Action – Am. Compl. & Exhibit FF), Sullivan twisted this back and forth into me being an arrogant/“uppity” person (Exhibit QQ – “Uppity Negro”).

Sullivan and Liasis also racially stereotypically skewed my communication skills to make it seem that as a Black person, I had poor communication skills as it related to my regular Business as Usual (“BAU”) communication (Exhibit QQ – “How can I explain to White people....”). I had to attempt to refute/clarify this racial stereotype in my July 18, 2013 performance review (PMC) response by saying: *“My communication style is for the most part very thorough but that is because I usually prefer to solve queries as efficiently as possible instead of through constant back and forth emails/phone calls. For instance, if I can be proactive in taking care of a trader’s or marketer’s queries/concerns in one email without the trader or marketer having to send back for additional information, I’d always opt for that. I think that doing so helps with the enhancement of productivity not only for me but also for the trader or marketer and for J.P. Morgan Chase as a whole”* (Exhibit G – 2013 Performance Review, page 5).

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



In conjunction, Sullivan mendaciously and racially stereotypically marred my character by subtly making me out to be “an angry Black woman” by using words such as “defensive”, “problem analyst”, etc. and terms such as “her frustrations adapting”, “having frictions<sup>6</sup> with my co-workers”, etc., (§ 206 – Am. Compl.) to describe me in emails and on my performance review - a “wink-wink<sup>7</sup>” to the overwhelming majority of White prospective hiring managers at JPMorgan Chase. Again, because as a Black person, I had the “gall” to stand up to Sullivan and Liasis for being hell-bent on regressing and stagnating my financial career at JPMorgan Chase (Exhibit QQ-1, Ninth Cause of Action – Am. Compl. & Exhibit FF) or even as much as to have had the “gall” to question a situation.

Case in point, Sullivan’s email dated November 8, 2013 (Exhibit II-2 - JPMorgan Chase 002818) to Liasis where Sullivan was informing Liasis that, unbeknownst to me, she had reported me to HR and the email below dated November 6, 2013 where Sullivan labeled me, in all caps, as being “VERY DEFENSIVE<sup>8</sup>” (Exhibit QQ – “The Myth of the Angry Black Woman”, “How Michelle Obama Felt about Being Labeled an ‘Angry Black Woman’”, “Angry Black Woman”, “Uppity Negro”, “Why Black Workers Really Need to be Twice as Good” and “Black Troops More Likely to Face Military Punishment”).

This reporting me to HR and the “all caps” label were based on the fact that I dared, yes dared as a Black person, to have had the “gall” to question Sullivan’s intent as per my email on the said trail dated November 6, 2013 (Exhibit II-2 - JPMorgan Chase 002818 - 002820) which states:

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<sup>6</sup> See page 22 below. This was an isolated situation blown out of control by Sullivan herself as I articulated in my 2014 year end comment dated January 5, 2015 on my PMC (JPMorgan Chase 000426 - Exhibit C attached to Sullivan’s Declaration)

<sup>7</sup> EEOC Compliance Manual Section 15 – Race and Color Discrimination - V(A)(2) – RACE-RELATED STATEMENTS (ORAL OR WRITTEN) MADE BY DECISIONMAKERS OR PERSONS INFLUENTIAL TO THE DECISION. “Race-related statements include not only slurs and patently biased statements, but also “code words” that are purportedly neutral on their face but which, in context, convey a racial meaning. (47) The credibility of the witness(es) attesting to discriminatory statements, and the credibility of the witness(es) denying them, are critical to determining whether such statements actually were made. If racially discriminatory statements were made, their importance will depend on their egregiousness and how closely they relate – in time and content – to the decision in question.” Also Exhibit A-1 - “Often, unconscious stereotypes or implicit biases are, [can be, and will be] at play” - Former Equal Employment Opportunity Commissioner, Stuart Ishimaru.

<sup>8</sup> Me being protective of my dignity, my integrity, my God given rights as a human being, my civil and constitutional rights as a citizen should not be construed in a negative light to enhance Sullivan’s and Liasis’ nefarious intentions/agenda.



*"I don't mean to be rude, accusatory or in any way disrespectful but I think you are steering me to people who are likely to write less flattering comments on my permanent work record. I try to send PMC requests to people who I think based on my overall experience working here would be to some degree fair in giving their feedback on my work and who would or are likely to write an assessment of my performance without bias or underlying malice. As for Ine<sup>9</sup>, I do not work with her on a daily basis in terms of the duties I perform here so I do not think that she would be able to provide enough insight for an assessment of my performance as the PMC requires."*

After reporting me to HR because of this email, Sullivan reported back to Liasis saying: *"I spoke to Charmaine [HR representative] and she advised that we tell Candice that she needs to reach out to Linda [Sullivan's and Liasis' unconscionable<sup>10</sup> confidant] for feedback as that was my request and it should not be up to her [Plaintiff, Candice Lue] to tell us that she is not going to as it is insubordination. She also gave me some advice on how to manage her [Plaintiff, Candice Lue's] attitude better"* (Exhibit II-2 - JPMorgan Chase 002818).

In all honesty, where in my email above (JPMorgan Chase 002818 – 002820) does it reflect the need for Sullivan to get *"advice"* from the said HR representative *"to manage [my] attitude better"*?

However, Reports such as the aforesaid that Sullivan made about me to JPMorgan Chase's HR Department formed a permanent part of my work history as is evidenced in Terri Vernon's, HR Business Partner, more than a year and a half later, email dated June 10, 2015 (Exhibit II-2 - JPMorgan Chase 002710) where she stated *"Candice continues to be a **problem** in the business..... Candice refuses to listen to the direction of her manager. This issue ['refuses to listen to the direction of her manager'] surfaced with a previous manager [Sullivan] as well..."*

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<sup>9</sup> The Black employee/"ploy" working on behalf of Sullivan and Liasis (Exhibit HH-1)

<sup>10</sup> This employee, through her own words, thought it was funny (she was actually laughing) to get rid of a temp by calling the employment agency through which he worked to tell them "not to send him back" just because, in her sole opinion, she thought "he is creepy". Having worked as a temp myself and understanding how the temp agencies operate as a business, I am aware that this unconscionable act by Linda Murphy will, or at least could, result in the employment agency through which the temp worked not sending this temp worker on any other assignment, especially on another assignment at JPMorgan Chase because, at the end of the day, it's all about business. Also see Exhibit II-1.



For having the “gall” to stand up to Sullivan and Liasis steering me to get feedback from their confidants (Exhibit HH-1) so that these said confidants could write malicious and mendacious comments on my performance review (“PMC”) to justify their, Sullivan’s and Liasis’, racially defamatory comments about me, Sullivan and Liasis mendaciously and maliciously reported me to HR branding me, a Black employee, as being VERY DEFENSIVE/problem analyst, someone who “refuses to listen to the direction of her manager”, whose “attitude” needs “management”,<sup>11</sup> which are not just all overt racial stereotypes against Blacks but are defamatory to my character as a Black JPMorgan Chase employee (Exhibit QQ - “The Myth of the Angry Black Woman”, “How Michelle Obama Felt about Being Labeled an ‘Angry Black Woman’”, “Angry Black Woman”, “Uppity Negro”, “Why Black Workers Really Need to be Twice as Good” and “Black Troops More Likely to Face Military Punishment”).

Also, by me taking a stance against Sullivan and Liasis intentionally inflicting career regression and stagnation on my financial career at JPMorgan Chase (Exhibit QQ-1, Ninth Cause of Action – Am. Compl. & Exhibit FF) by reporting them to Charlie Coignard, Sullivan’s skip level manager and Liasis’ immediate manager (Exhibit R) for taking away the regular duties that were associated with my job as an Energy Confirmations Drafting Analyst and replacing them with the duties of a Client Service representative which consisted of me using the majority of my Business As Usual (BAU) to call clients to ask them if they had received issued trade confirmations and when can we expect a returned signed copy<sup>12</sup>, I was portrayed as an “uppity”/“problem analyst<sup>13</sup>” by Sullivan on my 2014 year end performance review further maliciously, mendaciously and racially stereotypically defaming my character (Exhibit II-2 and Exhibit QQ - “The Myth of the Angry Black Woman”, “How Michelle Obama Felt about Being Labeled an ‘Angry Black Woman’”, “Angry Black Woman”, “Uppity Negro”, “Why Black Workers Really Need to be Twice

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<sup>11</sup> Kunta Kinte-like (character from “Roots”)

<sup>12</sup> Confirmed by Charlie Coignard, Liasis’ manager and Sullivan’s skip level manager (¶ 5 of page 3 - JPMorgan Chase 000123 - 000126 - Exhibit A attached to Declaration of Helen Dubowy and Exhibit D)

<sup>13</sup> I NEVER refused to do this task. I only questioned it as it relates to the significant change in my job responsibilities. (I respectfully refer the Court to ¶ 2 of page 4 of “Complaint: Michelle Sullivan – I Need Help” (Exhibit D))



as Good” and “Black Troops More Likely to Face Military Punishment”). Bearing in mind that taking away my regular duties as an Energy Confirmations Drafting Analyst and replacing them with the duties of a Client Service representative was not only regressive to my career at JPMorgan Chase (2nd to last ¶ - My “Response [under Sworn Oath] to Request No. 12” of My “Response to Defendants First Request for Production of Documents” - docket # 45, Exhibit QQ-1, Ninth Cause of Action – Am. Compl. & Exhibit FF) but it was also a tangible employment action against me as it relates to reassignment with significantly different responsibilities - Vance v. Ball State University, 133 S. Ct. 2434 (2013).

As a Black person without the luxury of “White privilege”, as I articulated in my “Affidavit in Opposition/Response to ‘Declaration of Helen Dubowy – Docket # 96’” – pages 17 & 18” and Paragraph 69 of my Amended Complaint, Sullivan maliciously, mendaciously and **unnecessarily** branding me as being “VERY DEFENSIVE/problem analyst” was not only defaming to my, a female Black employee, character but because of the overt racial stereotype about Black women especially, it was very detrimental (wink-wink<sup>14</sup>) to my career at JPMorgan Chase<sup>15</sup> (Exhibit QQ - “The Myth of the Angry Black Woman”, “How Michelle Obama Felt about Being Labeled an ‘Angry Black Woman’”, “Angry Black Woman”, “Uppity Negro”, “Why Black Workers Really Need to be Twice as Good” and “Black Troops More Likely to Face Military Punishment”).

Case in point, for the majority of 2014, every position that I applied for using JPMorgan Chase’s internal job portal, was rejected. It was just a couple months or so prior to my November 9, 2014 termination from Sullivan’s department that I started suspecting that something was wrong as

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

<sup>15</sup> “**Her Long history as a troublesome employee**” - “Defendants’ Memorandum of Law in Support of Their Motion for Summary Judgment” - (2) Opposition/Response to Plaintiff Cannot Raise a Triable Issue of Pretext – Pg. 20.



to why ALL of the fifty (50) or so<sup>16</sup> applications I had submitted via JPMorgan Chase's internal portal were rejected. With that said, I came up with a plan to send my résumé directly to the hiring manager after submitting my application online because with Sullivan making all those mendacious and malicious Reports to HR about me (though unbeknownst to me at the time), HR would not be sending my résumé to the hiring manager for the job I was applying for.

This "plan" happened to work and that was how I was able to score two interviews which ended up with me being offered the jobs which included my last position at JPMorgan Chase, the Credit Reporting Risk Analyst position. It is interesting to note that I did get a rejection from HR for the said Credit Reporting Risk Analyst application (Exhibit O-1) but it was a "cross in the mail" because by then I was already in communication with Kimberly Dauber about the job (Exhibit O)<sup>17</sup>. This statement should also help with the explanation as to why Sullivan fought tooth and nail to do my 2014 year end performance review (Exhibit II), somehow in her sick mind, she must have thought I "outsmarted her".

As my managers in the Global Commodities Group - Energy Confirmations Department of JPMorgan Chase Corporate & Investment Bank ("Confirmations"), it never mattered how hard I tried to make beneficial contributions in helping with process improvement initiatives which were integral and necessary for my career growth at JPMorgan Chase (§§ 150 -160 – Am. Compl.), my efforts were not only minimized and/or put on "lockdown" by Sullivan and Liasis but when Sullivan was forced to make mention of those said efforts on my performance reviews (because I made mention of them in the "Employee Comments" section), she lied by subtly, surreptitiously and racially stereotypically putting a negative spin on them to ensure that I never got a performance rating above "Meets Expectation (M)" and by using "wink-wink"<sup>18</sup> words to defame my character

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<sup>16</sup> I have the audit trail on a CD which was sent to me by the Defendants, JPMorgan Chase & Co., et al's attorneys.

<sup>17</sup> I tried to get in touch with the hiring manager as soon as I submitted my application because the rejections were coming in within a day or maximum two days of me submitting the applications.

<sup>18</sup> EEOC Compliance Manual Section 15 – Race and Color Discrimination - V(A)(2) – RACE-RELATED STATEMENTS (ORAL OR WRITTEN) MADE BY DECISIONMAKERS OR PERSONS INFLUENTIAL TO THE DECISION. "*Race-related statements include not only slurs and patently biased statements, but also "code words" that*

as a Black employee. Bearing in mind that to even be considered for a promotion, a JPMorgan Chase employee needs to have at least a “Meets Expectation Plus (M+)” performance rating in the year of the promotion (Exhibit H-3, Exhibit QQ – “Black Workers Really Do Need to Be Twice as Good” and “Black Troops More Likely to Face Military Punishment”).

Within a few months of Sullivan and Liasis reorganizing the Confirmations department and assigning me to work exclusively on physical commodities<sup>19</sup>, the department was informed that JPMorgan Chase would be selling its physical commodities side of the business. The said sale was finalized in October of 2014 and my employment at JPMorgan Chase was slated to be terminated on November 9, 2014 (Exhibit JJ). And, even after my position was terminated in Sullivan’s department and I managed to secure another position with JPMorgan Chase **after my Sunday, November 9, 2014 termination date**, Sullivan was still hell-bent on regressing, stagnating and derailing my financial career at the said company. As I said above, *“somehow in her sick mind, she must have thought I “outsmarted her””*.

Sullivan fought tooth and nail to have her malicious, mendacious, rancorous and racially stereotypical comments under the guise of “Manager Opportunities” put on my 2014 year end performance review<sup>20</sup> (Exhibit II & “(2)(a) - Opposition/Response to Plaintiff Cannot Show a Triable Issue of Harassment” – “Memorandum of Law in Opposition to Defendants’ Motion for Summary Judgment” - pgs. 183 - 187). No good intentioned, professional manager would be fighting tooth and nail to have her malicious, mendacious, rancorous and racially stereotypical comments and poor performance rating put on a **former** subordinate’s performance review

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*are purportedly neutral on their face but which, in context, convey a racial meaning.* (47) *The credibility of the witness(es) attesting to discriminatory statements, and the credibility of the witness(es) denying them, are critical to determining whether such statements actually were made. If racially discriminatory statements were made, their importance will depend on their egregiousness and how closely they relate – in time and content – to the decision in question.”* Also Exhibit A-1 - *“Often, unconscious stereotypes or implicit biases are, [can be, and will be] at play”* - Former Equal Employment Opportunity Commissioner, Stuart Ishimaru.

<sup>19</sup> Prior to this reorganization, I worked on both physical and financial commodities.

<sup>20</sup> I was officially terminated from JPMorgan Chase on November 9, 2014 (Exhibit JJ). The position I had in Sullivan’s department was no longer in existence so Sullivan should not have been doing anything further in the capacity of “my manager” which included doing my performance reviews.



("PMC") unless the said manager wants to intentionally derail and/or inflict regression and stagnation on that employee's career.

After feeling as if I had reached my "*wit's end*" with Defendants Sullivan and Liasis being hell-bent on regressing, stagnating and derailing the financial career I had worked so hard to pursue at JPMorgan Chase, on January 12, 2015, I sent an email with a Complaint attached to Julie Johnson, a Managing Director who reported directly to John Donnelly, Global Head of Human Resources with the Subject: "Complaint: Michelle Sullivan - I Need Help" (Exhibit D & JPMorgan Chase 000123 - 000126 - Exhibit A attached to "Declaration of Helen Dubowy" – Docket # 96). Please note that this Complaint has been surreptitiously omitted from the Exhibits attached to "Declaration of Michelle Sullivan".

Sullivan's and Liasis' intentional regression and stagnation of my career at JPMorgan Chase (Exhibit QQ-1, Ninth Cause of Action – Am. Compl. & Exhibit FF) by defaming my character and keeping me on "lockdown" on the basis of my race are the reasons why my Sixth and Tenth Causes of Action – "*Intentional Infliction of Career Regression and Career Stagnation on the Basis of Race in Violation of Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981*" and – "*Defamation of Character on the Basis of Race in Violation of Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981*" are legitimate, plausible, relevant and warranted.

#### Response to Declaration Statement # 2

Michelle Sullivan's statement that "*I [only] supervised Candice Lue ("Plaintiff") in the Commodities Operations Department ("the Department") in 2013 and for the majority of 2014*" is categorically false. I was hired in the Confirmations department on August 20, 2012 and from this day through my end date of November 7, 2014 in the said department, Michelle Sullivan had been my manager (Exhibit G – 2012 Performance Review).

In my interview for the Energy Confirmations Drafting Analyst position in the said Confirmations department, the skip level manager for the department at the time, Mary Joyce

Angioli, made it as clear as day to me, in front of Sullivan and by way of repetition, that Sullivan would be my manager. When I did my interview with Sullivan, Sullivan interviewed me as my future manager. From the time of my hire of August 20, 2012 and up to my end date of November 7, 2014, **all the analysts and associates** in the Confirmations department, including myself, reported to Sullivan.

The Defendants, JPMorgan Chase & Co., et al are trying to avoid, like the plague, the fact that Sullivan had been my manager from August 20, 2012 through December 2012 because of the comments that Sullivan wrote on my 2012 year end performance review (Exhibit G – 2012 Performance Review) prior to Liasis becoming her manager (the new skip level manager).

The comments Sullivan wrote on my 2012 year end performance review are not consistent with the malicious, mendacious and racially stereotypical comments she started writing about me under the guise of “Manager Opportunities” after she started “butting heads” with Liasis<sup>21</sup>, who is a racist, in his quest to regress and stagnate my career at JPMorgan Chase (§ 144 – 148 Am. Compl., Exhibit QQ-1, Ninth Cause of Action – Am. Compl. & Exhibit FF).

In light of the aforesaid, I respectfully ask the Court to note that my 2012 Performance Review has been conspicuously omitted from Exhibit A and Exhibit C attached to “Declaration of Michelle Sullivan”.

#### Response to Declaration Statement # 4

With regards to statement # 4, I have to respectfully say, excuse me for trying to not only escape the underhanded clutches of Defendants Sullivan and Liasis in their quest to intentionally regress and stagnate my career at JPMorgan Chase as well as to subtly and surreptitiously defame my character on the basis of my race (“Uppity Negro” - “wink, wink”<sup>22</sup> to JPMorgan Chase’s

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<sup>21</sup> Six (6) months into my tenure in the Confirmations department, Liasis became Sullivan’s manager after the departure of the prior skip level manager, Mary Joyce Angioli.

<sup>22</sup> EEOC Compliance Manual Section 15 – Race and Color Discrimination - V(A)(2) – RACE-RELATED STATEMENTS (ORAL OR WRITTEN) MADE BY DECISIONMAKERS OR PERSONS INFLUENTIAL TO THE



overwhelming majority of White hiring managers) but also for trying to improve the Confirmations Team's efficiency.

Based on past experiences with Sullivan's and Liasis' quest to keep me contained in my "Black hole" (¶ 151 – Am. Compl.), if I did not present the information about the Reference Data Knowledge Share ("SOP") to my team or emailed it to all the members of the Confirmations Team, the Physical Oil Team, individuals from the Projects Team, our Operations Risk Management representative and managers, this said knowledge share would not even have seen the light of day or helped with improving the team's efficiency in investigating and rectifying reference data issues.

In conjunction, after bearing witness to what I went through with Liasis on the day that I was finally permitted to present another one of my efforts (Query Management Tool) to contribute to the Confirmations department process improvement initiative, which in turn I reckoned would have helped to enhance my career at JPMorgan Chase (¶ 156 – Am. Compl.), a former Black co-worker, Cecille Taylor-Simpson, told me that for about two years she had been working on a SOP and each time she took it to Sullivan and Liasis for "feedback/approval", they told her all kinds of discouraging things ("advice") to delay her from presenting her said SOP to the team. Then, Sullivan and Liasis turned around and made malicious and mendacious comments about this said former Black co-worker to the effect that she makes no effort to contribute to the process improvement, etc. of the Confirmations department (Exhibit II-1 and ¶ 3 of my "Response [under Sworn Oath] to Request No. 25" of my "Response to Defendants First Request for Production of Documents" - docket # 45).

Now for the real proof that Sullivan along with statement # 4 is a **farce**. According to Sullivan, *"Upon my return in August 2013, I learned that Plaintiff had sought feedback regarding*

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DECISION. "Race-related statements include not only slurs and patently biased statements, but also "code words" that are purportedly neutral on their face but which, in context, convey a racial meaning.<sup>(47)</sup> The credibility of the witness(es) attesting to discriminatory statements, and the credibility of the witness(es) denying them, are critical to determining whether such statements actually were made. If racially discriminatory statements were made, their importance will depend on their egregiousness and how closely they relate – in time and content – to the decision in question." Also Exhibit A-1 - *"Often, unconscious stereotypes or implicit biases are, [can be, and will be] at play"* - Former Equal Employment Opportunity Commissioner, Stuart Ishimaru.

*the SOP from another manager [I sought feedback from **everyone**] and was still working on improving it*", however, it is interesting to note that, that other "*manager*", Ine Lolomari, was a ploy, a Black vice president<sup>23</sup>, set up by Sullivan herself and Liasis (with emphasis) to see how receptive I would have been to their said ploy, Ine Lolomari, when it came to accepting feedback (Exhibit HH – JPMorgan Chase 002838 and Exhibit QQ – "Corporate Careerist Blacks"). In other words, they wanted to validate their racially stereotypically defamatory lie that I am not accepting of constructive feedback, that I am "uppity"<sup>24</sup> (Exhibit QQ – "Uppity Negro").

As Exhibit HH – JPMorgan Chase 002838 confirms, prior to hearing from Ine Lolomari, I had sent out an email to my Confirmations team members, members of other teams and Ine Lolomari requesting feedbacks for the SOP I was creating and it was only after the "Sullivan and Liasis setup" that Ine Lolomari got back to me. I would also like to note that the "J" in my response to Ine Lolomari is actually a smiley face because, unlike the "uppity" label that Sullivan and Liasis tried to paint me as being, I was so happy to get Ine Lolomari's feedback. I only found out the whole thing was a ploy, set up by Sullivan and Liasis, after I got the thousands of duplicated copies of emails from the Defendants, JPMorgan Chase & Co., et al attorneys' office on March 21, 2017.

Sullivan and Liasis were not only using Ine Lolomari as a ploy to try to make their false accusation that I am not receptive to feedback plausible but they were also using her as a ploy for her to obtain a PMC feedback request from me to write feedbacks consistent with Sullivan's and Liasis' racially stereotypical defamatory lies so that they, Sullivan and Liasis, could further regress and stagnate my career at JPMorgan Chase (Exhibit QQ-1, Ninth Cause of Action – Am. Compl. & Exhibit FF) as well as to paint me as being an "uppity" person in order to racially stereotypically defame my character (Exhibit HH-1 – JPMorgan Chase 001194 – 001195).

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<sup>23</sup> Exhibit QQ – "Corporate Careerist Blacks"

<sup>24</sup> Description for Black people who have the gall to take a stance against disparate treatment that is perpetrated against them (Exhibit QQ - "Uppity Negro").



### Response to Declaration Statement # 5

Before I sent out the completed SOP that I created to all the members of the Confirmations Team, the Physical Oil Team, individuals from the Projects Team, our Operations Risk Management representative (Ine Lolomari) and managers, I spoke about the said SOP, when it was time for “any other business”, in at least two team huddles at which both Sullivan and Liasis were present for at least one of those said huddles.

At these huddles where I openly shared information about the impending SOP project that I was working on, and again where Sullivan and Liasis were present for at least one of those huddles, I, as usual, solicited feedback from the team. At one of the huddles where Liasis was present, Liasis rolled his eyes at me (§ 157 – Am. Compl.) – no further need for feedback from him.

Even though Sullivan and Liasis were aware of the SOP I was creating, at no time did they acknowledge my effort to improve the Team’s efficiency much less to offer feedback. From them it was silence.... crickets.... crickets.... If Sullivan and Liasis were good intentioned managers, instead of spending time and energy on concocting a plot, via Ine Lolomari, to intentionally inflict regression and stagnation on my career at JPMorgan Chase (Exhibit QQ-1, Ninth Cause of Action – Am. Compl. & Exhibit FF) as well as to racially stereotypically defame my character (Exhibit HH), they would have welcomed the idea that I was creating a needed SOP to improve the Team’s efficiency and subsequently offered their feedback for incorporation into the said SOP. Bearing in mind that for the two years I had Sullivan and Liasis as my managers, they had never separately or jointly made any contribution to enhance the department’s processes.

The only reason why Defendant Sullivan is whining that I “did not solicit her feedback”, which again I did in at least two team huddles, is because I thwarted one of her and Liasis’ underhanded plans to regress and stagnate my career. However, they were still able to further defame my character on the basis of my race by portraying me on my next performance review as

being “uppity”/not receptive to “constructive feedback”<sup>25</sup>. There would have been no complaints if I had allowed them to keep me in the confines of my “Black hole” (¶ 151 – Am. Compl.) under their false guise of “constructive feedback” like they did with my Query Management Tool initiative and with Black employee, Cecille Taylor- Simpson’s SOP (Exhibit II-1 and ¶ 3 of my “Response [under Sworn Oath] to Request No. 25” of my “Response to Defendants First Request for Production of Documents” - docket # 45).

#### Response to Declaration Statement # 6

Again, Defendant Sullivan is maliciously and mendaciously trying to brand me as an “angry Black woman”, as being “uppity” because I had the “gall” to stand up to sabotage from two racist managers, Sullivan and Liasis, who were hell-bent on regressing and stagnating my financial career at JPMorgan Chase (Exhibit QQ – “The Myth of the Angry Black Woman”, “How Michelle Obama Felt about Being Labeled an ‘Angry Black Woman’”, “Angry Black Woman”, “Uppity Negro”). My SOP initiative which was a success and which was well received and appreciated would not have seen the light of day if I had allowed my effort to be once again sabotaged by Sullivan and Liasis as they did for the Query Management Tool I created for the department (“Affidavit in Opposition/Response to ‘Declaration of Chris Liasis – Docket # 94’”, ¶¶ 150 – 156 - Am. Compl., and JPMorgan Chase 000357 – 000358, 000361 - 000364 attached to “Declaration of Michelle Sullivan”) and for former Black co-worker, Cecille Taylor-Simpson’s SOP effort (Exhibit II-1).

#### Response to Declaration Statement # 7

Below is the word for word response I made on my 2013 year end performance review to what I think Sullivan is alluding (JPMorgan Chase 000376 - Exhibit A attached to Declaration of Michelle Sullivan):

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<sup>25</sup> Liasis’ and Sullivan’s “constructive feedback” was to contain me in my “Black hole” (¶¶ 150 – 160 - Am. Compl., Exhibit II-1 & “Affidavit in Opposition/Response to ‘Declaration of Chris Liasis’ – Docket # 94)



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

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

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

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

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

*However, I must admit though that if I know that a colleague has the tendency to be malicious or unconscionable [Linda Murphy – Footnote # 10 - pg. 6 above and Exhibit II-1], I will not in any way be swayed to have such person write a feedback on my behalf on my permanent work record. And as such, would refuse the suggestion of such feedback as a matter of shrewd thinking.”*

#### Response to Declaration Statement # 8

*As I stated in Footnote # 20 – pg. 10 above: “I was officially terminated from JPMorgan Chase on November 9, 2014 (Exhibit JJ). The position I had in Sullivan’s department was no longer in existence so Sullivan should not have been doing anything further in the capacity of “my manager” which included doing my performance reviews.”*

*With that said, as I further articulated in pages 8, 9 & 10 above and “(2)(a) - Opposition/Response to Plaintiff Cannot Show a Triable Issue of Harassment” – “Memorandum of Law in Opposition to Defendants’ Motion for Summary Judgment” - pgs. 183 – 187”, this “confusion” was caused by Sullivan herself who, in her quest to regress, stagnate and derail my career at JPMorgan Chase (Exhibit QQ-1, Ninth Cause of Action – Am. Compl. & Exhibit FF), fought tooth and nail to put her rancorous, malicious, mendacious and racially stereotypical comments, which were a defamatory assault on my character as a Black employee, on my 2014 year end performance review. And, to give me a “Low Meets expectation (M-)” rating as my overall rating to ensure that I was automatically deprived of JPMorgan Chase’s progressive employment benefits such as applying for better or other positions through JPMorgan Chase’s job postings, receiving a promotion or transfer within the company and from applying for tuition assistance. Not*



being eligible for the company's tuition assistance program meant that I was denied the benefit of sponsorship and financial assistance with the CFA exams which, the Chartered Financial Analyst (CFA) Certification is a big boost to one's financial career growth and a benefit that non-Black employees always took advantage of.

*"Sullivan is someone who, in high school, would be considered a "mean girl". A mean person who would deceptively use whatever method was available and/or by whatever means possible to hold back and/or to take down anyone in her sick, mean mind she thinks need to be held back and/or taken down. The method that was available to Sullivan was JPMorgan Chase's Performance Management Central (PMC) and the means she found possible was my race"* ("Response [under Sworn Oath] to Request No. 13" of my "Response to Defendants First Request for Production of Documents" - docket # 45) because as a Black employee I do not have the luxury of "White privilege" ("Why Black Workers Really Need to be Twice as Good" and "Black Troops More Likely to Face Military Punishment").

#### Response to Declaration Statement # 9

After adding Sullivan as an additional manager on my PMC for my 2014 year end performance review, Shillingford found out that Sullivan's motives and adamancy in wanting to have access to my said 2014 year end performance review were ill willed and so Shillingford removed Sullivan as an additional manager. Shillingford never reinstated Sullivan as an additional manager but she, Shillingford was forced by HR representative, Ana Cabrera-Vargas to put Sullivan's comments as well as her "Low Meets Expectation (M-)" rating on my 2014 year end performance review.

What Sullivan's Statement # 9 failed to state is that Sullivan's "tooth and nail" fight to do my 2014 year end performance review was so evident in emails between Sullivan and Shillingford labeled "JPMorgan Chase 000116 – 000118 - Exhibit A attached to Declaration of Helen Dubowy and/or Exhibit II", that to help her, Sullivan's defense, in addition to blanking out Shillingford's

email at the top of “JPMorgan Chase 000119 - Exhibit B attached to Declaration of Michelle Sullivan”, “JPMorgan Chase 000116 – 000118” emails between Sullivan and Shillingford were surreptitiously omitted from Exhibit B attached to Declaration of Michelle Sullivan<sup>26</sup>. With that said, I respectfully refer the Court to “(2)(a) – Opposition/Response to Plaintiff Cannot Show a Triable Issue of Harassment” – “Memorandum of Law in Opposition to Defendants’ Motion for Summary Judgment” - pg. 183”.

#### Response to Declaration Statement # 10

Sullivan was so hell-bent on giving me the low performance rating of “Low Meets Expectation (M-)” that her comment: “*her inability to identify these [development points]*”<sup>27</sup> was plucked straight from the JPMorgan Chase “Low Meets Expectation (M-)” employee classification criteria for performance ranking (the official employee classification performance ranking document is available on Defendant JPMorgan Chase’s server).

In further response to statement # 10, I have copied and pasted, word for word, excerpts from my Responses to comments Sullivan made on my 2014 year end performance review for which I think Sullivan is referencing in her said statement # 10 as follows:

#### “Constructive Feedback and Partnering with Her Managers”

*“It does not matter how many times Michelle’s comment about being more receptive to feedback and partnering with her managers is written, it does not make it true. In the first year of my two year tenure in the department, I presented two initiatives to help to improve the BAU process and with regards to getting feedback and support from my managers this was what I wrote on my 2013 year-end PMC:*

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<sup>26</sup> Someone has to go to either Exhibit II or “Declaration of Helen Dubowy” to view these emails.

<sup>27</sup> More of the same were noticed in the comments Sullivan submitted to Shillingford for my 2014 year end performance review



*As for the support from management, I will respectfully say that such support was lackluster to non-existent. I understand not being completely sold on my idea but that in and of itself is not a constructive feedback for execution of any idea, neither is not getting responses verbally or in writing to emails sent [to Sullivan and Liasis]. So, this was the kind of attitude/reaction that caused me to pull back on this effort. As, after assessing the situation, I decided that my continued pursuit could be misconstrued as overstepping my boundaries or insubordination.” (JPMorgan Chase 000427 - Exhibit C attached to “Declaration of Michelle Sullivan”).*

“Balanced Feedback”

*“In response to “Candice also didn’t solicit balanced feedback from the senior team leads or her stakeholders and when asked previously had refused as she saw this as putting a stain on her permanent record instead of helping to facilitate career development.”*

*Half of all the feedbacks that I have solicited for my mid-year and year-end reviews have been from a diverse selection of stakeholders and my PMC record should show that. Of the two team leads in the department, for my 2013 year-end review, I decided to only send a feedback request to one of them as, as I noted on my said PMC, if I know that a colleague has the tendency to be malicious or unconscionable [Linda Murphy – Footnotes on page 6 above and Exhibit II-1], I will not in any way be swayed to have such person write a feedback on my behalf on my permanent work record. And as such, would refuse the suggestion of such feedback as a matter of shrewd thinking. Even though I had communicated this sentiment to Michelle when I responded to her email telling me to send a feedback request to this team lead as well as in a subsequent meeting, she [Sullivan] proceeded to use her authority as my manager to send the feedback request to the said team lead who did write a feedback that is currently a part of my permanent work record. What makes this opportunity comment from Michelle [Sullivan] so damaging though, is that she [Sullivan] failed to disclose that for my 2014 mid-year review, without being ordered to do so, I personally sent this team lead [Linda Murphy] a feedback request to see if whatever comment she*

*had written on my 2013 year end review was genuine or if it was only to cover for one of Michelle's [Sullivan's] usual devious agendas. As, according to Michelle in our 2013 year-end review meeting, out of all the team members, [team lead] [Linda Murphy] left you the best feedback" (JPMorgan Chase 000427 - 000428 - Exhibit C attached to "Declaration of Michelle Sullivan"). If Linda Murphy's feedback would not be considered 'privileged information' (more than likely), I would have had it subpoenaed.*

### "Friction"

*"Michelle Sullivan creates issues and blows them out of control. Take for instance the time she called me and a former employee into a meeting because another co-worker who sat in the cubicle in front of this former employee's cubicle was eavesdropping on a private, professional, adult conversation the former employee and I were having and went and carried this news to Michelle.*

*Yes, I had to previously escalate this former employee to Michelle for two matters that were negatively affecting BAU including one that was affecting my ability to ensure that an early report I had to run was run on time and with optimal accuracy. Conditions improved after those escalations but with the latter, there was still room for improvement. With that said, on Friday, July 25, 2014, I went over to this former employee's cubicle to address the matter for an intended one last time. The conversation was a bit tense at first but towards the end of it, we came to an agreement that moving forward there'd be improvement in our relationship.*

*The following Monday, July 28, I started my two week vacation and on the day after my return, August, 12, 2014, since he [the former employee] was in charge of Candy Central and I was in charge of Coupon Central, I personally delivered candy coupons to him (usually I put them in their pile in Coupon Central).*

*So, when Michelle called us to a meeting on August 13 and told us her reason for calling us into the meeting, obviously, we were a bit surprised especially with the meetings hearsay premise.*



*Even though we told her we were fine as it relates to our relationship, if anyone were to ask Michelle to tell them about the friction, etc./outward frustration that I supposedly had with co-workers, this resolved or at least partially resolved matter/hearsay would have been her prime example. How sad.”* (JPMorgan Chase 000426 - Exhibit C attached to “Declaration of Michelle Sullivan”).

This “friction/outward frustration” that I supposedly had with co-workers and which I refuted in Paragraphs 206 - 208 of my Amended Complaint is just another way for Sullivan to maliciously and mendaciously racially stereotypically depict me as being an “angry Black woman” (Exhibit QQ – “The Myth of the Angry Black Woman”, “How Michelle Obama Felt about Being Labeled an ‘Angry Black Woman’”, “Angry Black Woman” Why Black Workers Really Need to be Twice as Good” and “Black Troops More Likely to Face Military Punishment”). Bearing in mind that as articulated in “Friction” above any such “friction/outward frustration” (§ 206 – Am. Compl.) was to ensure that my performance was always at optimal level - *“I had to previously escalate this former employee to Michelle for two matters that were negatively affecting BAU including one that was affecting my ability to ensure that an early report I had to run was run on time and with optimal accuracy”*, contradicting Sullivan’s statement about *“drop in her performance”* because my *“friction”* was to ensure that that *“drop in [my] performance”* did not happen.

#### Response to Declaration Statement # 12

With regards to *“demanding that HR ‘do its job’”*: as I said in my “Affidavit in Opposition/Response to “Declaration of Helen Dubowy – Docket # 96””: *“JPMorgan Chase’s HR department is a farce and the HR representatives are only looking out for the best interest of JPMorgan Chase whether it means making sure to not expose the racist culture within the company through unlawful retaliations, bogus investigations and cover-ups or to not take culpability for a manager willfully harassing an employee (Am. Compl. ¶ 137, Exhibit CC).”*

With that said, Sullivan's comments about me, under the guise of "Manager Opportunities", after Liasis, who is a racist, became her manager ("Response to Declaration Statement # 2" above), were indeed malicious, mendacious and racially defamatory. Further, no good intentioned manager would have fought tooth and nail, like Sullivan did, to have her said malicious, mendacious, rancorous and racially stereotypical comments and poor performance rating put on a **former** subordinate's performance review unless that manager's vendetta was to harass the employee and based on Sullivan's nature, to do so on the basis of my race ("(2)(a) - Opposition/Response to Plaintiff Cannot Show a Triable Issue of Harassment" – "Memorandum of Law in Opposition to Defendants' Motion for Summary Judgment" - pgs. 183 - 187).

One case in point, for questioning Sullivan's and Liasis' malicious intent of intentional infliction of career regression and stagnation on my financial career at JPMorgan Chase when they took away my regular duties as an Energy Confirmations Drafting Analyst and replaced them with the duties of a Client Service representative which consisted of me using the **majority** of my Business As Usual (BAU) to call clients to ask them if they had received issued trade confirmations and when can we expect a returned signed copy, I was portrayed as an "uppity"/"problem analyst"<sup>28</sup> by Sullivan on my 2014 year end performance review further maliciously, mendaciously and racially stereotypically defaming my character (Exhibit QQ - "The Myth of the Angry Black Woman", "How Michelle Obama Felt about Being Labeled an 'Angry Black Woman'", "Angry Black Woman", "Uppity Negro"). Bearing in mind that taking away my regular duties as an Energy Confirmations Drafting Analyst and replacing them with the duties of a Client Service representative was not only regressive to my career at JPMorgan Chase but it was also a tangible employment action against me as it relates to reassignment with significantly different responsibilities - Vance v. Ball State University, 133 S. Ct. 2434 (2013).

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<sup>28</sup> I NEVER refused to do this task. I only questioned it as it relates to the significant change in my job responsibilities. (I respectfully refer the Court to ¶ 2 of page 4 of "Complaint: Michelle Sullivan – I Need Help" (Exhibit D))



By year end of 2014, I had reached my wit's end with Sullivan being hell-bent on derailing the financial career that I had worked so hard to pursue at JPMorgan Chase. That is why, I had to send an email with a Complaint attached to it, to Julie Johnson, a Managing Director who reported directly to John Donnelly, Head of Human Resources with the caption: "Complaint: Michelle Sullivan - I Need Help" (Exhibit D & JPMorgan Chase 000123 - 000126 - Exhibit A attached to "Declaration of Helen Dubowy" – Docket # 96)<sup>29</sup>.

In light of the foregoing, no employee is perfect but a manager given the authority to write negative comments on an employee's performance review should not abuse such authority by writing LIES, especially lies with negative racial overtones<sup>30</sup>, as substitutes for an employee's imperfection or to use it to carry out the said manager's nefarious agenda.

Case in point, I have no problem with the "rooms for improvement" that Sullivan wrote on my 2012 year end performance review (Exhibit G – 2012 Performance Review) because I was raised to strive for perfection but to be humble enough to leave room for perfection - meaning, leave room for growth. I, however, have a problem with the malicious, mendacious, rancorous and racially stereotypical defamatory lies that Sullivan started writing on my performance reviews after butting heads with her new manager, Liasis, who is a racist and who obviously believes that there should be a limit on Blacks in terms of career growth (§ 8 - "Response [under Sworn Oath] to Request No. 12" of my "Response to Defendants First Request for Production of Documents" - docket # 45).

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<sup>29</sup> Please note that this Complaint has been surreptitiously omitted from the Exhibits attached to Sullivan's Declaration.

<sup>30</sup> EEOC Compliance Manual Section 15 – Race and Color Discrimination - V(A)(2) – RACE-RELATED STATEMENTS (ORAL OR WRITTEN) MADE BY DECISIONMAKERS OR PERSONS INFLUENTIAL TO THE DECISION. "*Race-related statements include not only slurs and patently biased statements, but also "code words" that are purportedly neutral on their face but which, in context, convey a racial meaning.* (47) *The credibility of the witness(es) attesting to discriminatory statements, and the credibility of the witness(es) denying them, are critical to determining whether such statements actually were made. If racially discriminatory statements were made, their importance will depend on their egregiousness and how closely they relate – in time and content – to the decision in question.*" Also Exhibit A-1 - "*Often, unconscious stereotypes or implicit biases are, [can be, and will be] at play*" - Former Equal Employment Opportunity Commissioner, Stuart Ishimaru.

### Response to Declaration Statement # 13

Sullivan's statement that: *"My understanding is that following Plaintiff's response, HR commenced an investigation into Plaintiff's claims"* is disingenuous. Sullivan is well aware that what caused *"an investigation into Plaintiff's claims"* is my email with the caption: "Complaint: Michelle Sullivan - I Need Help" that I sent to Julie Johnson who reported to John Donnelly, the Global Head of HR who reported to Jamie Dimon, JPMorgan Chase's chairman and CEO with a *"desperate plea for help"* because Sullivan was so hell-bent on regressing, stagnating and derailing the financial career I had worked so hard to pursue<sup>31</sup> that the JPMorgan Chase work environment became very hostile for me (Exhibit D & JPMorgan Chase 000123 - 000126 - Exhibit A attached to "Declaration of Helen Dubowy" – Docket # 96). This is the said email for which on page 11 of my "Statement" and in Footnote # 29 above, I wrote: *"Please note that this Complaint has been surreptitiously omitted from the Exhibits attached to Sullivan's Declaration"*.

### **CONCLUSION**

In conjunction with the foregoing, Sullivan, my former ill-intentioned manager, besides writing the malicious, mendacious and racially stereotypical defamatory comments on my performance reviews through year end 2014, continued to meddle in my employment business affairs up to and including her last email response to Shillingford dated May 14, 2015<sup>32</sup> (of which I am aware - Exhibit EE-1), making Sullivan, as it relates to the deadlines for filing a charge/lawsuit against the perpetrator(s) of Employment Racial Discrimination, a worthy Defendant under both Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981 ("Section 1981").

Also, Michelle Sullivan'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

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<sup>31</sup> Even after my position in Sullivan's department was terminated and I left Sullivan's group ("(2)(a) - Opposition/Response to Plaintiff Cannot Show a Triable Issue of Harassment" – "Memorandum of Law in Opposition to Defendants' Motion for Summary Judgment" - pgs. 181 - 187)

<sup>32</sup> Six months after my termination from her department. This May 14, 2015 email was borne out of my denial for access to JPMorgan Chase's work from home (WFH) benefit.



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*”, Michelle Sullivan and Defendants, JPMorgan Chase & Co., et al’s attorneys should be punished to the full extent of the law for lying under penalty of perjury.

DATED: July 28, 2017

CANDICE LUE

*Candice S.M. Lue*

Signature

[REDACTED]

Address

[REDACTED]

City, State, Zip Code

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

*Frank D. Rotelli*

Notary Public

FRANK D. ROTELLI  
NOTARY PUBLIC OF NEW JERSEY  
Commission Expires 9/28/2017  
License # 2292270

