



As the only Black Analyst in the Counterparty Risk Group, as if I were the help/house slave for the non-Black members of the group¹⁷, including the members on my own job level, and reminiscent of the 1800s plantation style living, in the era of slavery when Blacks had to serve their masters and their masters' families, Khavin solely assigned me the task of taking the minutes for the Monthly Governance Meetings (a task which was rotational among the analysts and associates before I joined the team as I was told in my interview and per Kimberly Dauber's email dated February 4, 2015¹⁸ – Exhibit B) and the tasks of printing 13 copies of each of the non-Black team member's presentation materials (one copy for each member of the team), collating, stapling and lugging of the said presentation materials to the monthly team meetings where the said non-Black team members will be waiting to “be served” (tasks which never existed before I joined the team or tasks that were not even assigned to the White administrative assistant on the team to do). (I respectfully refer the Court to my “Affidavit in Opposition/Response to Declaration of Alex Khavin - Docket # 92” – “Response to Declaration Statement #s 12, 13 & 14”).

In light of the aforesaid and Khavin being condescending, unapologetic and unrepentant during my meeting with her on April 24, 2015 where I tried my best to articulate to her how I felt about her treating me “*as if I am the help and as if this is 1910*” (Am. Compl. ¶¶ 9 & 172a), I was made to feel as if I shared the same sentiment as a house slave working on a plantation. And, as someone of slave ancestry, I found the unessential (as it related to benefiting the department or the company as a whole) and undesirable task assignment of doing the printing, etc. of the non-Black team members' presentation materials for the Monthly Governance Meeting and the task of solely being assigned to take the minutes for the said Monthly Governance Meeting racially demeaning and degrading (Exhibit B – my email dated May 27, 2015/time stamped 8:39 AM).

¹⁷ I was on the Credit Reporting side of the group and all these non-Black members were on the Credit Analysis side (Shillingford Dec., ¶ 8).

¹⁸ “Every analyst and/or associate on this team has been the minute taker of our Extended meetings at some time during the last 2 years. I don't think this is a function that is specifically written out in job duties because it's an adhoc function. However, Alex would pick a different person each time during our meetings...”

As the “Recommendation for Termination” attached as “JPMorgan Chase 000060 - Exhibit C” to Dubowy’s Declaration shows, for taking a stance against this disparate treatment, the unlawful act of Employment Racial Discrimination, through peaceful defiance¹⁹, by reporting the matter to JPMorgan Chase’s HR Department and by filing a Charge against the said company with the Equal Employment Opportunity Commission (EEOC), I was severely punished by JPMorgan Chase and its managers. These severe punishments included being placed on a retaliatory and pretextual “performance improvement plan” on July 30, 2015 (Exhibit C), issued a “written warning” on September 24, 2015 (Exhibit F) and ultimately terminated on January 6, 2016.

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

In contrast, while I was severely punished by way of a poor performance review and put on a retaliatory and pretextual “performance improvement plan”, given a written warning, (both of which barred me from accessing the company’s progressive benefits) and ultimately terminated on January 6, 2016 for taking a stance against obvious disparate treatment against me in the assignments that were off limits for the non-Black analysts on the team but were solely assigned to me to do, without fear of being punished, my White co-worker, [REDACTED] was unabashed about his outright refusal to do the Reconciliation Report which is an essential task of the Counterparty Risk Group. This is a tedious task that I ended up having to do (Am. Compl. ¶ 69).

¹⁹ 2nd paragraph of the said “Recommendation for Termination” and Shillingford’s email dated August 26, 2015/time stamped 4.25 PM (Exhibit CC-1)

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

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

With regards to my “professionalism”, any issue with my professionalism is a direct result of the racially discriminatory treatment I endured working at JPMorgan Chase. With that said, admonishing racial discrimination should not be misconstrued as being “*disrespectful*”. The days when Black people had to stand up straight and look downward to the ground because it was “disrespectful” to look a racist in the eye as the said racist was demeaning them and treating them as second class citizens, are over. The days when a racist addressed an adult Black male as “boy” and the adult Black male had to stand there and be respectful to the racist while being demeaned by being referred to as “a boy”, are over. And, so are the days when as a Black employee working for JPMorgan Chase, it is “*disrespectful*” of me to take a stance against or to not accept second class treatment meted out to me on the basis of my race from racist managers or conduits of racist

managers who for their own job security, these conduits engage in horizontal racism. Racism **must** be admonished in whatever way necessary without violence and without care as to whether or not the racist thinks that doing so is being disrespectful to him or her.

It is despicable and shameful of Defendants JPMorgan Chase & Co., et al to intentionally misconstrue my admonition of racial discrimination against me by using my said stance²⁰ as a defense for my unlawful and retaliatory termination. Further, and pursuant to Title VII of the Civil Rights Act of 1964 - EEOC Compliance Manual Section 15 – Race and Color Discrimination – VII - C. RETALIATION – *“Employees have a right to be free from retaliation for their opposition to discrimination or their participation in an EEOC proceeding by filing a charge, testifying, assisting, or otherwise participating in any manner in an investigation, proceeding, or hearing under Title VII.(156)”*.

CONCLUSION

Defendant Helen Dubowy (“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 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 some capacity or another or as if barring what she was told by the alleged perpetrators, Khavin and Shillingford and Defendant/“neutral investigator” John Vega²¹ she

²⁰ 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.

²¹ 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.