



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CANDICE LUE,

Plaintiff,

- against -

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

Defendants.
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No. 16 Civ. 03207 (AJN)(GWG)

DECLARATION OF ALEX KHAVIN

ALEX KHAVIN, pursuant to 28 U.S.C. § 1746, hereby declares under penalty of perjury that the foregoing is true and correct:

1. I am employed as an Executive Director in the Special Credits Group of JPMorgan Chase Bank, N.A., a wholly-owned bank subsidiary of JPMorgan Chase & Co. ("Chase"), a Defendant in the above-captioned action. I respectfully submit this declaration in support of Defendants' motion for summary judgment in this action. This declaration is based on my personal knowledge, as well as my review of Chase business records.

2. I was the second-level supervisor for Candice Lue ("Plaintiff") while she was a member of the Counterparty Risk Group ("CRG") from her hiring in November 2014 until I left the CRG in June 2015.

3. Plaintiff's immediate supervisor from her hiring in November 2014 until her termination in January 2016 was Fidelia Shillingford, a Vice President.

Manager "Switch"

4. In or about April 2013, I became the head of the CRG. Several months later, Kim Dauber, a Vice President, joined the CRG. After Dauber joined, I changed the reporting structure of the group so that all junior members of the CRG, *i.e.*, analysts and associates, would report to Dauber, while all senior members, *i.e.*, Vice Presidents, would report to me directly. Prior to that time, everyone in the CRG reported to me directly.

5. In the months before Plaintiff's hiring into the CRG in November 2014, Shillingford and I had conversations about growing her managerial skills. When the CRG began looking to hire a Credit Reporting Risk Analyst ("Reporting Analyst"), I told her that the person hired to fulfill the role would report to her, and not Dauber.

6. I made this decision based on discussions with Shillingford and my immediate manager, Philippe Quix, a Managing Director, and communicated the decision to Shillingford. At the time, I did not know who would be hired for the Reporting Analyst position. I did not know Plaintiff at that time and was not aware of her candidacy. My decision to make Shillingford the manager was unrelated to the identity of the selected candidate.

7. Because all analysts and associates had previously reported to Dauber, the internal job posting for the position reflected Dauber as the hiring manager. This was a mistake by the HR hiring manager, as it was previously decided that Shillingford was going to be the one to whom the Reporting Analyst would report.

Document Collection and Distribution

8. The CRG monthly governance meeting ("Governance Meeting") is a meeting during which the CRG reviews trends and controls (e.g., limits, breaches, and exposures), notes any issues, and discusses follow-up from previous meetings.

9. The Governance Meeting is attended (physically and virtually) by many individuals in several locations, including New York, Hong Kong, and London. Due to the number of individuals who participate, meeting materials came from many different sources.

10. Because of this, when I joined CRG, I tasked Plaintiff's predecessor, Baruch Horowitz ("Horowitz"), a Caucasian male and a senior Associate, with preparing the materials for the Governance Meetings, including collecting meeting materials from individuals in various offices, and printing and bringing hard-copies into the meeting. These tasks were assigned to Horowitz alone.

11. As an Associate, Horowitz held a more senior title than that held by Plaintiff, an Analyst.

12. In June 2014, Horowitz began a disability leave. As a result, each member of the CRG tried to handle his tasks on their own, but we found that the first 10-20 minutes of each Governance Meeting were spent collecting, exchanging, and distributing the materials, and we lost valuable meeting time.

13. In addition, because some participants were joining the Governance Meeting from overseas locations, they were unable to receive some of the materials as they had not been distributed before the meeting.

14. Thus, when Plaintiff was hired, in an effort to make the Governance Meeting more streamlined and efficient, I asked her to collect, consolidate, and distribute the meeting materials, as Horowitz had done.

Taking Minutes

15. CRG analysts and associates take meeting notes or "minutes" at many meetings, including the CRG Governance Meetings, Technology Initiatives Meetings, AM Risk People

Council Meetings, and others. At some of these meetings, the task of taking minutes was assigned on a rotational basis.

16. After I joined the CRG in 2013, I assigned Horowitz alone the task of taking minutes at the Governance Meeting. He carried out this responsibility until he went out on disability leave in or about June 2014.

17. After Horowitz left, I temporarily made the task of taking minutes at the Governance Meeting rotational among the Credit Analysts because, at the time, each of the Credit Analysts were very busy, and I thought a division of labor was appropriate.

18. Horowitz, however, never returned to work. Thus, the temporary rotation was in effect until Plaintiff was hired in November 2014.

19. Throughout this six month period, it remained my view that document collection and taking minutes ultimately remained the responsibility of the Reporting Analyst, the position for which Plaintiff was hired.

Plaintiff's Unsatisfactory Performance


20. During Plaintiff's first couple of Governance Meetings, I assigned her the tasks of taking minutes and document collection and distribution (the "Tasks"), as Horowitz had done before he left the company.

21. At the April 2015 Governance Meeting, in order to further streamline the document collection and distribution process as it had been while Horowitz handled the task, I asked that the group send to Plaintiff all meeting materials in advance of the May 2015 Governance Meeting so that Plaintiff could distribute them beforehand in order to save time distributing them at the meeting itself, as well to ensure these materials were made available to those individuals joining remotely. In response, Plaintiff got up and walked out of the meeting.

22. Thereafter, I met with Plaintiff to find out why she walked out of the Governance Meeting. She explained that it was because she had been assigned the Tasks, which she found to be demeaning. I explained that the Tasks were part of the Reporting Analyst role, were extremely important, added value to the CRG, and needed to be performed. Further, I told Plaintiff that after she consolidated the materials into the final file, she could enlist the help of the group's administrative assistant (a Caucasian) with printing and collating, as well as bringing the materials to the meeting.

23. Attached as Exhibit A hereto is a true and correct copy of e-mail correspondence I exchanged with Plaintiff on May 27, 2015.

Dated: New York, New York
May 9, 2017



Alex Khavin

EXHIBIT A

From: Lue, Candice
To: Khavin, Alex G
CC: Shillingford, Fidelia X; Quix, Philippe
Sent: 5/27/2015 2:32:19 PM
Subject: RE: Monthly CRG Governance Meeting
Attachments: RE: Minutes and Documents for Extended Team Meeting

Hi Alex,

As discussed in our meeting on April 24, I find it unfair and demeaning that you have placed the task of printing, sorting, organizing, stapling, sending out and lugging everyone's presentation materials to the meetings on me.

As I rhetorically asked in the said meeting, "Am I the help? Is this 1910?"

Please also see email trail attached.

Best regards,

Candice

Candice Lue | Asset Management | Counterparty Risk Group | J.P. Morgan | 270 Park Avenue, 9th Floor, New York, NY 10017 | ((212) 648 - 0936 | + Candice.Lue@jpmorgan.com

From: Khavin, Alex G
Sent: Wednesday, May 27, 2015 9:15 AM
To: Lue, Candice
Cc: Shillingford, Fidelia X
Subject: RE: Monthly CRG Governance Meeting

Candice-

Fidelia and I have specifically asked you to take on this task, repeatedly.

My expectation has not changed, and I expect that there will be one package for the monthly meeting which will be put together by you, and sent out ahead of the meeting.

Again, if you need help printing, you can give Eileen the prepared package and Eileen can make the copies, however, you should be putting the full presentation together, and storing the PDF in our shared folder for the month.

Also, please remember to have the follow ups from the previous meeting included

Thank you.

This should be done today ahead of our meeting, as our colleagues in other regions need to print for themselves as well.

-----Original Message-----

From: Lue, Candice

Sent: Wednesday, May 27, 2015 08:38 AM Eastern Standard Time

To: AM Counterparty Risk Group

Subject: RE: Monthly CRG Governance Meeting

Hi All,

In the interest of team spirit, can you please print, sort, organize and staple as well as send your own presentation materials to the team? I find it unfair and demeaning that the task of printing, sorting, organizing, stapling, sending out and lugging YOUR presentation materials to the meetings is placed on me.

Best regards,

Candice

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From: Cheung, Timothy KF

Sent: Wednesday, May 27, 2015 12:24 AM

To: Lue, Candice

Cc: Leung, Joyce L

Subject: Monthly CRG Governance Meeting

Hi Candice,

Please see the below materials for the meeting tomorrow. Thank you.

I. Trading with non-approved counterparty:

N/A

II. Counterparties with outstanding trades exceed soft limits:

N/A

III. ISDA trigger monitoring

Trigger: Current NAV <30% of the NAV on agreement/fund launch date (Day 0)

Counterparty: Redacted

FX Forwards only

Fund Name	Fund Launched/ISDA agreement Date (Day 0)	April 30, 2015	Current month as a % of Day 0
JPMorgan Asia Pacific Income Securities Investment Trust (Equity Balanced-Fund of Fund)	585,298,716	8,585,827,168	1467%
JPMorgan Emerging Markets Corporate Bond Securities Investment Trust (Bond-Fund of Fund)	499,995,588		
537,757,528	108%		

Comments: No trigger breached. **Redacted** is rated A2 and A- by Moody's and S &P respectively, which is above the credit rating trigger of Ba1 (Moody's) and BB+ (S &P).