

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK, COUNTY OF NEW YORK

CIVIL ACTION NO.: 16 CV 3207 (AJN) (GWG)

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

PART 1

**MEMORANDUM OF LAW IN
OPPOSITION TO DEFENDANTS'
MOTION FOR SUMMARY
JUDGMENT (DOCKET # 91)**

**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)

**MEMORANDUM OF LAW
IN OPPOSITION TO DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT
(DOCKET # 91)**

GENERAL STATEMENT

I, pro se Plaintiff, Candice Lue, respectfully ask that the Court first read my “Affidavit in Opposition/Response to Declaration of Alex Khavin in Support re: 89 Motion for Summary Judgment (Docket # 92)”, “Affidavit in Opposition/Response to Declaration of Fidelia Shillingford in Support re: 89 Motion for Summary Judgment (Docket # 93)”, “Affidavit in Opposition/Response to Declaration of Chris Liasis in Support re: 89 Motion for Summary Judgment (Docket # 94)”, “Affidavit in Opposition/Response to Declaration of Michelle Sullivan in Support re: 89 Motion for Summary Judgment (Docket # 95)”, “Affidavit in Opposition/Response to Declaration of Helen Dubowy in Support re: 89 Motion for Summary Judgment (Docket # 96)”, “Affidavit in Opposition/Response to Declaration of Kimberly Dauber in Support re: 89 Motion for Summary Judgment (Docket # 97)”, “Affidavit in Opposition/Response to Declaration of John Vega in Support re: 89 Motion for Summary Judgment (Docket # 98)”, “Affidavit in

Opposition/Response to Declaration of Baruch Horowitz in Support re: 89 Motion for Summary Judgment (Docket # 99)” and “Affidavit in Response/Opposition to Defendants’ Statement of Undisputed Material Facts under Local Civil Rule 56.1 (Docket # 90)” prior to reading my “Memorandum of Law in Opposition to Defendants’ Motion for Summary Judgment (Docket # 91)” – Thank you.

PRELIMINARY STATEMENT

Rule 56 of the Federal Rules of Civil Procedure authorizes this Court to grant judgment as a matter of law where there is no genuine issue as to any material fact. An issue is “genuine” only if “the evidence is such that a reasonable jury could return a verdict for the non-moving party.” *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). Accordingly, the moving party must establish that no such issue remains for trial, even if the evidence is viewed in the light most favorable to the non-moving party. See *Adickes v. S.H. Kress & Co.*, 398 U.S. 144, 157 (1970); *Lopez v. S.B. Thomas, Inc.*, 831 F.2d 1184, 1187 (2d Cir. 1987).

In light of Rule 56 of the Federal Rules of Civil Procedure, the Defendants’ Motion for Summary Judgment should be denied because not only are their “Undisputed Material Facts” disputable and make clear that JPMorgan Chase & Co., et al perpetrated Employment Racial Discrimination and Retaliation against me but their said “Undisputed Material Facts” and the majority of the “Declarations” the said Defendants submitted “*in Support re: 89 Motion for Summary Judgment*”, are either not supported by facts and/or are categorically false¹ (*Ante*, at 521-522. *Under McDonnell Douglas and Burdine, an employer caught in a lie will lose on the merits, subjecting himself to liability not only for damages, but also for the prevailing plaintiff’s attorney’s*

¹ EEOC Compliance Manual Section 15 - Race and Color Discrimination” - V(A)(2) – EMPLOYER CREDIBILITY: “*The credibility of the employer’s explanation is key and must be judged in light of all the evidence obtained during the investigation. If an employer’s explanation for the employee’s treatment ultimately is not credible, that is powerful evidence that discrimination is the most likely explanation.*(59) *An employer’s credibility will be undermined if its explanation is unsupported by or contrary to the balance of the facts. Similarly, the credibility of the explanation can be called into question if it is unduly vague,(60) appears to be an after-the-fact explanation, or appears otherwise fabricated (e.g., the explanation shifts, or inconsistent reasons are given).*”

fees, including, presumably, fees for the extra time spent to show pretext. See 42 U. S. C. § 2000e-5(k) (1988 ed., Supp. III) (providing for an award of a "reasonable attorney's fee" to the "prevailing party" in a Title VII action).

In conjunction, unless the said Defendants can make the documents required/requested in my "Affidavit in Opposition/Response to their Motion for Summary Judgment - Docket Nos. 90 – 99" available to me to either justify my said opposition/response or in the alternative, support the said Defendants' "Statements of Undisputed Material Facts" and their Declarations submitted "*in Support re: 89 Motion for Summary Judgment*", then I respectfully ask that the Court deny the Defendants' Motion for Summary Judgment 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".

INTRODUCTION

At the hands of Defendants JPMorgan Chase & Co. ("JPMorgan Chase"), Alex Khavin ("Khavin"), Fidelia Shillingford ("Shillingford"), John Vega ("Vega"), Helen Dubowy ("Dubowy"), Philippe Quix ("Quix"), Thomas Poz ("Poz"), Chris Liasis ("Liasis"), Michelle Sullivan ("Sullivan") and DOES 1 through 10, inclusive, I, Plaintiff, Candice Lue, was inflicted with malicious, rancorous, willful, oppressive, despicable and unlawful acts of Employment Racial

Discrimination and Retaliation in violation of Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981 without regard to the resulting harm to me.

For eight (8) straight months prior to filing a Charge with the Equal Employment Opportunity Commission (EEOC) against JPMorgan Chase & Co., all I asked of the said company and its managers was **not** to treat me as a second class citizen/three-fifths of a person/the help/the house slave.

As the only Black Analyst in the Counterparty Risk Group, reminiscent of the 1800s plantation style living, in the era of slavery when Blacks had to serve their masters and their masters' families, Defendant Alex Khavin who was an Executive Director and Head of the said Counterparty Risk Group for Global Investment Management at JPMorgan Chase & Co. disparately treated me as if I was a second class citizen/three-fifths of a person and/or the help/house slave for the non-Black members of the group in violation of Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981. (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".)

Khavin solely assigned me the task of taking the minutes for the Monthly Governance Meetings (a task which was so undesirable that Khavin made it rotational among all the non-Black analysts and associates before I joined the team as I was informed in my interview and per Kimberly Dauber's email dated February 4, 2015² – 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, including the ones on my job level, will be waiting to "be served" (tasks which never existed before I joined the team).

These said tasks were not even assigned to the White administrative assistant on the team to do even though these are tasks that would more likely fall into the administrative assistant job

² "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...."

category. As a matter of fact, the said White administrative assistant was not even as much as assigned the task to print the meeting agenda she prepared and sent out via email to the team for the said monthly team meeting (Exhibit K). But, along with all the presentation materials I was assigned to print for the non-Black members of the team, the task of printing a copy of the Governance Meeting agenda for each of the said the non-Black members of the team was also assigned to me, an analyst, to do.

In light of the aforesaid, 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(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”*.

Reminiscent of the devious ways in which Black voters were treated to frustrate them and to prevent them from using their voting privilege before the 1965 Voting Rights Act was passed, unlike the non-Black analysts in the Counterparty Risk Group, headed by Khavin, who could use their work from home privilege by just sending an email to the team saying, “I am not feeling too well today so I will be working from home” or something of that nature (Exhibit L), Khavin’s directive through Defendant Fidelia Shillingford³ for me was that I had to send an email to Shillingford detailing my situation and ask for permission to work from home (permission which would have to come from Khavin herself) and she, Shillingford would communicate accordingly to the team (Exhibit L-1 - JPMorgan Chase 000665). Even though Shillingford, who is Black and who Khavin used as a conduit and a cover to enforce her racial discrimination against Blacks, against me, knew that I was being treated at a double standard by Khavin, as a servile employee to Khavin, Shillingford still enforced Khavin’s racial discrimination and disparate treatment against me.

³ Shillingford is Black and a servile employee of Khavin who relegated herself to “horizontal racist” status to secure her, Shillingford’s career, which was at the “mercy” of Khavin, at JPMorgan Chase (Exhibit QQ - Corporate Careerist Blacks). Also see more on Shillingford in my “Affidavit in Opposition/Response to ‘Declaration of Alex Khavin’ – Docket # 92” and “Affidavit in Opposition/Response to ‘Declaration of Fidelia Shillingford’ – Docket # 93”).

It was during the aforesaid eight months prior to me reporting the matter of Employment Racial Discrimination and Retaliation against me to the Equal Employment Opportunity Commission (EEOC) that I began to realize how I had been naïvely dismissing circumstances consistent with the culture of racial bias against Blacks at JPMorgan Chase & Co. and consistent with a piece Former Equal Employment Opportunity Commissioner, Stuart Ishimaru wrote for the New York University Labor & Employment Law newsletter where he said: *“the Commission has to become better at combating emerging and nuanced forms of workplace discrimination. We of course must continue to identify and rectify blatant bigotry in the workplace. However, there are new, more subtle types of employment discrimination, or what I call ‘second generation’ violations to confront. These are harder to detect and therefore harder to prove. Often, unconscious stereotypes or implicit biases are at play”* (Exhibit A-1).

It was during those said eight (8) months that I began to realize that it was on the basis of my race that while working in JPMorgan Chase’s Global Commodities Group – Energy Confirmations Department for two years prior (that business was sold by JPMorgan Chase), my career was intentionally regressed and stagnated by my two bigoted managers, Defendants Liasis and Sullivan.

It never mattered what I did to exceed my work expectation as I explicitly outlined in my Sixth Cause of Action, Liasis and Sullivan would never give me a performance rating above “Meets Expectation (M)”. And, to even be considered for a promotion, a JPMorgan Chase employee needs to have at least a “Meets Expectation Plus (M+)” performance rating” (Exhibit H-3, Exhibit QQ – “Black Workers Really Do Need to Be Twice as Good” and Exhibit QQ-1). With that said, I respectfully refer the Court to my “Affidavit in Opposition/Response to ‘Declaration of Chris Liasis’ – Docket # 94” and “Affidavit in Opposition/Response to ‘Declaration of Michelle Sullivan’ – Docket # 94”.

However, the intentional regression and stagnation of my career at JPMorgan Chase at the hands of Defendants Liasis and Sullivan was not only noticed by me but it can be seen through the words of the email (Exhibit GG) I got from Cecille Taylor-Simpson, a former Black co-worker whose career at JPMorgan Chase was also regressed and stagnated by the said two Defendants, Liasis and Sullivan.

As outlined in Paragraphs 2, 15, 137 and 138 of my Amended Complaint, I took all the measures necessary to openly mitigate the damages that the Defendants caused me, but to no avail. I continuously raised the issue of racial discrimination against me both verbally and via email to the Defendants and/or employees in positions to rectify this unlawful matter but it was never rectified but only ignored, aided, abetted, enforced, shooed away, dismissed and/or ridiculed by these said Defendants and/or employees (Exhibits CC and CC-1). Instead, I was retaliated against by way of a pretextual performance review and placed on a fallacious "performance improvement plan" followed by a written warning and ultimately my termination on January 6, 2016.

I. STATEMENT OF FACTS

Pursuant to Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981 ("Section 1981"), Employment Racial Discrimination and Retaliation are against the law. Disparate treatment on the basis of race against an employee of a protected class and retaliation against such employee for raising and/or reporting the issue of employment racial discrimination against him or her by way of retaliatory pretext and/or tangible employment action constitutes such violation.

With that said and as explicitly outlined in my ten (10) Causes of Action and the more than 100 pages of exhibits included in my Amended Complaint, my civil and constitutional rights were violated by all nine Defendants by way of Employment Racial Discrimination and Retaliation against me whereby I was treated disparately, my career was intentionally regressed and stagnated

and my character was defamed by unforgivable, subtly and surreptitiously implied, coded and pointed overt racial stereotypes that have been associated with my race, the Black race⁴.

A) Contrary to the Defendants' Fifth Defense in their Affirmative Defenses in their Answer to this lawsuit dated June 30, 2016 and August 1, 2016 respectively, which states: "*Defendants exercised reasonable care to prevent and correct promptly any alleged unlawful harassment and/or retaliation in the workplace, and/or Plaintiff unreasonably failed to take proper advantage of the preventative and corrective opportunities provided by Defendants or to avoid harm otherwise*", Defendants JPMorgan Chase & Co., et al cannot provide one iota of proof that after I raised the Claim of Employment Racial Discrimination and Retaliation against me, the company took any step to rectify the matter/*"exercised reasonable care to prevent and correct promptly any alleged unlawful harassment and/or retaliation in the workplace"* (§§ 16, 57, 117 & 118 - Am. Compl.) and/or as much as to take the matter seriously. Instead, as confirmed by back and forth emails among JPMorgan Chase & Co.'s Human Resources legal representatives and managers (Exhibits CC and CC-1), my complaint was either ignored, aided, abetted, enforced, shooed away, dismissed and/or ridiculed. There was absolutely nothing of concern in any of these said back and forth emails as to whether there was even a possibility of the alleged perpetrators in my employment racial discrimination claims violating Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981 ("Section 1981"). But rather, the said emails show that the people in positions to take rectifiable action on behalf of JPMorgan Chase "*to prevent and correct promptly any alleged unlawful harassment and/or retaliation in the workplace*", labeled me a "problem"⁵ (because this was my second formal complaint against JPMorgan Chase managers), were excited to get

⁴ 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.

⁵ Meaning that my Claim of Employment Racial Discrimination against me was pretty much dead on arrival.

malicious and mendacious “red meat” on me (EXHIBIT DD) and liaised together to figure out pretexts to take tangible employment actions against me including my January 6, 2016 retaliatory termination (Exhibits CC, CC-1 & CC-2).

B) In Paragraph 169 of my Amended Complaint under “*Seventh Cause of Action – Intentional and/or Negligent Infliction of Mental, Physical and Emotional Distress*”, I stated the following: “*The racial discrimination against Blacks in the form of disparate treatment, intentional infliction of career regression and career stagnation, retaliation, harassment, defamation of character, etc. that I endured at the hands of JPMorgan Chase’s managers and the failure of JPMorgan Chase, its high level executive John Donnelly, who reports directly to Jamie Dimon, Julie Johnson who reports to John Donnelly, its senior level managers, Defendants Philippe Quix and Thomas Poz and high ranking members of its HR department, Defendants John Vega and Helen Dubowy to take steps to prevent such racial discrimination, as would be obvious, has caused me severe mental stress, emotional anxiety and physical pain. At times, the mental stress and emotional anxiety were so overwhelming that I became physically sick with nausea and exhaustion. The nausea and exhaustion that I developed from the mental stress and emotional anxiety usually lead to headaches, pain in my abdomen (the right side) and pain in my trapezius muscle that caused me to take days off as sick days from work and to seek medical attention which included getting X-rays of my trapezius muscle. (The pain in my trapezius muscle caused me severe pain in the back of my head which went down into my neck and the top of my shoulders.) I also had to get abdominal ultrasounds for the pain in my right side which like the pain in my trapezius muscle usually comes on during the periods of undue stress I experienced working at JPMorgan Chase (EXHIBIT P).*” I respectfully refer the Court to Exhibit ZZ and my medical records which I gave permission to the Defendants’ attorney to obtain.

However, as Exhibit EE shows, when I informed my manager, Defendant Fidelia Shillingford, via email, 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”, my email was not only forwarded to and ridiculed by JPMorgan Chase’s managers but my email was also forwarded to an unknown outside source to obviously ridicule my mental, physical and emotional distress as well. Notwithstanding the fact that Exhibit ZZ and my medical records support the Claims I made in Paragraph 169 of my Amended Complaint that “The nausea and exhaustion that I developed from the mental stress and emotional anxiety usually lead to headaches, pain in my abdomen (the right side) and pain in my trapezius muscle that caused me to take days off as sick days from work and to seek medical attention which included getting X-rays of my trapezius muscle.... I also had to get abdominal ultrasounds for the pain in my right side which like the pain in my trapezius muscle usually comes on during the periods of undue stress I experienced working at JPMorgan Chase (EXHIBIT P).”

C) Not only did Khavin engage in disparate treatments as it relates to treating me, the only Black analyst in her group, as a second class citizen and/or the help/house slave (“Affidavit in Opposition/Response to Declaration of Alex Khavin - Docket # 92” – “Response to Declaration Statement #s 12, 13 & 14”) and unlawful segregation on the basis of race by switching my manager, upon my hire (Exhibit O - JPMorgan Chase 000221), from being Kimberly Dauber, the White manager who all the non-Black analysts and associates (including my three non-Black predecessors) reported to, to Defendant Shillingford, a servile Black employee who was willing to engage in horizontal racism against me to secure her, Shillingford’s own career at JPMorgan Chase (¶ 30 – Am. Compl. and Exhibit QQ - Corporate Careerist Blacks) by allowing herself to be used by Khavin as a conduit to extend her, Khavin’s racial bigotry against Blacks against me, but as the only Black analyst to have ever joined Khavin’s team, Khavin assigning Shillingford as my manager,

who based on Khavin's own performance reviews/ratings of Shillingford would be considered a subpar manager, was an act of disparate treatment against me⁶.

Case in point, my hire date in the Counterparty Risk Group was **November 10, 2014** and the performance rating that Khavin gave Shillingford for her 2014 year end performance review was a "Low Meets Expectation (M-)" with a "Course of Action" recommendation to place her, Shillingford on a "Development Plan". At the time of my hire, **November 10, 2014**, Khavin must have known that Shillingford needed help developing her skills and that she, Shillingford was trending a "Low Meets Expectation (M-)" rating for her, Khavin to have given Shillingford a "Low Meets Expectation (M-)" rating and a "Course of Action" recommendation to be placed on a "Development Plan" for her 2014 year end performance review, roughly one month after my date of hire (Exhibit FF). Meaning that, it was out of deep-seated racial bigotry, disparate treatment against Blacks and unlawful segregation on the basis of race that, at the time of my hire in the Counterparty Risk Group, Khavin switched my manager from being Kimberly Dauber, the White manager who my position was slated to report to (Exhibit O, "Affidavit in Opposition/Response to 'Declaration of Alex Khavin'- Docket # 92" and "Affidavit in Opposition/Response to 'Declaration of Fidelia Shillingford'- Docket # 93"), who she, Khavin did not need to put on a Development Plan and whose name was not on the list of employees with a "Low Meets Expectation (M-)" rating or lower, to a manager who was trending a "Low Meets Expectation (M-)" rating and needed to be placed on a "Development Plan as a "Course of Action" (Exhibit FF) and one who none of the non-Black analysts and/or associates (including my three non-Black predecessors) ever reported to.

⁶ 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.

(D) For taking a stance⁷ against the employment racially discriminatory tasks that were off limits for the non-Black analysts and associates and even the White administrative assistant in the Counterparty Risk Group which Khavin, in her disparate act, solely assigned to me, the only Black analyst in the said group, unlike a White counterpart who outright refused to do **essential and substantive** Counterparty Risk Group tasks yet ended up being **promoted**, 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 (Exhibit QQ – “Why Black Workers Really Need to be Twice as Good” and “Black Troops More Likely to Face Military Punishment”). I respectfully refer the Court to my “Affidavit in Opposition/Response to ‘Declaration of Helen Dubowy’ – Docket # 96” – “Recommendation for Termination” and Am. Compl. ¶ 69).

E) As a Black JPMorgan Chase employee, Liasis, my skip level manager and his co-conspirator, my manager, Sullivan did not only racially stereotypically defame my character⁸ but Liasis and Sullivan were hell-bent on intentionally inflicting regression and stagnation on my career at the said company. I respectfully refer the Court to my “Affidavit in Opposition/Response to ‘Declaration of Chris Liasis’ – Docket # 94” and “Affidavit in Opposition/Response to ‘Declaration of Michelle Sullivan’ – Docket # 95.

⁷ 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)”.

⁸ 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.

F) Just to end this segment with a personal Statement of Fact - I am not the kind of person to go and find racism “under a rock” and as my Response under sworn oath to “Request No. 31” of my “Response to Defendants First Request for Production of Documents” (docket # 45) shows, I have an abundance of evidence available to prove that – meaning that, the Employment Racial Discrimination and Retaliation I experienced working at JPMorgan Chase had got to be super real for me to have filed a Charge with the Equal Employment Opportunity Commission (EEOC) and to eventually file this lawsuit. As I stated in my answer to question number 6 on the Equal Employment Opportunity Commission Intake Questionnaire, *“It really makes my heart heavy to file this racial discrimination claim because for the majority of my life, I have had extensive rapports and experiences dealing with people of all races, especially Whites. And, I had never felt compelled to raise an issue that had anything to do with racism.”*

II. SUMMARY OF ARGUMENTS

Defendants JPMorgan Chase & Co., Alex Khavin, Fidelia Shillingford, John Vega, Helen Dubowy, Philippe Quix, Thomas Poz, Chris Liasis, Michelle Sullivan and DOES 1 through 10, inclusive violated Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981 ("Section 1981") when they perpetrated, ratified and/or condoned, as articulated in my ten (10) Causes of Action, employment racially discriminatory and disparate treatment against me and as such their request for the dismissal of any of the said Causes of Action should be denied (Exhibit J – Notice of Right to Sue included in my Amended Complaint).

Defendant JPMorgan Chase & Co.

The culture of employment racial discrimination against Blacks at JPMorgan Chase is not only alive and well but it is widespread, ratified, condoned and common among the people with the influence to prevent or stop it but instead choose to keep it alive.

The culture of employment racial discrimination against Blacks at JPMorgan Chase is alive and well and speaks for itself when Defendant Alex Khavin who is an Executive Director and Head of the Counterparty Risk Group for Global Investment Management as well as an **appointed culture ambassador** for the company, blatantly discriminated against me by way of disparate treatment on the basis of my race (I respectfully refer the Court to “Summary of Arguments” – “Defendant Alex Khavin” below).

The culture of employment racial discrimination against Blacks at JPMorgan Chase is alive and well and speaks for itself when John Donnelley, the Global Head of JPMorgan Chase’s Human Resources Department, Defendant Philippe Quix, the Global Investment Management Chief Risk Officer/Managing Director/Defendant Alex Khavin’s direct manager, Defendant Thomas Poz, an Executive Director who replaced Khavin as the Head of the Counterparty Risk Group for Global Investment Management and who was also appointed a “**culture ambassador**”, Defendant Helen Dubowy, an Executive Director and HR Business Partner and Defendant John Vega, the HR representative who was an Executive Director and the person to whom my employment racial discrimination claim was escalated for an “investigation” not only failed to stop or to prevent the employment racial discrimination against Blacks against me but John Donnelley and Defendant Philippe Quix ignored my indirect plea for help while Defendants Thomas Poz, Helen Dubowy and John Vega aided, abetted and enforced it.

The culture of employment racial discrimination against Blacks at JPMorgan Chase is alive and well and speaks for itself as explicitly outlined in my Sixth and Tenth Causes of Action when in the Global Commodities Group – Energy Confirmations Department in which I previously worked, I became a victim of Intentional Infliction of Career Regression And Career Stagnation and stereotypical Defamation of Character on the basis of my race at the hands of my then managers, Defendants Liasis and Sullivan (I respectfully refer the Court to “Summary of Arguments” –

“Defendant Chris Liasis” below and “Summary of Arguments” – “Defendant Michelle Sullivan” below).

The culture of employment racial discrimination against Blacks at JPMorgan Chase is alive and well and speaks for itself when after taking a peaceful stance against disparate and discriminatory treatment against me for being racially assigned **unessential** tasks which did not benefit the Counterparty Risk Group or the company as a whole but only served the purpose of me, being the only Black analyst on the team, to be the help or the house slave for the non-Black employees on the team, reminiscent of the era of slavery, I was severely punished by way of a poor performance review and put on a retaliatory and pretextual “performance improvement plan”, I was given a written warning, both of which barred me from accessing the company’s progressive benefits and I was ultimately terminated on January 6, 2016. While, a White counterpart who right-out refused to do **essential** tasks was not given these said severe punishments but instead, he got **promoted** (“Affidavit in Opposition/Response to ‘Declaration of Helen Dubowy’ – Docket # 96” - “Response to Helen Dubowy Exhibit C” - “Recommendation for Termination” and ¶ 69 – Am. Compl.).

The culture of employment racial discrimination against Blacks at JPMorgan Chase is alive and well and speaks for itself when Black employees at the company have to make the choice to relegate themselves to being a conduit (“horizontal racist”) for the racial discrimination being perpetrated by their racist managers against other Black employees in order for them to secure or grow their own careers in the company as is in the case of Defendant Fidelia Shillingford (¶ 30 – Am. Compl. and Exhibit QQ - Corporate Careerist Blacks).

The culture of employment racial discrimination against Blacks at JPMorgan Chase is alive and well and speaks for itself when JPMorgan Chase without hesitation or shame is providing legal representation for each of the alleged perpetrators/tortfeasors named as Defendants in this lawsuit.

This noteworthy action by JPMorgan Chase, in and of itself, cements the fact that the company ratifies and condones employment racial discrimination against its Black employees.

The culture of employment racial discrimination against Blacks at JPMorgan Chase is alive and well and speaks for itself when on January 20, 2017 JPMorgan Chase had to settle a class action lawsuit brought against them by the United States of America for racial discrimination in mortgage lending (1:17-CV-00347).

The foregoing demonstrates the widespread culture of Employment Racial Discrimination among all levels of management and across departments at JPMorgan Chase. The unlawful acts of Employment Racial Discrimination and the culture at JPMorgan Chase that festers it are not only despicable, willful, malicious, callous, rancorous and oppressive but they violated my civil rights and my constitutional rights pursuant to Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981.

Defendant Alex Khavin – As per My Response **under Sworn Oath** to “Request No. 6” of My “Response to Defendants First Request for Production of Documents” (docket # 45)

(The below is in conjunction with my “Affidavit in Opposition/Response to ‘Declaration of Alex Khavin – Docket # 92’”)

Khavin, whose position at JPMorgan Chase was Executive Director and Head of the Counterparty Risk Group for Global Investment Management, has bigotry against Blacks. Her racist acts were consistent with disparate treatment of Blacks and segregation of Blacks as it relates to manager/employee relationship whereby, as the only Black analyst to have joined the team, Khavin switched me from a White manager who was deemed “good enough” for the non-Black analysts and associates to report to, and solely on the basis of my race, assigned me to report to a Black employee who had never had any of the said non-Black analysts and/or associates reporting to her and who was not only considered subpar to the White manager the non-Black analysts and associates reported to but who was willing to engage in horizontal racism for her own job security.

In addition to the aforesaid, Khavin treated me as a second class citizen. As if I was the house slave, instead of the non-Black members of the team clicking the print button on their computers, going to the printer, picking up their printed presentation materials for the monthly team meeting, making sure that the pages are in order and binding them together with a stapler, Alex Khavin directed that the team should send their presentation materials to me and I must be the one clicking on the print button, collating their presentation materials, stapling them, then on my own, lugging all of these printed materials (13 copies for each presentation) to the monthly meetings where the non-Black team members will be waiting to be served. Just like in the plantation style living era where the slave cooks the dinner, sets the table then takes the food to the table where the White master and his family will be waiting to be served. Bearing in mind that I was an Analyst and there was a White Administrative Assistant on staff to whom Khavin did not assign these tasks. As someone of slave ancestry, the mental anguish I endured with Khavin treating me as if I was a house slave was overwhelming.

In a meeting with Alex Khavin on April 24, 2015, 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”* and her *“how dare you”* response to me, *“it is your job and I expect you to do it. If you need help go and ask the administrative assistant to help you”* was condescending, unapologetic and unrepentant. See EXHIBIT B May 27, 2015 email trail for Khavin’s condescending, unapologetic and unrepentant email response to me after I sent a plea to the team saying, *“In the interest of team spirit, can you please print, sort, organize and staple as well as send out 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.”*

For the two years prior to me joining Khavin’s team, she was cognizant of not making any of the non-Black analysts and/or associates feel demeaned by making them feel as if the taking of the minutes for the monthly meeting was the task of any one of them. With that said, she made this

task rotational amongst them whereby at the beginning of each meeting customarily and respectfully she would ask them, “*Who wants to take the minutes this time?*” (EXHIBIT B included in my Amended Complaint – Email response from Kim Dauber). However, as the first and only Black analyst to have joined the team, the treatment for me was different. It was, “*It’s your job*”.

In front of everyone, Khavin would just look at me as if to ask, “Why are you not taking the minutes?” before addressing me saying, “*Are you taking notes?*” (the minutes). Or, if I was sitting paying attention like everyone else was, she would just look at me and condescendingly instruct, “*that’s a follow up*” – meaning that as the only Black analyst on the team, I have been solely assigned to take the monthly meeting minutes and thus should be putting what was said (the “*follow up*”) in the meeting minutes. The humiliation from this treatment caused me so much mental anguish as, by now, some of the non-Black team members, including the ones on my level were looking at me as if, “what a relief? We now have her to do that”.

In my April 24, 2015 meeting with Khavin, I informed her that due to the stress I had been enduring because of her treating me “*as if I am the help and as if this is 1910*”, I had to be drinking herbal teas and listening to meditation music at my desk in an effort to alleviate the said stress. I also told her that I had to take off sick days due to stress caused by the said demeaning treatment she had meted out to me. Khavin looked at me as if I was crazy to have had the nerve to be telling her what I was telling her. She then immediately went back to condescendingly, unapologetically and unrepentantly telling me that “*it’s your job and I expect you to do it*”. This JPMorgan Chase “culture ambassador” further yelled at me saying, “***You are going to do it and I expect it to be done well!***” Anyone would think that someone who had been appointed “culture ambassador” would have been more sensitive to the matter whereby Khavin could have at least said to me after I brought the issue to her attention that, “I am sorry that you feel that way”. But instead, she was condescending, unapologetic and unrepentant.

In consistence with treating me at a double-standard to my non-Black counterparts, Khavin also directed my horizontal racist manager, Shillingford, to tell me that unlike the other 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", I must send Shillingford an email letting her know my situation and asking for permission to work from home (permission which would have to come from Khavin herself) and then Shillingford should be the one communicating accordingly to the team. This directive from Khavin is reminiscent of the racist and oppressive ways in which Black voters were treated to frustrate them and to prevent them from using their voting privilege before the 1965 Voting Rights Act was passed.

Prior to the 1965 Voting Rights Act, in order to vote, it had been known that many Black voters were forced to recite the entire Constitution or explain the most complex provisions of state laws, a task which was not asked of White voters to do. So here we have it, in order for me to get access to my "work from home" privilege, Khavin's directive forced me to first send Shillingford an email "explaining" my situation and asking her, Shillingford, for permission to work from home (permission which would have to come from Khavin herself) and she, Shillingford, would communicate accordingly to the team, a directive that none of the non-Black analysts and/or associates ever had to do or to follow. Again, all the non-Black analysts and/or associates had to do, prior to me joining the team and up to the time of this unfair directive that was meted out to me, was to send an email to the team saying, "I am not feeling too well today so I will be working from home" (see Exhibit L included in my Amended Complaint).

The acts of employment racial discrimination that Khavin perpetrated against me, whereby, as the only Black analyst to have joined her team, she condescendingly, unapologetically and unrepentantly treated me as the house slave, she assigned me to a subpar manager, solely on the basis of my race, who engaged in horizontal racism on behalf of the said Khavin for her own job security and as it relates to JPMorgan Chase's work from home privilege, Khavin treated me at a

double standard to my non-Black counterparts, were despicable, willful, malicious, callous, rancorous and oppressive. These acts of employment racial discrimination also violated my civil rights and my constitutional rights pursuant to Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981.

Defendant Fidelia Shillingford – As per My Response **under Sworn Oath** to “Request No. 7” of My “Response to Defendants First Request for Production of Documents” (docket # 45)

(The below is in conjunction with my “Affidavit in Opposition/Response to ‘Declaration of Fidelia Shillingford – Docket # 93”)

Shillingford, whose position at JPMorgan Chase was Vice President, engaged in horizontal racism whereby, to secure her job, she not only turned a blind eye to the racial discrimination in the form of disparate treatment that Khavin was meting out to me, a member of her own race, but she engaged in and enforced it for her own benefit. With that said, I consider Shillingford to be the enabler, the facilitator, the coordinator and the enforcer of the racially discriminatory treatment that Alex Khavin meted out to me.

As a member of my own race, Shillingford allowed herself to be used as cover by Khavin to carry out her, Khavin’s, bigotry against Blacks against me. Under the directive of Khavin, Shillingford harassed me verbally and/or in writing each month by enforcing Khavin’s disparate treatment against Blacks by treating me as a house slave. Shillingford vehemently and consistently told me that the printing, collating, stapling and lugging of the presentation materials (times 13) of each of the non-Black team members to the group’s monthly meeting along with the task of taking the monthly meeting minutes were solely my job even though she, Shillingford, had been on the team from its inception and was aware that none of the non-Black analysts and/or associates, including my three predecessors, was ever solely or on a rotational basis assigned the tasks of printing, etc. everyone on the team’s presentation materials for the monthly meeting or solely assigned the task to take the minutes of the said meeting.

Shillingford also expressed the same attitude as Khavin when I complained about the disparate treatment against me on the basis of my race by condescendingly, unapologetically and unrepentantly telling me that, *“no one is holding you here.”* And, *“If you don’t want to do the work, employment is at will. The door is right there.”*

Shillingford was the only means through which Khavin could discreetly extend her racial discrimination against Blacks to me and that is why Khavin made Shillingford, who was willing to engage in horizontal racism to enhance her, Shillingford’s own job security, to be my manager. None of the non-Black analysts and/or associates in the group was treated like this and none of them reported to Shillingford.

Under the directive of Khavin, unlike the other 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”, I had to send her, Shillingford an email letting her know my situation and asking for permission to work from home (permission which would have to come from Khavin herself) and she, Shillingford would communicate accordingly to the team. Instead of Shillingford telling Khavin that it was unfair to treat me at a double-standard to my non-Black counterparts, Shillingford enforced Khavin’s disparate treatment against me on the basis of my race for her, Shillingford’s own job security. (See Exhibit L included in my Amended Complaint.)

After JPMorgan Chase was served notice by the EEOC that a charge was filed against it, Shillingford, in covering for the unlawful acts of disparate treatment that was perpetrated against me on the basis of my race by JPMorgan Chase and its managers which included her, being surreptitious, disingenuous and willful, tried to invoke insubordination to cover for the said unlawful acts of disparate treatment which as explicitly detailed in Factual Allegation “B” in my Amended Complaint couldn’t be farther from the truth. This insubordination ploy was Shillingford and JPMorgan Chase’s surreptitious way of trying to cover up Khavin’s unlawful behavior of

treating me like a 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.

For taking a stance against Shillingford enforcing Khavin's bigotry against Blacks against me, in the demeaning assignments that were off limits for the non-Black analysts and/or associates on the team but were solely assigned to me to do, Shillingford severely punished me by way of a poor performance review which she used to put me on a retaliatory and pretextual "performance improvement plan" (Exhibit C included in my Amended Complaint). For my continued stance against this disparate treatment against me on the basis of my race, Shillingford gave me a written warning with the expectation: *"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 included in my Amended Complaint). Both of these severe punishments from Shillingford barred me from accessing the company's progressive benefits. And, because of my continued stance against being racially discriminated against, I was ultimately terminated on January 6, 2016.

The acts of employment racial discrimination that Shillingford was willing to enable, to facilitate, to coordinate and to enforce against me, a member of her own race, for her, Shillingford's, own benefit and to secure her, Shillingford's, job at JPMorgan Chase were despicable, willful, malicious, callous, rancorous and oppressive. These acts of employment racial discrimination also violated my civil rights and my constitutional rights pursuant to Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981.

Defendant John Vega – As per My Response under Sworn Oath to “Request No. 8” of My “Response to Defendants First Request for Production of Documents” (docket # 45)

(The below is in conjunction with my “Affidavit in Opposition/Response to ‘Declaration of John Vega – Docket # 98’” - “John Vega’s ‘Investigation’” and “Conclusion”)

Vega, whose position at JPMorgan Chase was Executive Director and who is also an attorney by profession, did the “investigation” of my claims of employment racial discrimination against Khavin and Shillingford that I reported to JPMorgan Chase’s Human Resources Department. Contrary to the findings of the Equal Employment Opportunity Commission (EEOC) which found enough probable cause to serve a copy of my charge upon JPMorgan Chase and ultimately issued me a “Notice of Right to Sue”, Vega’s findings for his “investigation” of my employment racial discrimination claims against Khavin and Shillingford was: *“there was nothing illegal, nothing discriminatory”*.

In violation of Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981, instead of taking steps to discontinue and to prevent further acts of the employment racial discrimination and unlawful harassment that were being perpetrated against me by Khavin and Shillingford, Vega proceeded to aid and abet in the cover up of the said employment racial discrimination and unlawful harassment. As an attorney by profession, I guess, Vega was of the assumption that JPMorgan Chase, Khavin and Shillingford could have gotten away with their employment racial discrimination against me because since Khavin used Shillingford, who is Black, as cover to extend her bigotry against Blacks, against me, legally, because Shillingford and I are of the same race, that Shillingford could not be racist against me.

With that said and to steer clear of accepting culpability for the unlawful acts of racial discrimination against me, Vega enforced Khavin’s bigotry against Blacks, against me by giving Khavin and Shillingford the go ahead to continue to treat me as the team’s house slave. In the “conclusion of investigation” meeting I had via a conference call with Vega, with the same intensity

as Alex Khavin and in reminiscence of the 1800s plantation style living when slaves were ordered by force, Vega vehemently ordered me saying, “*when it comes time to get everything ready for the monthly meeting, get it [the printing, collating, stapling, lugging, times 13 of the non-Blacks’ presentation materials] ready so as not to derail your career here [JPMorgan Chase]*”. Vega also pretty much told me that I was lucky to have had the job when he emphatically stressed my “ungratefulness” for complaining about racial discrimination against me. This “ungratefulness” included the opportunity “*working at JPMorgan Chase*”. How racially stereotypical to think that because I took a stance against racial discrimination while “*working at JPMorgan Chase*”, I was being “ungrateful”.

In what could or should be a violation of city, state and/or federal laws, Vega went as far as to tell me or to deter me from reporting the matter of employment racial discrimination against me to local, state and/or federal authorities when he made judgment on my racial discrimination claim by telling me that he worked for the New York State Division of Human Rights so based on his experience, and I paraphrase, “you basically don’t have a case”. As the person JPMorgan Chase put in a position to specifically handle these types of issues (to prevent litigation), how many other victims of employment racial discrimination had Vega used the tactic of him previously working for the New York State Division of Human Rights on, to deter them from bringing employment racial discrimination claims against JPMorgan Chase?

Vega did everything in his power to cover up and to avoid culpability of the unlawful and discriminatory acts of JPMorgan Chase’s managers which resulted in him aiding and abetting in Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981 violations.

When I provided Vega with an explanation as to why, in good faith, I believed that Khavin switching the White manager that all the non-Black analysts and associates reported to, the said manager that per the job requisition and the interview process, my position was slated to report to, to Shillingford, after it was determined that I, the Black candidate, was chosen to be hired for the

position, was in consistence with unlawful segregation, in covering for Khavin's bigotry, Vega downplayed/dismissed my claim.

Because by the time of my meetings with Vega, the hiring manager for my position was updated to read "Fidelia Shillingford" on JobConnect, the online portal JPMorgan Chase uses for job opportunities, Vega thought that he could have dismissed my claim of Khavin switching my manager in consistence with unlawful segregation if no evidence other than Fidelia Shillingford being listed as the hiring manager on the job description on JobConnect could have been provided. With that said, he tried to trap me by asking me to send him a screenshot of the posting of the position that, at the current time, was available on JobConnect. His quick response to me after sending him the requested screenshot was, *"Thank you, Candice. Do you notice whose name is listed below as the hiring manager? It's not Kim, but Fidelia."* After shaking my head a few times, I responded with a smiley face and said, *"I do. However, I do have the original one with the date where it indicates Kim [Kimberly Dauber] as the hiring manager. I will provide that to you."*

In response to Vega's devious act in his quest to aid and abet in Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981 violations, I sent him a copy of two of the three original job descriptions I had in my possession with Kimberly Dauber listed as the hiring manager. Please see Exhibits H and N which are included in my Amended Complaint for a copy of those two said job descriptions and my correspondence with Vega regarding this matter respectively.

The unlawful acts of aiding, abetting and enforcing employment racial discrimination that Vega perpetrated against me were despicable, willful, malicious, callous, rancorous and oppressive. These acts of employment racial discrimination also violated my civil rights and my constitutional rights pursuant to Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981.

Defendant Helen Dubowy – As per My Response under Sworn Oath to “Request No. 9” of My “Response to Defendants First Request for Production of Documents” (docket # 45)

(The below is in conjunction with my “Affidavit in Opposition/Response to ‘Declaration of Helen Dubowy - Docket # 96’” – “Conclusion”).

Dubowy, whose position at JPMorgan Chase is Executive Director/HR Business Partner, oversaw the unlawful retaliation against me after I raised the claim of racial discrimination against me to HR. Without notice, Dubowy was present at my 2015 mid-year performance review at which I was presented with a fallacious, retaliatory and pretextual “performance improvement plan” on which Shillingford fabricated things about my performance in retaliation of me raising the issue of racial discrimination against me to HR, because, according to her, Dubowy, *“Alex (Khavin) couldn’t be here. I’m here to make sure things go smoothly.”*

Dubowy, whom I had never seen or met before my 2015 mid-year performance review or with whom I had never even done an email correspondence was aggressively supporting the ruse that was purported on the retaliatory and pretextual “performance improvement plan” (EXHIBIT C included in my Amended Complaint) that Shillingford presented me with in an effort to discredit my claim of employment racial discrimination, which included disparate treatment against Blacks, against Khavin and Shillingford and to maliciously defame my character.

In aiding and abetting Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981 violations, Dubowy emphasized and sided with Shillingford and Khavin that the demeaning and racially discriminatory task of being the 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 that Khavin disparately assigned to me alone, the only Black analyst on the team, was my job to do.

It is obvious that Dubowy was an active participant in the pre-planned, pre-arranged and well thought out ploy (more than a month of planning) to unlawfully retaliate against me for raising the claim of employment racial discrimination against me and to unlawfully cover up Khavin’s act

of employment racial discrimination against Blacks by putting me on a fallacious, retaliatory and pretextual “performance improvement plan”.

Being put on a “performance improvement plan” was a severe punishment which barred me from accessing the company’s progressive benefits. Those benefits included applying for better or other positions through JPMorgan Chase’s job postings, receiving a promotion or transfer within the company, receiving a salary increase, receiving a bonus 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. Being put on the “performance improvement plan” was also a factor that led to my ultimate termination on January 6, 2016.

Dubowy’s actions of covering for Khavin’s racial discrimination against Blacks and overseeing the unlawful retaliation against me by way of the fallacious, retaliatory and pretextual “performance improvement plan” on which I was placed constitute the unlawful, despicable, willful, malicious, callous, rancorous and oppressive acts of aiding, abetting and enforcing employment racial discrimination. These acts of employment racial discrimination not only caused the financial career that I had worked so hard to pursue in the financial industry to go to an early grave or, at a minimum to be inflicted with severe paralysis but they violated my civil rights and my constitutional rights pursuant to Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981.

Defendant Philippe Quix – As per My Response **under Sworn Oath** to “Request No. 10” of My “Response to Defendants First Request for Production of Documents” (docket # 45)

Quix, whose position at JPMorgan Chase was Global Investment Management Chief Risk Officer/Managing Director, failed to take steps to prevent the employment racial discrimination, retaliation and harassment in Violation of Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981 that were being perpetrated against me.

Quix, who was Khavin's direct manager became aware of my employment racial discrimination complaint when I copied him on an email trail dated May 27, 2015 (EXHIBIT B - RE: Monthly CRG Governance Meeting included in my Amended Complaint) in which I complained about the unfairness and the demeaning nature of Khavin treating me as the team's help obviously on the basis of my race. That particular email stated, *"In the interest of team spirit, can you please print, sort, organize and staple as well as send out 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."* In the other email on which Quix was copied, I reminded Khavin that in the April 24, 2015 meeting that I had with her about her racially assigning demeaning tasks solely to me, I rhetorically asked *"Am I the help? Is this 1910"*. And, with the issue of employment racial discrimination so obviously evident, I was literally ignored by Quix. Not only by him not responding in anyway to the emails on which I copied him but also in passing or as a member of the Counterparty Risk Group.

The failure and negligence of Quix, who in his senior level position, had the authority to take corrective actions against employment racial discrimination or to at least exercise some curiosity about it, showed that disparate treatment against Blacks is condoned and ratified by JPMorgan Chase and its senior level managers.

The disparate treatment of me being subjected to be treated as the house slave reminiscent of the 1800s era of slavery that I endured at the hands of Defendants, Khavin and Shillingford, of whom Quix was their direct manager and skip level manager, respectively, and Quix's failure and negligence to take steps to prevent the employment racial discrimination, retaliation and harassment that were being perpetrated against me, at times caused me to become overwhelmed with stress and anxiety which resulted in physical pain. It was difficult to pass Quix in the hallways as, with him totally ignoring my emails, my obvious cries to him for help, I felt like he thought of me as being less of a person. I felt shamed.

Quix was aware of my due diligence and the integrity of the work that I was able to produce especially as it related to tackling data quality issues. These were issues that I bravely highlighted to Quix in the first one to one meeting I had with him in March 2015 when I was less than 6 months on the job and even more so in a meeting on November 17, 2015 which occurred due to the fact that the data quality issues that I had brought to light, needed escalated attention. My findings as it related to the data quality issues were of such concern that after this meeting, Quix had to schedule subsequent meetings with other senior level managers to address the issue.

With that said, any involvement that Quix had in my termination on January 6, 2016 from JPMorgan Chase would have to be in retaliation of me raising claims of employment racial discrimination against me to HR and me reporting the said claims to the Equal Employment Opportunity Commission (EEOC) and not due to "*performance issues*". It should be interesting to note that on January 6, 2016, within half an hour of receiving an email from Quix addressed to all the employees in Asset Management – Risk Management naming a replacement for Khavin as Head of the Counterparty Risk Group for Global Investment Management, I was called away from doing my work and told that I was terminated. Then, under careful supervision, I went back to my desk, logged out of the applications and closed out of the files in which I was working, gathered my belongings then I was escorted out of JPMorgan Chase.

Quix, who was in a position to take corrective actions against the employment racial discrimination that was being perpetrated against me by his direct report and his skip level report but was negligent and failed to do so show that he ratified and condoned the said employment racial discrimination that was perpetrated against me. These acts of employment racial discrimination were despicable, willful, malicious, callous, rancorous and oppressive. They also violated my civil rights and my constitutional rights pursuant to Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981.

Defendant Thomas Poz – As per My Response **under Sworn Oath** to “Request No. 11” of My “Response to Defendants First Request for Production of Documents” (docket # 45)

Poz, whose position at JPMorgan Chase was initially only Executive Director when I joined the Counterparty Risk Group and who became the Executive Director/Interim Head of the Counterparty Risk Group for Global Investment Management when Khavin was said to be on “*medical/extended leave*” then eventually named “Head of the Counterparty Risk Group for Global Investment Management” on January 6, 2016 (within 30 minutes prior to my termination), aided, abetted and enforced the acts of employment racial discrimination and unlawful harassment that were being perpetrated against me by Khavin and Shillingford in violation of Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981.

At his position of Executive Director, Poz was aware that for the two years prior to me joining the group, Khavin had made the taking of the minutes rotational among all the non-Black analysts and associates as she, Khavin was cognizant of not making any of the said non-Black analysts and/or associates feel demeaned by making them feel as if the taking of the minutes for the monthly meeting was the task of any one of them.

Poz was aware that at the beginning of each monthly team meeting, customarily and respectfully, Khavin would ask the non-Black analysts and associates, “*Who wants to take the minutes this time?*” (EXHIBIT B – Email response from Kim Dauber included in my Amended Complaint). And, as the first and only Black analyst to have joined the team, Poz became aware that the treatment for me was different. It was, “*It’s your job*”. Poz was in the meetings where he witnessed that in front of everyone, instead of Khavin doing what she customarily and respectfully used to do prior to me, the Black analyst, joining the team, Khavin would just look at me as if to ask, “Why are you not taking the minutes?” before addressing me saying, “*Are you taking notes?*” (the minutes). Or, if I was sitting paying attention like everyone else was, Poz should have heard and seen Khavin just look at me and condescendingly instruct, “*that’s a follow up*” – meaning that

as the only Black analyst on the team, I have been solely assigned to take the monthly meeting minutes and thus should be putting what was said (the “*follow up*”) in the meeting minutes.

Poz was aware that for the two years prior to me joining the group, everyone on the team did their own printing, collating, stapling, sending out of attachments and lugging of 13 copies (one for each team member) of their presentation materials to the monthly team meetings. Poz was also aware that no single analyst or associate was assigned to open each of the said meeting presentation attachments and put them together in one email to make work “*easier*” for the other members of the team while making it three times harder for them.

Poz was aware of the email I sent to the team on May 27, 2015 which states: “*In the interest of team spirit, can you please print, sort, organize and staple as well as send out 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.*” As, Poz was a member of the group email to which I sent this said email.

Poz was aware that the education, experience and skills requirements for me to have landed the job as the Credit Reporting Risk Analyst, as per the job description, were identical to those of the non-Black Analysts thus, I should not have been treated as a second class citizen to them whereby, I was solely assigned the employment racially discriminatory tasks of printing, collating, stapling and lugging to the group’s monthly meeting, the presentation materials of each of the non-Black team members, including the said non-Black Analysts, and the putting of meeting presentation attachments together in one email to make work “*easier*” for the said non-Black team members which made that work three times harder for me.

As the Interim Head of the Counterparty Risk Group for Global Investment Management due to Khavin’s leave from the office, Poz was made aware that I had raised the issue of the employment racial discrimination perpetrated against me by Khavin and Shillingford to HR. Up to the point of Poz being named Head of the Counterparty Risk Group for Global Investment

Management, I copied Poz on various emails in which I expressed the blatant employment racial discrimination against me of subjecting me to be treated as the 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 that had originated from Khavin, the racist, then subtly passed over to Shillingford, the horizontal racist, as solely her, Shillingford's, job to enforce, as cover, for Khavin who from June 22, 2015 through January 6, 2016 was said to be on "*medical/extended leave*".

Poz was also copied on an email that I sent to Shillingford where I expressed Shillingford's behavior and attitude in enforcing Khavin's bigotry against me and the retaliation I endured by the said Shillingford for raising the issue of racial discrimination against me that was perpetrated by Khavin and her, Shillingford. A part of the said email to Shillingford read: "*You are a very unfair person and yes, knowing the numerous data quality issues that we experience for which I have self-identified, investigated, prepared analysis for and escalated to the Tech team, if there is a very minimal or ONE oversight, you do not need to unfairly give the impression for me to be seen as being incompetent. Please bear in mind that unlike you, the company understands that there is a propensity that incidents of oversight will happen whether with you, me or anybody and that is why per the company's protocol, a second reviewer is required*" (EXHIBIT Y – 1). In this case, Shillingford was the second reviewer.

However, as the Interim Head of the Counterparty Risk Group for Global Investment Management, instead of Poz disavowing the employment racial discrimination, retaliation and harassment in violation of Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981 that were being perpetrated against me, Poz aided, abetted and enforced them. As the Interim Head of the Counterparty Risk Group for Global Investment Management, Poz was in a position where he had the authority to take corrective actions to stop and/or to prevent any further employment racial discrimination against me, the only Black analyst in the group, but he failed to do so.

Working in tandem with Shillingford, Poz was not only present at the meeting on September 24, 2015 when Shillingford served me with a written warning (EXHIBIT F included in my Amended Complaint) with the “expectation”, *“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 that I am **expected** to be the team’s house slave) but Poz was also vehemently enforcing the said “expectation” that Shillingford put forth in her written warning including telling me that if I do not comply, I could be terminated. This action by Poz shows that he did not only fail to take steps to stop and/or to prevent any further employment racial discrimination, retaliation and harassment in violation of Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981 against me but he also aided, abetted and enforced them.

As anyone of reasonable mind can imagine, these actions by Poz caused me mental, emotional and physical distress. Because, as a senior level manager and an appointed “culture ambassador” working at JPMorgan Chase, a company that purports itself on its website and in its Code of Conduct policy to be committed to diversity and inclusion, I expected better of him.

Instead, when I continued to take a peaceful stance against the employment racial discrimination of being treated as a 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, including filing a charge with the Equal Employment Opportunity Commission (EEOC), on January 6, 2016, within half an hour of Poz being newly appointed to take over Khavin’s position as Head of the Counterparty Risk Group for Global Investment Management, he called me into a meeting with him and Shillingford and told me that my employment had been terminated with immediate effect.

The first reason Poz gave me for my termination was for repeatedly refusing to do the employment racially discriminatory tasks of printing, collating, stapling and lugging to the group’s monthly meeting, the presentation materials of each of the non-Black team members and the putting of meeting presentation attachments together in one email to make work “*easier*” for the said non-

Black team members which made work three times harder for me, the only Black analyst in the group.

The unlawful acts of aiding, abetting and enforcing employment racial discrimination that Poz perpetrated against me were despicable, willful, malicious, callous, rancorous and oppressive. These acts of employment racial discrimination also violated my civil rights and my constitutional rights pursuant to Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981.

Defendant Chris Liasis – As per My Response **under Sworn Oath** to “Request No. 12” of My “Response to Defendants First Request for Production of Documents” (docket # 45)

(The below is in conjunction with my “Affidavit in Opposition/Response to ‘Declaration of Chris Liasis – Docket # 94”)

Liasis, whose position at JPMorgan Chase was Vice President when he served as my skip level manager (Sullivan was my direct manager), used the power vested in him by JPMorgan Chase to intentionally inflict me with the unlawful and discriminatory acts of career regression and career stagnation and defamation of character on the basis of my race. With Liasis as my skip level manager, I felt like an ambitious slave who had tried many times to escape from her captivity but kept getting recaptured and punished by her master. Liasis was intent on keeping me contained/locked in my “Black hole”. As the former Black co-worker I wrote about in paragraph 84 of my Amended Complaint once told me when we briefly discussed Liasis and Sullivan’s unfair treatment of career regression and career stagnation, *“Be careful, Liasis and Sullivan are the managers. They hold the key [to your success here]”*.

Liasis is a racist who puts limits on Blacks. As a Black JPMorgan Chase employee, Liasis was hell-bent on limiting me to my “Black” status. In the first performance review meeting I had with Liasis, one of the “feedbacks” that Liasis gave me as it related to my overall performance was, and I will quote, *“you are very professional. You need to tone down your professionalism to integrate with the team.”*

How can I or anyone else for that matter be too professional for a company like JPMorgan Chase when companies like JPMorgan Chase pride themselves on the professionalism of the people who work for them? First off, Liasis, whether by how he dressed or the big words he spoke, went to all lengths to portray himself as a professional. So, when Liasis' "feedback" to me, a Black employee, was "*you are very professional. You need to tone down your professionalism to integrate with the team*", because of how Liasis strove to be a "professional" as a JPMorgan Chase employee, he could not have been telling me that I was too professional for JPMorgan Chase but, he was telling me that my level of professionalism does not warrant that of a Black person. Or, as they say in the inner-city Black communities, "I am too Sadiddy/Bougie. I am acting White". I cannot fathom Liasis giving a White female employee a feedback saying, "*you are very professional. You need to tone down your professionalism*".

It should be interesting to note that in addition to Liasis' role as skip level manager for the Confirmations Team (which he inherited), Liasis was the immediate manager for the Marketing Middle Office Team. The Marketing Middle Office Team with its majority White employees was known for its members' lack of professionalism. With that said, I believe in good faith that the racial makeup of the Marketing Middle Office Team for which Liasis was the immediate manager had some bearing as to why, as a Black person, Liasis took issue with my professionalism. How dare me, the Black one, be the professional one when the overwhelming White employees on Liasis' Marketing Middle Office team were not.

In addition to Liasis pretty much telling me to "act Black", in lock step with Sullivan, Liasis worked hard to intentionally regress and stagnate my career growth at JPMorgan Chase by minimizing and/or locking down my contributions to the team's process improvement initiatives which would have enhanced my career growth.

In the first quarter of 2013 working with Liasis as my skip level manager, it became increasingly evident to me that there were process deficiencies in the management of query requests

which would require more thought and/or time than average to resolve. After Liasis solicited ideas to improve this process in a team meeting, I gave him a synopsis of an idea that I was working on to contribute to the improvement of the said process. But, it was obvious from the get go that Liasis sensed that I wanted to escape from my “Black hole”. Because he wanted to contain my career ambitions, he instructed me to send my idea to him via email where it would never see the light of day. Case in point, he did not as much as responded “thank you” after I sent the email with my idea attachment to it.

As a racist who puts limits on Blacks, Liasis knew that if he was to implement my idea, which I sent to him as a full design, complete with how the design works, its functions, its features and its benefits, he would have to give me at least a Meets Expectation Plus (M+) performance rating which would put me on the road to a promotion. This obviously would not have helped Liasis’ racist agenda to regress and stagnate my career at JPMorgan Chase so for months, Liasis refused to allow me to present my idea to the team. Even though, no other team member came up with or made an attempt or an effort to come up with an idea or even a suggestion to mitigate or to resolve these deficiencies in the query management process and, as managers, neither Liasis nor Sullivan was able to come up with a viable solution of their own.

To show the limits that Liasis put on Blacks, compared to my idea which was a full design complete with how the design works, its functions, its features and its benefits which Liasis totally ignored and refused to have me present to the team, when another Black employee suggested via email that team members could rotate every two hours to monitor email queries, Liasis, via email to **all**, showered him with praise saying, and I paraphrase, “*Great idea... Thank you [Mr. Great Idea] for that great idea!*” In other words, the racist, Liasis, is only content with Blacks performing at or coming up with ideas up to that “Black” level.

It was due to my persistency whereby, to Liasis’ displeasure, I used courage to directly inform the team, during one of our team meetings, that I had prepared a presentation on how the

query management process could be enhanced that caused Liasis to briefly let me out of my “Black hole”. However, after all the “**warnings**” Liasis gave to the team on the day of my presentation with regards to even thinking of having my idea implemented, my idea and I were soon recaptured by Liasis and sent back to our “Black hole”.

I was aware that in order for my career at JPMorgan Chase to grow, I would have to go above and beyond my call of duty. However, it never mattered how hard I tried to come up with or to at least initiate process improvements for the team, my efforts were not only minimized or put on “lockdown” by Liasis but they were ridiculed and ignored by him. Even to be the backup for a tedious process that the other team members tried to avoid, Liasis “banned” me from being the backup for this process because since it was at a higher level than my position, I was going above and beyond my call of duty which should fairly mean that my performance rating should be at least a Meets Expectation Plus (M+), which would put me on the road to a promotion, which Liasis did not give me anyway. (See more in my Amended Complaint in my Sixth Cause 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”).

On more than one occasion which included even before Liasis became my skip level manager, Liasis had told me “*you are very driven*” and “*you are a go getter*”. But, as a Black person, for Liasis, I was too ambitious. He was aware of my potential but instead of allowing me to maximize it, as you can see from the foregoing, he worked hard to regress and stagnate it.

While Liasis was using his extreme bigotry through the power vested in him by JPMorgan Chase to regress and stagnate my financial career on the basis of my race for the two years working with him as my skip level manager, within the said two years, in the Marketing Middle Office Group for which he was the direct manager, I had seen where he promoted a White female employee who was within two years of my age from an Analyst to a Senior Analyst to an Associate/Manager then to a Vice President/Manager. And, I have yet to hear about any process

improvement or any other substantial or significant contribution this White employee had made to that team.

In and for my 2013 mid year performance review, Liasis stereotypically defamed my character on the basis of my race by depicting me as being a tardy person (“Black people are always late”) who was always coming to work late which was farthest from the truth. He maliciously branded me as being an arrogant/“uppity” person who needed to tone down my professionalism to integrate with the team and he skewed my communication skills whereby a White hiring manager at JPMorgan Chase would/could think that stereotypically, Black people have poor communication skills. That is why, in the complaint I made about Sullivan, Liasis’ co-conspirator, to Julie Johnson, I said, “*Chris Liasis, who as her (Sullivan’s) former manager and I will safely say confidant, started the defamation of my character*” (last paragraph on page 1 of EXHIBIT D included in my Amended Complaint. Also, see more in Tenth Cause of Action – “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”).

In the first quarter of 2014, Liasis in tandem with Sullivan, reassigned my regular tasks and relegated me to pretty much “counting pencils” which was indeed sabotage as, within seven months, the section, Physical Commodities, in which I was working would have been sold and my job would have been eliminated. But, in an effort to put blight on my marketability by indirectly forcing me to update my resume with tasks that would be regressive to my financial career, Liasis and his co-conspirator, Sullivan reassigned my duties and I was relegated to “counting pencils”. As a Black employee at JPMorgan Chase who, unlike my White/non-Black counterparts, had a steeper hill to climb to get to a promotion at the said company, I had to take a stance and escalated this matter to Liasis’ manager, Charlie Coignard (EXHIBIT R in my Amended Complaint).

The unlawful acts of intentional infliction of career regression and career stagnation and defamation of character on the basis of race that Liasis perpetrated against me were despicable, willful, malicious, callous, rancorous and oppressive. These acts of employment racial

discrimination also violated my civil rights and my constitutional rights pursuant to Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981.

Defendant Michelle Sullivan – As per My Response **under Sworn Oath** to “Request No. 13” of My “Response to Defendants First Request for Production of Documents” (docket # 45)

(The below is in conjunction with my “Affidavit in Opposition/Response to ‘Declaration of Michelle Sullivan – Docket # 95”)

Sullivan, whose position at JPMorgan Chase was Vice President, used the power vested in her by JPMorgan Chase to intentionally inflict me with the unlawful and discriminatory acts of career regression and career stagnation and defamation of character on the basis of my race.

Under the auspices of Liasis, with Sullivan as my manger, I felt like an ambitious slave who had tried many times to escape from her captivity but kept getting recaptured and punished by her master. Working as a co-conspirator to Liasis, Sullivan was intent on keeping me contained/locked in my “Black hole” and as such, most of what I said about Liasis in “RESPONSE TO REQUEST NO. 12” can and should be applied to Sullivan. As the former Black co-worker I wrote about in paragraph 84 of my Amended Complaint once told me when we briefly discussed Liasis and Sullivan’s unfair treatment of career regression and career stagnation, *“Be careful, Liasis and Sullivan are the managers. They hold the key [to your success here]”*.

As I explicitly explained and evidenced in my Sixth and Tenth Causes of Action, the intentional career regression and career stagnation and defamation of character on the basis of my race that Sullivan inflicted on me, caused adverse and damaging effects on my career growth at JPMorgan Chase. Through Sullivan’s lies and the leverage that JPMorgan Chase’s Performance Management Central (PMC), the company’s portal for performance reviews where permanent work records are stored electronically, gave her, to put those lies on my performance records, Sullivan was able to regress, stagnate and contribute to the derailment of the financial career I had worked so hard to pursue at JPMorgan Chase.

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.

Like all “mean girls”, Sullivan is a liar. And, through the said portal, JPMorgan Chase’s Performance Management Central (PMC), as is evidenced in the rebuttals I had the opportunity to make to the malicious and mendacious comments Sullivan put on my performance reviews, I was able to bring Sullivan’s malicious lies to light.

As my manager, Sullivan mean-spiritedly regressed and stagnated my career growth at JPMorgan Chase. It never mattered how hard I tried to make beneficial contributions in helping with process improvement initiatives in the Confirmations department, which was integral and necessary for my career growth at JPMorgan Chase, my efforts were not only minimized and/or put on “lockdown” by Sullivan but when she was forced to make mention of them on my performance reviews, she lied by subtly, surreptitiously and stereotypically using her means, my race, to put a negative spin on my efforts. I explicitly wrote about and evidenced this in paragraph 157 of my Amended Complaint whereby, to stereotypically portray me as being an arrogant/“uppity” person which is damaging to a Black person’s character, Sullivan lied about me not taking other people’s, including managers, feedback and advice.

First off, it was only by me making mentions of my process improvement contributions to the department that Sullivan was forced to comment on them with her negative, malicious, mendacious and racially charged spins. Here is one such example of Sullivan’s comments/spins: *“Candice has also taken the initiative this year to work on ways to improve BAU processes for the team. As mentioned in her year end commentary and objectives she put together an excel [Excel] based query management tool and a ref data knowledge share. This displayed good initiative by*

Candice to seek solutions to issues highlighted in BAU. With both, I would have liked Candice to take them a step further by seeking out feedback or incorporating feedback offered by her colleagues and management to improve the final product. Reaction to constructive feedback has[sic] should be focused as a key area of improvement for Candice in order for her to grow in her role.”

The latter part of this comment whereby Sullivan tried to subtly, surreptitiously and stereotypically brand me as being an arrogant/“uppity” person who did not take other people’s, including managers, feedback and advice is a mean-spirited lie. As I previously stated, as a co-conspirator to Liasis, Sullivan was intent on keeping me contained/locked in my “Black hole”. They did everything in their power to keep me away from presenting these said efforts to the team when, the main reason why I wanted to make the presentation to the team in the first place, was to get the said team’s feedback. All my contributing efforts to the Confirmations department process improvement initiatives, as explicitly detailed in my Sixth and Tenth Causes of Action in my Amended Complaint, were not only discouraged, ignored and ridiculed by Sullivan and Liasis but this said “*management team*” did not even acknowledge my efforts by saying something as basic as “thank you for your effort Candice”.

The subtlety (consistent with “mean girls”) in which Sullivan executed her unlawful employment racial discrimination against me in order to obscure her violation of Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981 (“Section 1981”) was by subtly defaming my character on the basis of my race. As, in the aforesaid case, where she subtly branded me as being a racially stereotypical “arrogant/“uppity” Black person. This nuanced form of employment racial discrimination which is subtly and surreptitiously implied, coded and pointed is what Former Equal Employment Opportunity Commissioner, Stuart Ishimaru described in a piece he wrote for the New York University Labor & Employment Law Newsletter (Exhibit A – 1) as “*second generation*”

employment discrimination as it is not as blatant as being called the “N” word but it is subtle and implicit.

Through my performance reviews, Sullivan not only lied about my performance as is explicitly evidenced and refuted in my Tenth Cause of Action but she subtly and stereotypically defamed my character on the basis of my race by depicting me as being a tardy person (“Black people are always late”) who was always coming to work late which was farthest from the truth. She maliciously branded me as being an arrogant/“uppity” person who did not take other people’s, including managers, feedback and advice and she mendaciously marred my character by subtly making me out to be a person who was uncongenial (“an angry Black woman”) while skewing my communication skills (Black people have poor communications skills). The last thing that a White hiring manager which comprised the vast majority of the corporate management of JPMorgan Chase would want to deal with is a tardy Black employee, an arrogant/“uppity” Black employee, an uncongenial/angry Black employee and/or a Black employee with poor communication skills.

The aforesaid rancorous, malicious, mendacious and racially stereotypical means, of using my race, that Sullivan used to regress, stagnate and ultimately contribute to the derailment of my career at JPMorgan Chase, through her method, JPMorgan Chase’s Performance Management Central (PMC), the company’s portal for performance reviews where permanent work records are stored electronically, were the said means and method that Sullivan used to give me a “*Low Meets expectation (M-)*” rating as my overall rating on my 2014 year end performance review, the performance review that she fought tooth and nail to get access to do. (See more in my Tenth Cause of Action – “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 in my Amended Complaint.)

This “Low Meets expectation (M-)” rating caused me significant loss as, with a “Low Meets (M-)” rating, I was automatically deprived of employment benefits such as applying for better or other positions through JPMorgan Chase’s job postings, receiving a promotion or transfer within the

company, getting a pay raise or a bonus and/or 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 was hell-bent on regressing, stagnating and ultimately derailing my career at JPMorgan Chase. For my 2014 year-end performance review, Sullivan still had her means, my race, to regress, stagnate and ultimately derail my career at JPMorgan Chase but when she lost her method of writing malicious and mendacious comments about me on my performance review via JPMorgan Chase's Performance Management Central (PMC), the company's portal for performance reviews where permanent work records are stored electronically, by me no longer reporting to her, she fought tooth and nail to get that access back and with the limited access she was granted, her comments were not only rancorous, malicious and mendacious but they were subtle and racially stereotypical which was a defamatory assault on my character as a Black employee.

I felt so harassed by Sullivan that in an email complaint I sent to Julie Johnson, an executive in JPMorgan Chase's Human Resources Department, on January 12, 2015, about Sullivan, I started out by saying, *"This is a desperate plea for help. I was trying my hardest to pick up the pieces of my morale (please see my two year PMC history) and move forward to execute the duties of my new position which started on November 10, 2014 to the best of my ability. However, I continue to be hunted and haunted by my former manager, Michelle Sullivan who seems bent on derailing, smearing and destroying the financial career I've worked so hard to pursue."* (Exhibit D included in my Amended Complaint)

Sullivan's mean-spirited, racially charged and intentional infliction of career regression and career stagnation against me not only caused me substantial loss which included the denial of

JPMorgan Chase's progressive benefits and reputational damage but it caused me much stress, grief, emotional and physical pain. And, most of all, similar to Emmett Till's and Tom Robinson's, the Black character in the novel "To Kill A Mockingbird", fate, that a White, "mean girl" caused, Sullivan was instrumental in causing the career I had worked so hard to pursue in the financial industry to go to an early grave, or, at a minimum, to be inflicted with severe paralysis.

The unlawful acts of intentional infliction of career regression and career stagnation and defamation of character on the basis of race that Sullivan perpetrated against me were despicable, willful, malicious, callous, rancorous and oppressive. These acts of employment racial discrimination also violated my civil rights and my constitutional rights pursuant to Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981.

III. ARGUMENT

I. Opposition/Response to Defendants' "Preliminary Statement"

(Page 1 - 1st ¶) - **Opposition/Response to "After the sale of that business, Plaintiff transferred to the role of Reporting Analyst in the Counterparty Risk Group ("CRG) in November 2014".**

The Defendants' statement is misleading as it gives the appearance that due to the sale of JPMorgan Chase's physical commodities business, the business in which I worked, I was "transferred [by the company] to the role of Reporting Analyst in the Counterparty Risk Group ("CRG) in November 2014" and that was not what happened.

As the letter dated September 26, 2014 and the email dated October 3, 2014 (Exhibit JJ) show, I was officially **terminated** by JPMorgan Chase on Sunday, November 9, 2014. However and by chance⁹, I was successful in securing another position as a Credit Reporting Risk Analyst with the said company in its Asset Management Counterparty Risk Group ("Counterparty Risk

⁹ Response to "Affidavit in Opposition/Response to Declaration of Michelle Sullivan in Support re: 89 Motion for Summary Judgment - Docket # 95" – Pg. 8 – "Statement")

Group”) which I was able to start and started on Monday, November 10, 2014 **after my date of termination**. It was only out of convenience that when I spoke with the JPMorgan Chase HR representative who was handling the said position via an IM conversation on November 6, 2014 (Exhibit JJ) that he decided to put me in the system as a “transfer” before my November 9, 2014 termination date because after my said termination date, I would have been automatically cleared out of the system and would have to be onboarded as a new hire - from scratch. Meaning, more work for him to do.

(Page 1 – 2nd ¶) **Opposition/Response to “Almost immediately after her arrival in CRG Plaintiff had numerous instances of rude and insubordinate behavior. She resisted and refused to perform certain assigned tasks..... as if she was the help, as if this is 1910”**

As I have clearly documented in my “Affidavit in Opposition/Response to Declaration of Alex Khavin in Support re: 89 Motion for Summary Judgment (Docket # 92)”¹⁰, “Affidavit in Opposition/Response to Declaration of Fidelia Shillingford in Support re: 89 Motion for Summary Judgment (Docket # 93)”, “Affidavit in Opposition/Response to Declaration of Chris Liasis in Support re: 89 Motion for Summary Judgment (Docket # 94)”, “Affidavit in Opposition/Response to Declaration of Michelle Sullivan in Support re: 89 Motion for Summary Judgment (Docket # 95)” and “Affidavit in Opposition/Response to Declaration of Helen Dubowy in Support re: 89 Motion for Summary Judgment (Docket # 96)”, being protective of my dignity, my integrity, my God given rights as a human being and my civil and constitutional rights as a citizen should not be construed in a negative light as being “*rude and insubordinate behavior*” and, neither should my opposition to Disparate Treatment against me on the basis of my race/Employment Racial Discrimination, pursuant 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*

¹⁰ As the only Black analyst to have joined Khavin’s group (CRG), almost immediately after my arrival in the said group, Khavin began to treat me “*as if I am the help and as if this is 1910*”.

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)”.

(Page 1 – 3rd ¶) **Opposition/Response to “In July 2015, Plaintiff was placed on a performance improvement plan and informed that she was expected to perform all duties as assigned....Plaintiff received a Written Warning in September 2015.....The record demonstrates that there is no genuine dispute of material fact and that Plaintiff’s claims cannot succeed as a matter of law”**

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 said group¹¹, 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 so undesirable that Khavin had made it 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, 2015¹² – 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

¹¹ I was on the Credit Reporting side of the group and all the non-Black members were on the Credit Analysis side (Shillingford Dec., ¶ 8). As explicitly written in my “Affidavit in Opposition/Response to Declaration of Alex Khavin in Support re: 89 Motion for Summary Judgment (Docket # 92)”, any person of reasonable mind would see that as the only Black analyst, I was treated as the group’s help/house slave by being assigned tasks that not even the White administrative assistant who was on staff was assigned to do even though those tasks would more likely fall into the administrative assistant job category. Further, none of the non-Black analysts was ever assigned those tasks prior or after I joined the said group. See my response to “The Baruch Horowitz Lie” in several of my Affidavits.

¹² “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...”

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 of solely being assigned to do 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) 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 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.*”

However, for taking a stance against this disparate treatment, the unlawful act of Employment Racial Discrimination, through peaceful defiance¹³, 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 (Exhibit C - Declaration of Helen Dubowy - Docket # 96”).

¹³ When being harassed on a monthly basis as Exhibit K shows and after my claim of Employment Racial Discrimination was ignored, shooed away, aided and abetted by JPMorgan Chase HR representatives (Exhibits CC and CC-1) and I had to report the matter to the Equal Employment Opportunity Commission, in lieu of verbal responses, I responded in silence or by simply saying “no comment” or “I have no further comment”.

In addition to the malicious and mendacious comments that were concocted by JPMorgan Chase's HR legal representatives (Exhibits CC and CC-1)¹⁴ and put on the "performance improvement plan" (I respectfully refer the Court to my refutation in 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"), the **only** "expectation" for the "written warning" that was issued to me on September 24, 2015 for my stance against the aforesaid 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, Ryan Vroom 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).

Ryan Vroom 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

¹⁴ People whom I had never met and/or as much as had an email communication with.

Report that he refused to do, I, Plaintiff, Candice Lue, am the one, the Black 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, Ryan Vroom 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”, ¶ 69 - Am. Compl. & Exhibit H-3).

In light of the foregoing and as a matter of law 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)”.

(Page 2 - 1st ¶) **Opposition/Response to “While she [Plaintiff, Candice Lue] claims that these assignments singled her out because she is Black, the tasks had in fact been assigned to and exclusively performed by Plaintiff’s predecessor, a Caucasian, before Plaintiff’s arrival in the group”**

This statement is what I have come to term the “The Baruch Horowitz Lie” or even better yet, “The Baruch Horowitz Blatant Lie”. Based on my articulation in my “Affidavit in

Opposition/Response to Declaration of Baruch Horowitz in Support re: 89 Motion for Summary Judgment (Docket # 99)", 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 the statement that claims: "*While she [Plaintiff, Candice Lue] claims that these assignment singled her out because she is Black, the tasks had in fact been assigned to and exclusively performed by Plaintiff's predecessor, a Caucasian, before Plaintiff's arrival in the group*".

(Page 2 - 1st ¶) **Opposition/Response to "Nor is there any factual support for Plaintiff's allegations that she was retaliated against because she had lodged complaints with Human Resources about her perceived unfair treatment"**

I respectfully refer the Court to my "Affidavit in Opposition/Response to 'Declaration of Baruch Horowitz' - Docket # 99" and 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" where I have refuted "The Baruch Horowitz Lie" that: "*the tasks had in fact been assigned to and exclusively performed by Plaintiff's predecessor, a Caucasian, before Plaintiff's arrival in the group*".

In addition, as the "performance improvement plan" (Exhibit C) and the "written warning" (Exhibit F) on which I was placed and the "recommendation for termination" (JPMorgan Chase 000060 - Exhibit C attached to "Declaration of Helen Dubowy"), which were all concocted by JPMorgan Chase's HR legal representatives (Exhibit CC), show, these said tangible employment actions were brought against me for "refusing to do tasks".

However, the ONLY tasks that can be proven that I refused to do were the said racially discriminatory tasks¹⁵ that were off limits for the non-Black analysts and associates to do but were

¹⁵ The "tasks" I reported to HR as being racially discriminatorily assigned solely to me the only Black employee in the Counterparty Risk Group. The task of the taking of the minutes for the Monthly Governance Meetings 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 non-Black team members including the ones on my job level would be sitting around the conference room table waiting to "be served".

solely assigned to me, the only Black Analyst in the Counterparty Risk Group, to do – Bearing in mind that contrary to “The Baruch Horowitz Lie”, before I joined the said Counterparty Risk Group, the task of the taking of the minutes for the Monthly Governance Meetings was rotated among all the non-Black analysts and associates in the said group¹⁶ (as I was told in my interview and as per Kimberly Dauber’s email dated February 4, 2015¹⁷ – Exhibit B) and the tasks of the printing, etc. of all the team members’ presentation materials for the Monthly Governance Meeting never existed.

As is as clear as day in Exhibits CC, CC-1, CC-2 and CC-3, JPMorgan Chase’s HR legal representatives were most instrumental in taking tangible employment actions against me after I reported to HR that I was being racially discriminated against in the work assignments that were solely assigned to me, the only Black analyst in the Counterparty Risk Group proving that: *“there [is] factual support for Plaintiff’s allegations that [I] was retaliated against because [I] had lodged complaints with Human Resources about [my] perceived unfair treatment”*.

For taking a stance against the employment racially discriminatory work assignments which were solely assigned to me, the only Black analyst in the Counterparty Risk Group, I was severely punished by way of tangible employment actions which included being placed on a “performance improvement plan”, being given a “written warning” and ultimately terminated, all of which, as Exhibits CC, CC-1, CC-2 and CC-3 show, JPMorgan Chase’s HR legal representatives were instrumental in executing. And, pursuant 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;

¹⁶ Khavin was cognizant of not making any of the non-Black analysts and/or associates feel demeaned by solely assigning any one of them the task of taking the minutes for the Monthly Governance Meeting.

¹⁷ *“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...”*

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*” the said HR legal representatives’ tangible employment actions are in violation of the law.

(Page 2 - 1st ¶) **Opposition/Response to “Chase responded promptly to Plaintiff’s complaints and investigated them fairly and thoroughly, finding that no discrimination had occurred”**

Defendant John Vega’s “investigation” of my Claim of Employment Racial Discrimination that I had brought against Khavin and Shillingford, which anyone of reasonable mind would assume was supposed to be neutral and fair, was not only “drunken” but as evidenced in Exhibit CC-1 and from my own first hand knowledge was biased, retaliatory and a total farce.

Among the thousands of duplicated copies of emails (just a mere fraction has been sent to the Court as “Exhibits”) I received from the Defendants, JPMorgan Chase & Co., et al attorneys’ office on March 21, 2017 were the following emails between Vega and the alleged perpetrators, Khavin and Shillingford during the time that Vega should have been “*fairly and thoroughly*” investigating my claim of Employment Racial Discrimination against me, by the said alleged perpetrators, Khavin and Shillingford (Exhibit CC-1):

- An email showing that from my first correspondence with Defendant Vega in which he informed me that “*your matter has been raised to me for investigation*” (JPMorgan Chase 002285 – Exhibit CC-1), unbeknownst to me, he had been **blind copying** the alleged perpetrators, Khavin and Shillingford and continued to blind copy them on such subsequent emails. However, as the complaining party, I was never copied and/or blind copied on any email Vega sent to Khavin and/or Shillingford.

- Email trail dated July 8, 2015 – Unbeknownst to me, everything that Defendant Vega and I discussed was relayed to alleged perpetrator/Defendant Shillingford. However, as the complaining party, Vega had never relayed to me what he discussed with alleged perpetrator/Defendant, Shillingford about the matter.
- Pursuant to email dated July 8, 2015, email from Shillingford dated July 17, 2015 and time stamped 7:03 AM confirms that Defendant Vega had been keeping alleged perpetrator/Defendant, Shillingford “*updated*” as per Shillingford’s request (email dated June 30, 2015 – JPMorgan Chase 001242).
- Email dated July 27, 2015 – Unbeknownst to me, Defendant Vega who is an attorney by profession along with other HR representatives, who are quite likely attorneys as well, were liaising with alleged perpetrator/Defendant Shillingford in concocting the fallacious, pretextual and retaliatory Performance Improvement Plan (“PIP”) that was issued to me on July 30, 2017. I respectfully refer the Court to the additional emails showing this “PIP concoction”¹⁸ provided in Exhibits CC and CC-1.
- Email dated July 28, 2015 - Unbeknownst to me, alleged perpetrator/Defendant Shillingford was among the people informed by Defendant Vega that he would be discussing the “*results of [his] investigation*” with me on July 29, 2015¹⁹ saying: “*I will keep everyone apprised of this*”²⁰. Shillingford then forwarded this email to her acting manager at the time, Defendant Thomas Poz. However, as the complaining party, the only thing that Vega told me with regards to the “*results of [his] investigation*” with Shillingford and/or Khavin was, he had “*found “nothing discriminatory*” and with the same intensity as alleged perpetrator/Defendant Khavin and in reminiscence of the 1800s plantation style living when slaves were ordered by force, he

¹⁸ Among HR representatives whom I had never met and/or as much as had an email communication with, never even knew they existed (the only other HR personnel besides Vega whom I had email communication with was Terri Vernon).

¹⁹ The day before my “impromptu” 2015 mid-year performance review.

²⁰ The July 29, 2015 “*results of [Vega’s] investigation*” consisted of all the fallacious and pretextual information, according to Vega, that Khavin and Shillingford gave him. These were the said fallacious and pretextual information that appeared on the “performance improvement plan” I was issued the very next day

vehemently ordered me saying, “*when it comes time to get everything ready for the monthly meeting, [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] get it ready so as not to derail your career here [JPMorgan Chase]*”. In my words, “turn a blind eye to the Employment Racial Discrimination against you and your financial career here at JPMorgan Chase, will be just fine”.

- Email dated July 31, 2015 (two pages) – Unbeknownst to me, when I sent an email the day after my 2015 mid-year performance review, where I was issued the fallacious, pretextual and retaliatory performance improvement plan (PIP), to alleged perpetrator/Defendant Shillingford informing her of my illness, which I later found out is due to Somatisation/Somatoform and Psychosomatic Disorders (Exhibit ZZ), Shillingford forwarded my said email, in ridicule, to Defendant Vega with the statement: “*As expected....*” Defendant Vega then responded: “*I am not surprised....*” alleged perpetrator/Defendant Shillingford’s response: “*I won’t be surprise[d] if she takes disability*” (because this was what I was voluntarily informed and believe, and on that basis allege that Baruch Horowitz, my first predecessor, did due to overwork, stress and the unrealistic expectation for one person to do a job that realistically requires two people to do)²¹.
- On or about August 13, 2015 when I was standing at alleged perpetrator/Defendant Shillingford’s desk and her Outlook Inbox was opened on her computer, I was surprised to see a “Thank You and Farewell” email from Defendant Vega to alleged perpetrator/Defendant Shillingford considering that when I first met with Vega, he appeared to have never known of or about Khavin and Shillingford prior to me raising the claim of Employment Racial Discrimination against them. Yet, in no time, he, Vega was “friendlyly” sending Shillingford, and possibly Khavin, his “Thank You and Farewell” email. However, it has now been revealed in the thousands of duplicated copies of emails that I received from the Defendants, JPMorgan

²¹Am. Compl. ¶ 107; Khavin Dec., ¶ 12, 16; Dauber Dec., ¶ 5; Shillingford Dec., ¶ 11

Chase & Co., et al attorneys' office on March 21, 2017 that this "comfortable back and forth" between Defendant Vega and the alleged perpetrators/Defendants, Khavin and Shillingford had been going on from the time my Claim of Employment Racial Discrimination against me to JPMorgan Chase's HR Department was "escalated" to Vega for him to "investigate".

My Claim of Employment Racial Discrimination for which Vega was "investigating" was based on the fact that undesirable tasks that were assigned solely to me, the only Black analyst in the Counterparty Risk Group led by Khavin, that had never been assigned to any of the non-Black analysts and/or associates (including my non-Black predecessors) in the said group prior to me joining the group and/or after I joined the group, were racially discriminatory.

However, anyone of reasonable mind will notice in the emails I have provided in Exhibits CC and CC-1 that there is nothing about rectifying the issue pertaining to this unlawful act or the mention of even the possible violation of 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."*

It was all about concocting ways to unlawfully retaliate against me in their quest to protect the company from "litigation" - as Vega described himself in his LinkedIn profile summary: *"Trusted advisor and consultant to HR and business managers on diverse workplace issues with a proven track record of analyzing and resolving complex employment issues minimizing litigation risks"*.

Also, I respectfully ask that the Court take note of Exhibits CC and CC-1 whereby the ONLY tasks that Vega, et al are accusing me of refusing to do are the racially discriminatory tasks²²

²² The tasks I reported to HR as being racially discriminatorily assigned solely to me, the only Black analyst in the Counterparty Risk Group. The task of the taking of the minutes for the Monthly Governance Meetings 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 non-

that were off limits for the non-Black analysts and associates to do but were solely assigned to me, the only Black Analyst in the Counterparty Risk Group, to do – Bearing in mind that before I joined the said Counterparty Risk Group, the task of the taking of the minutes for the Monthly Governance Meetings was rotated among all the non-Black analysts and associates in the said group²³ and the tasks of the printing, etc. of all the team members presentation materials for the Monthly Governance Meeting never existed. There was also a White administrative assistant on the team to whom these tasks were never assigned even though those tasks would more likely fall into the administrative assistant job category. (I respectfully refer the Court to see more on the unfairness of these tasks being solely assigned to me in my “Affidavit in Opposition/Response to Declaration of Alex Khavin - docket # 92 – “Response to Statement #s 12, 13 & 14”).)

Anyone of reasonable mind will also notice that alleged perpetrator/Defendant Shillingford, who is Black and a servile employee, was coached into lying – “The Baruch Horowitz Lie” (email dated July 24, 2015 – “Follow ups from our meeting”)²⁴ and was given step by step directives by the HR representatives in their quest to unlawfully retaliate against me for raising the issue of Employment Racial Discrimination. These step by step directives included Defendant Dubowy sending Shillingford the performance improvement plan (PIP) template on July 6, 2015 with the message: “*As discussed. Thanks*” (JPMorgan Chase 002992 - Exhibit CC-1) and the HR representatives trying to make it seem that Shillingford, who again is Black and not Khavin who is White was the main perpetrator of the Claim of Employment Racial Discrimination that I reported to JPMorgan Chase’s HR department (Exhibit CC - JPMorgan Chase 001392 & 003342, ¶ 114 - Am. Compl., Exhibit F and Declaration of Fidelia Shillingford - Docket # 93).

Black team members including the ones on my job level would be sitting around the conference room table waiting to “be served”.

²³ Khavin was cognizant of not making any of the non-Black analysts and/or associates feel demeaned by solely assigning any one of them the undesirable task of taking the minutes for the Monthly Governance Meeting.

²⁴ I respectfully refer the Court to see my Response to “The Baruch Horowitz Lie” in my “Affidavit in Opposition/Response to Declaration of Baruch Horowitz – Docket # 99” and my “Affidavit in Response/Opposition to Defendants’ Statement of Undisputed Material Facts - Docket # 90 - Defendants’ Undisputed Material Fact # 18”.

In light of the foregoing and as is obvious in the above-referenced emails and other emails in Exhibit CC and Exhibit CC-1, Vega's "investigation" was not only biased and a total farce but it was retaliatory²⁵ which is in violation of 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)"*.

Also, drawing from Canon 3(A)(4) which states: *"A judge should accord to every person who has a legal interest in a proceeding, and that person's lawyer, the full right to be heard according to law. Except as set out below, a judge should not initiate, permit, or consider ex parte communications or consider other communications concerning a pending or impending matter that are made outside the presence of the parties or their lawyers. If a judge receives an unauthorized ex parte communication bearing on the substance of a matter, the judge should promptly notify the parties of the subject matter of the communication and allow the parties an opportunity to respond, if requested"* Defendant Vega's conduct, as is evidenced in his email correspondence with the alleged perpetrators, Khavin and Shillingford reflects impropriety and his investigation, a lack of integrity which is in total contrast to the Defendants' statement that: *"Chase responded promptly to Plaintiff's complaints and investigated them fairly and thoroughly"*.

²⁵ The ONLY tasks that I refused to do were the racially discriminatory tasks that were solely assigned to me, the only Black analyst in the Counterparty Risk Group – Tasks which were not even assigned to the White administrative assistant in the said group to do even though they would more likely fall into the administrative assistant job category.