

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

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

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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

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**PART 3**

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

**a. “Failure to Take Steps to Prevent Discrimination, Retaliation and Harassment”**

(Page 16) Opposition/Response to “Failure to Take Steps to Prevent Discrimination, Retaliation and Harassment”

(Page 16) **Opposition/Response to “Before she transferred to CRG”**

I respectfully refer the Court to my “Opposition/Response to Defendants’ “Preliminary Statement” above where I articulated that this statement of me being “*transferred to CRG*” 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. I was officially **terminated** by JPMorgan Chase on Sunday, November 9, 2014 (Exhibit JJ). However and by chance<sup>85</sup>, I was successful in securing another position as a Credit Reporting Risk Analyst with the said company in its Asset Management Counterparty Risk Group which I was able to start and started on Monday, November 10, 2014 **after my date of termination**.

(Page 16) **Opposition/Response to “Both investigations found her complaints to be unsubstantiated.... Chase acted swiftly and thoroughly to investigate whether any discrimination had occurred. None was, so no corrective action was warranted.”**

As Exhibits CC and CC-1 show, Chase’s “investigations” are a farce as I wrote in Paragraph 137 of my Amended Complaint: “*JPMorgan Chase’s HR department is a farce and the HR representatives are only looking out for the best interest of the company whether it means making sure to not expose the racist culture within the company through unlawful retaliations, bogus investigations and cover-ups or to not take culpability for a manager willfully harassing an employee.*”

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<sup>85</sup> Response to “Affidavit in Opposition/Response to Declaration of Michelle Sullivan, manager from “*previous position*”, in Support re: 89 Motion for Summary Judgment - Docket # 95” – Pg. 8 – “Statement”)

Take for instance the “investigation” into my Employment Racial Discrimination Claim done by Defendant John Vega<sup>86</sup>. Anyone of reasonable mind, based on what has been exposed in Exhibit CC-1, would agree that this said “investigation” was biased, retaliatory and a total farce.

With that said, I respectfully refer the Court to my “Response to Helen Dubowy Exhibit B” – “Affidavit in Opposition/Response to ‘Declaration of Helen Dubowy’ – Docket # 96” - “John Vega’s ‘Investigation’” where I articulated as follows:

*“With all due respect, this drunken “investigation report” attached as “JPMorgan Chase 000101 – 000108 & 002095 - Exhibit B” to Dubowy’s Declaration in conjunction with Defendant John Vega’s display of impropriety as evidenced in Exhibit CC-1 explains why JPMorgan Chase & Co. (“JPMorgan Chase”) fired him (at least, I think Vega was fired).*

*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 “neutrally investigating” my claim of Employment Racial Discrimination against me, by the said perpetrators, Khavin and Shillingford (Exhibit CC-1):*

- *An email showing that from my first correspondence with Defendant/“neutral investigator”, 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*

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<sup>86</sup> I was only privy to emails regarding John Vega’s “investigation” which were sent to me on March 21, 2017 by the Defendants’ attorneys. I was not sent any emails regarding the “investigation” done by Nancy Sebastian for my prior manager, Michelle Sullivan. John Vega no longer works for JPMorgan Chase.

*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/“neutral investigator”, 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/“neutral investigator”, 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/“neutral investigator”, 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, 2015. I respectfully refer the Court to the additional emails showing this “PIP concoction”<sup>87</sup> 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/“neutral investigator”, Vega that he would be discussing the “results of [his] investigation” with me on July 29, 2015<sup>88</sup> saying: “I will keep everyone apprised of this”<sup>89</sup>. 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,*

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<sup>87</sup> 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).

<sup>88</sup> The day before my “impromptu” 2015 mid-year performance review.

<sup>89</sup> 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

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 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/“neutral investigator” Vega with the statement: “As expected....”, Defendant/“neutral investigator” 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)<sup>90</sup>.
- 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/“neutral investigator”, Vega to alleged perpetrator/Defendant Shillingford considering that when I first met with Vega, he appeared to

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<sup>90</sup>Am. Compl. ¶ 107; Khavin Dec., ¶ 12, 16; Dauber Dec., ¶ 5; Shillingford Dec., ¶ 11

*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 “friendly” 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 Chase & Co., et al attorneys’ office on March 21, 2017 that this “comfortable back and forth” between Defendant/“neutral investigator”, 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 three 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”.*

**b. “Intentional Infliction of Career Regression and Career Stagnation on the Basis of Race”**

(Pages 17 - 18) Opposition/Response to b. “Intentional Infliction of Career Regression and Career Stagnation on the Basis of Race”

(Page 17 – 1<sup>st</sup> ¶) Opposition/Response to “Such a claim is barred as matter of law”

I respectfully refer the Court to (4) - “Plaintiff Cannot Establish Her Other Claims of Discrimination” above.

In addition and with all due respect “*the claim boils down to*” **Employment Racial Discrimination** (Exhibit QQ – “Black/Colored people’s time”, “Uppity Negro”, “The Myth of the Angry Black Woman”, “How Michelle Obama Felt about Being Labeled an ‘Angry Black Woman’”, “Angry Black Woman”, “Why Black Workers Really Need to be Twice as Good”, “Acting White”, “How can I explain to White people....”, “Black Troops More Likely to Face Military Punishment”, Exhibit QQ-1, Ninth Cause of Action – Am. Compl. & Exhibit FF)

(Pages 17 - 18) Opposition/Response to “Defendants Michelle Sullivan and Chris Liasis”

Defendant Liasis is a racist who puts limits on Blacks. (I respectfully refer the Court to my “Response [under Sworn Oath] to Request No. 12” of my “Response to Defendants First Request for Production of Documents – pgs. 26 - 29” - docket # 45 and ¶¶ 150 – 160 – Am. Compl.).

Liasis became Sullivan’s new manager in 2013 and after butting heads with Liasis, who obviously believes that there should be a limit on Blacks in terms of career growth<sup>91</sup>, the malicious,

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<sup>91</sup> In the meeting for the verbal portion of my 2013 mid-year performance review, one of the “feedbacks” Liasis gave me as it related to my overall performance was: “*you are very professional. You need to tone down your professionalism to integrate with the team*” – to “act Black” – (Am. Compl. ¶ 197, Exhibit QQ - “Acting White” and “Uppity Negro”)

mendacious and racially stereotypical comments<sup>92</sup> which were defamatory to my character as a Black employee that Sullivan started writing under the guise of “Manager Opportunities” on my performance reviews were not consistent with the comments she, Sullivan wrote on my 2012 year end performance review<sup>93</sup> and/or the truth (Exhibit G – 2012 Performance Review and Exhibit GG).

(Page 17 – 2<sup>nd</sup> ¶) Opposition/Response to “Each of these actions and decisions reflects business judgments by Chase and its managers...”

As explicitly articulated in my “Affidavit in Opposition/Response to ‘Declaration of Chris Liasis – Docket # 94’” and “Affidavit in Opposition/Response to ‘Declaration of Michelle Sullivan’ – Docket # 95”, anyone of reasonable mind will see that the “*actions and decisions*” made by Defendants Sullivan and Liasis were racially discriminatory and based on intent to inflict regression and stagnation on my career at JPMorgan Chase – to keep me in my “Black hole” (¶¶ 149, 151, 158 & 159 – Am. Compl., Exhibit QQ-1, Ninth Cause of Action – Am. Compl. & Exhibit FF).

It never mattered what I did to exceed my work expectation in the Global Commodities Group - Energy Confirmations Department of JPMorgan Chase Corporate & Investment Bank (“Confirmations”) for which Liasis was the skip level manager, Liasis and his co-conspirator, my manager, Defendant Michelle Sullivan (“Sullivan”) would never recognize and/or were biased

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<sup>92</sup> EEOC Compliance Manual Section 15 – Race and Color Discrimination - V(A)(2) – RACE-RELATED STATEMENTS (ORAL OR WRITTEN) MADE BY DECISIONMAKERS OR PERSONS INFLUENTIAL TO THE DECISION. “*Race-related statements include not only slurs and patently biased statements, but also “code words” that are purportedly neutral on their face but which, in context, convey a racial meaning.* (47) *The credibility of the witness(es) attesting to discriminatory statements, and the credibility of the witness(es) denying them, are critical to determining whether such statements actually were made. If racially discriminatory statements were made, their importance will depend on their egregiousness and how closely they relate – in time and content – to the decision in question.*” Also Exhibit A-1 - “*Often, unconscious stereotypes or implicit biases are, [can be, and will be] at play*” - Former Equal Employment Opportunity Commissioner, Stuart Ishimaru.

<sup>93</sup> Sullivan did not do my 2013 mid-year performance review because she was out on maternity leave. My 2013 mid-year performance review was done by Liasis. I respectfully ask the Court to make note of the fact that the Defendants have conspicuously omitted to include my 2012 performance review done by Sullivan in their exhibits. As a matter of fact, per Sullivan’s statement # 2 in “Declaration of Michelle Sullivan – Docket # 95” they have denied/omitted the fact that Sullivan was my manager in 2012.

against my contributions to efforts that would/should enhance my, or any employee's regardless of race, career at JPMorgan Chase<sup>94</sup> (Exhibit QQ-1).

Take for instance "*Liasis made the business decision to reject Plaintiff's suggestion because he believed it could cause delay and inefficiencies*"<sup>95</sup>. Now, with regards to "*could cause delay and inefficiencies*", as I articulated in my "Response to Declaration Statement # 6 – Query Management Tool ("QMT")" - "Affidavit in Opposition/Response to 'Declaration of Chris Liasis' – Docket # 94", how could anyone of reasonable mind think that such "findings" by Liasis are/could be correct based on the following examples in "Benefits of the QMT" (Query Management Tool) I created? My said articulation is as follows:

*"For example, all of the "Benefits of the QMT" (JPMorgan Chase 000358 - Exhibit A attached to Liasis' Declaration) reflect the core deficiencies of the Confirmations query management process and the said "Benefits of the QMT" are ways to address those said deficiencies. Take for instance the first bullet of the "Benefits of the QMT" - What had been happening in the absence of a QMT is, if the manager, Sullivan wanted to know the status of a "noteworthy" query<sup>96</sup>, she pretty much "stopped the presses" by sending an email to the whole team asking "Who is working on this? What's the status of this?" Then the whole team would stop what we were doing to investigate amongst ourselves to see who is working and/or who worked on the query, etc. in order to get back to Sullivan with a status. I remembered how that affected the group's, including my own, productivity. However, with the QMT, all that information would have*

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<sup>94</sup> Liasis and Sullivan never gave 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 in the year of the promotion (Exhibit H-3, Exhibit QQ – "Black Workers Really Do Need to Be Twice as Good", Exhibit QQ-1, Ninth Cause of Action – Am. Compl. & Exhibit FF).

<sup>95</sup> Bearing in mind that this was a suggestion that Liasis did not even want me to as much as share with the team (see Liasis' "warnings in ¶ 156 of my Amended Complaint – containing me in my "Black hole"). Also, please bear in mind that as managers, neither Liasis nor Sullivan could come up with a suggestion/solution of their own because neither of them had hands-on experience as to how to do the work. Meaning, if all the members of the Confirmations team were to be out one day neither Liasis nor Sullivan would be able to do the work (BAU). With that said, up to my departure from the Confirmations department, the problem remained unresolved as no other member was able to come up with as much as a suggestion – "*reflects business judgments by Chase and its managers*".

<sup>96</sup> Noteworthy queries are queries which would require more thought and/or time than average to resolve.

been in a centralized location and for the most part, Sullivan would not need to send those “stop the presses” emails to the team. Another case in point is bullet four whereby, what had been happening in the absence of a QMT is, if a team member was out, the other members of the team often do not know the status or progress of the query the absent/point person was working on because such information was stored in the team member’s inbox, folder or notebook. So again, with the QMT, all that information would have been in a centralized and transparent location for another member of the team to efficiently execute the requested task without delay or without wasting valuable productivity time trying to figure out what had been going on with the query.

As it relates to “stored in the team member’s inbox, folder or notebook”, instead of team members storing pertinent supporting documents in their inbox, folders or notebooks, as per the “**Features of the QMT**” - (JPMorgan Chase 000357 - 000358 - Exhibit A attached to Liasis’ Declaration), I created two columns in the Excel spreadsheet for “Supporting Documents and Additional Supporting Documents”. These columns would provide the option to insert a hyperlink or hyperlinks directly to any supporting documents which in turn would be more beneficial to the team, especially if a team member is absent from work, in enhancing efficiency, accuracy, transparency and turn around time than to have those said documents stored in individual team member’s inbox, folders or notebooks.

And, to benefit the Confirmations Team and JPMorgan Chase as a whole as I articulated in the last bullet of the “**Benefits of the QMT**” (JPMorgan Chase 000358 - Exhibit A attached to Liasis’ Declaration), the QMT could vastly improve productivity time. The Confirmations department had a huddle each and every morning with its thirteen (13) team members (including Liasis and Sullivan) which lasted for at least 30 minutes. These huddles were mainly to discuss who is working on what “noteworthy” query request and the status of the said “noteworthy” query requests, etc. If one was to calculate cumulative productivity time, the total time spent per week just to find out information that could have been stored in one centralized location, that calculation

would be 5 (days per week huddles are held) x 13 (number of team members) x 30 (minutes per huddle) which cumulatively equals 1950 minutes per week. Or, when divided by 60 (60 minutes in one hour) equals cumulatively 32.5 hours of productivity time spent per week on having these huddles. If the QMT was implemented, whereby all of the information exchanged in the daily 30 minute huddles had been inputted in the Excel Spreadsheet by each individual team member, then these huddles where all the team members had to be present, could be reduced to a maximum of three (3) per week instead of five (5) per week, saving the Confirmations department and JPMorgan Chase on a whole at least 13 hours per week of productivity time. And who knows, the company could have saved money from having to pay me and the other non-exempt analysts in the group for at least half an hour per day of overtime work.”

In light of the foregoing, I respectfully ask the Court to bear in mind that if this creation by me, Black Plaintiff, Candice Lue was implemented, it would have been difficult for Liasis and his co-conspirator, Sullivan not to have given me at least a “Meets Expectation Plus (M+)” on my next performance review. Whereby, to even be considered for a promotion, a JPMorgan Chase employee needs to have at least a “Meets Expectation Plus (M+)” performance rating in the year of the promotion (Exhibit H-3, Exhibit QQ – “Black Workers Really Do Need to Be Twice as Good” & Exhibit QQ-1).

As it relates to my statement above: “*Defendant Liasis is a racist who puts limits on Blacks*”, this was what I wrote in my “Response [under Sworn Oath] to Request No. 12” of my “Response to Defendants First Request for Production of Documents – pg. 27” - docket # 45”:

“*To show the limits that Liasis put on Blacks, compared to my idea [Query Management Tool (QMT)] 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.” No “Meets Expectation Plus (M+)” is necessary for this “great idea”.*

(Page 17 – 2<sup>nd</sup> ¶) **Opposition/Response to “...May not be challenged in the absence of specific evidence of a discriminatory motivation”**

As articulated above, as a Black JPMorgan Chase employee, Liasis with the help of his co-conspirator, my manager, Sullivan, was hell-bent on limiting me to my “Black status” (“Response [under Sworn Oath] to Request No. 12” of my “Response to Defendants First Request for Production of Documents” - docket # 45).

However, while Liasis was using his deep-seated 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 at the said company, within the said two years, in the Marketing Middle Office Group for which he, Liasis was the direct manager, I had seen where he promoted, Alexandra Nash, 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, with all due respect, I have yet to hear about any process improvement or any other substantial or significant contribution that Alexandra Nash had made to the Marketing Middle Office Group that worked closely with Confirmations (the department I worked in) which was more than or the equivalent of the contributions that I, Black, pro se Plaintiff, Candice Lue had made to the Confirmations department that made her, Alexandra Nash, a White female employee, worthy of such promotions and me, a Black female employee not even worthy of a “Meets Expectation Plus (M+)” performance rating, for me to be even considered for a promotion (Am. Compl. ¶ 162, Exhibit QQ – “Black Workers Really Do Need to Be Twice as Good”, Exhibit QQ-1).

(Page 17 – 2<sup>nd</sup> ¶) **Opposition/Response to “With respect to the second, Sullivan did in fact acknowledge Plaintiff’s work on the project.....”**

With all due respect, I don’t even know why this is here. There are so many better things that could be done for humanity than to file an Employment Racial Discrimination lawsuit because “*Sullivan did in fact acknowledge Plaintiff’s work on the project.....*”

(Pages 17 – 18; 2<sup>nd</sup> ¶) **Opposition/Response to “Plaintiff was taken off Novations because the department underwent a structural change.....”**

This statement is categorically false. Pursuant to “EEOC Compliance Manual Section 15 - Race and Color Discrimination” V(A)(2) – EMPLOYER CREDIBILITY which states: “*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),* I respectfully refer the Court to my “Response to Declaration Statement # 3 – Confirmations Department Division of Labor” - “Affidavit in Opposition/Response to ‘Declaration of Chris Liasis’ – Docket # 94”.

(Page 18 – 1<sup>st</sup> ¶) **Opposition/Response to “Plaintiff was required to engage in certain client service functions, which she believed.... ”**

Sullivan and Liasis taking away my regular duties as an Energy Confirmations Drafting Analyst and replacing them with the duties of a Client Service representative which consisted of me using the **majority** of my Business As Usual (BAU) to call clients to ask them if they had received

issued trade confirmations and when can we expect a returned signed copy<sup>97</sup>, was not only regressive to my career at JPMorgan Chase (2nd to last ¶ - My “Response [under Sworn Oath] to Request No. 12” of My “Response to Defendants First Request for Production of Documents” - docket # 45, Exhibit QQ-1, Ninth Cause of Action – Am. Compl. & Exhibit FF) but it was also a tangible employment action against me as it relates to reassignment with significantly different responsibilities - Vance v. Ball State University, 133 S. Ct. 2434 (2013).

In light of the foregoing, I respectfully refer the Court to see my full articulation of how Defendants Liasis and Sullivan intentionally inflicted regression, stagnation and ultimately termination on my career at JPMorgan Chase in my “Affidavit in Opposition/Response to ‘Declaration of Chris Liasis’ – Docket # 94”, “Affidavit in Opposition/Response to ‘Declaration of Michelle Sullivan’ – Docket # 95” & Sixth and Tenth Causes of Action in my Amended Complaint.

(Page 17) “Opposition/Response to Footnote # 5”

(Page 17) **Opposition/Response to “Plaintiff also alleges in this cause of action that (i) Khavin stagnated her career by “switching” her manager from Dauber to Shillingford so that Khavin could discriminate against her... and (ii) Shillingford stagnated her career by “enforcing” Khavin’s discriminatory assignment of tasks”.**

As articulated in my “Affidavit in Opposition/Response to ‘Declaration of Alex Khavin’ – Docket # 92” – “Khavin’s Attempts to Cover up Her Racial Bigotry”: “*Alex Khavin is a master at subtly covering her bigotry. Khavin used Defendant Fidelia Shillingford (“Shillingford”), a servile Black employee who, for her, Shillingford’s own job security relegated herself to being a horizontal racist<sup>98</sup>, as cover and a conduit to carry out her, Khavin’s bigotry against Blacks against me.*”<sup>99</sup>”

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<sup>97</sup> Confirmed by Charlie Coignard, Liasis manager and Sullivan’s skip level manager (¶ 5 of page 3 - JPMorgan Chase 000123 - 000126 - Exhibit A attached to Declaration of Helen Dubowy and/or Exhibit D – “Complaint: Michelle Sullivan – I Need Help”)

<sup>98</sup> Having gotten a M- rating from Khavin on her 2014 year end performance review (Exhibit FF), Shillingford’s career at JPMorgan was at the mercy of Khavin and HR so in her quest to secure her career/future at JPMC, Shillingford who is Black was willing to relegate herself to horizontal racist status (Exhibit QQ – “Corporate Careerist Blacks”). Also see ¶¶ 76-79 of my Amended Complaint - Factual Allegation “G” – “Khavin Rendered Second Class Treatment to Shillingford and Shillingford Accepted it”.

In addition, as articulated in “C” of my “Statement of Facts” above: *“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 me<sup>100</sup>.*

*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*

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<sup>99</sup> *“The race of the decisionmaker may be relevant, but is not controlling.(55) In other words, it should not be presumed that a person would not discriminate against members of his own race. As the Supreme Court has noted, “[b]ecause of the many facets of human motivation, it would be unwise to presume as a matter of law that human beings of one definable group will not discriminate against other members of their group.”(56) - (Title VII of the Civil Rights Act of 1964 - EEOC Compliance Manual Section 15 – Race and Color Discrimination - V(A)(2) - THE DECISIONMAKER’S RACE).*

<sup>100</sup> Assigning me to a subpar manager was Khavin’s first act of disparate treatment against me - similar to “back in the days” when Black children were relegated to schools that were in poor structural/financial condition and the “colored” water fountains needed upkeep/repair, etc. while respectively, the segregated White schools were in good condition and the water fountains for “Whites” had better upkeep.

*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.*

In light of the foregoing, anyone of reasonable mind will see that Khavin switching my manager from Dauber to Shillingford, a Black servile employee/horizontal racist, was an immediate blight<sup>101</sup> on my career at JPMorgan Chase to enhance her, Khavin's own bigotry against Blacks which includes the regression and stagnation of Black employees' career.

Case in point, prior to Khavin becoming Shillingford's direct manager, she, Shillingford in 2012 had a year end performance rating of "High Meets Expectation (M+)". Then, for year end 2013 with Alex Khavin as her manager, Shillingford got a downgraded performance rating of "Meets Expectation (M)" and for year end 2014, Khavin even downgraded her, Shillingford further to a performance rating of "Low Meets Expectation (M-)".

With a "Low Meets expectation (M-)" rating, Shillingford's career at JPMorgan Chase is pretty much at the mercy of Khavin because this rating hinders her, Shillingford, from getting better

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<sup>101</sup> And 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.

jobs, receiving a promotion or transfer within the company, etc.. So, for Shillingford, who again is Black, to secure her own career at JPMorgan Chase, she was willing to engage in horizontal racism against me by allowing herself to be used as the conduit through which Khavin could extend the said racial bigotry she extends to Shillingford to me, another Black employee, as well.

I will just end this section by saying that the ultimate regression and stagnation of a Black employee's career is for a White manager, Khavin to treat a Black employee, Plaintiff, Candice Lue as a second class citizen and the help/house slave for the non-Black members of the group she, Khavin headed. And worst yet, when Black employee, Plaintiff, Candice Lue opposes such treatment which by law Plaintiff, Candice Lue has a right to do 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)”*, tangible employment actions such as being given a low performance rating, being placed on a fallacious, pretextual and retaliatory “performance improvement plan”, given a written warning and then ultimately being terminated were taken against me resulting in the regression, stagnation and derailment of my financial career not only at JPMorgan Chase but throughout the whole financial industry.

**c. “Unlawful Segregation on the Basis of Race” and  
“Unwillingness/Failure to Promote to a Managerial Position on the  
Basis of Race”**

(Page 18) Opposition/Response to “Unlawful Segregation on the Basis of Race” and  
“Unwillingness/Failure to Promote to a Managerial Position on the Basis of Race”

In addition to my “Opposition/Response to Footnote # 5” above, I respectfully refer the Court to my Eighth and Ninth Causes of Action (“Unlawful Segregation on the Basis of Race and

Unwillingness/Failure to Promote to a Managerial Position on the Basis of Race in Violation of Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981”) in my Amended Complaint, “Response to Declaration Statement #s 5, 6 & 7” – “Affidavit in Opposition/Response to ‘Declaration of Alex Khavin’ - Docket # 92” and “Response to Declaration Statement #s 4, 5, 6 & 7” – “Affidavit in Opposition/Response to ‘Declaration of Fidelia Shillingford’ - Docket # 93”.

(Page 18 – Last ¶) **Opposition/Response to “Khavin made the decision that Shillingford would supervise whomever was hired for the Reporting Analyst role in order to give Shillingford managerial experience. (Khavin Dec., ¶ 5; Shillingford Dec., ¶ 4”**

I respectively refer the Court to my “Response to Declaration Statement # 5 – “Affidavit in Opposition/Response to ‘Declaration of Alex Khavin’ - Docket # 92” and “Response to Declaration Statement # 4” – “Affidavit in Opposition/Response to ‘Declaration of Fidelia Shillingford’ - Docket # 93” which are as follows:

Opposition/Response to Alex Khavin’s Declaration Statement # 5

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

*Also, why would Khavin be having “conversations about growing [Shillingford’s] managerial skills” when according to Exhibit FF, “in the months before Plaintiff’s hiring in the*

*CRG in November 2014”, Shillingford was trending a performance rating of “Low Meets Expectation (M-)” which Khavin subsequently gave Shillingford on her 2014 year end performance review along with putting Shillingford on a Development Plan? Wouldn’t this be more disparate treatment of a Black employee for Khavin to assign a low performer, who she, Khavin had to put on a development plan, to be the manager of that said Black employee when she, Khavin had never made any of the non-Black analysts and/or associates report to this low performer?”*

#### Opposition/Response to Fidelia Shillingford’s Declaration Statement # 4

*Statement # 4 by Shillingford epitomizes all that I said in my “Statement” [in “Affidavit in Opposition/Response to ‘Declaration of Fidelia Shillingford’ - Docket # 93”]. The length that Shillingford goes to appease her “masters” is unnerving (Am. Compl. ¶ 20 and Exhibit QQ – “Corporate Careerist Blacks”).*

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

*Also, why would Shillingford be expressing “to Khavin that [she, Shillingford] wanted to gain managerial experience” when becoming a manager would have been a promotion of sort and according to Exhibit FF, “in the months leading up to Plaintiff’s hiring into CRG in November 2014”, Shillingford was not only trending a performance rating of “Low Meets Expectation (M-)”*

*which Khavin subsequently gave Shillingford on her 2014 year end performance review along with putting Shillingford on a Development Plan as a “Course of Action” for her low performance but as Exhibit FF also shows, when Khavin became the head of CRG “in or about 2013”, Shillingford’s performance rating for year end 2012 was “High Meets Expectation (M+)” and for year end 2013, Khavin downgraded her to “Meets Expectation (M)” and then eventually to “Low Meets Expectation (M-)” in 2014 which would mean in Khavin’s estimation that Shillingford’s performance was on a downward spiral from “High Meets Expectation (M+)” in 2012 to “Low Meets Expectation (M-)” in 2014? With that said, what manager “promotes” an employee whose performance is on a downward trend and/or what employee goes to their manager to express that they want “managerial experience” when their performance, according to the said manager they are “expressing to”, is literally going down the tubes to the point where the manager sees it fit to put the said employee on a development plan as a “Course of Action”?*

*In light of the aforesaid, Khavin switching the White manager, Kimberly Dauber who I was slated to report to, who all the non-Black analysts and associates (including my three non-Black predecessors) reported to, who, she, Khavin did not need to put on a Development Plan and who as of 2014 year end was not on JPMorgan Chase’s list of “low performers”, to a servile Black employee, Shillingford, a subpar manager who Khavin had never made any of the non-Black analysts and/or associates (including my three predecessors) report to and in Khavin’s estimation, a low performer, was not only unlawful segregation on Khavin’s part but it was Khavin’s first act of disparate treatment against me, the first and only Black analyst to have joined her group<sup>102</sup>.”*

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<sup>102</sup> Assigning me to a subpar manager was Khavin’s first act of disparate treatment against me - similar to “back in the days” when Black children were relegated to schools that were in poor structural/financial condition and the “colored” water fountains needed upkeep/repair, etc. while respectively, the segregated White schools were in good condition and the water fountains for “Whites” had better upkeep.

I respectfully refer the Court to JPMorgan Chase’s document # 000221 (“JPMorgan Chase 000221” - Exhibit O) which “confirms” that “*it was only after I was confirmed by the team as the chosen candidate did Khavin, using the authority bestowed upon her by JPMorgan Chase, switch my manager to the conduit for her racial discrimination against Blacks, Shillingford*” **and** “*It was only after a series of interviews and I, being Black, was confirmed by the team as the chosen candidate for the position on Khavin’s team that Khavin gave Shillingford the opportunity to be a manager. Because Khavin is a racist, she was unwilling or failed to make any of my three non-Black predecessors report to Shillingford, a Black employee thus, failing to promote to a managerial position on the basis of race which is in violation of Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981*” (¶¶ 183 & 187 – Am. Compl. – Eighth and Ninth Causes of Action, respectively).

As Exhibit O - JPMorgan Chase 000221 explicitly shows, it was on November 5, 2014 (my final interview for the position was on November 3, 2014 with Khavin – Exhibit O), the day before “Plaintiff’s offer letter”, that the decision was made to make Shillingford my manager.

The information on “JPMorgan Chase 000221” is as follows:

**Date** - Nov 5, 2014, 6:07:08 PM

**Event** - Hiring Manager Modified

**Detail** - Hiring Manager changed to “Fidelia Shillingford”

In light of the foregoing, I respectfully refer the Court to “EEOC Compliance Manual Section 15 - Race and Color Discrimination” V(A)(2) – EMPLOYER CREDIBILITY which states: “*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*

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<sup>103</sup> Dated November 6, 2014 (Exhibit A – “Declaration of Fidelia Shillingford”)

*ultimately is not credible, that is powerful evidence that discrimination is the most likely explanation.<sup>(59)</sup> 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,<sup>(60)</sup> appears to be an after-the-fact explanation, or appears otherwise fabricated (e.g., the explanation shifts, or inconsistent reasons are given).*

## **E. Plaintiff Cannot Establish Her Claims of Retaliation**

### **1. Legal Framework**

#### **(Page 19) Opposition/Response to "Plaintiff Cannot Establish Her Claims of Retaliation"**

As the only Black Analyst in the Counterparty Risk Group, as if I were the house slave for the non-Black members of the group<sup>104</sup>, 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 made it rotational among the non-Black analysts and associates before I joined the team as I was told in my interview and per Kimberly Dauber's email dated February 4, 2015<sup>105</sup> – 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" (undesirable, tedious and employment racially discriminatory tasks which never existed before I joined the team or tasks that were not even assigned to the White administrative assistant on the

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<sup>104</sup> I was on the Credit Reporting side of the group and all these non-Black members were on the Credit Analysis side (Shillingford Dec., ¶ 8).

<sup>105</sup> "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..."

team to do)<sup>106</sup>. (I respectfully refer the Court to my “Affidavit in Opposition/Response to Declaration of Alex Khavin - Docket # 92” – “Response to Declaration Statement #s 12, 13 & 14”).

In light of the aforesaid and Khavin being condescending, unapologetic and unrepentant during my meeting with her on April 24, 2015 where I tried my best to articulate to her how I felt about her treating me “*as if I am the help and as if this is 1910*” (Am. Compl. ¶¶ 9 & 172a), I was made to feel as if I shared the same sentiment as a house slave working on a plantation. And, as someone of slave ancestry, I found the unessential (as it related to benefiting the department or the company as a whole – see Footnote # 106) and undesirable task assignment of doing the printing, etc. of the non-Black team members’ presentation materials for the Monthly Governance Meeting and the task of solely being assigned to take the minutes for the said Monthly Governance Meeting racially demeaning and degrading (Exhibit B – my email dated May 27, 2015/time stamped 8:39 AM).

With that said, as the “Recommendation for Termination” attached as “JPMorgan Chase 000060 - Exhibit C” to “Declaration of Helen Dubowy” shows, for taking a stance against this disparate treatment, the unlawful act of Employment Racial Discrimination through peaceful defiance<sup>107</sup>, I was severely punished by JPMorgan Chase and its managers. These severe punishments included being unfairly given a low performance rating, being placed on a retaliatory and pretextual “performance improvement plan” on July 30, 2015, issued a “written warning” on September 24, 2015 (Exhibits C, CC, CC-1 & F) and ultimately terminated on January 6, 2016.

I respectfully refer the Court to the fact that the **only** “expectation” for the “written warning” that was issued to me on September 24, 2015 for my stance against the racially

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<sup>106</sup> These tasks were only a benefit/perk for the non-Black members of the team at the expense of me, the only Black analyst on the team. A benefit/perk, that like a plantation slave, I would have never gotten the opportunity to enjoy – Bearing in mind that my presentation materials and content had nothing to do with the said non-Black employees’ respective presentation materials and content whereby it should be my duty to do their printing of the said materials.

<sup>107</sup> 2<sup>nd</sup> paragraph of the said “Recommendation for Termination” and Shillingford’s email dated August 26, 2015/time stamped 4.25 PM (Exhibit CC-1) – “*I have no comment/I have no further comment*”/“*blank stare*”/Opposing the disparate treatment against me via emails/Reporting the matter to JPMorgan Chase’s HR Department/Filing a Charge with the EEOC, etc.

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<sup>108</sup>; 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.

The days when Black people were expected/punished “to serve their masters and their master’s family”<sup>109</sup> are over. 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 - C. RETALIATION which states: *“Employees have a right to be free from retaliation for their opposition to discrimination or their participation in an EEOC proceeding by filing a charge, testifying, assisting, or otherwise participating in any manner in an investigation, proceeding, or hearing under Title VII.(156)”* and;

Title VII of the Civil Rights Act of 1964 - EEOC Compliance Manual Section 15 – Race and Color Discrimination – 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”*

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<sup>108</sup> First off, there is no where on my job description that states that “[I] was hired” to perform those job responsibilities (Exhibit H)

<sup>109</sup> “Affidavit in Opposition/Response to Declaration of Alex Khavin - Docket # 92” – “Response to Declaration Statement #s 12, 13 & 14” - “The Color Purple”)

## 2. Plaintiff Cannot Raise a Triable Issue of Pretext

(Page 19) **Opposition/Response to “Plaintiff Cannot Raise a Triable Issue of Pretext”**

(Page 19) **Opposition/Response to “Plaintiff claims that for taking a stance against the unlawful act of Racial Discrimination.... Plaintiff cannot point to a shred of evidence, direct or circumstantial, that suggests that these actions were retaliatory”**

First off, the main “*shred[s] of evidence, direct or circumstantial, that suggests that these actions were retaliatory*” can be found in the emails provide in Exhibits CC, CC-1 and CC-2.

In conjunction, if the “performance improvement plan” (PIP) on which I was placed, the “written warning” that I was given and my termination from JPMorgan Chase were not unlawful and retaliatory, so many LIES would not have been needed to be told by the Defendants.

With that said, I respectfully refer the Court to 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 Kimberly Dauber in Support re: 89 Motion for Summary Judgment (Docket # 97)”, “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)”

In light of the foregoing and pursuant to 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)."*

In addition, I respectfully refer the Court to (3) above (pages 111 – 120) - "Plaintiff Cannot Raise a Triable Issue of Pretext".

Secondly, the stance I took was against the undesirable, tedious and employment racially discriminatory tasks that Khavin, who is a racist, solely assigned to me, the only Black analyst in the Counterparty Risk Group that she headed, to do. These tasks consisted of being solely assigned to take the minutes for the Monthly Governance Meetings (a task which was so undesirable that Khavin made it rotational among the analysts and associates before I joined the team) 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 and tasks that were not even assigned to the White administrative assistant on the team to do).

These said tasks that I took a stance against because of their employment racially discriminatory premise are the said tasks that were referred to on the fallacious, pretextual and retaliatory PIP (Exhibit C) on which I was placed as "*she has not taken on all tasks assigned to her*" and "*Candice needs to perform job responsibilities asked, she has demonstrated refusal to perform assigned tasks*" are the said tasks that I took a stance against and the **ONLY** tasks that, as the only Black analyst<sup>110</sup> in Khavin's group, I had ever refused to do because of their racial connotations.

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<sup>110</sup> As the only Black analyst in Khavin's group, I was the only analyst assigned to do these tasks

These are also the said tasks that I took a stance against because of their employment racially discriminatory premise that were noted as the **ONLY** “expectation” on the written warning on which I was given which clearly states: *“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)

And, the said tasks that I took a stance against because of their employment racially discriminatory premise as referred to on the “Recommendation for termination” (JPMorgan Chase 000060 - Exhibit C attached to “Declaration of Helen Dubowy”) as *“both documents [PIP and written warning] included issues on refusing to perform assigned tasks”* and *“refusal to perform the work asked of her”* are the said tasks that I took a stance against and the **ONLY** tasks, as the only Black analyst<sup>111</sup> in Khavin’s group, I had ever refused to do because of their racial connotations.

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 - C. RETALIATION which states: *“Employees have a right to be free from retaliation for their opposition to discrimination or their participation in an EEOC proceeding by filing a charge, testifying, assisting, or otherwise participating in any manner in an investigation, proceeding, or hearing under Title VII.(156)”* and;

Title VII of the Civil Rights Act of 1964 - EEOC Compliance Manual Section 15 – Race and Color Discrimination – 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”*.

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<sup>111</sup> As the only Black analyst in Khavin’s group, I was the only analyst assigned to do these tasks

(Page 19 – last line) **Opposition/Response to “Plaintiff spends the next ten pages ... attempting to pick apart what she has deemed inaccuracies in the PIP and Written Warning.”**

With all due respect, it was not what I “*deemed inaccuracies*”, it was what I deemed as blatant LIES.

(Page 20) **Opposition/Response to “Long history as a troublesome employee”**

For taking a stance<sup>112</sup> against the culture of Employment Racial Discrimination at JPMorgan Chase as articulated in my “Summary of Arguments – Defendant JPMorgan Chase & Co.”, I have a “*long history as a troublesome employee*”? I take the lines of “Desiderata” (By: Max Ehrmann) that says: “*If you compare yourself with others, you may become vain and bitter; for always there will be greater and lesser persons than yourself*”, very seriously.

But seriously, pursuant to my “Affidavit in Opposition/Response to ‘Declaration of Fidelia Shillingford’ – Docket # 93”, ¶ 20 of my Amended Complaint, Factual Allegation “G” (“Khavin Rendered Second Class Treatment to Shillingford and Shillingford Accepted It” - ¶¶ 76 – 79 Am. Compl.) and “Footnote # 5” – “Affidavit in Opposition/Response to ‘Declaration of Michelle Sullivan’ – Docket # 95” which states: “*The other Black employees just took whatever was handed to them without question or courage. The most they would do (especially Cecille Taylor-Simpson) was to go back to their desks and hum Negro spirituals or a Gospel song (I Know Why the Caged Bird Sings – Maya Angelou). According to what Liasis once scold me: “Why is it that you are the only one who is always complaining?” Because, I questioned my “raise”. Only to find out that Cecille Taylor-Simpson had not gotten a raise in years and that her last bonus was \$500.00 after eighteen (18) years of service*”, is that how JPMorgan Chase expected me, a Black employee, to be, servile and coward? (¶ 20 Am. Compl.)

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<sup>112</sup> The said stance Martin Luther King, Jr. was found “troublesome” for taking that landed him in jail, the said stance Nelson Mandela was found “troublesome” for taking that landed him in prison for twenty-seven (27) years, the said stance Rosa Parks was found “troublesome” for taking that landed her in jail, the said stance Harriett Tubman would have been found “troublesome” for taking if she was caught and was sent to jail, the said stance Congressman John Lewis was found “troublesome” for taking that caused him to get bloodied on Bloody Sunday and the said stance Bob Marley advocated in his songs that just like Martin Luther King, Jr., Nelson Mandela and Rosa Parks propelled him to worldwide fame.

Bearing in mind that 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 21) **Opposition/Response to “All of the disciplinary actions that followed Plaintiff’s complaints were consistent with those that preceded the complaints....”**

Prior to my Complaints<sup>113</sup> to JPMorgan Chase’s HR Department and the Equal Employment Opportunity Commission (EEOC), I was **NEVER** subjected to any disciplinary and/or corrective actions by JPMorgan Chase. This statement by the Defendants is categorically false.

#### **F. Plaintiff Cannot Establish Her Claims of “Aiding and Abetting”**

(Page 21) **Opposition/Response to “Plaintiff Cannot Establish Her Claims of “Aiding and Abetting”**

(Page 21) **Opposition/Response to “Plaintiff claims that Vega, Dubowy, and Poz “aided and abetted” violations of Title VII and 42 U.S.C. § 1981 because they disagreed with her assessment that she was the victim of discrimination.”**

This statement is categorically false. Not only is the evidence of Vega and Dubowy aiding and abetting violations of Title VII and 42 U.S.C. § 1981 clear as day in Exhibits CC, CC-1 and/or CC-2 but there is no evidence available which can give credence to: *“because they disagreed with her assessment that she was the victim of discrimination.”* As it relates to Defendants Vega, Dubowy and Poz aiding and abetting violations of Title VII of the Civil Rights Act of 1964 and 42

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<sup>113</sup> I was employed by JPMorgan Chase on August 20, 2012. My first Complaint to JPMorgan Chase’s HR Department ever was in January 2015 (Exhibit D – “Complaint: Michelle Sullivan – I Need Help”)

U.S.C. § 1981, these were the statements I made in my Amended Complaint which clearly show a pattern of aiding and abetting “underlying violation of these statutes”<sup>114</sup>:

Defendant John Vega

Paragraph 16: *“The HR representative, Executive Director, attorney by profession and Defendant, John Vega who did an “investigation” after the matter was escalated to him, told me that his “investigation” had found “nothing discriminatory” and with the same intensity as Alex Khavin and in reminiscence of the 1800s plantation style living when slaves were ordered by force, he 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”.”*

Paragraph 57: *“However, according to what Khavin told me in her unapologetic, unrepentant and condescending speech in our April 24, 2015 meeting, “I don’t care if you have to be here working at 10 or 11 o’ clock, it is your job and I expect you to do it.” – Bearing in mind that everyone else, the Whites and Asians, including the ones on my job level, would have been gone home by 6:00 pm. This behavior by Khavin was condoned and ratified by JPMorgan Chase as, according to Defendant John Vega who “investigated” my charge of racial discrimination against Khavin and to whom I explained my working situation and told the aforesaid words from Khavin verbatim, his investigation “had found nothing discriminatory.”*

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<sup>114</sup> Which to anyone of reasonable mind, with knowledge of this lawsuit, is as clear as day.

Paragraph 80: *“At face value, it would seem that I was at a higher salary range working as a Credit Reporting Risk Analyst in the Asset Management Credit Risk Department (Khavin’s team) than I was working as an Energy Confirmations Drafting Analyst in the Investment Banking Global Commodities Confirmations Department (my prior job). This was the first thing that Defendant Vega, the HR representative to whom my claim of discrimination was escalated, tried to use as a defense against my racial discrimination claim at our first meeting. But, the fact is, I was actually earning about \$7,000 per year less....”*

Paragraph 114: *“I spoke with [Vega] about the disparate treatment on the basis of my race that was being meted out to me by Khavin with the help of Shillingford making sure to disclose at that point that Shillingford is Black. He told me that he was aware that Shillingford was a “woman of color” and tried to assure me, as an attorney by profession, I guess, that because Shillingford is also Black/”woman of color” that she could not be racist against me. I begged to differ but he was so much into doing his job of covering up JPMorgan Chase’s and its managers’ racial discrimination against Blacks that he was not having any part of my divergence. This reflexive or possibly premeditated defense and attitude from Vega proved that from inception he was prepared to aid and abet violations of Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981. The said defense and attitude were also the obvious cover that Khavin used to extend, through Shillingford, her racial discrimination against Blacks, against me.”*

This said contention is articulated on page 14 *“Fourth”* *“(c) - Plaintiff Cannot Raise a Triable Issue of Pretext”* of the *“Defendants’ Memorandum of Law in Support of their Motion for Summary Judgment”*. However, pursuant to Title VII of the Civil Rights Act of 1964 - EEOC Compliance Manual Section 15 – Race and Color Discrimination - V(A)(2) - THE DECISIONMAKER’S RACE: *“The race of the decisionmaker may be relevant, but is not controlling.(55) In other words, it should not be presumed that a person would not discriminate against members of his own race. As the Supreme Court has noted, “[b]ecause of the many facets of*

*human motivation, it would be unwise to presume as a matter of law that human beings of one definable group will not discriminate against other members of their group.” (56).*

Paragraph 115: *“However, not only did Vega, in defense of Khavin, downplay my explanation but he tried to trap me into providing him with a screenshot of my job description which was still available on JobConnect, the online portal JPMorgan Chase uses for job opportunities and which at the time of Vega’s screenshot request, July 23, 2015 was stating Fidelia Shillingford as the hiring manager [Exhibit O - JPMorgan Chase 000221 manager switched on November 5, 2014]. Based on ensuing correspondence, Vega seemed to have thought that he could have dispelled 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. 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 as the hiring manager. I will provide that to you.” (EXHIBIT N) I sent Vega the promised document from home that night. My response to his 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 was, “As promised, attached is not one but two copies of my job description showing Kim Dauber as the hiring manager as of 10/23/2014 and 10/29/2014. I even have one dated 10/27/2014 (EXHIBIT H).”*

In light of “Paragraph 114” and as is evident in the Defendants’ Motion for Summary Judgment (e.g. pg. 14 “Fourth” “(c) - Plaintiff Cannot Raise a Triable Issue of Pretext”), in aiding and abetting Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981 violations, Vega was trying to discredit my claim of Employment Racial Discrimination by making it seem that it was Shillingford, who is Black, who hired me and not Kimberly Dauber who is White.

Paragraph 116: “Defendant Vega to whom my claim of racial discrimination was escalated as per JPMorgan Chase’s protocol did everything in his power to cover up 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 violations and 42 U.S.C. § 1981. He went as far as to tell me that the demeaning and discriminatory task of me printing, collating, stapling and lugging the non-Black team members’ presentation materials to the monthly team meeting was my job to do by making reference to the latter part of job responsibility: “Contributing to team-wide efforts such as risk assessment methodology enhancements, portfolio-wide reviews and preparing management presentations” on my job description. Obviously, he was not aware that this said job responsibility of “preparing management presentations” was listed on the job descriptions of **all** the other analysts and associates as well. (See Factual Allegations C # 59 – “Job Description - Counterparty Credit Risk Analyst”.) As, these are the presentations we make to management in the monthly meetings. Vega making this faux pas by referencing this job responsibility as the reason why Khavin assigned the previously stated demeaning and discriminatory task to me alone, the only Black analyst on the team, was one of his ways in helping to cover up Khavin’s unlawful racial discrimination against Blacks thus aiding and abetting Title VII of the Civil Rights Act of 1964 violations and 42 U.S.C. § 1981.”

I respectfully refer the Court to my “Affidavit in Opposition/Response to ‘Declaration of John Vega’ – Docket # 98” – “Job Description Encompassed the Tasks”.

Paragraph 117: “In [Vega’s] quest to cover up for JPMorgan Chase and its racist managers, he told me that per his findings he saw “nothing discriminatory”. Then, in the same condescending, unapologetic and unrepentant tone as Khavin and in reminiscence of the 1800s plantation style living where slaves were ordered by force, he vehemently ordered me saying, “when it comes time to get everything ready for the monthly meeting, get it [the non-Blacks’ printing, etc.] ready so as not to derail your career here [JPMorgan Chase]”. In other words, turn

*a blind eye to the racial discrimination against you and your financial career at JPMorgan Chase will be just fine. He also warned me that if I continued to go down this path [of making racial discrimination complaints], "this will quite frankly lead you down a path that will ultimately derail your career."*

Paragraph 118: *"For the two in-person meetings and the final conclusion one I had via a conference call with Vega, he was continuously on Khavin and Shillingford's sides. When he was not rationalizing for their unlawful, discriminatory behavior, as an attorney by profession, he was trying to twist my mind. He even went as far as to tell me or to deter me from reporting the matter to Local, State 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". How many other victims of racial discrimination has he used this tactic on to deter them from bringing discriminatory claims against JPMorgan Chase?"*

#### Defendant Helen Dubowy

Paragraph 119: *"Dubowy whom I had never met before or with whom I had never even done an email correspondence was supporting everything that was purported on the said fallacious, pretextual and retaliatory "performance improvement plan" as if she had had previous experience working with me in any capacity. In aiding and abetting Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981 violations, she emphasized and sided with Shillingford and Khavin that the demeaning and discriminatory tasks that Khavin disparately assigned to me alone, the only Black analyst on the team, were my job to do. These were the said tasks I reported to JPMorgan Chase's HR department as disparate treatment against me as no other analyst or associate in the two years prior to me joining the team or after I joined the team was ever asked or got punished to do."*

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.”*

In addition, I respectfully refer the Court to my “Affidavit in Opposition/Response to ‘Declaration of Helen Dubowy – Docket # 96’ – ‘Conclusion’” which states: *“as is evidenced in Exhibits CC and CC-1, Dubowy was instrumental in writing the said fallacious, pretextual and retaliatory ‘performance improvement plan’ (Exhibit C) as well as the equally fallacious, pretextual and retaliatory ‘written warning’ (Exhibit F) on which I was placed<sup>115</sup>. As Exhibits CC and CC-1 also show, Defendant Helen Dubowy had substantial input/involvement in the unlawful retaliations that were perpetrated against me and displayed as much or even more vehemence than Defendant/”neutral investigator”, Vega and the other HR legal representatives in her quest to take tangible employment actions against me, up to and including my termination.*

*Take for instance my detailed “Chronology of Events of Racial Discrimination” email dated July 21, 2015 that I had sent to John Vega, upon his request, that he forwarded to Dubowy. Dubowy’s July 23, 2015 (Exhibit CC-1 - JPMorgan Chase 001603- 001606) response to my said “Chronology of Events of Racial Discrimination” was: “[Kiss teeth] We need to bring this to a close asap [we need to terminate Plaintiff, Candice Lue]. This has been going on for too long and all Terri and I have been able to tell the mgmt [alleged Perpetrators/Defendants Khavin and Shillingford] is to hold” – Bearing in mind that Dubowy had already sent Shillingford the “performance improvement plan” (PIP) template on July 6, 2015 (two weeks prior) with the message: “As discussed. Thanks” (JPMorgan Chase 002992 - Exhibit CC-1).*

*But even so, after reading through my “Chronology of Events of Racial Discrimination”, did Dubowy even consider the possibility that Khavin and her servile employee and conduit,*

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<sup>115</sup> The first time I ever knew of Helen Dubowy was on July 30, 2015, the day of my 2015 mid-year performance review and the issuance of the PIP. I have never even as much as had an email communication with her yet she was not only instrumental in writing the “performance improvement plan” (Exhibit C) and the written warning (Exhibit F) that were issued to me but, she was the one who signed off on my “Recommendation for Termination”.

*Shillingford might be in 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”? And/or;*

*Before Dubowy sent her said response to John “[Kiss teeth] We need to bring this to a close asap [we need to terminate Plaintiff, Candice Lue]. This has been going on for too long and all Terri and I have been able to tell the mgmt [alleged Perpetrators/Defendants Khavin and Shillingford] is to hold” did she consider or was she aware that 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)”? Or;*

*For Dubowy, was it just: “who the heck cares? If she [Plaintiff, Candice Lue] sues us, we will just have the case sent to mediation, get it dismissed and send her off with the equivalent of or less than what it costs us for our Board of Directors to have lunch.*

*Also, I respectfully ask that the Court take note of Dubowy’s emphatic “Yes!” response to John Vega’s email dated July 30, 2015 (JPMorgan Chase 001467) when Vega mentioned the possible need for “corrective actions” against me if I continued to oppose the Employment Racial Discrimination that was being perpetrated against me and Dubowy’s email dated July 21, 2015 (JPMorgan Chase 001611).*

*As an Executive Director and HR Business Partner, Helen Dubowy, instead of taking steps to rectify and/or to prevent the unlawful racial discrimination, retaliation and harassment that I reported to JPMorgan Chase’s HR Department as being perpetrated against me, Dubowy aided*

*and abetted the said violations of Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981 and she was most instrumental in JPMorgan Chase's unlawful retaliatory efforts.*

*The above actions by Dubowy as revealed by the thousands of duplicated copies of emails I received from the Defendants, JPMorgan Chase & Co., et al attorneys' office on March 21, 2017 make Dubowy worthy of the charges of Unlawful Retaliation and Harassment, Aiding and Abetting in Employment Racial Discrimination and Unlawful Retaliation and Failure to Take Steps to Prevent Employment Racial Discrimination – my Second, Third and Fifth Causes of Action, respectively – “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”, “Aiding and Abetting Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981 Violations” and “Failure to Take Steps to Prevent Discrimination, Retaliation and Harassment in Violation of Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981.”*

Defendant Thomas Poz

Paragraph 119: *“Defendant Poz was not only present at the meeting on September 24, 2015 [Exhibit CC – JPMorgan Chase 001392 & JPMorgan Chase 001893 - email from Helen Dubowy dated September 23, 2015] when Shillingford served me with a written warning (EXHIBIT F) 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 help or the house slave) but Poz was also vehemently enforcing the “expectation” that Shillingford put forth in her written warning including telling me that if I do not comply, I could be terminated. The fact that none of the non-Black analysts or associates had ever had this duty assigned to them and also that they were off limits for me to even ask them to help me with this task as per Khavin's advice to me in our April 24, 2015 meeting “if you need help go and ask the [White administrative assistant] to help you” (not any of my fellow non-Black analysts) when I told her that I felt as if she was treating me “as if I*

*am the help, as if this is 1910” prove that the “expectation” of Shillingford’s written warning constitutes unlawful disparate treatment against me, the only Black analyst on the team, and Poz’s enforcement of it was nothing short of aiding and abetting in Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981 violations.”*

In addition and pursuant to my “Response [under Sworn Oath] to “Request No. 11” – “Defendants First Request for Production of Documents - docket # 45”, Poz was aware that for the two years prior to me joining the Counterparty Risk Group, Khavin had made the taking of the minutes for the Monthly Governance Meetings rotational among all the non-Black analysts and associates in the said group and that as the first and only Black analyst to have joined the team, Khavin’s treatment for me was different, it was, *“It’s your job”* (it was mandatory for Poz to be at the Monthly Governance Meetings).

In conjunction, Poz was aware that for the two years prior to me joining the Counterparty Risk 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 respective presentation materials to the monthly team meetings. Poz was also aware that no single analyst or associate was ever assigned to open each of the said meeting presentation attachments and put them together in one email to make work *“easier”*<sup>116</sup> for the other members of the team while making it three times harder for them.

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

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<sup>116</sup> In Khavin’s act of disparate treatment against me, this was her exact word as it relates to making me, the only Black analyst, a benefit/perk for the non-Black members of the Counterparty Risk Group which she headed.

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.

However, as the Interim Head of the Counterparty Risk Group for Global Investment Management<sup>117</sup>, instead of Poz disavowing Khavin’s obvious Employment Racial Discrimination as it relates to “work assignment” which was in 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*”, as preciously articulated, working in tandem with Shillingford on the day of the issuance of the fallacious, pretextual and retaliatory written warning that was given to me, Poz aided, abetted and enforced Khavin’s said Employment Racial Discrimination.

In fact, 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, Poz called me into a meeting with him and Shillingford and told me that my employment had been terminated with immediate effect (Exhibit QQ - “Black Troops More Likely to Face Military Punishment”). 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.

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<sup>117</sup> Poz became the “Interim Head” when Khavin went out on “extended leave”.

The foregoing clearly shows a pattern of aiding and abetting “*underlying violation of these statutes*”<sup>118</sup> as it relates to Defendants Vega, Dubowy and Poz aiding and abetting violations of Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981.

## **G. Plaintiff’s Claim of Harassment Should Be Dismissed**

### **1. Legal Framework**

(Page 22) Opposition/Response to “Plaintiff’s Claim of Harassment Should Be Dismissed”

“Khavin and Shillingford”

As articulated in my Fourth Cause of Action - “Unlawful Harassment on the Basis of Race in Violation of Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981”, Khavin’s racially discriminatory acts, directly and through her conduit and Black servile employee, Shillingford, of humiliatingly treating me, the only Black analyst in the Counterparty Risk Group which Khavin headed, as a second class citizen and the help/house slave reminiscent of the 1800s plantation style living, in the era of slavery when Blacks had to serve their masters and their masters’ families, which created a hostile work environment, was a condition for my continued employment in the said Counterparty Risk Group.

The humiliation from this treatment caused me so much mental anguish as some of the non-Black team members, including the ones on my level, who were never treated in this manner, were looking at me as if, “what a relief. We now have her to do that” – the minutes for the Monthly Governance Meeting (a task which was so undesirable that Khavin had made it rotational among all the non-Black analysts and associates, including my three predecessors, prior to me joining the Counterparty Risk Group) and the printing, collating, stapling and lugging of their presentation materials to the said monthly meetings where the said non-Black team members, even the ones on

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<sup>118</sup> Which to anyone of reasonable mind is as clear as day.

my job level, would be waiting around the conference room table to “be served” (tasks which never existed before I joined the said Counterparty Risk Group).

The aforesaid disparate and discriminatory treatment against me on the basis of my race, which again was a condition for my continued employment in the Counterparty Risk Group<sup>119</sup>, as stated on: the fallacious, pretextual and retaliatory “performance improvement plan” (Exhibit C) on which I was placed, the equally fallacious, pretextual and retaliatory written warning (Exhibit F) which I was given and the “Recommendation for Termination” (JPMorgan Chase 000060 - Exhibit C attached to “Declaration of Helen Dubowy”) for my January 6, 2016 termination, constitutes unlawful harassment under Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981. I respectfully refer the Court to (E)(2) above - “Plaintiff Cannot Establish Her Claims of Retaliation” - “Plaintiff Cannot Raise a Triable Issue of Pretext – (Pages 163 – 167)”.

I also 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”* and;

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)”*.

#### “Michelle Sullivan”

As I articulated in my Fourth Cause of Action - “Unlawful Harassment on the Basis of Race in Violation of Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981” and my “Affidavit

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<sup>119</sup> And for which I was harassed on a monthly basis

in Opposition/Response to ‘Declaration of Michelle Sullivan’ – Docket # 95”, in addition to the malicious, mendacious, rancorous and racially stereotypically defamatory comments (“wink-wink”<sup>120</sup>) that Sullivan started writing on my performance review after butting heads with her new manager, Liasis<sup>121</sup>, who is a racist and who obviously believes that there should be a limit on Blacks in terms of career growth (§ 8 - “Response [under Sworn Oath] to Request No. 12” of my “Response to Defendants First Request for Production of Documents” - docket # 45), no good intentioned manager would have fought tooth and nail to have her malicious, mendacious, rancorous and racially stereotypical comments and poor performance rating put on a **former** subordinate’s performance review unless that manager’s vendetta was to harass the employee and based on Sullivan’s nature, to do so on the basis of my race.

The JPMorgan Chase work environment became so hostile for me because Sullivan was so hell-bent on regressing, stagnating and derailing the financial career I had worked so hard to pursue at the said company<sup>122</sup>, by Sullivan “hunting and haunting me”, that I had to send an email with a “*desperate plea for help*” to Julie Johnson who reported to John Donnelly, the Global Head of HR who reported to Jamie Dimon, JPMorgan Chase’s chairman and CEO (Exhibit D and/or JPMorgan Chase 000123 - 000126 - Exhibit A attached to “Declaration of Helen Dubowy” – Docket # 96).

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

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<sup>120</sup> EEOC Compliance Manual Section 15 – Race and Color Discrimination - V(A)(2) – RACE-RELATED STATEMENTS (ORAL OR WRITTEN) MADE BY DECISIONMAKERS OR PERSONS INFLUENTIAL TO THE DECISION. “*Race-related statements include not only slurs and patently biased statements, but also “code words” that are purportedly neutral on their face but which, in context, convey a racial meaning.* (47) *The credibility of the witness(es) attesting to discriminatory statements, and the credibility of the witness(es) denying them, are critical to determining whether such statements actually were made. If racially discriminatory statements were made, their importance will depend on their egregiousness and how closely they relate – in time and content – to the decision in question.*” Also Exhibit A-1 - “*Often, unconscious stereotypes or implicit biases are, [can be, and will be] at play*” - Former Equal Employment Opportunity Commissioner, Stuart Ishimaru.

<sup>121</sup> Liasis became Sullivan’s manager in early 2013

<sup>122</sup> Even after my position in Sullivan’s department was terminated and I left Sullivan’s group (Exhibit JJ, Exhibit D & JPMorgan Chase 000123 - 000126 - Exhibit A attached to “Declaration of Helen Dubowy” – Docket # 96)

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.

To harass me, Sullivan along with her manager and co-conspirator, Chris Liasis even went as far as to set up Ine Lolomari, a Black vice president<sup>123</sup>, as a ploy to see how receptive I would have been to their said ploy, Ine Lolomari, when it came to accepting feedback (Exhibit HH – JPMorgan Chase 002838 and Exhibit QQ – “Corporate Careerist Blacks”). In other words, Sullivan and Liasis were looking for “red meat” to validate their racially stereotypically defamatory lie that I am not accepting of constructive feedback, that I am “uppity”<sup>124</sup> (Exhibit QQ – “Uppity Negro”) in their quest to further regress, stagnate and derail my career at JPMorgan Chase.

And, as if the previously stated harassment by Sullivan along with her manager and co-conspirator, Liasis, as it relates to using Ine Lolomari as a ploy to make their false accusation that I am not receptive to feedback plausible, was not enough, as Exhibit HH-1 – “JPMorgan Chase 001194 – 001195” shows, Sullivan also tried to use Ine Lolomari to obtain a PMC feedback request from me so that she, Ine Lolomari could write feedbacks consistent with Sullivan's and Liasis' racially stereotypically defamatory lies so that they, Sullivan and Liasis, could further regress and stagnate my career at JPMorgan Chase as well as to paint me as being an “uppity” person in order to racially stereotypically defame my character on the basis of my race (Exhibit QQ – “Uppity Negro”).

Sullivan's continuous and concerted malicious, mendacious, rancorous and subtle use of overt racially stereotypical words to describe me on my performance reviews, starting from my 2013 year end performance review, was not only detrimental and defamatory to my character as a Black employee but to my career at JPMorgan Chase as well.

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<sup>123</sup> See more on Blacks relegating themselves to horizontal racist status to secure and/or enhance their careers at JPMorgan Chase in ¶ 30 of my Amended Complaint and Summary of Arguments ¶ 2, page 15 above.

<sup>124</sup> Description for Black people who have the gall to take a stance against disparate treatment that is perpetrated against them (Exhibit QQ - “Uppity Negro”).

As I articulated in Paragraphs 214 & 214a of my Amended Complaint: *“The aforesaid rancorous, malicious, mendacious and racially stereotypical comments which were a defamatory assault on my character were the said comments that Sullivan used to give me a “Low Meets expectation (M-)” rating as my overall rating on my 2014 year end performance review. 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 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.*

*214a. The said “Low Meets expectation (M-)” rating from Sullivan was the rating that Shillingford put on the retaliatory and pretextual “performance improvement plan” she placed me on, on July 30, 2015. As, according to Shillingford and Dubowy, this “M-” rating was “a carryover” of the performance rating that my previous manager, Sullivan, gave me on my 2014 year end performance review (see # 109).”*

In addition, I respectfully refer the Court to pages 8 and 9 of my “Affidavit in Opposition/Response to ‘Declaration of Michelle Sullivan’ – Docket # 95”.

In light of the aforesaid, I also respectfully refer the Court to 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 which states: *“Race-related statements include not only slurs and patently biased statements, but also “code words” that are purportedly neutral on their face but which, in context, convey a racial meaning.<sup>(47)</sup> The credibility of the witness(es) attesting to discriminatory statements, and the credibility of the witness(es) denying them, are critical to determining whether*

*such statements actually were made. If racially discriminatory statements were made, their importance will depend on their egregiousness and how closely they relate – in time and content – to the decision in question”.*

## **2. Plaintiff Cannot Show a Triable Issue of Harassment**

### **a. Sullivan**

#### **(Pages 22 - 23) Opposition/Response to “Plaintiff Cannot Show a Triable Issue of Harassment - Sullivan”**

As it relates to “Triable Issue of Harassment” the below is in conjunction with (G) - “Plaintiff’s Claim of Harassment Should be Dismissed” - “*Michelle Sullivan*” above.

“JPMorgan Chase 000116 – 000122”<sup>125</sup> - Exhibit A attached to Declaration of Helen Dubowy and/or Exhibit II make it as clear as day that Sullivan fought tooth and nail to put her malicious, mendacious, rancorous and racially stereotypical comments on my 2014 year end performance review.

Sensing Sullivan’s malicious intent, on Friday, December 12, 2014, Shillingford who had previously given Sullivan access to my PMC as an “additional manager” to make comments on my 2014 year end performance review, revoked the said access (JPMorgan Chase 000122 - Exhibit B attached to Sullivan’s Declaration) and thereafter, Sullivan’s tooth and nail fight ensued with an email from Sullivan to Shillingford, first thing on Monday (8:15 AM), December 15, 2014, which states: “*I received the below notice late Friday. Can you add me back in today please?*” (JPMorgan Chase 000121 - 000122 - Exhibit B attached to Sullivan’s Declaration)

This 8:15 AM email, first thing Monday morning, from Sullivan to Shillingford was not a “question” to HR “*about whether, in light of Plaintiff’s transfer*”<sup>126</sup> to the CRG, it was still

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<sup>125</sup> “JPMorgan Chase 000116 – 000118” has to be viewed in Exhibit A attached to Declaration of Helen Dubowy and/or Exhibit II because these emails between Sullivan and Shillingford were surreptitiously omitted from Sullivan’s Exhibit B.

<sup>126</sup> This statement of me being “*transferred to CRG*” 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]

*appropriate for Sullivan to participate in Plaintiff's review*", it was an ORDER from Sullivan for Shillingford to *"add [her] back in today"* with a copy to HR representative, Ana Cabrera-Vargas with whom Sullivan has leverage.

It is obvious from HR representative, Ana Cabrera-Vargas' 9:27 AM email response (JPMorgan Chase 000121 - Exhibit B attached to Sullivan's Declaration) that she, Ana Cabrera-Vargas, did not even as much as discussed the matter with Shillingford before she gave Shillingford the directive to add Sullivan back to my PMC as an additional manager. Shillingford did not re-add Sullivan as an additional manager but she requested that Sullivan email a copy of her feedback to her and she, Shillingford *"will coordinate with Candice"* (JPMorgan Chase 000120 - Exhibit B attached to Sullivan's Declaration).

However, as Sullivan's email dated December 16, 2014 (JPMorgan Chase 000120 - Exhibit B attached to Sullivan's Declaration) makes it as clear as day, Sullivan was not content with only being given the opportunity to send whatever feedback she had for my 2014 year end performance review to Shillingford for Shillingford to put such comments on my PMC. She, Sullivan wanted her own access to ensure that her malicious, mendacious, rancorous and racially stereotypical comments were put on my said performance review. Shillingford not only continued to deny Sullivan such access to my PMC but she, Shillingford also defied HR representative, Ana Cabrera-Vargas' threat (email dated December 16, 2014 time stamped 11:15 AM - JPMorgan Chase 000119 - Exhibit B attached to Sullivan's Declaration) which states: *"If you [Shillingford] are not able to include Michelle's [Sullivan's] feedback, please let us know and we [the authority vested in HR] will add her back in as an additional manager.... And include her [Sullivan] in the YE [year end] discussion"* by forwarding Ana Cabrera-Vargas' said email to the Asset Management HR Business Partner, Brooke Miller with the message *"Can you please give me a call to discuss? Thanks in*

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*to the role of Reporting Analyst in the Counterparty Risk Group ("CRG) in November 2014"* and that was not what happened. I was officially **terminated** by JPMorgan Chase on Sunday, November 9, 2014 (Exhibit JJ). However, I was successful in securing another position with the said company in its Asset Management Counterparty Risk Group which I was able to start and started on Monday, November 10, 2014 **after my date of termination**.

*advance*” (JPMorgan Chase 000119 - Exhibit A attached to Declaration of Helen Dubowy and/or Exhibit II). I respectfully ask that the Court note that to view the said message in Shillingford’s forwarded email to Brooke Miller you will have to go to Exhibit A attached to Helen Dubowy’s Declaration – Docket # 96 or Exhibit II as that “blank space” at the top of “JPMorgan Chase 000119” - Exhibit B attached to Sullivan’s Declaration” is where you will find Shillingford’s forwarded email.

Sullivan’s “tooth and nail” fight to do my 2014 year end performance review was so evident in emails between Sullivan and Shillingford labeled “JPMorgan Chase 000116 – 000118” - Exhibit A attached to Declaration of Helen Dubowy and/or Exhibit II”, that to help her, Sullivan’s defense, in addition to blanking out Shillingford’s message in her aforesaid forwarded email, “JPMorgan Chase 000116 – 000118” emails between Sullivan and Shillingford were also surreptitiously omitted from “(Sullivan Dec., Ex. B.)”. These emails have to be viewed in either Exhibit A attached to “Declaration of Helen Dubowy” and/or Exhibit II.

What is also stealthily omitted from Sullivan’s Exhibits to conceal the harassment I have accused her of, is my email with a “*desperate plea for help*” to Julie Johnson who reported to John Donnelly, the Global Head of HR who reported to Jamie Dimon, JPMorgan Chase’s chairman and CEO (Exhibit D and/or JPMorgan Chase 000123 - 000126 - Exhibit A attached to “Declaration of Helen Dubowy” – Docket # 96) regarding Sullivan’s continued harassment of me in her, Sullivan’s quest to regress, stagnate and derail the career I had worked so hard to pursue at JPMorgan Chase.

I respectfully refer the Court to “JPMorgan Chase 000116 – 000122” moreso “JPMorgan Chase 000116 – 000117”<sup>127</sup> (Exhibit A attached to Declaration of Helen Dubowy - Docket # 96 and/or Exhibit II) which shows that **on the day** that Sullivan returned from her vacation<sup>128</sup>, January 5, 2015, she wanted confirmation from Shillingford that Shillingford had put the comments she,

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<sup>127</sup> This email has to be viewed in Exhibit A attached to Declaration of Helen Dubowy and/or Exhibit II as again, emails between Sullivan and Shillingford labeled “JPMorgan Chase 000116 – 000118 were surreptitiously omitted from Sullivan’s Exhibit B.

<sup>128</sup> Sullivan went on vacation on December 19, 2014 (JPMorgan Chase 000118 - Exhibit A attached to Declaration of Helen Dubowy and/or Exhibit II)

Sullivan had provided for my 2014 year end performance review on my said review - *“please confirm that [Plaintiff, Candice Lue’s] PMC has been updated with my feedback and ranking”*.

Sullivan’s excuse which states: *“I need to confirm back to my manager this week that I have completed PMC for my directs for 2014”*, for wanting such confirmation from Shillingford is a farce. Because, to surreptitiously justify her argument as to why she, Sullivan should be doing my 2014 year end performance review and giving me a ranking, in an email from Sullivan dated December 16, 2014 - # 2 (JPMorgan Chase 000120 - Exhibit B attached to Sullivan’s Declaration), Sullivan stated that: *“Candice’s last day in my org was 11/7 and EOY (end of year) rankings were completed for my Org the last week in October”*. With that said, considering that my last day in Sullivan’s department would be November 7, 2014 and my official date of termination from JPMorgan Chase was November 9, 2014 meaning that effective November 9, 2014 my information in JPMorgan Chase’s system would not have been available (Exhibit JJ - IM conversation with HR representative) and/or would have disappeared in about two weeks<sup>129</sup>, why would Sullivan wait more than two months *“to confirm back to [her] manager this week [week of January 5, 2015] that [she] have completed PMC for [her] directs [including all the directs who were terminated effective November 9, 2014] for 2014”*? - Bearing in mind that it was Shillingford who approached Sullivan about doing my 2014 year end performance review, not the other way around, by adding her, Sullivan as an “additional manager” before renegeing and removing Sullivan after sensing her, Sullivan’s malicious intent.

If the aforesaid was not a tooth and nail fight whereby Sullivan even had to lie to justify her said malicious intent and the Defendants had to surreptitiously omit emails labeled “JPMorgan Chase 000116 – 000118” between Sullivan and Shillingford from Sullivan’s “Exhibit B attached to Declaration of Michelle Sullivan”, then what is? No good intentioned manager would have fought tooth and nail to have her malicious, mendacious, rancorous and racially stereotypical comments

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<sup>129</sup> As in the case of other fellow terminated employees

and poor performance rating put on a **former** subordinate's performance review unless that manager's vendetta was to harass the employee and based on Sullivan's nature, to do so on the basis of my race ("wink-wink" <sup>130</sup>).

As it relates to "*pursuant to company practice, the primary feedback and rating should be provided by the manager whose supervision Plaintiff had spent the majority of the year*", I respectfully refer the Court to Shillingford's email dated December 15, 2014 (JPMorgan Chase 000121 - Exhibit B attached to Sullivan's Declaration)

However, as the letter dated September 26, 2014 and the email dated October 3, 2014 (Exhibit JJ) show, due to the sale of JPMorgan Chase's physical commodities business, the business in which I worked, I was officially terminated by the company on Sunday, November 9, 2014. Meaning that, Sullivan should not have been doing anything further in the capacity of my manager which included doing my performance reviews because I was officially **terminated** by JPMorgan Chase on November 9, 2014 from my position in Sullivan's department (Exhibit JJ) and my said position in Sullivan's department, after November 9, 2014 was no longer in existence – On November 10, 2014, I was starting anew with JPMorgan Chase.

In light of the foresaid, anyone of reasonable mind will see that Sullivan made a "*continuous and concerted*" effort to harass me - from her continued malicious, mendacious, rancorous and subtle use of overt racially stereotypical words to describe me on my performance reviews, to going as far as setting up a ploy in an attempt to validate her nefarious intent of making me out to be an "uppity negro", to her last ditch fighting tooth and nail effort to write the said malicious, mendacious, rancorous and racially stereotypically defamatory comments on my 2014 year end

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<sup>130</sup> EEOC Compliance Manual Section 15 – Race and Color Discrimination - V(A)(2) – RACE-RELATED STATEMENTS (ORAL OR WRITTEN) MADE BY DECISIONMAKERS OR PERSONS INFLUENTIAL TO THE DECISION. "*Race-related statements include not only slurs and patently biased statements, but also "code words" that are purportedly neutral on their face but which, in context, convey a racial meaning.*(47) *The credibility of the witness(es) attesting to discriminatory statements, and the credibility of the witness(es) denying them, are critical to determining whether such statements actually were made. If racially discriminatory statements were made, their importance will depend on their egregiousness and how closely they relate – in time and content – to the decision in question.*" Also Exhibit A-1 - "*Often, unconscious stereotypes or implicit biases are, [can be, and will be] at play*" - Former Equal Employment Opportunity Commissioner, Stuart Ishimaru.

performance review which caused me to reach my “wits end” that I had to send an email with a “*desperate plea for help*” to Julie Johnson who reported to John Donnelly, the Global Head of HR who reported to Jamie Dimon, JPMorgan Chase’s chairman and CEO (Exhibit D and/or JPMorgan Chase 000123 - 000126 - Exhibit A attached to “Declaration of Helen Dubowy” – Docket # 96).

**b. Khavin and Shillingford**

(Page 23) Opposition/Response to “Plaintiff Cannot Show a Triable Issue of Harassment – Khavin and Shillingford”

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” - Docket # 90” for the refutation of this “The Baruch Horowitz Lie”.

**H. Plaintiff Cannot Establish Her Claim of Intentional and/or Negligent Infliction of Mental, Physical and Emotional Distress**

(Page 24) Opposition/Response to “Plaintiff Cannot Establish Her Claim of Intentional and/or Negligent Infliction of Mental, Physical and Emotional Distress”

(Page 24) Opposition/Response to “Cannot Establish Intentional Infliction of Mental, Physical and Emotional Distress”

As I articulated in my “Affidavit in Opposition/Response to Declaration of Alex Khavin - Docket # 92” – “Response to Declaration Statement #s 12, 13 & 14”, not even Oprah Winfrey’s character “Sofia” in the movie “The Color Purple” which was set somewhere around the year 1910 wanted to be treated as a second class citizen/the help/the house slave. That is why the actions of the Defendants as set forth above and as outlined in my Amended Complaint of treating me, aiding and abetting in treating me, failure to take steps to prevent treating me, a Black employee, someone

of slave ancestry, as a second class citizen/three-fifths of a person and the help/house slave in the year 2015 were extreme, outrageous, went beyond all possible bounds of decency and were atrocious and utterly intolerable in a civilized society. And, as articulated in my Sixth and Tenth Causes of Action in my Amended Complaint, my “Affidavit in Opposition/Response to ‘Declaration of Chris Liasis’ – Docket # 94” and my “Affidavit in Opposition/Response to ‘Declaration of Michelle Sullivan’ – Docket # 95”, the acts of denying me equal rights on the basis of my race to pursue a rewarding career were equally extreme, outrageous, went beyond all possible bounds of decency and were atrocious and utterly intolerable in a civilized society.

I respectfully refer the Court to Paragraphs 2, 9, 138 & 172a of my Amended Complaint<sup>131</sup>, Exhibit CC-1<sup>132</sup> and Exhibit P<sup>133</sup> which clearly show that the Defendants intended to cause or acted with reckless disregard for the probability of causing mental and emotional distress which resulted in me having physical pain (Exhibit ZZ and my medical records ordered by Defendants).

(Page 24) **Opposition/Response to “Cannot Establish Negligent Infliction of Mental, Physical and Emotional Distress”**

Especially for a company, JPMorgan Chase, that purports itself as being committed to diversity and inclusion on its website and in its Code of Conduct policy, the Defendants had a duty to treat me in a reasonable manner as an employee and to ensure that I was not subjected to discrimination and harassment in the workplace.

The Defendants’ actions as articulated herein and in my Amended Complaint breached their duty to ensure that I was not subjected to discrimination and harassment in the workplace. All of the Defendants’ conduct was extreme and outrageous and at all times they acted negligently

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<sup>131</sup> I brought awareness to the issue of me being treated as a second class citizen/the help/house slave and/or tried my best to articulate how I felt about being treated “as if I am the help and as if this is 1910”

<sup>132</sup> Emails showing me being ridiculed by my then manager, Shillingford and HR legal representative John Vega, who was supposed to be “investigating” my Claim of Employment Racial Discrimination, after informing Shillingford that I was not able to attend work due to illness caused by the undue stress of being treated as a second class citizen/the help/house slave (Exhibit ZZ).

<sup>133</sup> All the days I had to take off from work due to illness caused by the undue stress of being treated as a second class citizen/the help/house slave (Exhibit ZZ).

towards me causing me severe mental and emotional distress which resulted in me having physical pain (Exhibit ZZ and my medical records ordered by Defendants).

As Paragraphs 2, 9, 138 & 172a of my Amended Complaint<sup>134</sup>, Exhibit CC-1<sup>135</sup> and Exhibit P<sup>136</sup> clearly show, the Defendants knew that their discrimination and harassment were causing me severe mental and emotional distress which resulted in me having physical pain (Exhibit ZZ and my medical records ordered by Defendants).

Every time I have a flashback of working at JPMorgan Chase, there is a level of trauma that still comes over me. I get the sharp pain in my side<sup>137</sup> and/or discomfort in my neck. When I am working on this lawsuit, I have to listen to Soundscapes on the Music Channel (Channel 1842 on Verizon Fios<sup>138</sup>) to get me through because the refreshed memories of being condescendingly, unapologetically and unrepentantly treated as a second class citizen/three-fifths of a person/the help/house slave and being denied equal rights on the basis of my race to pursue the career I had worked so hard to pursue at JPMorgan Chase, are still very traumatic.

### **I. Plaintiff Cannot Establish Her Claim of Defamation of Character**

(Pages 24 – 25) Opposition/Response to “Plaintiff Cannot Establish Her Claim of Defamation of Character”

In the January 12, 2015 complaint I made about Defendant Sullivan 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 and/or JPMorgan Chase 000123 - 000126 - Exhibit A attached to “Declaration of Helen Dubowy” – Docket # 96).

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<sup>134</sup> I brought awareness to the issue of me being treated as a second class citizen/the help/house slave and/or tried my best to articulate how I felt about being treated “as if I am the help and as if this is 1910”

<sup>135</sup> Emails showing me being ridiculed by my then manager, Shillingford and HR legal representative John Vega, who was supposed to be “investigating” my Claim of Employment Racial Discrimination, after informing Shillingford that I was not able to attend work due to illness caused by the undue stress of being treated as a second class citizen/the help/house slave (Exhibit ZZ).

<sup>136</sup> All the days I had to take off from work due to illness caused by the undue stress of being treated as a second class citizen/the help/house slave (Exhibit ZZ).

<sup>137</sup> Not quite as sharp as when I was working in the hostile JPMorgan Chase environment but sharp nonetheless.

<sup>138</sup> I respectfully refer the Court to Exhibit P – email dated April 20, 2015 – “Open “Mike”

As a Black JPMorgan Chase employee, Defendants Liasis and Sullivan stereotypically defamed my character on the basis of my race by depicting me as being a tardy person (Exhibit QQ – “Black/Colored people’s time” and ¶¶ 209 - 212 Am. Compl.) who was always coming to work late which was farthest from the truth.

Depicting a Black employee as being “a habitual latecomer” and/or “tardy”, especially if this depiction is untrue, is a very serious matter as this overt racial stereotype about Black people can be and will be detrimental and defaming to a Black employee’s character and career growth as, in a lot of positions and/or departments, employees are not only expected to attend early morning meetings but they are expected to be on time for those said meetings. And, if a hiring manager sees Liasis’ comment on my 2013 mid-year performance review which says: “*Candice should be cognizant of attendance, specific observations of start times*”<sup>139</sup>.... *The perception of being late on multiple occasions due [to] transportation challenges is noticeable*”<sup>140</sup> (Exhibit G – 2013 Performance Review – Page 9 - 16-JUL-2013) and/or Sullivan’s comment on my 2013 year end performance review which says: “*Candice has also taken measures to rectify issues noted at mid year in regards to her tardiness*” (Exhibit G – 2013 Performance Review – Page 9 - 06-JAN-2014), for a Black employee at that, because the racial stereotype that “Black people are always late” is so overt that there is even a name for it, “Black/Colored people’s time”, it is extremely likely that the hiring manager<sup>141</sup> would **not** want to hire me, just in case I “reapse” into “*not being cognizant of*

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<sup>139</sup> If I had any doubt of making it into the office by 9:00 AM due to issues with my commute, I would call the office to let my teammates know (sometimes more than one hour before 9:00 AM because an employee was always there by 7:30 AM) as I thought that that was the professional and responsible thing to do. However, on most of the occasions after calling in with the heads up, I still managed to reach into the office before or by 9:00 AM and if not, by an average time of 9:15 AM. “Tardy” people do not operate like that. But, just the fact that I called into the office, Liasis was able to spin that into me being a habitual latecomer which as articulated in ¶¶ 209 – 212 of my Am. Compl., could not be farther from the truth. Also, Liasis normally worked from/stationed in the 383 Madison (Midtown) office not the Brooklyn office but he was a part of the email sent by the co-worker I called to inform of my commuting situation.

<sup>140</sup> This was during the time after the Sandy Hurricane, JPMorgan Chase’s 4 New York Plaza office had to relocate to Brooklyn and there was a lot of damage to New Jersey Transit trains so there was increased pressure on the buses. With that said, the commute was a bit unpredictable but as soon as I got an update from NJ Transit, I relayed it to my teammates, even if the update was at 7:30 AM.

<sup>141</sup> “*Often, unconscious stereotypes or implicit biases are, [can be, and will be] at play*” - Former Equal Employment Opportunity Commissioner, Stuart Ishimaru (Exhibit A-1).

*attendance/tardiness*". And, based on Footnote #s 139 and 140, how can I be someone who is not "*cognizant of attendance*"?

Using JPMorgan Chase's Performance Management Central (PMC) where they inputted my performance reviews, Liasis and Sullivan maliciously, mendaciously and racially stereotypically defamed my character by branding me as being an arrogant/"uppity" person (Exhibit QQ – "Uppity Negro") who did not take other people's, including managers, feedback and advice<sup>142</sup> because, as a Black person, I had the "gall" to stand up to them for being hell-bent on regressing and stagnating my financial career at JPMorgan Chase (Exhibit QQ-1, Ninth Cause of Action – Am. Compl. & Exhibit FF) or even as much as to have the "gall" to question a situation.

I respectfully refer the Court to my "Affidavit in Opposition/Response to Declaration of Michelle Sullivan - Docket # 95" for more in depth examples of how Liasis and Sullivan, unfairly, maliciously and racially stereotypically defamed my character, as a Black employee, by branding me as being an arrogant/"uppity" person (Exhibit QQ – "Uppity Negro"). However, in the meantime two simpler examples are as follows: 1) when I questioned the scarcity of my "raise" and "bonus"<sup>143</sup> and 2) when I questioned Sullivan and Liasis about taking away my regular duties as an Energy Confirmations Drafting Analyst and replacing them with the duties of a Client Service representative which consisted of me using the **majority** of my Business As Usual (BAU) to call clients to ask them if they had received issued trade confirmations and when can we expect a returned signed copy<sup>144</sup>, which was not only regressive to my career at JPMorgan Chase (2nd to last ¶ - My "Response [under Sworn Oath] to Request No. 12" of My "Response to Defendants First Request for Production of Documents" - docket # 45, Exhibit QQ-1, Ninth Cause of Action – Am.

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<sup>142</sup> Liasis' and Sullivan's "feedback/advice" was to contain me in my "Black hole" (¶¶ 150 – 160 - Am. Compl., Exhibit II-1 & "Affidavit in Opposition/Response to 'Declaration of Chris Liasis" – Docket # 94)

<sup>143</sup> The other Black employees just took whatever was handed to them without question or courage. The most they would do (especially Cecille Taylor-Simpson) was to go back to their desks and hum Negro spirituals or a Gospel song (I Know Why the Caged Bird Sings – Maya Angelou). According to what Liasis once scold me: "*Why is it that you are the only one who is always complaining?*" Because, I questioned my "raise". Only to find out that Cecille Taylor-Simpson had not gotten a raise in years and that her last bonus was \$500.00 after eighteen (18) years of service.

<sup>144</sup> Confirmed by Charlie Coignard, Liasis' manager and Sullivan's skip level manager (¶ 5 of page 3 - JPMorgan Chase 000123 - 000126 - Exhibit A attached to Declaration of Helen Dubowy and Exhibit D)

Compl. & Exhibit FF) but it was also a tangible employment action against me as it relates to reassignment with significantly different responsibilities - Vance v. Ball State University, 133 S. Ct. 2434 (2013).

To maliciously, mendaciously and racially stereotypically defame my character, as a Black employee, the latter example ended up under Sullivan's guise of "Manager Opportunities" on my 2014 year end performance review under "*Attitude, interaction with team members and conflict resolution*" (Exhibit G – Page 11 - 31-DEC-2014 – "Year end feedback from prior Manager - Michelle Sullivan") portraying me<sup>145</sup>, a Black employee as being an "uppity"/"angry Black woman" (Exhibit QQ – "Uppity Negro", "The Myth of the Angry Black Woman", "How Michelle Obama Felt about Being Labeled an 'Angry Black Woman'" & "Angry Black Woman") just for having the "gall", as a Black employee, to question why my regular duties were taken away from me and replaced with less substantive duties which were regressive to my career at JPMorgan Chase.

In their relentless quest to maliciously, mendaciously and racially stereotypically defame my character by branding me as being an arrogant/"uppity" person (Exhibit QQ – "Uppity Negro"), Liasis and Sullivan even went as far as to set up Ine Lolomari, a Black vice president<sup>146</sup>, as a ploy to see how receptive I would have been to their said ploy, Ine Lolomari, when it came to accepting feedback (Exhibit HH – JPMorgan Chase 002838 and Exhibit QQ – "Corporate Careerist Blacks"). In other words, Sullivan and Liasis were looking for "red meat" to validate their racially stereotypically defamatory lie (a "wink-wink"<sup>147</sup>, to the overwhelming majority of White

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<sup>145</sup> "Often, unconscious stereotypes or implicit biases are, [can be, and will be] at play" - Former Equal Employment Opportunity Commissioner, Stuart Ishimaru (Exhibit A-1).

<sup>146</sup> See more on Blacks relegating themselves to horizontal racist status to secure and/or enhance their careers at JPMorgan Chase in ¶ 30 of my Amended Complaint and Summary of Arguments ¶ 2, page 15 above.

<sup>147</sup> EEOC Compliance Manual Section 15 – Race and Color Discrimination - V(A)(2) – RACE-RELATED STATEMENTS (ORAL OR WRITTEN) MADE BY DECISIONMAKERS OR PERSONS INFLUENTIAL TO THE DECISION. "Race-related statements include not only slurs and patently biased statements, but also "code words" that are purportedly neutral on their face but which, in context, convey a racial meaning.(47) The credibility of the witness(es) attesting to discriminatory statements, and the credibility of the witness(es) denying them, are critical to determining whether such statements actually were made. If racially discriminatory statements were made, their importance will depend on their egregiousness and how closely they relate – in time and content – to the decision in question." Also Exhibit A-1 - "Often, unconscious stereotypes or implicit biases are, [can be, and will be] at play" - Former Equal Employment Opportunity Commissioner, Stuart Ishimaru.

prospective hiring managers at JPMorgan Chase) that I am not accepting of constructive feedback, that I am “uppity”<sup>148</sup> (Exhibit QQ – “Uppity Negro”) in their quest to further regress, stagnate and derail my career at JPMorgan Chase by putting such “red meat” comments on my performance reviews (PMC).

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

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

In conjunction, Liasis and Sullivan maliciously, mendaciously and racially stereotypically marred my character by subtly making me out to be an “angry Black woman”/a person who was

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<sup>148</sup> Description for Black people who have the gall to take a stance against disparate treatment that is perpetrated against them (Exhibit QQ - “Uppity Negro”).

uncongenial. And, as it relates to getting better opportunities in JPMorgan Chase, 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 an angry/uncongenial Black woman. Liasis and Sullivan were able to accomplish their malicious intent by using words such as “defensive”<sup>149</sup>, “problem analyst”, etc. and terms such as “having frictions”<sup>150</sup> with my co-workers” to describe me in emails and on my performance review - a “wink-wink”<sup>151</sup> to the overwhelming majority of White prospective hiring managers at JPMorgan Chase. Again, because as a Black person, I had the “gall” to stand up to Sullivan and Liasis<sup>152</sup> for being hell-bent on regressing and stagnating my financial career at JPMorgan Chase (Exhibit QQ-1, Ninth Cause of Action – Am. Compl. & Exhibit FF) or even as much as to have had the “gall” to question a situation – Bearing in mind that 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)”*.

For more on how Liasis and Sullivan maliciously, mendaciously and racially stereotypically marred my character by subtly making me out to be an “angry Black woman”/a person who was uncongenial, I respectfully refer the Court to my “Affidavit in Opposition/Response to Declaration

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<sup>149</sup> Me being protective of my dignity, my integrity, my God given rights as a human being, my civil and constitutional rights as a citizen should not be construed in a negative light to enhance Sullivan’s and Liasis’ nefarious intentions/agenda.

<sup>150</sup> This was an isolated situation blown out of control by Sullivan herself as I articulated in my 2014 year end performance review comment dated January 5, 2015 on my PMC (JPMorgan Chase 000426 - Exhibit C attached to Sullivan’s Declaration)

<sup>151</sup> EEOC Compliance Manual Section 15 – Race and Color Discrimination - V(A)(2) – RACE-RELATED STATEMENTS (ORAL OR WRITTEN) MADE BY DECISIONMAKERS OR PERSONS INFLUENTIAL TO THE DECISION. *“Race-related statements include not only slurs and patently biased statements, but also “code words” that are purportedly neutral on their face but which, in context, convey a racial meaning.(47) The credibility of the witness(es) attesting to discriminatory statements, and the credibility of the witness(es) denying them, are critical to determining whether such statements actually were made. If racially discriminatory statements were made, their importance will depend on their egregiousness and how closely they relate – in time and content – to the decision in question.”* Also Exhibit A-1 - *“Often, unconscious stereotypes or implicit biases are, [can be, and will be] at play”* - Former Equal Employment Opportunity Commissioner, Stuart Ishimaru.

<sup>152</sup> I respectfully refer the Court to “Summary of Arguments – Defendant Chris Liasis” – Page 36 ¶ 3 above.

of Michelle Sullivan - Docket # 95” – “pages 5 - 8” (Exhibit QQ - “The Myth of the Angry Black Woman”, “How Michelle Obama Felt about Being Labeled an ‘Angry Black Woman’”, “Angry Black Woman”, “Uppity Negro”, “Why Black Workers Really Need to be Twice as Good” and “Black Troops More Likely to Face Military Punishment”).

The aforesaid in conjunction with my “Affidavit in Opposition/Response to Declaration of Chris Liasis - Docket # 94” and “Affidavit in Opposition/Response to Declaration of Michelle Sullivan - Docket # 95” not only shows that in violation of 42 U.S.C. § 1981, my equal rights as a citizen to pursue a rewarding career at JPMorgan Chase was denied by my character being defamed on the basis of my race by Liasis and Sullivan but it also shows Employment Racial Discrimination whereby my character was defamed on the basis of my race pursuant to 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 which states: “*Race-related statements include not only slurs and patently biased statements, but also “code words” that are purportedly neutral on their face but which, in context, convey a racial meaning.*<sup>(47)</sup> *The credibility of the witness(es) attesting to discriminatory statements, and the credibility of the witness(es) denying them, are critical to determining whether such statements actually were made. If racially discriminatory statements were made, their importance will depend on their egregiousness and how closely they relate – in time and content – to the decision in question*”, making 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” a valid and proper Claim under both Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981.

Further, as the Former Equal Employment Opportunity Commissioner, Stuart Ishimaru so eloquently stated in a piece he wrote for the New York University Labor & Employment Law Newsletter (Exhibit A – 1): “*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. Examples include zip code discrimination (discriminating against applications who live in allegedly 'undesirable' – typically minority-neighborhoods), dialect/accent discrimination (discriminating against someone for "'sounding foreign' or 'sounding Black') and resume discrimination (discriminating against individuals with presumptively 'Black' names or who are affiliated with 'ethnic' organizations).*

#### IV. CONCLUSION

In light of the foregoing and pursuant to “EEOC Compliance Manual Section 15 - Race and Color Discrimination” V(A)(2) – EMPLOYER CREDIBILITY which states: “*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.*<sup>(59)</sup> *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,*<sup>(60)</sup> *appears to be an after-the-fact explanation, or appears otherwise fabricated (e.g., the explanation shifts, or inconsistent reasons are given) and;*

(“*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 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”), 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", their Memorandum of Law in Support of their Motion for Summary Judgment herein 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 false. And, as it relates to categorically false, have prompted me to respectfully ask the Court to punish the respective Declarants and Defendants, JPMorgan Chase & Co., et al's attorneys to the full extent of the law for lying under penalty of perjury pursuant to 18 USC § 1621 and 56(h) of the Federal Rules of Civil Procedure.

Respectfully submitted,

DATED: July 28, 2017

CANDICE LUE

Candice S.M. Lue

Signature

[REDACTED]

Address

[REDACTED]

City, State, Zip Code

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

Frank D. Rotelli

FRANK D. ROTELLI  
NOTARY PUBLIC OF NEW JERSEY  
Commission Expires 9/26/2017  
License # 2202270

Notary Public

