

VANESSA NATALE)
Former Staff Attorney at Covington & Burling LLP)
1411 Delafield Place NW)
Washington, DC 20011-4346)
)
Defendants)
)

Yolanda Young (“Plaintiff”), appearing pro se, as and for my Complaint against the law firm of Covington & Burling LLP (“Defendant” or “Covington” or “Firm”) and others, alleges as follows:

PRELIMINARY STATEMENT

1. This is an action against Covington for declaratory and injunctive relief and monetary damages for injuries Plaintiff has sustained as a result of Covington’s discrimination and retaliation on the basis of Plaintiff’s race in violation of Title VII of the Civil Rights Act of 1964, Section 1981, and the District of Columbia Human Rights Act. This is also an action against Covington partners, officers, employees and former employees mentioned herein who aided and abetted in Covington’s discriminatory and retaliatory treatment of Plaintiff in violation of the above mentioned laws. This complaint arises from the systematic discrimination and campaign of retaliation by Covington partners—including Pat Davies and Steve Anthony—and current and former Covington employees, Caroline Reid Reynolds, Vanessa Natale, and Sarah Wittig against Plaintiff based on Plaintiff’s race. Plaintiff has been subjected to cruel and illegal conduct including, but not limited to: (i) Covington and its partners conspiring to create a staff attorney group comprised largely of minorities then purposely setting out to discriminate against the staff attorney group; (ii) Covington disallowing staff attorney promotions after the group’s makeup became largely minority; (iii) Davies analogizing Plaintiff to a monkey; (iv) Wittig harassing Plaintiff by reading racial slurs; (v) Davies attempting to force Plaintiff to work off the

clock; (vi) Davies, Anthony and Reid Reynolds conspiring to falsely accuse Plaintiff of overbilling; (vii) Davies discouraging other black staff attorneys from filing complaints; (viii) Davies, Anthony and Reid Reynolds conspiring to retaliate against Plaintiff by reducing her 2007 bonus to nearly half what Plaintiff received in 2006; (ix) Anthony and Reid Reynolds conspiring to manipulate the JPMC case's error rate in order to fabricate a reason for Plaintiff's lower bonus and termination; (x) Davies conspiring with Natale to taunt Plaintiff. For example, Natale, following a night partying with Davies, taunted Plaintiff by implying that Davies was going to fire Plaintiff; (xi) Covington and Mr. Davies firing Plaintiff; and (xii) Covington refusing to rehire Plaintiff.

JURISDICTION AND VENUE

2. This court has original jurisdiction over this matter pursuant to D.C. Code §11-921.

3. Venue properly lies in this Court because the Plaintiff resides in the District of Columbia, Defendants are located in the District of Columbia, and the controversy involves Defendants' behavior in the District of Columbia.

PARTIES

4. Plaintiff is an African American female residing in the District of Columbia. Plaintiff was employed as a staff attorney by Covington from February 2005 to August 2007.

5. Defendant Covington & Burling LLP ("Covington") is a limited liability partnership with its principal place of business located at 1201 Pennsylvania Avenue, N.W., Washington, D.C. 20004. Defendant was Plaintiff's employer from February 2005 to August 2007.

6. Defendant Patrick Davies is a partner at Covington & Burling LLP.

7. Defendant Steve Anthony is a partner at Covington & Burling LLP.
8. Defendant Sarah Wittig is a staff attorney at Covington & Burling LLP.
9. Defendant Caroline Reid Reynolds is a former associate at Covington & Burling LLP and is currently an associate at Zuckerman Spaeder LLP.
10. Defendant Vanessa Natale is a former staff attorney at Covington & Burling LLP.

GENERAL BACKGROUND & FACTS

Overview

11. Plaintiff was hired by Covington in February 2005. In January 2006, Plaintiff was awarded a top bonus of \$9,000. During her annual review she was told that her work was excellent, that associates and partners enjoyed working with her, and that her diligence and efficiency made her extremely valuable. In March 2006, after being subjected to months of discriminatory and harassing treatment, plaintiff complained about, among other things, being referred to as a dog and later a monkey; being subjected to white staff attorneys' constant use of racial slurs; having her white colleagues conceal case information from their black case team members; and being systematically discriminated against as a member of the staff attorney group. Immediately thereafter, Covington management set out on a campaign to discredit Plaintiff. At a staff meeting, a partner said that Plaintiff had overreacted in reporting the use of racial slurs. As punishment, Plaintiff was reassigned to an office with no minorities. Covington management further retaliated against Plaintiff by subjecting her to increased, unwarranted scrutiny, falsely accusing her of overbilling and commanding her to work off the clock. In February 2007, Plaintiff was given a low bonus of \$5,000. Plaintiff was told that she was being targeted for firing. In fact, Plaintiff was terminated on August 14, 2007. When Plaintiff learned that Covington rehired laid off staff attorneys with less seniority and lower billable hours than

Plaintiff, she reapplied for her staff attorney position. Covington did not rehire Plaintiff.

Subsequently, Plaintiff was contacted by a placement agency hired by Covington to recruit additional staff attorneys. Covington still refuses to rehire Plaintiff.

Plaintiff's Education and Professional Background

12. Plaintiff is an African American. She graduated from Howard University with a bachelor's degree in business administration (accounting) in 1991. In 1992, Plaintiff entered the Georgetown University Law Center. After graduating from Georgetown in 1995, Plaintiff, who is also a writer, sold her first book, *On Our Way to Beautiful*, to Random House. She lectured at universities, including Vassar College and Louisiana State University, provided commentary for National Public Radio, and wrote frequently for the *Washington Post*, *USA Today*, and other periodicals. She also founded the legal website, www.onbeingablacklawyer.com. For additional income, Plaintiff kept her resume on file with legal placement agencies and often did contract legal work.

Covington Hires Plaintiff

13. In February 2005, Plaintiff was hired as a staff attorney by Covington.

14. During her interview, she was told that two staff attorneys had been promoted, one to special counsel and one to associate.

15. Both were white; however, neither had attended a top-14 law school, been on law review or been invited to join Order of the Coif.

16. Since Covington had promoted staff attorneys in the past, Plaintiff and other staff attorneys believed they too could be promoted.

Pat Davies

17. Mr. Davies is white. He has stated to the staff attorney group that it took him

seventeen (17) years to make partner at Covington.

18. Mr. Davies supervised the Firm's social programs; including, the Firm's Holiday Party, the Firm's Friday Happy Hour, and the Firm's illegal NCAA Tournament Pool.

19. Mr. Davies' organizational, managerial, and communication skills were scrutinized by administrators, staff attorneys, and other attorneys at the Firm.

20. For example, Mr. Davies was criticized for his handling of the staff attorney pro bono program. He missed deadlines in the pro bono planning phase. Mr. Davies would sometimes provide staff attorneys with only a day's notice to report for their pro bono assignments.

21. Covington's general counsel, Jeffrey Huvelle questioned Mr. Davies' judgment in using an anecdote about the latter's pet monkey during a discussion of racially offensive language.

22. Staff Attorney 4, in a resignation statement to Mr. Davies, was very critical of Mr. Davies' performance as the leader of the staff attorney program.

Kathleen Maloney

23. Kathleen Maloney is white. She joined Covington in April 2007 to administer the staff attorney program. She often expressed to staff attorneys that Mr. Davies made all the decisions and that she was merely an administrative facilitator of his rules and instruction and often deferred to Mr. Davies regarding staff attorney evaluations, bonuses and the pro bono program rotations.

Staff Attorney Position

24. The staff attorney position evolved into a non-partnership track position (unlike that of the associate position). Staff attorneys typically provided document review on large case

litigation. Because of electronic communication, parties to lawsuits frequently retain millions of documents that must be reviewed for relevance and privilege, and frequently must be coded for subsequent retrieval.

25. This work does little to advance the growth and professional development of attorneys in the critical areas of legal analysis, advocacy and client relationships.

Covington Deliberately Hires a Disproportionate Number of Black and Minority Staff Attorneys

26. The following statistics apply to Covington's Washington, DC office:

27. Of Covington's partners, less than 5% are black and less than 10% are minority.

28. Of Covington's associates, special counsel and counsel, less than 5% are black and less than 10% are minority.

29. Of Covington's staff attorneys, approximately 30% are black and approximately 50% are minority.

30. According to a demographic study by the American Bar Association ("ABA") based on the 2000 census less than 5% of licensed lawyers are black and less than 13% are minority. (Exh. A)

31. One must conclude that Covington deliberately set out to hire five times the national average of black and minority attorneys for the staff attorney group.

32. Covington was able to achieve such lopsided numbers by instructing recruiters to refer minority attorneys to the Firm.

33. Once employed by Covington, staff attorneys were periodically asked to refer friends to the Firm. Those referred tended to be of the same race as those doing the referring, so Covington was able to maintain its racial mix.

Covington's Demonstrably Discriminatory Motive for Hiring a Disproportionate Number

of Staff Attorneys

34. In 2004, only months before Covington began staffing its staff attorney group, General Counsel signed the "Call To Action" initiative that reads in part:

"In an effort to realize a truly diverse profession and to promote diversity in law firms, we commit to taking action consistent with the referenced Call to Action. To that end, we pledge that we will make decisions regarding which law firms represent our companies based in significant part on the diversity performance of the firms. We intend to look for opportunities for firms we regularly use which positively distinguish themselves in this area. We further intend to end or limit our relationships with firms whose performance consistently evidences a lack of meaningful interest in being diverse." (Exh. B)

35. Several of Covington's clients are included on the list of corporate signatories for the "Call To Action" document.

36. Covington reported its staff attorney numbers to its clients.

37. In fact, some General Counsel strongly encouraged attorney diversity on their client matters handled by Covington.

38. One Covington client even called a co-worker of Plaintiff's to verify her race.

39. In some of its advertising and marketing literature, Covington includes minority staff attorney figures.

40. Including staff attorney numbers makes Covington's attorney demographic more diverse than it would otherwise be.

Covington Discriminates Against the Staff Attorney Group

41. After setting out on a deliberate scheme to build a staff attorney group largely made up of minorities, Covington discriminated against them. Plaintiff spoke out about many of Covington's discriminatory practices in a Huffington Post essay, "Law firm Segregation Reminiscent of Jim Crow." Many of the Firm's discriminatory practices are detailed below. (Exh. C)

42. In 2004 or early 2005, Covington promoted two white staff attorneys, one to associate and one to special counsel.

43. During Plaintiff's tenure at Covington, no staff attorney was promoted.

44. At staff attorney meetings and in emails to management, staff attorneys expressed a desire for the group to have promotion potential.

45. Staff attorneys were excluded from attorney-only firm retreats. They were not allowed to participate in the Firm's mentoring program, its professional development program or its Women's Forum.

46. Covington paid staff attorneys less than other attorneys at the firm and denied them maternity or jury duty leave.

47. Unlike other law firms which provide staff attorneys with office space and website placement similar to that of their other attorneys, Covington provided staff attorneys with an inferior office space and web presence. Groups of as many as ten or more work in converted file rooms (in some instances enormous volumes of files are stacked alongside staff attorney desks). The offices often had poor ventilation and would probably fail to meet other Occupational Safety and Health Administration (OSHA) standards.

Covington Partners and Associates Discriminate Against Plaintiff and Other Black Staff Attorneys

48. Mr. Davies, along with other white partners and associates, communicated via email and phone with white staff attorneys more often than they did with black staff attorneys.

49. Mr. Davies and white partners and associates socialized with white staff attorneys inside and outside of the office more often than they did with black staff attorneys.

50. It is a well-established belief in the legal community that formal and informal socializing is a necessary component of building a legal career, particularly in a law firm. It is

why Covington and other firms spend hundreds of thousands of dollars entertaining summer associates. By denying black staff attorneys this social interaction, Covington associates and partners, including Mr. Davies, limited Plaintiff's and other black staff attorneys' ability to advance at Covington.

51. White partners also took more of an interest in cultivating the careers of white staff attorneys.

52. For example, George Pappas, a white partner, assisted Staff Attorney 8, who is white, in raising his profile at Covington by allowing him to bill hours to the partner's client development account. The Firm then allowed Staff Attorney 8 to take summer associates to lunch and other activities.

53. Conversely, Mr. Davies, a white partner, rebuffed Plaintiff's attempts to become more involved at Covington.

54. For example, in the fall of 2006, Plaintiff organized a book club for disadvantaged girls at Cardozo High School. When Plaintiff discovered that Covington had a program at Cardozo, she sought to work with the firm to help students there; however, Mr. Davies did not respond to her emails regarding the matter.

55. Ms. Young continued with the book club at her own expense.

56. On another occasion when Plaintiff tried to involve the summer associate planning committee in an event featuring a prominent black legal scholar that was being sponsored by an internationally recognized literary foundation on which Plaintiff is a board member, white associates did not respond to Plaintiff's emails.

JPMorgan Chase & Co. ("JPMC") Case

Racial Make Up of JPMC Case

57. During her time at the Firm, Plaintiff worked primarily on a high profile case involving JPMorgan Chase (“JPMC”).

58. The Firm originally staffed the project with seven staff attorneys who had to be approved by JPMC before starting on the case. JPMC was provided with staff attorney resumes.

59. JPMC was interested in the racial make up of the JPMC team members.

60. Plaintiff, Staff Attorney 1 and Staff Attorney 2 were the three black staff attorneys assigned to the case.

61. Vanessa Natale, Sarah Wittig, Staff Attorney 3, and Staff Attorney 4 were the white staff attorneys assigned to the case.

62. Staff Attorney 4 eventually resigned, leaving the project staffed with three (3) black women and three (3) white women.

Steve Anthony, Supervising Partner on JPMC Case

63. Steve Anthony, a white Covington partner, lead the JPMC case. Mr. Anthony presided over meetings with the JPMC Staff Attorney team. Even when Mr. Anthony wasn't present at meetings or included in emails, the supervising associate made it clear that her directive came from Mr. Anthony.

Caroline Reid Reynolds, Supervising Associate on JPMC Case

64. Caroline Reid Reynolds, a white Covington associate at the time, who is now an associate at Zuckerman Spaeder LLP, was the supervising associate on the JPMC case.

65. Ms. Reid Reynolds socialized outside the office with the white staff attorneys. Black JPMC team members were never invited to join them.

66. Ms. Reid Reynolds took a special interest in the white staff attorneys, especially Vanessa Natale, who had a special relationship with Mr. Davies--often speaking with him on the

phone and privately in his office.

67. Ms. Reid Reynolds provided instruction to white staff attorneys in her office. Ms. Reid Reynolds did not readily share this instruction with black staff attorneys.

68. Plaintiff, on more than one occasion asked Ms. Reid Reynolds to be inclusive when disbursing information and training. (Exh. D)

69. When Ms. Reid Reynolds began supervising the JPMC case, she lacked the managerial experience and training needed. Both black and white staff attorneys on the project remarked in emails about the lack of direction provided by Mr. Anthony and Ms. Reid Reynolds. White Staff Attorney 4 accidentally sent an email intended for another staff attorney to Ms. Reid Reynolds in which he expressed his concern that Ms. Reid Reynolds did not know what she was doing.

70. Ms. Reid Reynolds often appeared frustrated and uninterested in the JPMC case.

71. Ms. Reid Reynolds did not appear to be happy with the reviews she received from the Firm.

72. Ms. Reid Reynolds eventually left the Covington.

Covington Awards Plaintiff's Excellence

73. In January 2006, Covington awarded Plaintiff a bonus of \$9,000.

74. Mr. Davies told Plaintiff that her billable hours and evaluations were among the best at the Firm. He said that the only reason she did not receive a \$10,000 bonus, which was the maximum for staff attorneys, was because she had not been with the Firm for one full year at the time of her evaluation.

75. Plaintiff's 2007 evaluation included the following critique from Mr. Anthony and Ms. Reid Reynolds:

“[Plaintiff] has demonstrated a mastery of the facts and is consistently accurate in her coding. She is one of the fastest and most accurate reviewers on the team. Her diligence and efficiency have made her extremely valuable to the team...” (Exh. E)

76. In addition to Plaintiff receiving a higher bonus and a better evaluation than most staff attorneys, she was also granted a raise each year.

77. Plaintiff’s base salary for most of 2005 was \$70,000. In January 2006, it rose to \$72,500, and in January 2007, it increased to \$75,000.

78. Some staff attorneys did not receive a pay raise each year.

White Staff Attorneys Discriminate, Harass and Humiliate Plaintiff and Other Black Covington Employees

79. From Fall 2005 to March 2006 Plaintiff shared an office with nine other staff attorneys, only one of which was black.

80. Throughout that time, Plaintiff and Staff Attorney 1, the other black attorney in the office, were subjected to racially tinged outbursts that were humiliating, hostile and sometimes threatening. Examples follow:

81. In violation of Covington’s policies, at some point, Ms. Natale downloaded a video program onto her office computer so that during the work day she could watch her dog playing at her home. One day, Ms. Natale was showing the video to Staff Attorney 8 who was white. Staff Attorney 8 then said, “He looks like them,” while motioning his head towards Plaintiff and Staff Attorney 1 who sat next to one another.

82. One day Plaintiff walked by Ms. Wittig’s computer while Ms. Wittig was away from her desk. On the screen were emails containing offensive and derogatory language directed at the black staff attorneys in the room. Plaintiff believes this email exchange was with Ms. Natale.

83. On another occasion when Staff Attorney 1 said that she did not want the fan

blowing on her because the air was too cold, Staff Attorney 4 screamed insinuating remarks at Staff Attorney 1 about her Caribbean heritage.

84. Another time in a JPMC team meeting, Ms. Natale mentioned the client had contacted her to inquire about her ethnicity. Ms. Natale, in an offensive tone that suggested being black was undesirable, stated that she'd assured the JPMC representative that she was white.

85. Another time, Ms. Wittig, a white staff attorney, communicated to a white associate that Staff Attorney 2, as a black attorney, "doesn't know any better."

86. Plaintiff remembers witnessing another racist incident by Staff Attorney 9, who was white. While on the phone with a black woman from the mailroom, Staff Attorney 9 mocked the woman's speaking pattern, changing her voice to mimic the woman's voice. Following the phone conversation, Staff Attorney 9 continued disparaging the black mailroom worker to the other white staff attorneys in the room.

87. On numerous occasions, white staff attorneys who self identified as conservative and republican used racially charged language in discussions about black people and on one particular occasion, the majority black citizens of the District of Columbia. They used words like, "those people" and generally spoke in code.

Wittig Uses "Nigger" and Other Offensive Words

88. On December 9, 2005, Ms. Wittig, Ms. Natale and another white staff attorney began a discussion of racial slurs. Ms. Wittig, using her office computer, logged onto the website: http://en.wikipedia.org/wiki/Ethnic_slur. She then read aloud a list of racial slurs and their corresponding definitions. (Exh. F)

The following is an entry she read:

Hapa (US, Hawaiian) Of mixed Asian race. Like with the slur "nigger" Asians of mixed ancestry are using this word to destigmatize the term.[81] It still can be regarded as a racial slur, as being called colored.

89. After reading several definitions out loud, Ms. Wittig called over other white staff attorneys, including Ms. Natale, to read some of the slurs, presumably about African-Americans, that she did not read aloud.

90. Plaintiff and Staff Attorney 1 exchanged emails expressing their discomfort and the inappropriateness of the incident. (Exh. G)

91. Based on past comments and behavior of the white staff attorneys, Plaintiff and Staff Attorney 1 had reason to believe that the reading aloud and laughing regarding slurs not read aloud was done to harass the black staff attorneys.

Reid Reynolds Discriminates Against Plaintiff and Other Black Staff Attorneys

92. On March 21, 2006 Plaintiff overheard Ms. Natale discussing information given to her and another white staff attorney by Ms. Reid Reynolds regarding the coding of JPMC documents.

93. Plaintiff then sent an email to Ms. Reid Reynolds in which Plaintiff asked, "Could you send out a group email when there's a clarification made on documents or office policy?"

94. Ms. Reid Reynolds replied, "I have responded to some questions lately, but I thought they were just applicable to those individuals' documents..."

95. Sometime later, plaintiff again overheard white JPMC case team members discussing a quicker, more efficient way of coding documents.

96. Shortly thereafter Plaintiff paid a visit to Ms. Reid Reynolds' office at which time Ms. Reid Reynolds confirmed that she had provided white staff attorneys with the additional training. At Plaintiff's prompting, she agreed to provide Plaintiff with the training as well.

97. Plaintiff then returned to her office and conveyed this information to Staff Attorney 1.

Plaintiff Finds Disparaging Work Environment Intolerable; Files Complaint

98. Plaintiff was growing increasingly uncomfortable with the racial tension in her office and spoke with Deborah Charles Turner, a black paralegal who had supervised Plaintiff on a case at Covington. (It was not uncommon for paralegals to supervise staff attorneys).

99. Ms. Turner encouraged Plaintiff to discuss the matter with Mr. Davies.

100. Ms. Turner confided in plaintiff that she'd had a problem with an associate years earlier.

101. On March 23, 2006, Plaintiff sent Mr. Davies an email in which she reported the problem of the white staff attorneys concealing document review information that would have improved the JPMC team's production. (Exh. H)

102. Plaintiff also protested the use of derogatory language and racial slurs in the office.

103. Though Plaintiff was discreet and diplomatic in how she reported the harassment, her statements regarding the "creation of cliques," "people are showing their true selves," "on occasion [chatter] veered into inappropriate terrain;" and "as a person of color, I found this particularly offensive," made it clear that Plaintiff believed the white staff attorneys were harassing Plaintiff and participating in other discriminatory behavior.

104. Because of the pervasiveness of the racial hostility at Covington, plaintiff felt it was an issue that Mr. Davies should address with the entire staff attorney group; and therefore, wrote in her email subject line, "Issues that need to be addressed at tomorrow's luncheon."

105. Later that day, Plaintiff met with Mr. Davies.

She first expressed her intention to work at Covington for the foreseeable future. She

also reminded Mr. Davies of the outstanding evaluation and high bonus she had received weeks earlier and expressed her desire to be promoted. This was not the first time Plaintiff had expressed such a desire.

106. In fact, staff attorney promotion was an issue that came up frequently in staff attorney staff meetings.

107. Plaintiff then expressed her belief that the discriminatory way in which the staff attorneys were treated contributed to the racial tension, as did Ms. Reid Reynolds' favoring the white members of the JPMC team.

108. Mr. Davies only addressed the issue of the racial slur.

109. It is worth noting that even in that situation, Mr. Davies did not act until he had reviewed the email exchange between Plaintiff and Staff Attorney 1.

110. Following Plaintiff's meeting with Mr. Davies, Ms. Wittig was relocated to another office on the same floor.

111. Moreover, Plaintiff continued to work with Ms. Wittig and Ms. Natale on the JPMC case.

Davies Violates Covington Confidentiality Policy by Disclosing Plaintiff's Identity

112. Covington's Policies and Procedures Manual - Sexual and Racial Harassment Section states: "Confidentiality will be maintained to the extent practical and appropriate under the circumstances." (Exh. H)

113. Mr. Davies disclosed Plaintiff's identity to Ms. Wittig.

114. Mr. Davies' disclosure was neither "practical" nor "appropriate."

115. Ms. Wittig had read the slurs in the presence of several people and admitted same to Mr. Davies.

116. Mr. Davies' disclosure prompted the very thing the confidentiality policy is in place to prevent—further harassment of employees who report misconduct.

117. Indeed, Ms. Wittig and the other white staff attorneys in the office began exhibiting even more hostile behavior towards Plaintiff and the other black staff attorney in the office.

118. Immediately upon returning from the meeting with Mr. Davies, Ms. Wittig emailed and disclosed Plaintiff's identity to other staff attorneys.

119. Thereafter, all but one white staff attorney in Plaintiff's office stopped speaking to Plaintiff and Staff Attorney 1 who is also black.

120. There were also staff attorneys in other offices who stopped speaking to Plaintiff.

Davies Downplays Wittig's Use of "Nigger" and Other Racial Slurs

121. On March 24, 2006, the staff attorney group met for a scheduled luncheon.

122. During the luncheon Mr. Davies sat at a table with Staff Attorneys 5 and 6, who later told Plaintiff that Mr. Davies was very "jokey" at the table and made a point of playing down the racial slur incident and even went so far as to say that Plaintiff had misunderstood and overreacted.

123. Towards the end of the luncheon, Mr. Davies addressed the racial slur incident as an afterthought. To the entire group, Mr. Davies again implied that Plaintiff had misunderstood and overreacted to the racial slur incident.

124. Mr. Davies never elaborated on how anyone could have misunderstood Ms. Wittig's improper use of an office computer and her use of derogatory words in the workplace.

125. Mr. Davies closed with a derogatory analogy about his pet monkey.

Davies Uses Pet Monkey to Humiliate Plaintiff

126. Covington provided the following recollection of Mr. Davies' racially insulting remarks:

Davies' comment involved a monkey that he and his siblings kept as a pet when he was a child, and the fact that when the monkey escaped from the house, as it periodically did, his mother always wanted to know which sibling was responsible for letting the monkey escape, regardless of the excuse that the child might offer.

127. Even Covington conceded that Mr. Davies' conduct was unprofessional, inappropriate and ineffective. As stated by Covington's General Counsel, Jeffrey Huvelle, regarding Mr. Davies' monkey anecdote: "One might debate whether the anecdote was an effective means of emphasizing Davies point."

128. Indeed, in this analogy, Mr. Davies is the mother, staff attorneys making racial comments are the siblings and the racial slurs and those offended by them (in this case, Plaintiff) are the monkey.

129. Using a monkey in any way to reference black people is understood by everyone to be racist. A recent article in the New York Daily News explains why this is:

Ongoing studies by a prominent psychologist at Stanford University suggest that the racist association of African-Americans with apes is so ingrained in our history and culture that it persists subconsciously even in college kids born after the civil rights movement.

The study's results were summarized in the 2008 paper "Not Yet Human: Implicit Knowledge, Historical Dehumanization and Contemporary Consequences." "It was surprising to us how strong it was," the co-author, Stanford Associate Prof. Jennifer Eberhardt, said Wednesday of the persistent link. "It did give me cause for pause."¹ (Exh. I)

130. Covington's hiring process for associates and counsel is highly selective. The Firm recruits nationally and focuses on law students who have received top grades at leading law schools. The firm hires those it believes have exceptional strengths in legal analysis and

¹ The New York Daily News, "New York Post has gotta apologize over offensive chimpanzee cartoon," Thursday, February 19, 2009.

judgment.

131. Surely, a partner at such a firm was aware of the offensiveness of equating a monkey to a black person. The deliberateness of Mr. Davies' comment seems even more likely when one considers that in all the meetings prior in which Davies had warned, criticized and chastised the staff attorney group, he had never before mentioned his pet monkey.

Natale, Wittig and Other White Staff Attorneys Continue Their Campaign of Intimidation, Ridicule and Harassment against Plaintiff

132. On March 27, 2006, Plaintiff emailed Mr. Davies and informed him that;

- 1) Ms. Wittig had disclosed Plaintiff's identity to other staff attorneys;
- 2) All but one white staff attorney in the office were refusing to speak to Plaintiff and Staff Attorney 1, who Mr. Davies knew to be black;
- 3) The behavior of the white staff attorneys was negatively impacting Plaintiff's work;
- 4) Plaintiff found the behavior of her white staff attorneys hostile. (Exh. J)

133. Plaintiff was also concerned because Ms. Natale had informed their JPMC supervisor, Ms. Reid Reynolds, about the transpiring incidents.

134. Since Ms. Reid Reynolds socialized outside the office with the white staff attorneys, especially, Ms. Natale who she communicated with often during work hours, Plaintiff worried that this might threaten her employment.

135. Mr. Davies, Mr. Anthony and Ms. Reid Reynolds were aware that communication among Staff Attorney team members was vital among staff attorneys.

136. This was evidenced by the problems that arose when Ms. Reid Reynolds did not communicate all pertinent JPMC case information to all staff attorneys.

137. By allowing the white staff attorneys to conspire against Plaintiff and Staff Attorney 1, Mr. Davies, Mr. Anthony and Ms. Reid Reynolds were effectively undermining

Plaintiff's work.

Mr. Davies Fails to Promptly Respond and Correct the White Staff Attorneys' Harassment of Black Staff Attorneys

138. Because Plaintiff felt that the work environment had turned hostile, Plaintiff requested her own office.

139. Covington has a satellite location in which many staff attorneys are located.

140. Some staff attorneys at the satellite office have their own offices; therefore, Mr. Davies could have accommodated Plaintiff's reasonable request.

141. Rather than investigate the matter or implement prompt and appropriate corrective action, Mr. Davies sent Plaintiff an email that read in part:

"I do not believe that the conduct that you described in your email would amount to a hostile environment." (Exh. J)

142. From this point forward, Mr. Davies ceased nearly all civil communication with Plaintiff; he did, however, continue to communicate via phone, email and privately in his office, with Ms. Natale, one of the parties that Plaintiff had identified as contributing to the hostile work environment.

Davies Retaliates Against Plaintiff

143. Two months earlier Mr. Davies had given Plaintiff high marks and awarded her a high bonus. At no point before Plaintiff's report of discrimination and a hostile work environment had Mr. Davies admonished Plaintiff or treated her curtly; however, following Plaintiff's complaint, Mr. Davies was constantly humiliating Plaintiff.

144. Mr. Davies subjected Plaintiff to increased and unwarranted scrutiny following the incidents in the spring of 2006. He avoided speaking to or even making eye contact with Plaintiff at firm events, in the halls and in the cafeteria.

145. On March 30, 2006, three days after Plaintiff complained about her increasingly hostile work environment, Mr. Davies moved Plaintiff and Staff Attorney 9, who Mr. Davies knew to be one of the white staff attorneys not speaking to Plaintiff, to an office adjacent to Ms. Wittig's new office.

146. Plaintiff and other staff attorneys saw Plaintiff's relocation as punishment for her having complained.

147. Mr. Davies removed from Plaintiff's new location two of the three minority staff attorneys who had been in the office prior to Plaintiff's arrival. Mr. Davies asked the third minority staff attorney to move as well, but she refused because she was eight and a half months pregnant.

148. After giving birth, the pregnant staff attorney did not return to Covington.

149. Plaintiff was then in a room with only white staff attorneys, some of whom were not speaking to Plaintiff.

150. Mr. Davies provided no justification for alienating Plaintiff from minority attorneys.

151. On several occasions in 2006 and 2007, Mr. Davies did not respond to Plaintiff's emails and voice mail messages.

152. Yet, Mr. Davies continued to welcome and invite to his office those white staff attorneys, who continued to harass Plaintiff.

Ms. Reid Reynolds, Mr. Anthony and Mr. Davies Retaliate by Accusing Plaintiff of Overbilling

153. On October 17, 2006, Mr. Davies emailed Plaintiff, and stated that Ms. Reid Reynolds claimed that Plaintiff had worked from home for more than five hours a day (during the weekend), in violation of policy on the JPMC case.