

# Ex-Deutsche VP Must Justify Statute-Of-Limitations Extension

*By John Kennedy from Law 360//September 18, 2015 — 9:27 PM ET*

Law360, New York (September 18, 2015, 9:27 PM ET) -- A New York federal judge on Friday denied most summary judgment motions from both sides of a gender bias suit involving [Deutsche Bank AG](#) and a former vice president, but gave the parties a few more days to make their arguments concerning whether to extend the statute of limitations on the plaintiff's claims.

U.S. District Judge Valerie Caproni denied former Deutsche Bank vice president Kelley Voelker's entire motion for partial summary judgment and the bank's whole motion for summary judgment except for its argument that Voelker's claims arising before Sept. 12, 2008, are barred by a three-year statute of limitations.

Voelker has claimed she was “mommy-tracked” after taking maternity leave and fired after complaining about gender bias.

Judge Caproni gave the parties until Sept. 24 to submit briefs addressing whether Voelker gave the bank enough notice of her equal pay claims under New York Labor Law to warrant extending the limitation period on those claims to six years. She said she'd decide on the last part of the bank's motion after reviewing the briefs.

In May, Deutsche Bank [called her claims “trumped up”](#) and said she hadn't offered concrete facts showing discrimination or retaliation as it requested summary judgment. The bank said it had legitimate reasons for its employment decisions and painted Voelker as a lackluster employee who had low performance evaluation scores before she ever spoke up about alleged discrimination.

Voelker countered that the bank can't advance a legitimate, nonretaliatory reason for her firing. While the company argued that she was let go because her departure would've had the least impact compared to firing one of her colleagues, decision-maker John Arnone testified that he and other team leaders determined that getting rid of a different, unnamed male employee would've had a lesser impact, she argued.

The company filed a declaration with the court saying that his testimony was a mistake and later argued that she was let go as part of a reduction in force and selected for termination because of low performance.

Voelker was still employed by Deutsche Bank when she sued in September 2011 but was told she'd be terminated in 2012 after about 14 years with the company, according to her second amended complaint.

Voelker said she was passed over for promotions despite strong qualifications and was “mommy-tracked” for her decision to take maternity leave in 2009. She said that the bank tolerated managers' use of vulgar language, allowed supervisors to make openly derogatory remarks about pregnancy and gave supervisors a green light to entertain clients at strip clubs.

After she sued, the company also allegedly took retaliatory steps by giving her negative performance reviews, micromanaging her, removing her from important accounts and assignments, and ultimately firing her, she said.

Lawrence M. Pearson of [Wigdor LLP](#), a lawyer for Voelker, said Friday that they're looking forward to the trial.

Deutsche Bank said they take allegations of discrimination and retaliation seriously and will continue to defend themselves.

Voelker is represented by Pearson, Douglas H. Wigdor, Michael J. Willemin and Elizabeth J. Chen of Wigdor.

Deutsche Bank is represented by Scott Rabe and Cliff Fonstein of [Seyfarth Shaw LLP](#).

The case is Voelker v. Deutsche Bank AG, case number [1:11-cv-06362](#), in the U.S. District Court for the Southern District of New York.

--Additional reporting by Ben James. Editing by Philip Shea.