

Just a Week Old, Gender Discrimination Litigation Over Fired Wall Street Exec Heats Up: Both Sides Launch New Complaints

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By Jason Grant

On the same day that a female former executive director at Bramshill Investments launched a gender discrimination and retaliation lawsuit against the company, the Wall Street investment firm fired back with a [misappropriation-of-trade-secrets suit](#) lodged against her in a different federal court.

Now, former Bramshill executive director Ashley Pullen, who claims she was [unfairly labeled as “aggressive”](#) by the company and fired after she complained about gender inequities in work distribution, has levied a [new complaint](#) against Bramshill that expands on her previous one and states that Bramshill’s same-day lawsuit—on Sept. 24—was simply a “retaliatory complaint alleging six spurious causes of action against Ms. Pullen.”

All of it sets up what could become a knock-down, drag-out legal battle between Pullen and Bramshill, a 21-employee alternative asset manager with about \$2.5 billion under management.

The flurry of allegations and filings, initiated last week with Pullen’s [complaint](#) lodged in the U.S. District Court for the Southern District of New York and now shifting entirely to the District of New Jersey with Pullen’s new filing Monday, also tees up a central question for U.S. District Judge John Michael Vazquez: Does Bramshill’s proprietary information-based complaint against Pullen amount to illegal retaliation in response to Pullen’s gender discrimination claims?

In an interview Tuesday with the New York Law Journal, Bramshill’s co-founder and chief compliance officer, William Nieporte, said that Pullen’s alleged misappropriation of firm proprietary information meant that she had clearly “broken company policy [focused on] cybersecurity, compliance and confidential information,” and that’s why she was fired on Aug. 8.

The firm, which specializes in fixed-income investment opportunities, has “suffered significant monetary damages and loss due to [Pullen’s] willful misconduct,” Bramshill claims in its New Jersey suit. Bramshill then details how Pullen allegedly downloaded and forwarded to her own, smaller investment company, called SparHawk Advisory, a collection of Bramshill master client lists, marketing materials and “proprietary investor lists and strategies containing investment amounts and confidential information, [in order for her] to operate a competing company.”

But to Pullen and her lawyers at Wigdor in Manhattan, the Bramshill complaint is nothing more than the Wall Street firm following through on a previously made “threat” meant to intimidate her: Namely—and allegedly—that if Pullen were to launch a discrimination suit against Bramshill, then the company would bring counterclaims based on her alleged wrongdoing.

“I would note that in their case, they basically purport to have an urgent need for relief,” said Wigdor partner Michael Willemin in a phone interview Tuesday. (Willemin was referring in part to a motion for a temporary restraining order and preliminary injunction lodged by Bramshill in conjunction with its New Jersey action.)

“But,” continued Willemin, “[Bramshill and its counsel at Gordon Rees Scully Mansukhani] waited six weeks [after Pullen’s firing] to bring this lawsuit, and they brought it only immediately after our client filed claims under the anti-discrimination laws.”

Willemin then pointed to paragraph 12 of Pullen’s 33-page complaint filed before Vazquez in Newark. Both that complaint and her original one pull out quotes from an email allegedly sent from a Gordon Rees associate to Wigdor on Sept. 18. “Presently, we are aware that your client downloaded and stole confidential and proprietary information and documents from Bramshill. ... These are very serious allegations that could (and will) warrant counterclaims under the New Jersey Computer Related Offenses Act, and other common law claims. If your client proceeds with filing a Complaint, Bramshill has authorized my firm to defend the claims, and file counterclaims concerning your client’s wrongdoing,” the complaint quotes the Gordon Rees email as stating.

To Willemin, the email was an “admission of the motivation here, which is retaliation,” he told the Law Journal.

He added, “There is no evidence whatsoever that Ms. Pullen misappropriated anything, and there is no evidence that Ms. Pullen operated a competing company, and the allegation that she did is supported by zero facts or specifics.”

The Gordon Rees attorney could not be reached for comment.

But Nieporte, the Bramshill co-founder and CCO, was equally adamant and strong in the statements he made by phone on Tuesday.

“She admitted [during interoffice discussions] to these transgressions,” he said of Pullen’s alleged theft of proprietary information, “and we appropriately terminated her based on rules and regulations of the firm being broken.”

Then, of Pullen’s complaint which alleges a discriminatory “boys’ club” atmosphere at Bramshill, Nieporte said, “We consider this ... an attack on our firm and our core culture, and we take this very seriously.”

“We [also] completely and categorically deny the allegations” as described throughout the complaint, he said.

Pullen’s original New York complaint and the newer version of it filed in New Jersey (the New York action has since been closed) claims she was fired for pretextual, retaliatory reasons, just one week after she told Bramshill CEO Stephen Selver, who’d allegedly accused her of being a source of “tension,” that “the only reason this tension exists is because you are running the marketing team [at Bramshill, of which she was a part,] like a boys’ club.”

Her suit also contends that she was repeatedly “being marginalized and passed over for opportunities in favor of her male colleagues; particularly Mr. [John] Wasilewski—who had been hired for exactly the same role as Plaintiff” shortly before she joined the firm.”

In the New Jersey-filed complaint, Pullen’s retaliation-based claims add in Bramshill’s lawsuit launched against her as another element of the firm’s alleged retaliation.

Her suit brings claims under the federal Equal Pay Act, New York State Human Rights Law, New York Executive Law §§290 et seq., New York City Human Rights Law and New Jersey Law Against Discrimination.

Bramshill’s 22-page complaint launches causes of action under the federal Trade Secrets Act, New Jersey Trade Secrets Act and New Jersey Computer Related Offenses Act. It also includes claims of breach of contract, breach of duty of loyalty and unjust enrichment.

Neither suit names a damages amount. (Pullen lives in New Jersey, but mostly worked out of Bramshill’s Manhattan office during her four to five months at the firm, according to court documents.)

On Tuesday, Vazquez held an on-the-record phone conference in the two lawsuits. He consolidated them, and ruled to deny the temporary restraining order portion of Bramshill’s motion accompanying its complaint. The preliminary injunction part of the motion will go on and a briefing schedule will be issued, according to court documents.

Willemin, who maintains the trade secret action is retaliation, also said Tuesday that in last year or two of his practice he has seen defendants and their lawyers use “retaliation” suits both more aggressively and frequently.

“It’s becoming more common to see defense attorneys and their clients attempt to defend cases in a way that seeks to intimidate, bully, harass and retaliate against victims of discrimination,” he said, drawing on eight years of employment law and discrimination practice experience.

"It's a tactic," he claimed, "to one, attempt to gain leverage by filing litigation to scare a plaintiff [and] beat her down, and, secondly, it sends a message to other company employees who are contemplating raising issues of discrimination that the end result of that is they're going to be sued."