

Ex-SoulCycle Exec Says COVID-19 Used As Pretext To Fire Her

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By **Craig Clough**

Law360 (August 11, 2020, 10:35 PM EDT) -- A former SoulCycle executive accused the company Tuesday in New York federal court of offering "shifting, nebulous excuses" for retaliating against her for taking maternity leave, before finally landing on the COVID-19 pandemic as pretext to illegally fire her.

Jordan Kafenbaum said she worked for SoulCycle Inc. for seven years and was serving as senior director of instructor programming and talent management when she was terminated in April about four weeks into her maternity leave.

The company first retaliated against her by planning to move her to a less important role after she told her bosses she would be taking maternity leave, Kafenbaum said. The retaliation continued until the company told her it was eliminating her position due to the economic fallout of the coronavirus pandemic, according to the suit.

"It is appalling that a company founded by and managed by women, and whose customers are predominantly women, would penalize its own female employees for childbirth and maternity leave," Kafenbaum said. "All employees, regardless of gender, skin color or other protected classifications, deserve to work on a level playing field."

According to the suit, Kafenbaum started her employment at SoulCycle in 2013 and worked her way up the ladder until her final position that involved overseeing almost 400 instructors, and was also being groomed for a vice president position in the company.

But the company's public commitment to tolerance and diversity is a sham, highlighted by alleged incidents in which its former CEO Melanie Whelan told a senior vice president in 2019 that paternity leave "is for pussies," and when its interim CEO Sunder Reddy while serving as chief financial officer simulated oral sex in front of Kafenbaum while making a joke, according to the suit.

Kafenbaum said the retaliation she experienced due to her pregnancy began when its Chief People Officer Adrienne Gemperle announced to a room of around 100 employees that Kafenbaum was pregnant, despite her having told only a select few of her supervisors the news. After Kafenbaum complained to Gemperle, despite her human resources training and role, Gemperle "reacted in classic retaliatory fashion," which included giving her the silent treatment during interactions, Kafenbaum said.

As her maternity leave approached, Kafenbaum was told by her boss, Gary Gaines, that her team "needs a new leader" and a new role would be needed for Kafenbaum. One suggested role was to sell corporate bookings for a program not yet in existence at SoulCycle, Kafenbaum said, adding that no explanation was given for the planned change besides vague references to her "aggressive tone" and complaints from a handful of instructors.

In April, just 32 days into her maternity leave, Kafenbaum was terminated, and was told the company was eliminating her position because of the financial impact of COVID-19, which had forced its studios to shut down, the suit said.

"In a further attempt to insert a legitimate business necessity defense into the discriminatory decision, Gaines said other employees on her team were being terminated as well." Kafenbaum said. "Kafenbaum asked why she had been selected for termination and, if her position was actually being eliminated, why she could not take on another position as she was told she was going to be forced to do after returning from maternity leave," but her questions were not answered.

Kafenbaum said she believed three other women were fired as retaliation for taking or planning to take maternity leave, with COVID-19 used as an excuse.

SoulCycle did not immediately respond to a request for comment Tuesday.

Kafenbaum is represented by attorneys with Wigdor LLP, which has represented plaintiffs in several high-profile employment lawsuits recently, including **a former paralegal** at Pierce Bainbridge Beck Price & Hecht LLP who sued the firm and ex-partner Don Lewis for defamation and discrimination, claiming Lewis sexually assaulted her and then publicly smeared her. Lewis told Law360 on Wednesday that he vehemently denies the allegations, adding that the plaintiff "has been weaponized by both law firms where she has worked."

Wigdor is also representing **a former counsel** with Reed Smith LLP who sued the BigLaw firm and two of its partners Wednesday for unlawful termination and retaliation, claiming he was driven out after suffering from a debilitating concussion.

Kafenbaum is represented by Jeanne M. Christensen and Taylor J. Crabill of Wigdor LLP.

Counsel information for SoulCycle was not immediately available.

The case is Jordan Kafenbaum v. SoulCycle Inc. et al., case number 1:20-cv-06315, in the U.S. District Court for the Southern District of New York.