

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974; see Privacy Act Statement on reverse before completing this form.		AGENCY <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	CHARGE NUMBER
_____ and EEOC <small>(State or Local Agency, if Any)</small>			
NAME (Indicate Mr., Ms., or Mrs.) Ms. Jessica Casucci		HOME TELEPHONE NUMBER (include Area Code) (212) 257-6800	
STREET ADDRESS c/o Wigdor LLP, 85 Fifth Avenue, Fifth Floor		CITY, STATE AND ZIP CODE New York, New York 10003	DATE OF BIRTH 1/1/75
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below).			
NAME Ernst & Young Global Limited		NO. OF EMPLOYEES/MEMBERS 250,000+	TELEPHONE NUMBER (include Area Code) (212) 773-3000
STREET ADDRESS 5 Times Square		CITY, STATE AND ZIP CODE New York, NY 10036	COUNTY New York
NAME		NO. OF EMPLOYEES/MEMBERS	TELEPHONE NUMBER (include Area Code)
STREET ADDRESS		CITY, STATE AND ZIP CODE	
CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))		DATE DISCRIMINATION TOOK PLACE	
<input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify)		EARLIEST June 2015 LATEST	
		<input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional space is needed, attached extra sheet(s))			
SEE ATTACHED SUPPLEMENT			
<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: auto;"> EQUAL EMPLOYMENT OPPORTUNITY COMMISSION NEW YORK DISTRICT OFFICE <div style="border: 1px solid black; padding: 5px; text-align: center; margin: 5px 0;"> APR 18 2018 </div> DATE RECEIVED </div>			
I want this charge filed with the EEOC and the State FEPA. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - (When necessary in accordance with State and Local Requirements)	
I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.		Jenny M. Christensen Notary Public, State of New York Qualified in Westchester County Commission Expires 12/31/2018	
I declare under penalty of perjury that the foregoing is true and correct.		SIGNATURE OF CHARGING PARTY	
Jessica Casucci Date _____ Charging Party (Signature)		Jessica Casucci SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE: (Month, day and year)	

**EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION**

-----X
JESSICA CASUCCI, :
 :
 Claimant, : EEOC No.: _____
 :
 v. :
 : **SUPPLEMENT TO CHARGE OF**
 ERNST & YOUNG GLOBAL LIMITED, : **CONTINUING DISCRIMINATION**
 : **AND RETALIATION**
 Respondent. :
-----X

Claimant Jessica Casucci brings this Charge of continuing discrimination and retaliation against Ernst & Young LLP (“EY” or the “Firm”), and hereby alleges as follows:

INTRODUCTION

1. On June 16, 2015, Claimant Jessica Casucci was egregiously sexually harassed and assaulted by EY Tax partner John Martinkat.
2. The sexual assault – which occurred in front of two other EY partners who stood by and did nothing – included Mr. Martinkat groping Ms. Casucci’s breasts and rear end and telling Ms. Casucci that he wanted to “fuck her” and give her “the best night of [her] life.”
3. Later on that same evening, Ms. Casucci, who unequivocally rejected Mr. Martinkat’s advances, received lewd and sexual emails and text messages from him, including, *inter alia*, “I can only imagine what would happen if you were knocking[] on my door – room 8192 in the west elevators – wow – who would be happier in an hour??? I am willing to make a bet on that.”
4. After finally realizing that Ms. Casucci was not going to succumb to his sexual advances, Mr. Martinkat wrote, “Tried calling. [You are] [o]ne of if not the hottest partner. Oh well. Can’t blame a guy for trying.”

5. Mr. Martinkat's actions were far from the only time Ms. Casucci has been subjected to sexually inappropriate conduct and harassing at EY. By way of example, another EY partner, Michael Serota, repeatedly asked Ms. Casucci if she was wearing underwear while rehearsing to speak at EY's Executive Tax Update.

6. Yet another EY employee, Senior Manager Derek Schulze, regularly stared at women's rear ends, including Ms. Casucci's, and would comment upon their appearance by saying such things as, "looking good today." This conduct was so rampant that Mr. Schulze earned the nickname, "sex me Schulze," among his female colleagues.

7. In August 2016, Ms. Casucci mustered the courage to report Mr. Martinkat's conduct to Karyn Twaronite, a partner and EY's Global Diversity & Inclusiveness Officer. Ms. Twaronite told Ms. Casucci, *inter alia*, that she (Ms. Casucci) might not hear anything back in response to her complaint, but that she should "trust the Firm" to take the matter seriously.

8. As it turned out, EY did not take the matter seriously. Mr. Martinkat was subject to little or no discipline and suffered zero repercussions for his conduct. Meanwhile, in order to avoid having to work with Mr. Martinkat, Ms. Casucci has been forced to abandon client relationships, decline work on certain projects and rebuild her entire book of business from scratch. Ms. Casucci's career trajectory and earning potential have been adversely impacted, while EY has made sure that Mr. Martinkat's career has not been affected at all.

9. When Ms. Casucci followed up on her complaint in early 2018, she learned that Ms. Twaronite had not even documented, or provided any information up the chain with regard to Ms. Casucci's complaint that she was sexually assaulted. Moreover, despite Ms. Casucci telling EY about the fact that her career had been derailed while Mr. Martinkat suffered no discernable consequences for his conduct, the Firm decided not to remedy the situation and

suggested to Ms. Casucci that the status quo seemed to be “working for [her]” and that Ms. Casucci – and not Mr. Martinkat – had to learn how to navigate client relationships under the circumstances.

10. Finally, after Ms. Casucci retained counsel, EY informed her that an employment defense attorney with Kramer, Levin, Naftalis and Frankel LLP’s (“Kramer Levin”) had been retained by EY to interview Ms. Casucci in connection with her complaints. Of course, this was completely unnecessary because Ms. Casucci had already complained repeatedly and at least seven partners at EY were aware of what had occurred.

11. Suspecting that EY was simply trying to protect itself in the event of litigation, and not Ms. Casucci and other women at the Firm, Ms. Casucci’s counsel advised that Ms. Casucci would sit for an interview with Kramer Levin so long as the interview could not be used in subsequent litigation. Incredibly, EY and Kramer Levin refused and continue to refuse to interview Ms. Casucci unless she agrees that the interview can be used in litigation.

12. While perhaps EY would prefer to be able to use the interview in litigation, there is no downside to at least hearing what Ms. Casucci has to say about what happened to help protect other women. EY’s refusal to do so is deeply troubling and simply more evidence that EY is only interested in protecting itself and Mr. Martinkat, and not Ms. Casucci and other women at EY. This decision is also further evidence of discriminatory animus and a lack of concern for sexual assault and harassment in the workplace.

PARTIES

13. Claimant Jessica Casucci is a resident of New York, New York. Ms. Casucci has worked at Respondent EY for a total of approximately 14 years. Ms. Casucci was repeatedly

promoted until, in May 2014, she was elevated to a partnership position with the Firm. Ms. Casucci remains a partner at the Firm.

14. Respondent Ernst & Young LLP is a limited liability partnership organized and existing under and by virtue of the laws of the State of Delaware, and has its principal place of business at 5 Times Square, New York, New York 10036.

FACTUAL ALLEGATIONS

I. BACKGROUND

15. Ms. Casucci, who holds an undergraduate degree from Boston University and a J.D. from New York University's School of Law. Ms. Casucci did an internship at EY in 1999 and was hired as a full time by EY as a Tax Staff in September 2000.

16. Ms. Casucci spent the first four years of her career with EY until she was recruited away by PricewaterhouseCooper ("PwC"). Following two years at PwC, Ms. Casucci came back to EY in 2008 as a Tax Manager for Financial Services – Asset Management and has been employed by EY ever since.

17. In 2014, Ms. Casucci was elevated to a partnership position.

II. MS. CASUCCI IS SEXUALLY ASSAULTED AND HARASSED

18. In June 2015, Ms. Casucci attended EY's Executive Tax Update ("ETU") conference in Orlando, Florida.

19. On June 16, 2015, on the second day of the ETU conference, Ms. Casucci was at a "dueling piano" restaurant called Jellyrolls in the Walt Disney World Resort with two of her colleagues.

20. From across the restaurant space, Ms. Casucci spotted three EY partners, Gerald Whelan, Jim Givens and John Martinkat, standing by the bar. Ms. Casucci approached the three partners to say hello.

21. Instead of simply saying hello to Ms. Casucci, Mr. Martinkat, who is much larger than Ms. Casucci, wrapped his arms around Ms. Casucci's lower body and lifted her up over his shoulder.

22. Mr. Martinkat proceeded to sexually assault Ms. Casucci in front of the two other partners.

23. First, Mr. Martinkat groped and squeezed Ms. Casucci's rear end with both hands. Ms. Casucci struggled to escape from Mr. Martinkat, but was unable to do so.

24. Finally, Mr. Martinkat let Ms. Casucci down, but then he pulled her into his body and grabbed and aggressively squeezed her breasts.

25. While Mr. Martinkat was doing this, he told Ms. Casucci, "I've wanted to fuck you for so long." He also (incorrectly) claimed, "I know that you want to fuck me," that the "sex would be amazing" and that it would be "the best night [her] life."

26. Ms. Casucci, terrified, upset and deeply offended, attempted to rip herself away from Mr. Martinkat, but was unable to do so. Mr. Whelan and Mr. Givens watched and did nothing.

27. Mr. Martinkat finally relented and let Ms. Casucci go. At that point, Ms. Casucci told Mr. Givens to get Mr. Martinkat out of the restaurant.

28. Ms. Casucci also left the restaurant, separately, but began to receive a barrage of calls, text messages and emails from Mr. Martinkat. The theme of these messages was straightforward – to come to his hotel room and have sex with him.

29. Indeed, in one message sent from his EY email account, Mr. Martinkat expressly stated to Ms. Casucci: “I can only imagine what would happen if you were knocking[] on my door – room 8192 in the west elevators – wow – who would be happier in an hour??? I am willing to make a bet on that.”

30. In one of his emails (sent from an EY email account), Mr. Martinkat wrote, “Tried calling. [You are] [o]ne of if not the hottest partner. Oh well. Can’t blame a guy for trying.”

31. The next day, Ms. Casucci told another EY Partner about what had happened. While relaying the events of the night before, Ms. Casucci broke down in tears. She was so devastated and affected by what had occurred that she left the ETU conference a day early to fly back to New York. Upon information and belief, neither Mr. Whelan, Mr. Givens nor the partner in whom Ms. Casucci confided the following day ever reported Mr. Martinkat’s behavior to Human Resources (“HR”).

32. Over the course of the following year, Ms. Casucci did everything she could to distance herself from Mr. Martinkat, including by declining work on projects that she knew he would be on. This, in turn, began to affect Ms. Casucci’s earning potential and career advancement.

33. Ms. Casucci also sought counseling and therapy in connection with Mr. Martinkat’s actions.

III. THE 2016 ETU CONFERENCE AND MS. CASUCCI’S PROTECTED COMPLAINTS

34. As the 2016 ETU conference approached, Ms. Casucci was repeatedly asked whether she would speak on some of the panels at the conference. Ms. Casucci denied each of these requests, and made it clear that she did not want to attend the conference.

35. Ms. Casucci did not want to attend the conference due to her stress, anxiety and fear of running into Mr. Martinkat, as well as having to relive the sexual assault she endured the prior year.

36. Finally, Ms. Casucci relented and agreed to speak on one of the panels at the 2016 ETU conference.

37. Ms. Casucci landed in Orlando, Florida, on June 5, 2016. Within an hour she passed out due to the stress and anxiety she was experiencing, and was rushed to an emergency room. Ms. Casucci came back to New York as soon as she was able, and did not stay for the ETU conference or her panel.

38. In approximately July 2016, Ms. Casucci learned from another EY partner that another woman had been subjected to sexually inappropriate conduct at the 2016 ETU. Ms. Casucci immediately began to cry and came to the determination that she must report Mr. Martinkat's misconduct in order to protect herself and the other women at EY.

39. In August 2016, Ms. Casucci connected with Karyn Twaronite, a partner and EY's Global Diversity & Inclusiveness Officer.

40. Ms. Casucci spoke to Ms. Twaronite about all of the above (with the exception of Ms. Casucci passing out at the 2016 ETU conference).

41. Rather than expressing any sympathy or indicating that the matter would be taken seriously, Ms. Twaronite appeared more interested in protecting Mr. Martinkat and questioning Ms. Casucci's own conduct and motivations.

42. For instance, when Ms. Casucci told Ms. Twaronite that she still had the emails sent to her by Mr. Martinkat, Ms. Twaronite asked, "why would you keep those emails?"

43. Ms. Twaronite also told Ms. Casucci that she (Ms. Casucci) might not hear anything back in response to her complaint, but that Ms. Casucci must simply “trust the Firm” to handle the matter appropriately.

44. Unfortunately, the Firm did not handle the matter appropriately.

45. In fact, despite the fact that, by August 2016, five partners were aware of what happened to Ms. Casucci, upon information and belief, little or nothing was done to discipline Mr. Martinkat.

46. Over the course of the following year and a half, Ms. Casucci continued to do everything she would to distance herself from Mr. Martinkat.

47. Ms. Casucci moved away from the Wealth Asset Management team to the Tax, Technology and Transformation team to limit her contact with Mr. Martinkat and Mr. Serota.

48. Ms. Casucci also began to focus on Real Estate rather than Asset Management and Private Equity.

49. Essentially, Ms. Casucci had to completely reinvent her career and leave a book of substantial business to build a new one.

50. Ms. Casucci also had to turn down work that might bring her into contact with Mr. Martinkat and left the Carlyle account to avoid working with him.

51. Meanwhile, Mr. Martinkat was still walking the halls of EY (where Ms. Casucci would often run into him), his career unabated by what he had done.

52. To make matters worse, unlike as promised Ms. Casucci did not hear anything back in response to her complaint.

IV. FURTHER PROTECTED ACTIVITY AND RETALIATION

53. In late 2017, as the “me too” movement began to grow, EY began to send out mass emails to employees about its “zero tolerance” policy with regard to sexual harassment and inappropriate sexual conduct in the workplace. Ms. Casucci knew, of course, that this was completely untrue (not only from her experience with Mr. Martinkat, but also with other EY partners who have sexually harassed Ms. Casucci over the years, as noted above).

54. Around the same time, Ms. Casucci was asked on multiple occasions to take on work on the Carlyle account, which she could not do given that she would be forced to work with Mr. Martinkat.

55. Moreover, Ms. Casucci’s stress and anxiety upon realizing that she had been forced to alter her entire career while Mr. Martinkat apparently suffered no consequences for his conduct began to grow.

56. Starting in approximately November 2017, Ms. Casucci began experiencing stress-related insomnia, which persisted for many months.

57. On January 15, 2018, Ms. Casucci disclosed what had happened to her to Paul Stroud, the Americas Tax Managing Partner for EY’s Financial Services Organization.

58. Following this conversation, Ms. Casucci reached out to Ms. Twaronite to learn more about the Firm’s response to her 2016 complaint.

59. In an email dated February 1, 2018, Ms. Twaronite vaguely told Ms. Casucci that “it was absolutely taken seriously, was elevated quickly, and there were consequences.”

60. On February 26, 2018, Ms. Casucci met with Ms. Twaronite and Carolyn Slaski, EY’s Americas Vice Chair of Talent.

61. Ms. Casucci informed Ms. Twaronite and Ms. Slaski about the efforts she had made to avoid Mr. Martinkat since 2015. Rather than attempt to remedy the situation and work on Ms. Casucci's behalf to ensure that she was not being punished for Mr. Martinkat's conduct, Ms. Twaronite outrageously responded, "well, isn't that working for you?"

62. Ms. Casucci also asked for more detail on EY's response to her 2016 complaint, but neither Ms. Twaronite nor Ms. Slaski would provide any additional information.

63. It was apparent to Ms. Casucci that nothing had actually been done, and that there was no concern about the impact that these events have had on Ms. Casucci.

64. Ms. Casucci followed up with Ms. Twaronite and Ms. Slaski via email. Specifically, on February 27, 2018, Ms. Casucci wrote, *inter alia*, "[I] have a few follow ups for Carolyn that shouldn't take more than 15 minutes."

65. Ms. Twaronite responded, *inter alia*, "if it relates to how to navigate your client assignments, I may want to ask Paul Stroud to join so we can use the time wisely." This response is indicative of the lack of concern EY shows for women who have been subjected to sexual assault and harassment. Ms. Casucci should not have had to learn how to "navigate [her] client assignments." If anyone's ability to work with clients should have been affected by Mr. Martinkat's actions, it should have been his own. The fact that Ms. Twaronite sent this email – rather than ensuring that Ms. Casucci's client relationships would not be affected by Mr. Martinkat's conduct and her complaints – is unconscionable and evidence of discriminatory and retaliatory animus.

66. On March 7, 2018, Ms. Casucci again pushed for more information, and was forwarded to Lisa Swanson, an EY attorney. On March 16, 2018, Ms. Casucci spoke with Ms. Swanson. It quickly became clear that Ms. Swanson had not been given all of the

facts. Apparently, Ms. Swanson had not been told about Mr. Martinkat's sexual assault, but had only been told about the post-assault inappropriate emails. Ms. Swanson stated that she would like to reschedule the call because she did not feel prepared.

67. On March 19, 2018, Ms. Casucci again spoke with Ms. Swanson, who informed Ms. Casucci that the file on her 2016 complaint to Ms. Twaronite contained no information about the sexual assault – it apparently had been scrubbed (or perhaps the information was never included in the first place). The 2016 complaint file apparently stated that Ms. Casucci had been picked up by Mr. Martinkat, but did not contain any information about his lewd request to “fuck” Ms. Casucci or the fact that he groped her rear end and breasts.

68. To date, nothing has been done to remedy the foregoing and EY continues to discriminate against Ms. Casucci based on her gender by permitting her male attacker to remain employed without any consequences to his career, whereas Ms. Casucci has had to completely reinvent her career and step aside from work opportunities, both of which have had an adverse impact on her compensation.

V. EY IS MORE INTERESTED IN PROTECTING ITSELF THAN ITS FEMALE EMPLOYEES

69. Ms. Casucci retained Wigdor LLP (“Wigdor”) on March 26, 2018. On the same day, Michael J. Willemin, Esq., a partner at Wigdor, wrote a letter to EY that informed the Firm of Ms. Casucci's retention of counsel.

70. Later that day, Mr. Willemin was informed that EY had retained Kramer Levin in connection with this matter, and that Eliza Kaiser, a partner and employment defense attorney at Kramer Levin, intended to interview Ms. Casucci about her experiences with Mr. Martinkat.

71. This, of course was completely unnecessary, as Ms. Casucci had already told multiple partners, HR and Legal about the sexual assault and had identified to EY the witnesses to it.

72. Suspecting that EY had hired employment defense counsel to protect itself, and not Ms. Casucci and other women at EY, Mr. Willemin advised Ms. Kaiser that:

[O]ur client is willing to participate in an interview with you and/or your firm, provided that: (i) I can be present; and (ii) the interview will not be used for any purpose in connection with any litigation between Ms. Casucci and EY. *If it is EY's goal to find out what happened and to investigate this matter (rather than to essentially take our client's deposition now that she has retained employment counsel), there should be no issue with either of these terms.* Alternatively (or in addition), Ms. Casucci is willing (within reason) to answer specific questions through us regarding the facts and circumstances of this matter.

73. Ms. Kaiser responded:

EY agrees that you may be present at the meeting with Ms. Casucci, provided that you don't interrupt or interfere with my ability to interview Ms. Casucci . . . *EY will not agree to any limit on its use of the interview in any subsequent litigation or otherwise.*

74. In response, Mr. Willemin wrote:

If EY's true motive is to determine what happened (and not to prepare itself for litigation with Ms. Casucci), it will not forego an interview with Ms. Casucci simply because EY won't be able to use that interview down the road in litigation. If it chooses not to do so, that would be deeply troubling and simply more evidence that EY is only interested in protecting itself and the perpetrator, and not Ms. Casucci and other women at EY.

75. EY continued to refuse to interview Ms. Casucci pursuant to the terms proposed by Mr. Willemin, who eventually stated:

[It] is disappointing to see that EY has apparently decided that it is more important to protect itself in the event of litigation than hear directly from Ms. Casucci. There is literally no good reason

for EY not to agree to the terms in my email. Even if it is EY's preference to be able to use the interview in litigation, there is no downside to at least hearing what she has to say about what happened to help protect other women.

76. As of the filing of this Charge, EY continues to refuse to agree not to use any interview with Ms. Casucci in litigation, demonstrating a complete apathy towards protecting its female employees

VI. CONCLUSION

77. Ms. Casucci requests all available and appropriate relief.