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VIA FEDERAL EXPRESS

Roberta Steele, Esq.
Regional Attorney
U.S. Equal Employment Opportunity Commission
96 North Third Street, Suite 250
San Jose, CA 95112

Re: **Supplement to the Charge for Jane Smith, Request for Related Status to the Charge filed by Vanina Guerrero No. 556-2020-00008 and Request to Proceed on a Class-wide Basis**

Dear Ms. Steele:

Please allow the following to serve as the supplement to the charge form submitted on behalf of Claimant Jane Smith¹ (“Claimant”) against Respondents DLA Piper LLP (US) (“DLA Piper” or the “Firm”) and certain individual Partners, including, *inter alia*, Louis Lehot (“Respondents”). As detailed below, Claimant has claims under federal law for gender discrimination, hostile environment sexual harassment and retaliation. Respectfully, we request that Claimant’s charge be considered related to and investigated with the charge filed by Vanina Guerrero against DLA Piper on October 1, 2019.² In this regard, we respectfully request that the EEOC proceed with its investigation into the related claims on a proposed class basis. The proposed class being defined at this time as all female employees (both lawyers and non-lawyers) that worked in DLA Piper’s offices located in Sacramento, San Francisco, and Palo Alto (the “Silicon Valley group”) from 2016 through the present (the “Proposed Class”).³ Upon information and belief, the number of female employees in the Proposed Class exceeds 40. As set forth below, the gender discrimination, sexually hostile work environment and pattern of intimidation and retaliation for

¹ As detailed below, Claimant respectfully requests that her name be protected and that she can proceed in any publically disseminated EEOC documents as Jane Smith. When employed at DLA Piper and continuing through the present, Claimant experiences extreme anxiety about her physical safety in connection with DLA Piper partner Louis Lehot.

² Vanina Guerrero filed an EEOC Charge earlier this month in the San Jose office. Ms. Guerrero’s EEOC Charge number is 556-2020-00008 (“Guerrero Charge”).

³ In the future it may be necessary to expand the definition of the Proposed Class to other DLA Piper offices.

speaking out against unlawful conduct by male employees against the Proposed Class appears pervasive and systemic.

FACTUAL ALLEGATIONS

Claimant is a former Human Resources manager (“HR”) for DLA Piper. In 2018, Claimant was responsible for HR management of approximately 700 employees in eight DLA Piper offices in California, including *inter alia* Sacramento, San Francisco, and Palo Alto, the Silicon Valley group. The Silicon Valley group included senior partners Louis Lehot (“Lehot”) and Sang Kim. This is the same practice group that Vanina Guerrero joined in September 2018. Like Lehot, Mr. Kim and Ms. Guerrero, Claimant worked from the Palo Alto office.

In April 2018, when Claimant joined DLA Piper, she had almost 18 years’ experience in human resources, including at other large law firms. In her position Claimant reported to Tracy Scala, a senior manager in HR. Ms. Scala reported to Melissa Westwood, a senior director in HR. Ms. Scala and Ms. Westwood reported to Kelly Nieman, the Chief Human Resources Officer (“CHRO”), who reported to Bob Bratt, the current Chief Operating Officer (“COO”) for DLA Piper.

When Claimant started at DLA Piper, Lehot served as the co-chair of the Emerging Group and Venture Capital in the Silicon Valley practice.⁴ Mr. Kim already was one of DLA’s most powerful partners serving on the Firm’s Global Board, US Executive Committee and National Diversity and Inclusion Executive Board and the Managing Partner of Northern California. Other senior partners in the Silicon Valley practice included Eric Wang, Brad Gersich and Rich Scudellari.

Shockingly, like Ms. Guerrero, when Claimant dared report Lehot’s unlawful conduct to Mr. Kim, her concerns were dismissed and marginalized by Mr. Kim who told her “**Louis is just Louis.**” Worse, just weeks after complaining about Lehot, Claimant was fired from DLA Piper. Included in her concerns to Mr. Kim was the fact that Claimant said that she was *physically afraid* to be anywhere near Lehot. On December 12, 2018, not only did Claimant report to Mr. Kim that she was afraid to be physically near Lehot, but she also told Mr. Kim that she was so afraid of Lehot that she did not want to be in the Palo Alto office *building* when Lehot was there. Also in December 2018, Claimant expressed her concerns to her supervisors and other HR employees senior to Claimant, as well as to a lawyer in the firm’s general counsel’s office that Lehot would have her fired because she complained about him. She was fired on January 24, 2019.⁵

⁴ In late 2018 or early 2019, Lehot also was named co-managing partner of the Silicon Valley group.

⁵ Disturbingly, after Ms. Guerrero filed her EEOC Charge, DLA Piper engaged in barbaric retaliation and placed Ms. Guerrero on administrative leave effective at the end of the day on October 14, 2019. DLA Piper stripped her of all work related responsibilities, blocked her access

I. Lehot Threatens Claimant

In early December 2018, Lehot called Claimant into his office and told her to fire an administrative assistant, “Admin Assistant 1.” Admin Assistant 1 was over the age of 40. Claimant told Lehot that she had no performance issues and in fact, her performance reviews were good. Lehot expressly told Claimant that he did:

“not want to hear anything about performance improvement plans” or the HR “process.”

Lehot ordered Claimant to fire Admin Assistant 1. Distraught, Claimant believed that terminating Admin Assistant 1 would violate HR protocols. Claimant told a superior, Jennifer Beckey, the regional Administration Director what Lehot ordered her to do. Ms. Beckey contacted the lawyers for whom Admin Assistant 1 worked to confirm her good performance. Lehot, learning that Ms. Beckey was interfering with his ultimatum after being contacted by Claimant, subjected Ms. Beckey to blatant hostility and demeaning conduct. Ms. Beckey confided in Claimant that she was afraid to talk to Lehot and afraid to be alone in a room with him.

Claimant and Ms. Beckey, after consulting with Ms. Beckey’s superior, Norma Spearman, arranged to transfer Admin Assistant 1 out of the Palo Alto office into the San Francisco office. Aware that it was dangerous to circumvent Lehot, before the transfer they consulted with other HR employees and the managing partners in the San Francisco office about the situation. Although senior management decided that Admin Assistant 1 should be transferred to San Francisco, Lehot blamed Claimant.

When Lehot learned about the transfer, he was livid. Among threats to Claimant, Lehot said that Claimant had not “followed his decision,” and in an intimidating and bullying tone told Claimant that she “**will be dealt with.**” Immediately concerned, Claimant asked Lehot whether he meant that he would have her fired when he said she “**will be dealt with.**” Lehot retorted that he was “**disgusted**” that Claimant said that but in the next breath went on to menacingly say that she “**would be dealt with**” since “**his decision**” to fire Admin Assistant 1 was not being followed. Lehot’s vitriol continued as he ranted about Admin Assistant 1’s alleged years of bad performance. Claimant reminded Lehot that Admin Assistant 1 did not start working for DLA Piper until sometime in 2016 so it could not be “years” of performance issues. The fact that Claimant stated

to email, the firm’s server and forbid her to come to the office or talk to clients. Egregiously and in violation of her protected rights to discuss workplace violations with other employees DLA Piper has threatened that she cannot talk to employees. Outrageously, DLA Piper dealt this severe blow by sending a “letter” to Ms. Guerrero late on Monday, October 14, 2019 after it had deactivated her from the system, therefore preventing her from receiving the letter. Last week, DLA Piper removed her profile from its website – a practice only done when a lawyer is terminated, not placed on leave.

the truth about Admin Assistant 1, the truth which happened to be contrary to what Lehot wanted to hear, enraged him further. Escalating his anger, Lehot spoke over Claimant, refused to let her finish sentences, accused her of not “listening” to him and abruptly ended the conversation.

Shaken and in tears, Claimant immediately called Ms. Westwood. Claimant told Ms. Westwood exactly what Lehot had said and how he said it. Claimant expressed her valid fear that Lehot would have her fired because she refused to do what he said because it meant violating HR procedures. During this conversation, Claimant told Ms. Westwood what Ms. Beckey had said about being afraid of Lehot and afraid to be alone in a room with him. Claimant also told Ms. Westwood that other female employees in the Palo Alto office had told Claimant that they were afraid to be alone with Lehot. Claimant also reported the situation to Michelle Sumner, a lawyer in DLA Piper’s general counsel’s office.

Just days later, on December 21, 2018, Ms. Sumner, made an unsolicited comment to Claimant that Lehot’s portfolio earns DLA Piper “a substantial amount of money.” Subsequently, Ms. Westwood called Claimant and lectured her about getting Ms. Sumner from the general counsel’s office involved in the complaints about Lehot. Ms. Westwood chastised Claimant and said that it was Claimant’s fault that Lehot reacted the way he did and outrageously, that Claimant should have done what Lehot told her to do. Claimant realized how far Lehot’s power and influence reached within the hierarchy of DLA Piper.

Having experienced days where she was afraid to get out of her car in the parking lot and enter the office building if Lehot was in the office, after Ms. Westwood blamed her for making Lehot react that way, on December 28, 2019 at 3:00 pm, Claimant went to Mr. Kim’s office to tell him what happened. Claimant told Mr. Kim that she was afraid to be in an office alone with Lehot, especially if the office door was closed, and had a lot of anxiety when Lehot was in the Palo Alto building. Mr. Kim dismissed her concerns and said, “**Louis is just Louis.**” Mr. Kim told Claimant that he understood what Lehot was like when he “wanted what he wanted.” Although Mr. Kim implied that Claimant should seek help from Mr. Kim next time she had a problem with Lehot, such a message of assistance was false. Less than one month later, on January 24, 2019, Claimant was terminated.

II. Lehot Intimidates Claimant Again

On January 11, 2019, without warning, Lehot barged into Claimant's office. Claimant managed to tell Lehot that she was afraid to be in her office with him, especially if the door was closed:

Lehot closed the door.

Claimant was scared. Despite his menacing and threatening tone, Lehot told Claimant that he was an "asshole" and could be "hard to deal with" – Lehot then winked at Claimant. Shocked, she could not respond. Apparently on the issue of Lehot being an "asshole," he volunteered to Claimant that he was sorry that his administrative assistant, "Admin Assistant 2" had recently left DLA Piper. Admin Assistant 2 was Lehot's former assistant for at least three years. Claimant, and any employee that worked in proximity to Admin Assistant 2, knew that she was on the receiving end of countless rages, rants, swearing and tantrums by Lehot. Knowing how despicable his behavior was towards Admin Assistant 2, Lehot told Claimant that for a number of years, he had paid Admin Assistant 2 extra money out of his own pocket. Presumably, Lehot expected female employees to tolerate his belligerent harassment if he paid them enough "extra" cash. Claimant was disgusted. Worse, Claimant knew that rumors swirled around the office that Lehot and Admin Assistant 2 were having an affair.⁶

It also was common knowledge that in 2018, Lehot had created a scene at a DLA Piper office party in front of associates and partners. At the party, Lehot was drunk. While crying, Lehot loudly told Admin Assistant 2 that he "loved her." Worse, while crying and professing his "love" for her, Lehot tried to hug Admin Assistant 2. Claimant saw Lehot's behavior towards Admin Assistant 2 at this party and Admin Assistant 2 appeared mortified. Claimant also was upset to hear Lehot say this because she had personal knowledge that Admin Assistant 2 was in distress regarding Lehot, and had reached out to her in her capacity as HR management prior to her exit from the firm. After Claimant reached back to Admin Assistant 2 to schedule a meeting, she never saw Admin Assistant 2 in the office again."⁷ As discussed below, thirteen days after Lehot **closed the door** for this private meeting, Claimant was fired.

⁶ As noted in Ms. Guerrero's charge, similarly, Lehot told Ms. Guerrero that there were "rumors around the office" that Lehot and Ms. Guerrero were having an affair.

⁷ Upon information and belief, and through the EEOC's investigation of Claimant's and Ms. Guerrero's claims, the truth about the horrific mistreatment, harassment and *quid pro quo* discrimination against Admin Assistant 2 by Lehot and DLA Piper will be revealed. As set forth in Ms. Guerrero's supplement to the charge, other employees had told Ms. Guerrero that Admin Assistant 2 left DLA Piper because of Lehot's sexual advances towards her. Employees told Ms. Guerrero that Admin Assistant 2 had reported Lehot to HR, but nothing was done. In part based on information about Admin Assistant 2, Ms. Guerrero was afraid to tell anyone at the Firm about Lehot's conduct.

III. Claimant's Termination

On January 24, 2019, Claimant was called into a meeting without warning and fired. Knowing that Claimant recently had undergone minor surgery, needed health insurance and had financial pressures as a single mother of two, DLA Piper bullied and intimidated Claimant into silence. Despite knowing exactly what had happened with Lehot, DLA Piper took advantage of Claimant's vulnerabilities and "offered" her approximately \$8300 in "severance" pay.⁸ DLA Piper also forced Claimant to agree to confidential arbitration as a condition of her employment. Federal anti-discrimination laws were enacted to prevent precisely the type of unlawful treatment of powerless employees like Claimant by employers like DLA Piper. Claimant already has been victimized by DLA Piper through its inaction about Lehot. Claimant was victimized a second time when she was blamed for Lehot's rage and anger. Claimant was victimized a third time when she was fired in retaliation for engaging in protected complaints about Lehot. Claimant will not be victimized again by Lehot or DLA Piper.⁹

IV. Lehot's Conduct was Common Knowledge but DLA Piper Repeatedly Did Nothing While Countless Female Employees Suffered**A. Investigations on behalf of the Proposed Class is Necessary**

Lehot's behavior was common knowledge among employees, including other partners in the Palo Alto office, yet no one interjected to stop Lehot or to remedy the situation. In fact, shockingly, like Ms. Guerrero, Claimant's concerns and fear of Lehot were marginalized and discredited. Rather than disciplining Lehot or remedying the situation, senior male partners and Claimant's superiors in HR, told her it was simply Lehot being Lehot and did nothing.

Lehot openly admitted that he hired administrative assistants with little to no experience because it was easier to get what he wanted. In this regard, after Admin Assistant 2 exited the firm, Lehot hired "Admin Assistant 3," a 27 year old female. Admin Assistant 3, upon information and belief, had little to no experience working as an administrative assistant to a law partner.¹⁰ Not long after working for Lehot, Admin Assistant 3 complained about him to Ms. Beckey in HR. Claimant was informed of this by Ms. Beckey. Admin Assistant 3 was reassigned to work for Eric Wang, another partner in the Palo Alto office. Humiliatingly, Admin Assistant 3 was accused by Lehot's

⁸ Claimant was over the age of 40 on January 24, 2019.

⁹ Reasonably, Claimant fears Lehot. Equally, Claimant fears Lehot's and DLA Piper's vindictiveness and the potential for them to interfere with her current employment or otherwise seek to cause her further professional or personal harm. In addition to the urgency required for the EEOC to investigate Ms. Guerrero's claims, similar urgency exists for Claimant.

¹⁰ Admin Assistant 3 is the sister-in-law of a male associate that worked under Lehot in the Palo Alto office.

wife, on the phone and through emails, that Admin Assistant 3 was having an affair with Lehot.¹¹ These baseless claims, against a newly hired employee half the age of Lehot, were discussed by employees and lawyers in the Palo Alto office.

It is incredulous that not one or two, but at least three female employees junior to Lehot and subject to his control in less than a 12-month period were somehow “rumored” to be having affairs with Lehot. Respectfully, the likely source of such rumors is Lehot.

The necessity of an investigation on behalf of a Proposed Class is obvious. In addition to the female employees known to Claimant to fear Lehot, as well as Claimant and Ms. Guerrero, and likely Admin Assistant 2, subsequent to Ms. Guerrero’s submission of her charge, other former female employees publically have stated that they too, experienced gender discrimination and harassment in connection with the Silicon Valley group, and with Lehot specifically. Lehot joined DLA Piper sometime in 2015. Until last week, when it was announced that Lehot and DLA Piper had “parted ways” Lehot had unfettered discretion, in his position as the key rainmaker, to belligerently harass, demean, dominate and exploit female employees. DLA Piper ratified and fostered his unlawful conduct through its use of forced arbitration clauses and ugly decisions to buy off female employees for amounts such as the \$8300 to Claimant. Upon belief, numerous other women fear Lehot’s vindictive behavior and that of DLA Piper. Having watched female employees endure public shaming and blaming, it is reasonable that female employees with relevant information are opting to remain on the sidelines. Only through the EEOC’s investigative efforts can the truth be exposed.

We respectfully request that the agency conduct a thorough and in-depth investigation into Claimant’s allegations about her experiences at DLA Piper, combine her charge with that of Ms. Guerrero and expeditiously proceed on behalf of a Proposed Class.

Respectfully,



Jeanne M. Christensen

¹¹ These emails will be submitted to the EEOC as part of the investigation.