

**IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF DELAWARE**

EMILY SOUSA,	:	
	:	
Plaintiff,	:	Civil Action No.:
	:	
v.	:	
	:	
AMAZON.COM, INC., AMAZON.COM	:	<u>DEMAND FOR JURY TRIAL</u>
SERVICES LLC, and LAWRENCE	:	
DORSEY in his individual and	:	
professional capacities,	:	
	:	
Defendants.	:	

COMPLAINT

Plaintiff Emily Sousa (“Plaintiff” or “Ms. Sousa”), by and through her undersigned counsel, Wigdor LLP, as and for the Complaint in this action against Defendants Amazon.com, Inc., Amazon.com Services LLC (together “Amazon” or the “Company”), and Lawrence Dorsey (“Dorsey”) (collectively, “Defendants”) hereby states and alleges as follows:

PRELIMINARY STATEMENT

1. Jeff Bezos has vowed to make Amazon “Earth’s best employer.”¹ It is impossible to approach such a goal, however, without listening to and following through on the concerns of your company’s employees.

2. Emily Sousa joined Amazon as a Level 4 Shift Manager for one of Amazon’s Pennsylvania facilities straight out of college in mid-2020, overjoyed that she was going to work for a company she had grown up admiring.

3. On one of her first days of training, a male manager compared her to a specific adult film actress. This manager also told her that “women are too delicate to work at Amazon.”

¹ Musadiq Bidar, Bezos vows to make Amazon "Earth's Best Employer", CBS News (Apr. 16, 2021), <https://www.cbsnews.com/news/jeff-bezos-amazon-employee-care/>.

4. Ms. Sousa was appalled and could not believe that this was happening immediately upon her embarking on her post-college career. She told the Company she was resigning, but when she mentioned the reasons for her resignation to Human Resources (“HR”) and described the incidents, she was told that she should stay.

5. Despite the fact that the Company clearly found Ms. Sousa to be credible, it conducted a totally surface investigation. Amazon’s token efforts failed to focus on the correct dates and could not even identify possible male employees who were working that day and may have been the person who harassed Ms. Sousa.

6. After this sham investigation, Ms. Sousa was moved to a facility in Delaware, where she was required to start her training all over. Rather than make the effort to get to the bottom of the situation and misconduct, the Company took the easy way out and just shuffled her around.

7. Defendant Lawrence Dorsey, who eventually became Ms. Sousa’s manager in October 2020, quickly made Ms. Sousa the target of constant harassment and attempts to cultivate a sexual relationship with her.

8. Dorsey made repeated sexual advances toward Ms. Sousa and appeared to fixate on Ms. Sousa’s Japanese heritage in a barrage of lengthy and unsolicited after-hours personal phone calls. Ms. Sousa is an Asian-American woman who was born in Japan. Another Amazon employee with Asian heritage experienced similar advances from Dorsey and believed that he may have an “Asian fetish.”

9. By talking with other women working at the facility about her experiences, Ms. Sousa learned that Dorsey had a reputation for flirting with women in the workplace and had a habit of targeting women who were his subordinates. Dorsey’s *modus operandi* of cultivating

female subordinates for relationships and “helping” those who he hoped would be or were receptive was well known, as was his habit of making things more difficult for women who did not play along with his flirtations.

10. Ms. Sousa was despondent and frightened that this was happening again, and she feared retaliation if she raised another sexual harassment complaint, even where the situation clearly called for it. Amazon had already shown that, when she reported clear misconduct, the Company would go through the motions, but that she would bear the burden of the Company’s favored “solution” to the issue.

11. After Ms. Sousa rebuffed his advances for a couple of months, Ms. Sousa was demoted by three levels in retaliation and sent to work temporarily at a facility in New Jersey. In discussing the demotion with Ms. Sousa, Dorsey told her, “It’s humiliating. I wouldn’t want to do it – but it can humble people.”

12. Now having no choice and experiencing severe anxiety, Ms. Sousa reported Dorsey’s harassment to Amazon HR. Again, after a sham investigation was conducted, Amazon quickly announced that it had not found any evidence of harassment and “could not substantiate her claims.”

13. Eventually, the anxiety and physical illness brought on by the serial harassment and fear of further retaliation drove Ms. Sousa to go out on leave. Initially, Ms. Sousa advised Dorsey that she was resigning, but Dorsey, who was visibly nervous about the idea of Ms. Sousa leaving the company, suggested that she take a leave of absence instead. Dorsey’s nervousness appeared to be brought on by fears that Ms. Sousa would report his relationship with one of his subordinates.

14. Amazon has an opportunity to sincerely examine its policies and practices and enact meaningful change, as Institutional Shareholder Services, a proxy firm, is recommending that Amazon investors vote in favor of an independent racial audit. The vote is set for May 26, 2021 at the Company's annual shareholder meeting. Amazon, however, is asking shareholders to reject the audit. See <https://www.seattletimes.com/business/amazon-investors-urged-by-proxy-firm-to-vote-in-favor-of-racial-audit/> (last accessed May 18, 2021).

15. Ms. Sousa, therefore, has filed this federal action due to Defendants' conduct, which violated Section 1981 of the Civil Rights Act of 1866, 42 U.S.C. § 1981 ("Section 1981"), as well as other federal law.²

ADMINISTRATIVE PREREQUISITES

16. Ms. Sousa will file a charge of discrimination with the Equal Employment Opportunity Commission ("EEOC") and the Delaware Department of Labor's Office of Anti-Discrimination ("OAD") alleging violations of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e, *et seq.* ("Title VII") and the Delaware Discrimination in Employment Act, Del. Code Ann. tit. 19 §§ 710, *et seq.* ("DDEA")

17. Upon the completion of investigations into Ms. Sousa's charge of discrimination by the EEOC and the OAD, and/or the issuance of Notices of Right to Sue, Plaintiff will seek leave to amend this Complaint to add Title VII and DDEA claims against Amazon.

18. Any and all other prerequisites to the filing of this suit have been met.

² This case, filed by Emily Sousa, is being filed simultaneously with the cases of other female employees similarly subjected to unlawful discrimination, bias and retaliation at Amazon: Diana Cuervo v. Amazon, et al. (U.S. District Court, Western District of Washington) (race, national origin, gender discrimination and retaliation); Tiffany Gordwin v. Amazon, et al. (U.S. District Court, District of Arizona) (race, gender discrimination and retaliation); Pearl Thomas v. Amazon, et al. (U.S. District Court, Western District of Washington) (race, gender discrimination and retaliation); and Cindy Warner v. Amazon, et al. (U.S. District Court, Central District of California) (gender discrimination and retaliation).

JURISDICTION AND VENUE

19. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331 and 1343, as this action involves federal questions regarding the deprivation of Plaintiff’s rights under Section 1981. The Court has supplemental jurisdiction over Plaintiff’s related claims arising under state and/or local law pursuant to 28 U.S.C. § 1367(a).

20. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) as a substantial part of the events or omissions giving rise to this action, including the unlawful employment practices alleged herein, occurred in this district.

PARTIES

21. Plaintiff Emily Sousa is a resident of the State of Delaware. Ms. Sousa is currently employed by Amazon as a Shift Manager. At all relevant times, Ms. Sousa met the definition of an “employee” under all applicable statutes.

22. Defendant Amazon.com, Inc. is a Delaware-registered domestic corporation with operations in Delaware, Pennsylvania, and New Jersey. At all relevant times, Defendant Amazon.com, Inc. met the definition of “employer” under all applicable statutes.

23. Defendant Amazon.com Services LLC is a Delaware-registered domestic corporation with operations in Delaware, Pennsylvania, and New Jersey. At all relevant times, Defendant Amazon.com Services LLC met the definition of “employer” under all applicable statutes.

24. Defendant Lawrence Dorsey is, upon information and belief, a resident of Pennsylvania and currently works for Amazon, where he supervised Ms. Sousa during her employment at the Company and controlled the terms and conditions of her employment. At all relevant times, Dorsey met the definition of “employer” under all applicable statutes.

FACTUAL ALLEGATIONS

I. MS. SOUSA’S BACKGROUND AND HER POSITION AT AMAZON

25. Ms. Sousa is a Japanese American woman who was born in Japan.

26. In May 2020, she graduated from the University of Delaware with a degree in Communications.

27. Prior to graduating, on May 20, 2020, Amazon offered Ms. Sousa a position as Shift Manager at a starting salary of \$50,000.00 per year in addition to a sign-on bonus of \$5,500.00. Ms. Sousa is also eligible for a second sign-on bonus of \$5,500.00 after the one-year anniversary of her start date. Ms. Sousa is further entitled to Amazon.com, Inc. common stock valued at \$29,000.00 subject to the vesting schedule set forth in her offer letter.

28. Ms. Sousa’s employment began on June 29, 2020, and she started in-person training on July 6, 2020, at the Company’s Harleysville, Pennsylvania facility.

II. MS. SOUSA IS SEXUALLY HARASSED DURING HER VERY FIRST WEEK ON THE JOB AT AMAZON AND IS TRANSFERRED TO A DIFFERENT SITE

29. On or around July 8, 2020, Ms. Sousa was training in person at the Company’s Harleysville, Pennsylvania facility.

30. When Ms. Sousa met a male manager and shared her name with him, he replied, “Emily . . . like Emily Willis.” Immediately after making this comment, the manager made a face that demonstrated to Ms. Sousa that he knew he had said something he should not have said.

31. Ms. Sousa did not know who Emily Willis was, so she asked, and the manager replied that Willis was “a famous actress.”

32. Ms. Sousa later found out that Emily Willis is an adult film star.

33. This manager also told Ms. Sousa that “women are too delicate to work at Amazon.”

34. Ms. Sousa continued training at the Harleysville facility until August 12, 2020, when she advised Station Manager Ryan Carrow that she was resigning. Ms. Sousa spoke with Mr. Carrow on the telephone, but did not disclose why she was resigning.

35. On August 17, 2020, HR called Ms. Sousa and asked her to return her laptop. That same day, Ms. Sousa spoke with Mr. Carrow on the telephone. Ms. Sousa explained that she was resigning because of the sexual harassment she was subjected to, and Mr. Carrow offered to have her reinstated. Ms. Sousa accepted the offer of reinstatement.

36. Ms. Sousa was officially reinstated the day after speaking with Mr. Carrow on August 18, 2020, and was told to stay home from work until August 30, 2020, to recuperate.

37. Before returning to work for training on August 31, 2020, at home site DPH4 in New Castle, Delaware, Ms. Sousa took part in a Chime call with five male managers, including Levi Ray, Aniekan Ukonne, and Mr. Carrow.

38. The managers each took turns describing their positive experiences at Amazon to Ms. Sousa. To Ms. Sousa, the atmosphere of the call was “cult-like,” and she felt as though she had been presented as a case study for them to experiment on with pro-Amazon messaging.

39. Upon returning to work, Ms. Sousa was required to entirely restart Academy training with a six-week training period.

40. The Company assigned Ms. Sousa to an On the Road (“OTR”) training, even though she is an Under the Roof (“UTR”) manager. As a result, most of what Ms. Sousa learned at these trainings was inapplicable to her role as a Load Out Manager.

41. On her first day of training, after she had already finished working for the day, Ms. Sousa received a Chime message from the Site Proxy, who was Defendant Lawrence Dorsey, asking that she call him.

42. Ms. Sousa called Dorsey, and he kept her on the phone for nearly an hour despite Ms. Sousa's frequent attempts to end the call. Ms. Sousa even advised Dorsey that she was busy celebrating her sister's birthday, yet Dorsey would not let her off the phone. This was the first in a series of bizarre phone calls to which Dorsey subjected Ms. Sousa.

43. On or around September 2, 2020, while training at the Company's DJE2 facility in Paulsboro, New Jersey, Ms. Sousa had a meeting in the breakroom with Level 6 manager Alyssa Alvarez to discuss her experience as a woman in Operations.

44. Ms. Alvarez proceeded to speak about the sexual harassment to which Ms. Sousa was subjected at the Company's Harleysville facility in the presence of other employees, which made Ms. Sousa very uncomfortable and was done without asking her whether she was OK discussing the matter in public.

III. AMAZON CONDUCTS A SHAM INVESTIGATION INTO THE HARLEYSVILLE HARASSMENT

45. On September 4, 2020, Ms. Sousa received an email from Amazon Central Investigations ("ACI") Senior Investigator Shazana Cochran to set up a meeting on September 9, 2020, to discuss the sexual harassment at the Company's Harleysville facility.

46. The investigation was largely focused on attempting to identify the male employee who harassed Ms. Sousa.

47. After speaking with Ms. Cochran on September 9, 2020, Ms. Cochran called again the next day for a short two-minute follow-up conversation.

48. On September 22, 2020, Ms. Cochran called Ms. Sousa to discuss the details of her "investigation."

49. While discussing the preliminary findings, it became apparent that Ms. Cochran focused her investigation on May 2020 – before Ms. Sousa’s employment with Amazon had even begun – rather than July 2020.

50. To aid in Ms. Cochran’s investigation, Ms. Sousa supplied the names of several people she knew to help narrow down the list of potential harassers.

51. Ms. Cochran called Ms. Sousa again on September 25, 2020, to discuss the investigation. Ms. Cochran had called from her own cell phone rather than from an Amazon line.

52. Ms. Cochran put forth a list of names of individuals who were the subjects of her investigation. Of the four names she supplied, two were individuals who Ms. Sousa had already identified as *not* being the individual who sexually harassed her.

53. Ms. Cochran proceeded to tell Ms. Sousa that she was uncomfortable conducting the investigation and said that she was not interested in finding Ms. Sousa’s harasser. Ms. Cochran then stated, “Do you understand what I mean?”

54. Exhibiting common behavior for Amazon’s HR department, Ms. Cochran was uninterested in performing her job, preferring to protect the Company and the harassers it empowers by closing the investigation without identifying Ms. Sousa’s harasser or even making a concerted effort to do so.

55. Two days later, on September 27, 2020, Ms. Sousa sent a Chime message to Ms. Cochran asking what the next steps were in the investigation and offering to assist.

56. On September 29, 2020, Ms. Cochran sent Ms. Sousa an email stating that the investigation was being closed.

57. Amazon, therefore, closed its “investigation” after investigating the wrong month and then identifying potential harassers who Ms. Sousa had already ruled out.

58. No one has been disciplined in connection with the harassment Ms. Sousa was forced to endure, and Amazon made no further efforts to identify Ms. Sousa’s harasser.

59. Incredibly, Amazon’s investigators gave up on identifying Ms. Sousa’s harasser, despite the fact that there could obviously be only a discrete set of employees who were working at the facility during the given timeframe.

IV. DORSEY’S DISCOMFITING AND HARASSING CALLS TO AND BEHAVIOR TOWARD MS. SOUSA CONTINUE

60. Dorsey continued to make unwanted personal, harassing calls to Ms. Sousa and also made repeated unwelcome advances that made her feel uneasy and unsafe.

61. By way of example only, on August 31, 2020, Dorsey sent Ms. Sousa an unsolicited casual ‘selfie’ of himself. He later called Ms. Sousa to ask her what she thought of his haircut, told her that he wanted to “switch it up,” and remarked that he had “a lot of grays now from working so hard.” Unsure of how to respond, Ms. Sousa responded, “Yes, I heard you work very hard. I hope to move up as quickly as you did.” Dorsey then proceeded to brag to Ms. Sousa about the promotion he had recently received.

62. Dorsey also initiated a lengthy telephone call with Ms. Sousa at 7:17 PM on September 12, 2020. The call lasted more than an hour and a half, despite Ms. Sousa’s frequent attempts to end the personal call from a senior employee and manager.

63. Notably, Dorsey was not interested in talking to Ms. Sousa about their work at Amazon. Instead, he directed intrusive questions to Ms. Sousa about her personal life and her heritage.

64. Dorsey asked Ms. Sousa questions about her hobbies before steering the conversation toward her Japanese heritage.

65. Dorsey told Ms. Sousa that he likes anime – a type of animation and art that originated in Japan. He then began talking about Ms. Sousa’s Japanese background and told her that he always hoped to travel to Japan.

66. Unsure of how to respond and feeling uncomfortable, Ms. Sousa told Dorsey she could give him an itinerary if he ever did go. Dorsey replied by telling Ms. Sousa, “I need you to come with me as my travel guide.”

67. Feeling even more uncomfortable, Ms. Sousa was able to end the call shortly after this comment.

68. On September 18, 2020, Dorsey initiated yet another long phone call with Ms. Sousa. During this call, which lasted for about one hour and ostensibly began as a work-related call, Dorsey again quickly changed the subject and asked Ms. Sousa about her plans for the upcoming weekend.

69. Again, feeling uncomfortable, Ms. Sousa did her best to end the call as soon as she could.

70. Ms. Sousa later learned from a co-worker, Shift Manager Ismael Morales-Ramirez, that Dorsey frequently made sexual advances toward the women he managed and gave out his phone number to those women.

71. Mr. Morales-Ramirez told Ms. Sousa that Dorsey had bragged to him that “things were working out between him and an associate he used to manage.”

72. Another employee described Dorsey as “a total creep” and confirmed that he frequently acts inappropriately toward his female subordinates.

73. In mid-to-late October 2020, Dorsey became Ms. Sousa's direct manager.

74. Shortly thereafter, Dorsey began ignoring Ms. Sousa's work-related text and Chime messages. Because Dorsey was her supervisor, Ms. Sousa had to request his assistance with closing out reports and performing volume estimates of incoming packages regularly, but these messages were ignored, and Dorsey offered no assistance or support.

75. This clearly deliberate cold shoulder approach by Dorsey made it extremely difficult for Ms. Sousa to fulfill her job responsibilities.

76. On October 30, 2020, Dorsey again called Ms. Sousa. The call lasted more than one hour and had absolutely nothing to do with work.

77. During the call, Dorsey told Ms. Sousa that he was "in Lancaster with a friend," seemingly referring to a romantic assignation.

78. Around early November 2020, Ms. Sousa learned that Dorsey secretly was dating the associate he bragged about to Mr. Morales-Ramirez.

79. Around the time Ms. Sousa learned that Dorsey was dating an associate, Dorsey stopped helping Ms. Sousa at work and ignored her work-related calls and texts. On three or four occasions, he made up pointed excuses for ignoring her such as, "I was busy with a friend."

80. Dorsey also began to call Ms. Sousa to ask her for advice with his girlfriend – asking for things like restaurant suggestions and how to get her to "open up" more. He continued to keep his girlfriend's identity secret, even though Ms. Sousa already knew that he was dating an Amazon associate (though Dorsey seemed unaware she had this knowledge).

81. After growing tired with Dorsey's requests for advice and his efforts to hide the nature of his relationship, Ms. Sousa asked Dorsey how he had met his girlfriend. After an

awkward silence, Dorsey laughed, quickly changed the subject, and began to talk about the “bond” he had with his girlfriend.

82. Ms. Sousa became concerned by Dorsey’s conduct and confided in Mr. Morales-Ramirez, who told her “It’s probably better to kiss up to him. Lawrence [Dorsey] told me to kiss up to Ryan [Carrow], and Lawrence probably wants that, too.” After this conversation, Ms. Sousa made sure to constantly thank Dorsey, apologize to him, and praise him because she was afraid he would retaliate against her.

83. Ms. Sousa witnessed Dorsey giving his girlfriend special treatment at work on several occasions. For example, she was frequently permitted to abandon her work responsibilities to spend time with Dorsey.

84. Ms. Sousa was also told by a co-worker that Dorsey adjusted his girlfriend’s timecard to account for missed shifts.

85. At one point, Ms. Sousa sent Dorsey a “selfie” of her with her then-boyfriend, hoping he would abandon or at least tone down his advances. Dorsey, unfortunately, did not take the hint.

86. During Dorsey’s long phone calls to Ms. Sousa, which would typically occur while Dorsey was driving home from work, Ms. Sousa would say, to try to diplomatically end the phone call, “I’m sure you are busy, I’ll let you get back to work,” or “I’m sure you’ve had a long day, don’t you want to listen to music on your trip home?” Dorsey responded, “We don’t just have to talk about work.”

87. Dorsey also repeatedly raised the possibility of hanging out with Ms. Sousa outside of work. Ms. Sousa made it clear to Dorsey that she was only interested in hanging out outside of work in a group situation and emphasized that she was in a serious relationship.

88. Unfortunately, Ms. Sousa learned throughout her employment that this predatory, quid-pro-quo behavior was commonplace for Dorsey.

89. In speaking about Dorsey, one of Ms. Sousa's subordinates said, "I really don't like him. He makes me feel uncomfortable." Ms. Sousa suggested the co-worker report the situation to HR. The co-worker replied, "No, I really don't want to do that."

90. Another co-worker, a Shift Assistant, who is of Vietnamese heritage, described similar advances from Dorsey. The co-worker told Ms. Sousa that Dorsey frequently called her and insisted on discussing her personal life. The co-worker also wondered whether Dorsey had an "Asian fetish."

91. Ms. Sousa, based upon Dorsey's conversation subjects, also believed that he had chosen her for harassment and cultivating a personal, sexual relationship due to her race as an Asian-American of Japanese descent.

92. In another incident, Ms. Sousa witnessed a conversation between Dorsey and a Black male associate who had been passed up for promotion.

93. Following the conversation, Ms. Sousa had a separate conversation with the associate and told him that she would keep an eye out for open positions and let him know about opportunities for advancement.

94. The associate thanked her and told her that Dorsey, "Doesn't care about me. He only wants to help the girls out."

95. Despite Dorsey's predatory behavior, he was promoted from Level 5 to Level 6 on or about December 6, 2020.

V. MS. SOUSA IS DEMOTED BY THREE LEVELS AFTER REFUSING TO ENTERTAIN DORSEY'S ADVANCES

96. On November 20, 2020, Ms. Sousa was temporarily demoted from Level 4 to Level 1 and reassigned to the Company's Swedesboro, New Jersey facility, ostensibly due to low headcount at one of Amazon's New Jersey facilities.

97. Ms. Sousa initially found out from a co-worker that she was being demoted. Later that day, Ms. Sousa confronted Dorsey about the demotion. She was upset that all of her co-workers seemed to know about her demotion, and she was the last to know about it. Ms. Sousa told Dorsey, "I need a manager more than I need a friend," and advised him that in the future she wanted to be the first to know about Amazon's decisions about her.

98. Ms. Sousa asked Dorsey whether she was at risk of losing her job, and he told her that she was "doing fine" (which seemed strange considering the demotion) and that he was planning on firing another manager.

99. Dorsey then proceeded to discuss the performance of all of Ms. Sousa's co-workers. After saying, "I really shouldn't show you this," he showed Ms. Sousa a portal that contained the anticipated promotion dates for everyone he supervised.

100. Ms. Sousa's anticipated promotion date was shown in the portal as March-May 2021.

101. Dorsey then advised Ms. Sousa to stop being kind to her subordinates and that, if she "wrote them up," they would become more productive because "they'll be intimidated by you."

102. During the meeting, Ms. Sousa told Dorsey that she was disappointed about the demotion and about being sent to New Jersey. He warned her that among the employees

considered for demotion, she was “the obvious choice.” He further advised her that she did not need to go to New Jersey if she did not want to, but he already “gave her name to the site lead.”

103. Feeling as though she had no other choice, Ms. Sousa acquiesced to the demotion.

104. When Ms. Sousa emerged from the meeting with Dorsey, she was visibly shaken, and Shift Assistant Jess Cusack approached her to ask if she was okay. Ms. Sousa replied that she did not know what to think about Dorsey.

105. Ms. Cusack stated that she had heard that Dorsey does not treat female employees well unless he “has a use for them,” and that he was talking to several women at work including the Driver Trainer.

106. Nearly every day during which Ms. Sousa was required to work as a Level 1 employee in New Jersey, she was sent home early because the facility had enough workers.

107. Ms. Sousa was confused and frustrated by the fact that she was told she was not needed in New Jersey and began to believe that the Company – based almost entirely on Dorsey’s input and perspective – was trying to force her to resign.

VI. MS. SOUSA TAKES A LEAVE OF ABSENCE

108. In or about October 2020, Ms. Sousa began experiencing extreme stress as a result of Dorsey’s constant harassment.

109. The stress was so severe that Ms. Sousa experienced physical symptoms – including hives and a ringing in her ears – that required medical attention.

110. Ms. Sousa was prescribed medication to combat her symptoms and continues to see a therapist regularly to deal with the emotional distress caused by the constant harassment and Amazon’s refusal to do anything about it.

111. Ms. Sousa's level of stress increased significantly after her banishment and demotion to the New Jersey facility and Level 1 role.

112. Upon returning to work in Delaware from New Jersey, Ms. Sousa sent Dorsey a Chime message on December 1, 2020 advising him that she intended to resign.

113. Dorsey called Ms. Sousa to discuss her resignation and asked her to consider taking a leave of absence instead.

114. When Dorsey asked why Ms. Sousa wanted to resign, she told him that it was due to stress from being demoted, having her demotion shared with others, and having her confidential information shared. Although Ms. Sousa did not tell Dorsey, his behavior was her primary motivating factor in her decision to resign.

115. On this call, Dorsey asked Ms. Sousa about her boyfriend at the time and asked, "How available are you?" When Ms. Sousa asked what he meant by that, he responded, "I don't know how serious you and your boyfriend are, I was just asking."

116. At this point, Ms. Sousa became extremely anxious and wanted nothing more than to end the call. Perhaps sensing Ms. Sousa's anxiety, Dorsey then turned back to Ms. Sousa's leave of absence and advised her that the leave would be unpaid.

117. Dorsey called again on December 4, 2020 to update Ms. Sousa on her leave status. He told her that her leave would begin on December 8, 2020 and that she should use her accrued paid time off ("PTO") days for December 1, 2020 through December 7, 2020.

118. He then inappropriately turned the conversation back to Ms. Sousa's personal life and asked about her plans with her boyfriend at the time when he returned from the military.

VII. AMAZON CONDUCTS A SECOND SHAM INVESTIGATION

119. On January 11, 2021, Ms. Sousa contacted HR Manager David Markman regarding Dorsey's behavior.

120. That very night Ms. Sousa received a text message from Dorsey saying, "Hey Emily how are you?"

121. On January 12, 2021, Ms. Sousa received an email from ACI Investigator Mike Williams who introduced himself as the investigator on her claims against Dorsey.

122. On January 15, 2021, Ms. Sousa spoke for about two hours over the phone with Mr. Williams. During the call, Mr. Williams requested that Ms. Sousa send him screenshots of text and Chime messages with Dorsey and phone records showing the calls with him.

123. On February 17, 2021, Ms. Sousa sent Mr. Williams the materials he requested and requested an update on the investigation. Mr. Williams did not respond, so Ms. Sousa sent a follow-up email on March 1, 2021.

124. On March 4, 2021, Ms. Sousa had a follow-up call with Mr. Williams in which he asked her additional questions. Mr. Williams requested that Ms. Sousa create a timeline of events which she then created and sent to him on March 12, 2021.

125. On March 18, 2021, Mr. Williams emailed Ms. Sousa to notify her that he had concluded his investigation. He invited her to join a call to discuss his findings.

126. The call took place on March 19, 2021, and Dina Horvath and HR Business Partner Deanna Stephens joined the call, in addition to Mr. Williams.

127. Mr. Williams advised Ms. Sousa that all of her claims against Dorsey were unsubstantiated. Specifically, he stated that he was not able to substantiate that Dorsey sexually harassed her. Mr. Williams also stated he could not substantiate that Dorsey was engaged in a

relationship with another associate, despite this being well-known information within the Company.

128. Ms. Sousa was further advised that when her leave of absence ended, she would be required to return to work at the same facility where Dorsey worked.

129. The Company advised Ms. Sousa that she could not apply for a transfer to a different facility while she was on leave and that she could do so only after returning to work. Ms. Sousa was told this was the Company's policy out of "fairness" to other employees.

130. Amazon's inflexible, cold response to Ms. Sousa's reasonable request to be transferred to a new facility has only increased the anxiety and pressure Ms. Sousa is under. It is baffling that Amazon believes that Ms. Sousa should be forced to continue to work at the same facility where she was subjected to harassment and where her harasser continues to work (and even supervise her) before she can request a transfer.

FIRST CAUSE OF ACTION
(Discrimination and Harassment in Violation of Section 1981)
Against All Defendants

131. Plaintiff hereby repeats, reiterates, and re-alleges each and every allegation in each of the preceding paragraphs, as though fully set forth herein.

132. Defendants have discriminated against Plaintiff on the basis of her race (Asian) in violation of Section 1981 by denying her the same terms and conditions of employment available to non-Asian employees, including, but not limited to, subjecting her to disparate working conditions, denying her terms and conditions of employment equal to that of her co-workers who do not belong to the same protected categories, and denying her the opportunity to work in an employment setting free of unlawful discrimination.

133. Defendants have discriminated against Plaintiff on the basis of her race in violation of Section 1981 by fostering, condoning, accepting, ratifying, and/or otherwise failing to prevent or to remedy a hostile work environment that has included, among other things, severe and pervasive discrimination.

134. As a direct and proximate result of Defendants' unlawful discriminatory conduct and harassment in violation of Section 1981, Plaintiff has suffered, and continues to suffer, mental anguish and emotional distress, including but not limited to, depression, humiliation, embarrassment, stress and anxiety, loss of self-esteem and self-confidence, and emotional pain and suffering, as well as physical injury, for which she is entitled to an award of damages and other relief.

135. Defendants' unlawful and discriminatory actions constitute malicious, willful, and wanton violations of Section 1981, for which Plaintiff is entitled to an award of punitive damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that the Court enter judgment in her favor and against Defendants for the following relief:

- A. A declaratory judgment that the actions, conduct, and practices of Defendants complained of herein violate the laws of the United States;
- B. An award of damages against Defendants, in an amount to be determined at trial, plus interest, to compensate Plaintiff for all monetary and/or economic damages;
- C. An award of damages against Defendants, in an amount to be determined at trial, plus interest, to compensate for all monetary and/or compensatory damages, including, but not limited to, compensation for Plaintiff's emotional distress;

- D. An award of liquidated damages equal to the amount of Plaintiff's past and future lost wages;
- E. An award of punitive damages in an amount to be determined at trial;
- F. Prejudgment interest on all amounts due;
- G. Post-judgment interest as may be allowed by law;
- H. An award of Plaintiff's reasonable attorneys' fees and costs; and
- I. Such other and further relief as the Court may deem just and proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury on all issues of fact and damages stated herein.

Dated: May 19, 2021

Respectfully submitted,

ALLEN & ASSOCIATES

/s/ Michele D. Allen

Michele D. Allen (#4359)

Emily A. Biffen (#6639)

4250 Lancaster Pike

Wilmington, DE 19805

Telephone: (302) 234-8600

Facsimile: (302) 234-8602

michele@allenlaborlaw.com

emily@allenlaborlaw.com

Of Counsel:

WIGDOR LLP

Lawrence M. Pearson, Esq.

Jeanne M. Christensen, Esq.

Alfredo J. Pelicci, Esq.

Anthony G. Bizien, Esq.

(all pending *pro hac vice* admission)

85 Fifth Avenue

New York, NY 10003

Telephone: (212) 257-6800

Facsimile: (212) 257-6845

lpearson@wigdorlaw.com

jchristensen@wigdorlaw.com

apelicci@wigdorlaw.com

abizien@wigdorlaw.com

Counsel for Plaintiff