



3. As another example, in 2007, three former female RJ employees sued for sex discrimination. One plaintiff, who had been “undressed” visually and touched inappropriately by a male Vice President (“VP”), was fired after being labeled “difficult.” Another described how she was treated less well than her male colleagues, who were promoted and given perks, while she was often ignored. A third explained how RJ denied her trainings and paid her less than her male peers. Not coincidentally, RJ fired her as part of a purported job “elimination” after she complained of discrimination.<sup>1</sup>

4. Ms. Bartolini Mitchell was no different. Over her decade-and-a-half at RJ, she witnessed and was the target of numerous instances of sexual harassment.

5. Further, she was often described in sexist terms, such as being told she was too “aggressive” and instructed to be more submissive, including that she should soften her image and “talk less and listen more.” All the while, Ms. Bartolini Mitchell’s male comparators never received the same criticism and were commended for being “straightforward.”

6. Ms. Bartolini Mitchell complained about the discriminatory conduct. In the middle of 2022, for example, she sent her boss articles on sexism and discrimination. Thereafter, Ms. Bartolini Mitchell’s responsibilities were systematically stripped from her and reassigned to

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<sup>1</sup> These, of course, are only the publicly reported instances of sexual harassment at RJ. There are, to be sure, numerous others. RJ, however, forces its employees to agree to onerous arbitration agreements that strip women of their right to pursue claims in court and force them to into secret arbitration before the Financial Industry Regulatory Authority (“FINRA”) where the claims are routinely, and often inexplicably, rejected. <https://theintercept.com/2018/04/18/in-30-years-only-17-women-won-sexual-harassment-claims-before-wall-streets-oversight-body/>. In recent years, many employers such as Google, Facebook, Uber, Lyft, Slack, Airbnb and Wells Fargo, have banned the practice. Not surprisingly, RJ clings to the practice in an obvious effort to keep its unlawful behavior from public view. Fortunately, since the passage of the Ending Forced Arbitration Act, 9 U.S.C. §402, RJ can no longer force employees like Ms. Bartolini Mitchell who are dismissed for complaining about sexual harassment into secret arbitration proceedings.

newly hired employees. Shortly thereafter, RJ retaliated against Ms. Bartolini Mitchell by summarily suspending her for allegedly violating the Company's policies by sending materials to her personal email address. (In fact, as Ms. Bartolini Mitchell explained, she did so accidentally and has not shared the information with anyone outside of RJ.) Nonetheless, RJ used this as a catalyst to retaliate against Ms. Bartolini Mitchell.

7. On November 28, 2022, Ms. Bartolini Mitchell filed (and sent to RJ) a charge of discrimination filed with the Equal Employment Opportunity Commission ("EEOC"). The charge detailed myriad instances of discriminatory and retaliatory conduct by RJ, including instances of sexual harassment.

8. On November 29, 2022, the next day, RJ dismissed Ms. Bartolini Mitchell.

#### **NATURE OF CLAIMS**

9. Ms. Bartolini Mitchell brings this action alleging violations of the Family and Medical Leave Act, 29 U.S.C. § 2601 *et seq.* ("FMLA"), Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e *et seq.* ("Title VII"), the Equal Pay Act, 29 U.S.C. § 206 *et seq.* ("EPA") and the Florida Civil Rights Act of 1992, Fla. Stat. Ann. §§ 760.01 *et seq.* ("FCRA").

#### **JURISDICTION AND VENUE**

10. The Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331 because this action involves federal questions regarding the deprivation of Plaintiff's rights under Title VII, the EPA and the FMLA. The Court has supplemental jurisdiction over Plaintiff's related claims arising under state law pursuant to 28 U.S.C. § 1367(a).

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

### **ADMINISTRATIVE PROCEDURES**

12. On December 7, 2022, Plaintiff filed an EEOC Charge of Discrimination, which was dual filed with the Florida Commission on Human Relations, alleging violations of Title VII and the FCRA. On April 3, 2023, she amended her charge. The EEOC issued Plaintiff a Notice of Right to Sue dated June 5, 2023.<sup>2</sup>

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

### **PARTIES**

14. Plaintiff is a resident of Pinellas County, Florida. She worked for Defendant in St. Petersburg, Florida. At all relevant times, Plaintiff met the definition of an “employee” and/or “eligible employee” under all applicable statutes.

15. Defendant Raymond James and Associates, Inc., is an investment banking firm incorporated in Pinellas County, Florida, and was, at all relevant times, an “employer” under all applicable statutes.

### **FACTUAL ALLEGATIONS**

#### **I. BACKGROUND**

16. Ms. Bartolini Mitchell is an experienced and successful business professional. She holds various degrees, including bachelor’s and master’s degrees from the University of South Florida, and a Juris Doctor from Stetson University College of Law.

17. Ms. Bartolini Mitchell completed her master’s degree as well as her Juris Doctor by taking night classes while working full-time at RJ, not without personal sacrifice, yet Ms. Bartolini Mitchell persevered and succeeded.

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<sup>2</sup> The parties entered into a tolling agreement extending Ms. Bartolini Mitchell’s time to file her Title VII and FCRA claims to November 5, 2023.

18. Ms. Bartolini Mitchell dedicated more than 15 years to RJ, during which time she has held positions as a Due Diligence Officer in Mutual Fund research (2006-2010), Project Analyst in Operations (2010-2012), Assistant VP of Securities Based Lending for Raymond James Bank (2012- 2015) and Assistant Regional Director in the Investment Advisors Division (2015-2017).

19. Most recently, Ms. Bartolini Mitchell held the position of VP of Administration and Risk. In this role, she ran major projects for RJ and oversaw risk management.

20. Ms. Bartolini Mitchell played an integral role in business growth, including merger integration, as well as risk management, project management, corporate communications, resource management and IT integration.

21. Ms. Bartolini Mitchell was also the Co-Chair of the Private Client Group's Diversity and Inclusion Committee since 2020. Previously, Ms. Bartolini Mitchell was the Professional Development Chair for Raymond James's Women's Interactive Network ("WIN") from 2010-2012.

22. From 2008-2016 Ms. Bartolini Mitchell taught, through Raymond James University, business etiquette and professionalism to all incoming interns and certain existing employees.

23. Further, for seven years Ms. Bartolini Mitchell hosted annual etiquette dinners as part of a sponsorship of young professionals ("EMERGE") by RJ. Ms. Bartolini Mitchell has also presented to non-profit groups that are sponsored by RJ on the topics of business etiquette and communication.

24. Additionally, Ms. Bartolini Mitchell spoke on a panel at WIN's symposium about being a working parent.

**II. MS. BARTOLINI MITCHELL’S MALE SUPERIORS CHARACTERIZE HER AS “TOO AGGRESSIVE”**

25. Despite Ms. Bartolini Mitchell’s qualifications and successes, she was repeatedly confronted with sexist stereotypes. For instance, Ms. Bartolini Mitchell was repeatedly told to work on her “personal brand.”

26. Ms. Bartolini Mitchell’s supervisor, Gregory Bruce (Head of RIA & Custody Services), negatively characterized her as “aggressive” – an undoubtedly positive description of a man. But, in Ms. Bartolini Mitchell’s case, she was told to “talk less and listen more,” as if she were a child. Ms. Bartolini Mitchell was also told to “soften” her image and “be more approachable.” These sexist criticisms of her would persist for years.

27. Contrary to the sexist criticisms, Ms. Bartolini Mitchell heard from co-workers that she is straight-forward, knowledgeable and focused, and that one-on-one, she is funny and warm.

28. When told that Ms. Bartolini Mitchell had received feedback that she is “too aggressive,” the responses she received from her peers have ranged from eye rolls, to laughs, to sympathy from other women who have been told the same thing at RJ. “[T]hat’s just how it is at RJ” for women.

29. Ms. Bartolini Mitchell protested to Mr. Bruce about the discrimination she was suffering. For example, she repeatedly told Mr. Bruce that a man would never receive the same feedback that she was receiving.

30. There are two male Senior Vice Presidents (“SVP”) who perform the same responsibilities as Ms. Bartolini Mitchell in different sectors. One of the male SVPs has made verbal and written statements towards members of RJ that Ms. Bartolini Mitchell would

reference to Mr. Bruce, indicating that she would never send nor say those things as they were aggressive and argumentative.

31. Instead of remediation or accountability by RJ, Ms. Bartolini Mitchell had to undergo coaching in the areas of voice, tone, expressions and pleasantries in emails, as if she were a beauty pageant contestant.

32. In Spring 2020, Ms. Bartolini Mitchell was assured by Mr. Bruce, her boss, that she would be promoted to SVP once a business merger took place. They even discussed potential titles, settling on either Chief Administration Officer or SVP of Administration and Risk.

33. During this time, it was openly discussed and accepted that Ms. Bartolini Mitchell's role was already analogous to the two male SVPs she worked with. This notion was demonstrated over the years where Ms. Bartolini Mitchell would receive emails and attended countless meetings where it was clear that she and the two male SVPs were the leads and speaking for the business heads in their respective departments.

34. Despite their analogous responsibilities, RJ paid Ms. Bartolini Mitchell less than the two men.

35. By September 2020, Mr. Bruce admitted that RJ had decided to withhold the promotion because of Ms. Bartolini Mitchell's sex. In particular, Mr. Bruce stated that the President of the Private Client Group, believed she was "too aggressive."

36. Ms. Bartolini Mitchell protested (while trying to be diplomatic so as not to become a target of retaliation) responding that a man would never receive such feedback, nor would he be denied a promotion for being "aggressive." Rather, he would be called a leader and commended for holding others accountable.

37. Ms. Bartolini Mitchell reminded Mr. Bruce of her many contributions to the firm. Ms. Bartolini Mitchell also asked for specific examples of any inappropriate behavior. Mr. Bruce provided none.

38. This, of course, was not the first time that Ms. Bartolini Mitchell has observed or been victimized by RJ's sexist culture. For example,

- In 2009, while Ms. Bartolini Mitchell worked as a Due Diligence Officer in Mutual Fund research, she was forced to change positions to a less desirable role due to discriminatory treatment by her former male manager. Specifically, Ms. Bartolini Mitchell complained to HR that she was not being treated equally by the manager and that she was subjected to lewd discussions regarding the penis sizes of male RJ employees, stripper poles and "boom-boom rooms" as well as inappropriate comments such as, "Jews stick together like family." Ms. Bartolini Mitchell explained to HR that the manager would chastise her for "little things" but would never give her any instruction on how she could improve. Instead of investigating, HR simply told her that she could file a formal complaint, which was discouraged, or find a new job within RJ. Seeing no other option, Ms. Bartolini Mitchell took a less desirable job as a Project Analyst in Operations, which she held for two years.
- In 2019, Ms. Bartolini Mitchell learned that RJ paid a female employee to leave after she complained that her boss insisted that they "work" in his hotel room across the street from the office. Upon information and belief, the male boss was not reprimanded.
- In 2015, Ms. Bartolini Mitchell was recruited for a position under a male SVP. She was pregnant at the time. Ms. Bartolini Mitchell was compelled to assure the male SVP that she would be returning to work after maternity leave. He replied, "you have to say that, all women do and they don't come back."
- In 2015, a male executive who was considering hiring Ms. Bartolini Mitchell into his group, told her that she should "enjoy the pussy cooler" in his car, referring to the cooled seats in his car.
- Also in 2015, Ms. Bartolini Mitchell had the unenviable task of driving a group of drunk male financial advisors to their hotel. One of the men threw a \$50 bill at Ms. Bartolini Mitchell. He later sexually propositioned Ms. Bartolini Mitchell's female boss.
- Again in 2015, Ms. Bartolini Mitchell had to suffer through a dinner with a male client and a male prospective client. During the dinner, the male prospective client explained to her how he waxed his pubic hair and insisted that he drive her



home. Afraid, Ms. Bartolini Mitchell declined and was forced to hide behind a dumpster at the restaurant until her harasser left.

- A female RJ employee had a \$100 bill thrown at her and was told to take off her clothes at an RJ recruiting conference. RJ reprimanded the woman – but not the men – for drinking too much.
- In 2012, while at a work dinner, Ms. Bartolini Mitchell complimented a male colleague on his belt. The man stood up, took off the belt and handed it to Ms. Bartolini Mitchell. For the remainder of the evening, the other men at the table made jokes about how Ms. Bartolini Mitchell’s male colleague was planning to take off his pants for her. She was humiliated.
- A female RJ employee within the Accelerated Development Program, applied for a position under a male executive. The executive claimed that he needed to take the female employee to dinner as part of the application process, where he became inappropriate. The female employee reported his unprofessional conduct to RJ. However, RJ did not terminate the executive. Rather, RJ allowed him to remain in an executive position and merely changed his role to another executive position. The female employee, on the other hand, left RJ shortly thereafter.
- In or about 2009, a high-level male RJ executive told Ms. Bartolini Mitchell that a “bunch of people” from RJ were going out for happy hour and invited her to attend. When she arrived, only the male executive was present. He insisted that he walk Ms. Bartolini Mitchell back to her hotel and upstairs to her room. The male executive persisted despite Ms. Bartolini Mitchell’s repeated refusals. Afraid, Ms. Bartolini Mitchell took the male RJ executive to the lobby of a different hotel and was able to extricate herself by claiming that she had to call her mother.
- In 2022, at the Securities Industry and Financial Markets Association’s (“SIFMA”) Compliance and Legal Conference, a male executive became highly intoxicated. The executive approached a female VP and asked her if they previously had sex and whether they could have sex. Humiliated and afraid, the female VP purported to “laugh off” his proposition for sex. However, upon her return from the conference, she reported the conduct to her supervisor, and it was escalated to HR. Upon information and belief, the executive suffered no discipline and has since been promoted.
- While on one of her first business trips for RJ, Ms. Bartolini Mitchell made the mistake of asking a male colleague where he got the Wall Street Journal newspaper he was reading. The man told her that it was delivered to his room and that she, too, would get it when she woke up there in the morning.

**III. MS. BARTOLINI MITCHELL TAKES LEAVE TO CARE FOR HER MOTHER**

39. In November 2021, Ms. Bartolini Mitchell's mother was hospitalized and became incapacitated. Ms. Bartolini Mitchell had to begin guardianship proceedings to care for her mother.

40. Despite this turbulent time in her life, Ms. Bartolini Mitchell did not sacrifice her work or affinity for her team. In fact, while Ms. Bartolini Mitchell was dealing with her mother's illnesses, she was also ensuring that the department was set for a return to office, including crawling under desks, cleaning workspaces, creating care packages and striving to show her team they were appreciated by leadership.

41. Regardless of her own personal turmoil, Ms. Bartolini Mitchell showed up for her team and RJ every day.

42. As another example, in 2021 Ms. Bartolini Mitchell planned the RJ holiday party for her team. Traditionally, the holiday parties at RJ were planned by administrative personnel, such as an Executive Assistant. However, in 2021 Mr. Bruce specifically asked Ms. Bartolini Mitchell, who was VP of Administration and Risk at the time, to plan the holiday party. Despite it not being a traditional task for her role, Ms. Bartolini Mitchell selected decorations, planned dining menus and visited venues to ensure that the holiday party was a success.

43. Between December 2021 and January 2022, Ms. Bartolini Mitchell took three weeks of protected leave because of her mother's serious health condition.

44. During this time, Ms. Bartolini Mitchell also contracted COVID and had to take leave for her own medical illness.

45. In January 2022, Ms. Bartolini Mitchell returned to work and suffered an almost immediate backlash. For instance, she was reprimanded only four business days after she

returned for being slow to respond to emails despite having been out on protected leave. She was repeatedly reminded of the “issues at the end of the year” – a clear reference to her having taken protected leave.

46. Being the kind of leader that she is, Ms. Bartolini Mitchell called each of her peers personally to explain why she had taken leave and indicated that she was diligently attempting to catch up on her emails.

47. Despite her continuous effort to be an effective leader, Mr. Bruce continued to harass Ms. Bartolini Mitchell about her “brand” and directed her to be “approachable.”

#### **IV. MS. BARTOLINI MITCHELL COMPLAINS OF DISCRIMINATION**

48. To remedy RJ’s persistent unlawful conduct, in or about June 2022, Ms. Bartolini Mitchell sent Mr. Bruce, her boss, written materials about unconscious bias and sexism, including a study entitled, “Women & the Leadership Labyrinth Howard vs Heidi.”<sup>3</sup> This study found that assertive, authoritative and dominant behaviors that people link with leadership tend to not be viewed as attractive in women, a clear reference to RJ’s sexist perception that Ms. Bartolini Mitchell was too “aggressive” and should work on her “brand.”

49. She also sent an article entitled, “Why Women Aren’t CEOs, According to Women Who Almost Were.”<sup>4</sup> The article explains,

Women are often seen as dependable, less often as visionary. Women tend to be less comfortable with self-promotion — and more likely to be criticized when they do grab the spotlight. Men remain threatened by assertive women. Most women are not

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<sup>3</sup> See Katsarou, Maria, “Women & the Leadership Labyrinth Howard vs Heidi,” Leadership Psychology Institute, (February 20, 2023), available at: <https://www.leadershippsychologyinstitute.com/women-the-leadership-labyrinth-howard-vs-heidi/>

<sup>4</sup> See Chira, Susan, “Why Women Aren’t C.E.O.s, According to Women Who Almost Were,” New York Times, (July 21, 2017), available at: <https://www.nytimes.com/2017/07/21/sunday-review/women-ceos-glass-ceiling.html>

socialized to be unapologetically competitive. Some women get discouraged and drop out along the way. And many are disproportionately penalized for stumbles.

50. Lastly, Ms. Bartolini Mitchell included an excerpt from a book by Deborah Rhode, an eminent legal scholar in the field of gender-equity, entitled, “Women in Management,” which, among other things, states that:

In environments where men are dominating and confrontational, women risk being dismissed as “pushy” if they try to be heard by engaging in similar behavior.<sup>59</sup> Male CEOs who speak up often in meetings are rated higher in competence than female counterparts who do the same.<sup>60</sup> A study of performance reviews in the tech field found that negative comments about personality—such as being too abrasive—showed up in only twice in eighty-four critical reviews received by men and seventy-one of the ninety-four critical reviews received by women.<sup>61</sup> Other research on the tech field found that 84 percent of women had gotten feedback that they were too aggressive, 53 percent that they were too quiet, and 44 percent that they were both.<sup>62</sup> Similarly, in a study by Stanford’s Clayman Institute for Research on Women and Gender, female employees received two and a half times the amount of feedback as their male colleagues concerning an aggressive communication style.<sup>63</sup> Men’s reviews had about twice as many positive comments related to assertiveness and self-confidence. When study participants were asked which of two candidates they would pick for a top position, about 90 percent selected the person described in terms related to individual initiative, the same terms that turned up more often in the men’s performance reviews.<sup>64</sup> Geraldine Laybourne, president of Disney/ABC Cable Networks, asked whether men calling Mattel CEO Jill Barad too abrasive “have . . . met Ted Turner? Have they met Michael Eisner? Compared to most CEOs she is not abrasive. But maybe compared to their wives she is.”<sup>65</sup>

51. Ms. Bartolini Mitchell’s protest only made things worse for her at RJ.

52. Mr. Bruce shut Ms. Bartolini Mitchell down with responses such as, “that’s not what’s happening here.”

53. Ms. Bartolini Mitchell’s complaint fell on deaf ears as just one month later, July 2022, Mr. Bruce brought up her communication and brand again during her mid-year review.

54. In response, she complained to Mr. Bruce that she feels like she is “shadow-boxing,” meaning that she had been trying to fight an image that the President of the Private

Client Group had concocted of her. Ms. Bartolini Mitchell further told him that every time she thinks that she is “playing the part” that is asked of her, a new, unattainable standard is expected.

55. During this conversation, Ms. Bartolini Mitchell asked him about his knowledge of gender bias and explained that she feels like she is expected to be docile and submissive at work and didn’t understand the expectation.

56. Mr. Bruce refused to engage in conversation with her about her beliefs of discrimination and gender stereotyping. Instead, he simply stated that was not the case.

57. Despite Mr. Bruce’s subjective contention, it is a fact that historically women have not held senior advisor positions at RJ.<sup>5</sup>

58. Renee Baker, the face of RJ’s advisor inclusion networks, publicly admitted that “we [RJ] have so much work to do here,” and “the progress feels slow.”

59. Even in the face of an objectively stark difference regarding female representation in senior advisor positions versus male representation in the same role, Ms. Baker continued, “[I]n an industry where I know that the numbers are already low for women, even lower for minorities . . . I’ve been around this game long enough to know I’m not going to set myself up for failure.”

60. Meaning, at RJ, the “game” is rigged against women with men dominating the senior advisor positions.

61. Since Ms. Bartolini Mitchell’s complaint of discrimination, exactly what Ms. Baker foresaw occurred. Ms. Bartolini Mitchell has been treated as an enemy.

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<sup>5</sup> See Mathews, Jessica, “Hiring Women Still an ‘Uphill Battle’ at Raymond James,” Financial Planning, (September 19, 2019), available at: <https://www.financial-planning.com/news/hiring-women-still-an-uphill-battle-at-raymond-james>

V. **RJ RETALIATES AGAINST MS. BARTOLINI MITCHELL**

62. After her complaint, RJ isolated Ms. Bartolini Mitchell and stripped her of important responsibilities. For instance, Ms. Bartolini Mitchell was not permitted to prepare for, participate in or attend the mid-year or annual budget meetings. She was not invited to interview candidates for leadership positions. And she was cut out of strategy discussions, business decisions and conversations where she had always played an integral role.

63. In September 2022, RJ hired two new SVP's, one of whom, a male SVP, took over approximately 70% of Ms. Bartolini Mitchell's responsibilities, including special projects and IT integrations. In essence, RJ stripped Ms. Bartolini Mitchell of her job and thwarted her career progression.

64. Shortly thereafter, on October 3, 2022, RJ summarily suspended Ms. Bartolini Mitchell.

65. According to the Company, Ms. Bartolini Mitchell sent business-related material from her work email address to her personal email address. But as Ms. Bartolini Mitchell reported to RJ's supervision team, this was an accident. She was transferring some personal information from her work laptop when she accidentally sent a folder containing RJ's information.

66. However, it was not uncommon for members of RJ to use their personal email addresses to conduct business. For instance, Ms. Bartolini Mitchell worked for a male executive from 2015 to 2017, who regularly sent emails from his personal email address regarding RJ business and prospective business.

67. In any event, Ms. Bartolini Mitchell did not disclose the business information, nor did she compromise the information. In other words, she did not engage in any conduct that warranted her suspension or that would have warranted her dismissal.

68. To the contrary, as Ms. Bartolini Mitchell explained, she was being pushed out because she is a woman, complained of discrimination and took protected leave.

69. By contrast, RJ has consistently protected numerous men who engaged in intentional misconduct. For example, upon information and belief, RJ paid a male executive over \$1,000,000 and permitted him to retire “to spend more time with his family” after he misappropriated funds for his personal gain.

70. Similarly, RJ decided that another male executive would retire as Chief Operating Officer (“COO”) after being found to have sexually harassed a junior female employee. However, the executive remains a registered representative of RJ.

## **VI. RJ UNLAWFULLY TERMINATES MS. BARTOLINI MITCHELL’S EMPLOYMENT**

71. On Tuesday, November 29, 2022, Ms. Bartolini Mitchell, through her counsel, filed a charge of discrimination and retaliation against RJ with the EEOC. Her charge included myriad instances of discriminatory and retaliatory conduct by RJ, including instances of sexual harassment, as detailed above.

72. RJ received the EEOC charge the same day.

73. The very next day, Mr. Bruce dismissed Ms. Bartolini Mitchell.

74. Mr. Bruce’s asserted reason was that Ms. Bartolini Mitchell sent company files to her personal email address. But he knew that Ms. Bartolini Mitchell did so by accident and that she did not share or use the information.

75. Nonetheless, Mr. Bruce further informed her that her Form U5 – the uniform termination notice for securities industries regulations – would be marked to reflect “involuntary discharge.”

76. In fact, Ms. Bartolini Mitchell’s “involuntary discharge” was the result of RJ’s campaign to push her out of the Company for complaining of its sexist and discriminatory culture.

77. Ms. Bartolini Mitchell protested that her dismissal was retaliatory following her numerous claims of discrimination.

78. An HR Representative who was also on the call, responded with indifference and simply stated that she would “note that in the file.”

79. RJ not only dismissed Ms. Bartolini Mitchell effective immediately but halted her pay and insurance coverage as well.

80. In a further act of discrimination and retaliation, RJ reported to the Financial Industry Regulatory Authority (“FINRA”) that Ms. Bartolini Mitchell was “[d]ischarged after allegations relating to Registered Representative’s transmission of confidential, proprietary and privileged information outside of the firm, without firm approval and in violation of firm policy.”

81. Notably, RJ intentionally omitted that Ms. Bartolini Mitchell was the victim of discrimination, including sexual harassment, and that RJ terminated her employment after she engaged in protected activity.

82. RJ’s false disclosure to FINRA, which is public, is likely fatal to Ms. Bartolini Mitchell’s career.

83. RJ treated similarly situated men better. For instance, a male executive was found to have misappropriated funds. RJ allowed him to retire and did not report his likely criminal



conduct to FINRA. Similarly, RJ allowed another male executive to “retire” after he was found to have sexually harassed a female subordinate. Once again, RJ did not report his unlawful conduct to FINRA. In fact, the male executive remains a registered agent for RJ and, upon information and belief, continues to work with RJ clients as an Advisor.

84. The unfortunate reality is that RJ’s conduct towards Ms. Bartolini Mitchell is not a one-off or unique situation; to the contrary, it is entirely consistent with a status quo of silencing women who stand up against RJ’s discriminatory culture.

**FIRST CAUSE OF ACTION**  
**(Discrimination in Violation of Title VII)**

85. Defendant discriminated against Plaintiff on the basis of her sex in violation of Title VII by denying Plaintiff the same terms and conditions of employment available to male employees, including, but not limited to, denying her the opportunity to work in an employment setting free of unlawful discrimination and terminating her employment.

86. As a direct and proximate result of the unlawful discriminatory conduct committed by Defendant in violation of Title VII, Plaintiff has suffered, and continues to suffer, monetary and/or other economic harm for which she is entitled an award of monetary damages and other relief.

87. As a direct and proximate result of the unlawful conduct committed by Defendant in violation of Title VII, Plaintiff has suffered, and continues to suffer, severe mental anguish and emotional distress, including, but not limited to, humiliation, embarrassment, stress and anxiety, loss of self-esteem and self-confidence, and emotional pain and suffering for which she is entitled to an award of monetary damages and other relief.

88. Defendant’s unlawful and discriminatory actions were done with willful negligence, or recklessness, or a conscious disregard of the rights of Plaintiff or conduct so

reckless as to amount to such disregard of Plaintiff's protected rights under Title VII, for which Plaintiff is entitled to an award of punitive damages.

**SECOND CAUSE OF ACTION**  
**(Retaliation in Violation of Title VII)**

89. Defendant retaliated against Plaintiff for complaining about unequal treatment on the basis of sex, including Defendant's culture of sexual harassment, by altering her working conditions and terminating her employment.

90. As a direct and proximate result of the unlawful retaliatory conduct committed by Defendant in violation of Title VII, Plaintiff has suffered, and continues to suffer, monetary and/or other economic harm for which she is entitled to an award of monetary damages and other relief.

91. As a direct and proximate result of the unlawful retaliatory conduct committed by Defendant in violation of Title VII, Plaintiff has suffered, and continues to suffer, severe mental anguish and emotional distress, including, but not limited to, humiliation, embarrassment, stress and anxiety, loss of self-esteem and self-confidence, and emotional pain and suffering for which she is entitled to an award of monetary damages and other relief.

92. Defendant's unlawful and retaliatory actions were done with willful negligence, or recklessness, or a conscious disregard of the rights of Plaintiff or conduct so reckless as to amount to such disregard of Plaintiff's protected rights under Title VII, for which Plaintiff is entitled to an award of punitive damages.

**THIRD CAUSE OF ACTION**  
**(Retaliation and Interference in Violation of the FMLA)**

93. Defendant retaliated against Plaintiff for exercising her rights under the FMLA.

94. Defendant also interfered with Plaintiff's reinstatement rights under the FMLA.

95. As a direct and proximate result of Defendant's unlawful conduct, Plaintiff has suffered and continues to suffer monetary and/or economic harm for which she is entitled to an award of damages, in addition to reasonable attorneys' fees and costs.

96. Defendant's unlawful and discriminatory actions constitute reckless intentional, malicious, willful and wanton violations of the FMLA for which Plaintiff is entitled to an award of liquidated damages.

**FOURTH CAUSE OF ACTION**  
**(Discrimination in Violation of the EPA)**

97. Defendant violated the EPA by paying male employees higher wages than Plaintiff for substantially equal work in a job which required equal skill, effort and responsibility and which was performed under similar working conditions.

98. Defendant's conduct was willful, and it knew that its actions constituted unlawful violation of equal pay laws and/or showed reckless disregard for Plaintiff's statutorily protected rights.

99. Plaintiff has suffered and will continue to suffer irreparable injury, emotional distress and other compensable damage unless and until this Court grants relief.

**FIFTH CAUSE OF ACTION**  
**(Discrimination in Violation of the FCRA)**

100. Defendant discriminated against Plaintiff in the terms and conditions of her employment on the basis of her sex in violation of the FCRA.

101. Defendant's conduct was willful, and they knew that their actions constituted unlawful discrimination and/or showed reckless disregard for Plaintiff's statutorily protected rights.

102. Plaintiff has suffered and will continue to suffer irreparable injury, emotional distress and other compensable damage unless and until this Court grants relief.

**SIXTH CAUSE OF ACTION**  
**(Retaliation in Violation of the FCRA)**

103. Defendant retaliated against Plaintiff for complaining about unequal treatment on the basis of sex, including Defendant's culture of sexual harassment, by altering her working conditions and terminating her employment. Defendant's conduct showed willful and/or wanton negligence, recklessness and conscious disregard for Plaintiff's statutorily protected rights.

104. Plaintiff has suffered and will continue to suffer irreparable injury, emotional distress and other compensable damage unless and until this Court grants relief.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff prays that the Court enter judgment in her favor and against Defendant, containing the following relief:

A. A declaratory judgment that the actions, conduct and practices of Defendant complained of herein violate the federal and state laws;

B. An injunction and order permanently restraining Defendant from engaging in any such further unlawful conduct, including the policies and practices complained of herein;

C. An order directing Defendant to take such affirmative action as is necessary to ensure that the effects of these unlawful employment practices are eliminated;

D. An award of damages against Defendant in an amount to be determined at trial, plus prejudgment interest, to compensate Plaintiff for all monetary and/or economic damages;

E. An award of compensatory damages;

F. An award of punitive damages;

G. An award of liquidated damages;

- H. Prejudgment interest on all amounts due;
- I. An award of costs that Plaintiff incurs in this action, as well as an award of reasonable attorneys' fees, costs and disbursements to the fullest extent permitted by law; and
- J. Such other and further relief as the Court may deem just and proper.


**JURY DEMAND**

Pursuant to Federal Rule of Civil Procedure Rule 38(b), Plaintiff demands a trial by jury in this action.

Dated: October 16, 2023  
New York, New York

Respectfully submitted,

**WIGDOR LLP**

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