

# Conn. Retaliation Suit Advances After Justices' Title VII Ruling

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By **[Aaron Keller](#)** · [Listen to article](#)

Law360(May 14, 2024, 9:37 PM EDT)-- With a recent [U.S. Supreme Court](#) opinion said to be illuminating the path forward, a federal judge in Connecticut has declined to dismiss a case by a self-described former "high-level" employee of a private equity firm who alleges she was fired after raising concerns about her employer's treatment of women.

U.S. District Judge Kari A. Dooley on Monday ruled that Astatine Capital Partners LLC's Nov. 8, 2023, motion to dismiss Patricia Burnell's lawsuit is moot because Burnell filed an amended complaint earlier in the day. Burnell, a former director at the firm and chief of staff for global investments, says she was terminated after speaking out against an alleged gender pay gap and claiming the company refused to promote women into senior leadership roles.


The case, **first filed** in the New York federal court in August, 2023, originally pleaded four counts of discrimination under New York's human rights and pay equity laws, the Connecticut Equal Pay Act, and the federal Equal Pay Act. The complaint also promised concurrent


filings before the Employment Opportunity Commission and the Connecticut Commission on Human Rights and Opportunities, the gatekeeping agencies through which Title VII claims must pass.

The parties agreed to move the dispute to Connecticut in late 2023. An amended complaint in the Nutmeg State raised the same four causes of action named in the New York complaint as the EEOC and CHRO proceedings inched forward.

A **second amended complaint**, filed in Connecticut approximately 15 minutes before Judge Dooley's ruling Monday, said the EEOC and CHRO allowed Burnell to move forward on claims of discrimination and retaliation under Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967 and the Connecticut Fair Employment Practices Act.

Judge Dooley granted Burnell's request to file the second amended complaint and cited only the text of the complaint as grounds for keeping the case alive.

However, Burnell on May 2 filed court papers noting that the U.S. Supreme Court's April 17 decision in Muldrow v. City of St. Louis  was "dispositive regarding one of the key issues in this case."

Muldrow  **lowered the bar** for plaintiffs asserting Title VII claims in employment cases, **removing some hurdles** imposed by lower courts.

Because of Muldrow, Burnell does not need to prove she suffered significant, serious or substantial harm when pressing her Title VII action, according to the May 2 **notice**.

Instead, Burnell is required to "show only some injury respecting her employment terms or conditions," she argues.

Burnell claims three younger men earned an additional type of compensation called carried interest while performing work similar to hers.

Astatine said Burnell was not eligible for carried interest remuneration because she was a part-time employee, though she later moved to full-time status, took on greater responsibilities, earned additional titles and was still not adequately compensated, according to the complaint.

Firm leaders "overlooked Burnell's accomplishment in favor of men," the complaint continues, alleging a "sexist view of women" at Astatine.

When Burnell complained to a leader, she was told she was "not helping [her]self," the complaint indicates. She was later fired.

While explaining Muldrow, Burnell stressed that "carried interest is a term or condition of employment," the denial of which is an adverse action which gives rise, in Burnell's view, to a colorable Title VII claim.

Astatine's since-scuttled **attempt to dismiss** the case, filed in November, 2023, said Burnell failed to plead that her male counterparts performed work comparable to her own and failed to prove two individual leaders also named as defendants had the authority to control her pay.

In addition to adding three counts to her case, Burnell added pay charts to her second amended complaint, purporting to back up allegations that men made more money than women at Astatine.

The case caption bears the name of Astatine Investment Partners, but that entity was removed from the case, leaving Astatine Capital Partners LLC and two of its leaders as defendants, the docket indicates.

Astatine did not immediately respond to a request for comment. Its attorneys also did not immediately reply to messages.

Attorneys for Burnell declined to comment on the matter.

Burnell is represented by Valdi Licul and William Racz Baker of Wigdor LLP, and Stephen Bourtin of Bourtin Law PLLC.

Astatine Capital Partners LLC and two of its leaders are represented by Beverly W. Garofalo, Allison P. Dearington and Jessica L. Chamberlin of Jackson Lewis PC.

The case is Burnell v. Astatine Investment Partners et al., case number 3:23-cv-01232, in the U.S. District Court for the District of Connecticut.

The case was originally filed as Burnell v. Astatine Investment Partners et al., case number 1:23-cv-06711, in the U.S. District Court for the Southern District of New York.

--Editing by Amy French.

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Burnell v. Astatine Investment Partners et al

#### Case Number

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1:23-cv-06711

#### Court

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New York Southern

#### Nature of Suit

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Civil Rights: Jobs

#### Judge

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Paul A. Crotty

#### Date Filed

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August 01, 2023

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#### Case Title

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Burnell v. Astatine Investment Partners et al

#### Case Number

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3:23-cv-01232

#### Court

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Connecticut

#### Nature of Suit

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Civil Rights: Jobs

#### Judge

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Kari A. Dooley

## Date Filed

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September 20, 2023

## Law Firms

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- Jackson Lewis PC
- Wigdor LLP

## Companies

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Astatine Investment Partners

## Government Agencies

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- Equal Employment Opportunity Commission
- U.S. District Court for the District of Connecticut
- U.S. District Court for the Southern District of New York
- U.S. Supreme Court

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