

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ERIN JOHNSON,

16 Civ. ____

Plaintiff,

COMPLAINT

- against -

PLAINTIFF DEMANDS A
TRIAL BY JURY

J. WALTER THOMPSON U.S.A., LLC, J.
WALTER THOMPSON COMPANY LLC, WPP
PLC, and GUSTAVO MARTINEZ,

Defendants.

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Plaintiff Erin Johnson ("Johnson" or "plaintiff"), by her attorneys, Vladeck, Raskin & Clark, P.C., complaining of defendants J. Walter Thompson U.S.A., LLC ("JWT USA"), J. Walter Thompson Company, LLC ("JWT Co.") (collectively, "JWT"), WPP plc ("WPP"), and Gustavo Martinez ("Martinez") (collectively "defendants"), alleges:

NATURE OF CLAIMS

1. Johnson is a highly regarded communications executive. During her 20-year career, she has worked her way from an entry-level public relations position at Miramax to Chief Communications Officer of JWT, one of the world's leading advertising and marketing firms. As Chief Communications Officer, Johnson reports directly to the Worldwide Chairman and Chief Executive Officer ("CEO") and oversees global corporate communications for JWT, including both external and internal communications. Her career progressed without impediment until 2015, when JWT appointed Martinez as its Chair and CEO.

2. Despite Johnson's success as an award-winning public relations executive, Martinez has made it impossible for her to do her job. Presenting JWT both internally and

externally in a positive light has become virtually impossible given Martinez's apparent comfort in making constant racist and sexist slurs, even on tape. Martinez has no hesitation in referring in conversations with employees, including senior JWT executives, or the media, to his dislike of the "fucking Jews," his refusal to go places where he would encounter the "black monkeys" or "apes" who "don't know how to use computers," or to his publicly asked question about which female staff member he should rape. On multiple occasions, Martinez has grabbed Johnson by the throat or by the back of her neck while talking to her. He has also asked other employees to leave his office for him to be alone with Johnson so they could talk about "the sex." In the presence of others, Martinez has exclaimed, "Come here [Johnson], so I can rape you in the bathroom." During a company meeting with more than 60 employees, including the Chief Talent Officer (who is the global head of Human Resources for JWT), Martinez distinguished between good rape and rape "not in a nice way." He regularly demeans female executives, especially those women he believes are "too American," "too sensitive," and "too bossy." Martinez has said multiple times that certain women should "shut up [their] mouths" and, on information and belief, said that a female executive he disliked needed to be "hogtied" and "raped into submission."

3. Johnson has complained repeatedly orally as well as in writing about Martinez's biased conduct, including complaining to the Chief Talent Officer and executives at JWT and WPP (JWT's parent company). In addition, the Chief Talent Officer and other executives have witnessed firsthand some of Martinez's unlawful behavior. Even though the Chief Talent Officer promised that she was "addressing" Johnson's complaints, nothing has been done to remedy the situation. Instead, defendants have retaliated against Johnson by denying Johnson significant opportunities and reducing her compensation.

4. Plaintiff brings this action to remedy retaliation for opposition to unlawful practices, in violation of Section 1981 of the Civil Rights Act of 1866, 42 U.S.C. § 1981 ("Section 1981").

5. Plaintiff also brings this action to remedy defendants' retaliation for her opposition to unlawful employment practices, in violation of the Equal Pay Act, 29 U.S.C. §§ 206(d) et seq. (the "EPA").

6. Plaintiff also brings this action to remedy gender discrimination and retaliation for opposition to unlawful practices, in violation of the New York State Human Rights Law, N.Y. Exec. Law §296 et seq. (the "NYSHRL") and the Administrative Code of the City of New York § 8-107 et seq. (the "NYCHRL").

7. Plaintiff seeks compensatory and punitive damages, injunctive and declaratory relief, and appropriate legal and equitable relief.

JURISDICTION AND VENUE

8. This Court has jurisdiction over plaintiff's Section 1981 and EPA claims under 28 U.S.C. § 1331.

9. Pursuant to 28 U.S.C. § 1367, this Court has supplemental jurisdiction over plaintiff's NYSHRL and NYCHRL claims because these claims closely relate to the Section 1981 and EPA claims, having arisen from a common nucleus of operative facts, such that all claims form part of the same case or controversy.

10. Pursuant to Section 8-502(c) of the New York City Human Rights Law, plaintiff has caused to be served a copy of the Complaint on the City of New York Commission on Human Rights and the Corporation Counsel of the City of New York.

11. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), because the corporate defendants do business in New York, New York and some of the acts of discrimination and retaliation occurred in New York.

PARTIES

12. Johnson has worked for defendants since 2005. She is the Chief Communications Office of JWT. Johnson resides in New York and works in New York City.

13. On information and belief, JWT USA is a corporation organized under the laws of the State of Delaware with headquarters in New York City.

14. On information and belief, JWT Co. is a corporation organized under the laws of the State of Delaware with headquarters in New York City.

15. On information and belief, WPP is a foreign corporation organized under the laws of the United Kingdom with its headquarters in London, United Kingdom.

16. On information and belief, JWT USA is wholly owned by JWT Co., which in turn is wholly owned ultimately by WPP.

17. Martinez has worked for JWT since 2014. He is the Worldwide Chairman and CEO. He has residences in, among other places, Florida and New York and works in New York City.

FACTUAL ALLEGATIONS

Background

18. Johnson has 20 years of experience in the advertising, marketing and corporate communications fields.

19. Johnson began her career in the publicity department at Miramax. She

was a publicity assistant there from 1996 through 1998.

20. In 1998, Johnson joined Kirshenbaum Bond and Partners ("Kirshenbaum"), an award-winning advertising agency. She spent six years as Director of Corporate Communications for Kirshenbaum. In this role, she built public relations and promotions programs for many high-profile brands, including PUMA, TIMEX, Stolichnaya Vodka, and Citibank.

21. From approximately 2004 through 2005, Johnson worked for the Kaplan Thaler Group in New York, an advertising agency, where she was Director for a then-new unit called KTG Buzz. Johnson was responsible for generating and executing non-traditional marketing plans for large corporations, including Aflac, Revlon, TBS, and TNT. In this capacity Johnson reported to Kaplan's CEO and Chief Creative Officer as well as to the Managing Director of KTG Corporate Communications. She joined JWT in 2005.

Defendants' Background

22. WPP is the world's largest advertising company by revenue, and employs around 179,000 people in 3,000 offices across 111 countries. WPP owns a number of advertising, public relations, and market research firms, including JWT, Ogilvy & Mather, Wunderman, Mindshare, and more. Martin Sorrell ("Sorrell") is the CEO of WPP.

23. JWT is an international advertising agency headquartered in New York, New York. It has more than 200 offices in over 90 countries, employing nearly 10,000 marketing professionals. JWT has offices and subsidiaries around the world, including South America, Europe, Asia, and Australia.

24. JWT provides advertising, marketing and other services to its clients,

including Johnson & Johnson, Unilever, Shell, Nestlé, Kimberly-Clark, Kellogg's, The Ford Motor Company, Estee Lauder, PUMA, Rolex, Avon, Revlon, and the United States Marine Corps.

25. JWT has made significant efforts to portray itself publically as a company that values diversity and inclusion. In particular, since 2014, JWT has launched major initiatives focused on issues concerning gender equality. In 2014, as part of JWT's 150th anniversary celebration, the company announced a scholarship for women in honor of the first female copywriter (and JWT employee), Helen Landsowne Resor. The scholarship targets women at universities in parts of the world where poverty and societal attitudes hinder the achievement of women's careers goals. JWT has conducted visible press engagements and speaking events to promote this endeavor, and has sponsored and supported the 3% Conference, an organization which aims to increase and support female creative leadership in advertising agencies. In addition, in 2016, JWT launched its global initiative called "Female Tribes," a multi-faceted project that includes a documentary that aired on BBC Worldwide called Her Story: The Female Revolution, an in-house consumer study about the modern woman, and a report that looks ahead at the future female consumer. As set forth below, contrary to JWT's carefully cultivated public image, Martinez created and defendants knowingly tolerated, an environment that is openly and notoriously hostile to female, African American, and Jewish employees.

Johnson's Success at JWT

26. Johnson has worked for JWT and its predecessor companies for more than a decade. During this time, she has received multiple promotions, substantial pay increases, bonuses, and equity awards. Management has consistently acknowledged her efforts with

positive feedback.

27. Johnson joined JWT in August 2005 as Director of Corporate Communications for JWT New York. She reported to then Co-Presidents of JWT New York Rosemarie Ryan ("Ryan) and Ty Montague ("Montague").

28. Within two years, JWT promoted Johnson to Director of Communications for JWT North America. Johnson continued reporting to Ryan and Montague, who had been elevated to Co-Presidents of JWT North America. In this role, Johnson was responsible for public relations strategy and outreach for the press launches of JWT North American advertising and marketing campaigns, as well as for increasing the visibility of the North American leadership team. Among other accomplishments, in 2009, Johnson spearheaded the nomination campaign for Adweek, an industry trade publication, to name JWT "Global Agency of the Year."

29. In January 2009, JWT promoted Johnson to Chief Communications Officer. In this role, she directly reports to the Worldwide Chairman and CEO of JWT. Until January 2015, Johnson reported to the former JWT Chairman and CEO, Bob Jeffrey ("Jeffrey"). As Chief Communications Officer, Johnson oversees global corporate communications, including both external and internal communications. She manages a core team of four employees with oversight over JWT's regional communications and public relations teams around the world.

30. In Johnson's role as Chief Communications Officer, she continues to enjoy professional success and has had several notable achievements. She created and now leads JWT's Worldwide Communications/Public Relations Council, where communications and public relations leaders at JWT have an opportunity to work together to ensure consistent public

relations strategy and execution globally. Johnson has developed many programs and processes for the agency, including its blog. In 2012, Johnson co-created an online digital talk show for JWT called "Worldmakers," which launched at the 45th annual International Consumer Electronics Show in Las Vegas. The web-based talk show featured some of the world's most respected thinkers and explored the convergence of advertising, technology and entertainment. In 2013, Johnson secured an exclusive media partnership for "Worldmakers" with LinkedIn, the world's largest professional network on the Internet with more than 225 million members. The series was syndicated across relevant industry channels on LinkedIn and kicked off with award-winning chef, restaurateur, author, and philanthropist Marcus Samuelsson. Additional guests included Arianna Huffington, Mario Batali, and Bonnie Fuller. Additionally, LinkedIn CEO Jeff Weiner appeared at an exclusive event with former JWT Chairman and CEO Jeffrey for a "live" edition of the show during the Cannes Lions International Festival of Creativity (formerly known as the Cannes International Advertising Festival) in 2013.

31. In 2014, Johnson led all strategy and communications surrounding the announcement of Jeffrey's successor, Martinez, who joined the agency as Global President in 2014 and became Chairman and CEO in 2015. Also, in 2014, Johnson was responsible for the communications and public relations concerning JWT's 150th anniversary. Currently, Johnson leads global communications for the JWT project "Female Tribes."

32. Since assuming her role as Chief Communications Officer, Johnson and her team have won multiple awards. In April 2015, PR Week, a trade magazine for the public relations industry, awarded Johnson and her team its Global 360 "Best Communications In-House Team," a first for JWT. In 2015, PR News, an online publication, named Johnson as one

of the "Top Women in Public Relations." In addition, for the 2016 Dubai Lynx International Advertising Festival, which is part of the Cannes Lions International Festival of Creativity, Johnson was selected to serve on the Public Relations Jury. The Cannes Lions's website provides that judges "are senior creative professionals recognised for their achievements, valued for their vision, admired for their passion and trusted for their integrity."

33. Bringing additional prestige to JWT, Johnson serves as a board and a committee member of several prominent advertising organizations. She is a member of the board of the Advertising Educational Foundation (a non-profit organization which sponsors programs to extend ties between the academic and advertising worlds) and a member of the Communications Committee for the 4As/American Association of Advertising Agencies (a national trade association for advertising agencies). She is also a member of Advertising Women of New York, New York Women in Communications, and the Advertising Club of New York. Johnson sits on the board of Sexual Abuse Forever Ending (SAFE), a new not-for-profit based in Denver, with a mission to educate and empower children and adults to reduce stigma and prevent child sexual abuse.

JWT Appoints Martinez as Global Chair and Chief CEO of JWT

34. Martinez joined JWT in 2014 as its Global President.

35. On January 1, 2015, Martinez succeeded Jeffrey as the Worldwide Chairman and CEO of JWT. Martinez reports to WPP's CEO Sorrell.

36. Martinez regularly boasts that he is a "global citizen." He has a bachelor's degree and a Ph.D. in econometrics from the Universitat de Barcelona. He holds a PDG (a post-graduate executive management degree) from IESE Business School (Universidad de Navarra),

and was a Professor of Marketing and Economics in Spain's School of Economics. Martinez was born in Argentina but grew up primarily in Spain. He has also lived and worked in the United States, Europe, Latin America and Asia. On information and belief, he speaks Spanish, Catalan, English, Italian, and Portuguese fluently.

Hostile Work Environment

37. Contrary to Martinez's efforts to portray himself as a "global citizen," since Martinez became Chair and CEO of JWT, he has subjected Johnson and other employees to an unending stream of racist and sexist comments as well as unwanted touching and other unlawful conduct.

38. Despite Johnson's success as an award-winning public relations executive, Martinez has made it impossible for her to do her job. Presenting JWT both internally and externally in a positive light has become virtually impossible given Martinez's apparent comfort in making racist and sexist slurs, even on tape.

Rape Comments

39. Martinez has made numerous comments about rape. In mid-May 2015, dozens of JWT employees traveled to Miami for an off-site retreat at a Miami hotel. On or about May 18, 2015, Martinez addressed a group of approximately 60 employees for a global meeting to pilot a new agency method for generating ideas. The previous night, there had been a large party at the hotel's night club attended by mostly African American guests. At the start of his presentation, Martinez described the hotel as "tricky." He explained that he "found . . . different and strange characters in the elevator." He further explained, "I was thinking I was going to be raped at the elevator," but "not in a nice way."

40. During this same presentation, Martinez warned the JWT employees to be careful at the hotel. Apparently referencing the African American party the previous night, he stated, "Check all your luggage" and "all your stuff."

41. On or about May 20, 2015, Johnson met with Martinez in New York. Johnson told Martinez that his comments about rape made her uncomfortable and that it was not acceptable to talk about rape. Martinez became angry and aggressive. He demanded to know the names of the employees present at the Miami meeting who had complained about his comments. He told Johnson that "she was wrong" and that "American women are too sensitive." He was dismissive of Johnson and did not want to continue the meeting, telling Johnson, "Okay, okay, let's move on."

42. After their conversation, approximately fifteen or twenty minutes later, Martinez walked toward Johnson's desk, situated in an open seating plan directly across from the men's bathroom. In front of numerous employees, Martinez told Johnson to come to him so he could "rape [her]" in the bathroom. He then grabbed Johnson around the neck with his arm and began laughing. Later that day, Martinez interrupted a meeting among multiple female employees, including Johnson. Martinez asked Johnson in front of the other women which female staff member he could rape.

43. On information and belief, in the spring of 2015, Martinez told an employee that a female senior global executive needed to be "hogtied" and "raped into submission." On information and belief, Martinez dislikes this female executive because he believes she is "too bossy" and "too American," and that "she should shut up her mouth."

Unwanted Touching and Other Humiliating Conduct

44. On multiple occasions, Martinez has touched Johnson inappropriately in an unwelcome and offensive manner. He often rubs her shoulders and strokes her face. On several occasions, Martinez has grabbed Johnson by the throat and by the back of her neck. For example, on or about June 25, 2014, at the Majestic Hotel in France, during the Cannes Lions International Festival of Creativity, Martinez grabbed Johnson by the throat when directing her to complete a task. At the time of this incident, Martinez was the Global President and not yet Chairman and CEO.

45. Also, in March 2015, Martinez, while laughing, grabbed Johnson by the back of the neck, said that she is "so bossy," and shoved her towards his office. Several employees witnessed the incident. Johnson, who was embarrassed, told Martinez not to grab and push her. In front of those same employees, Martinez then grabbed Johnson roughly by the shoulders, said that he "loved" his "bossy boss," and pulled her into his office.

46. In addition to touching Johnson, Martinez has engaged in other efforts to intimidate and humiliate her. On or about September 16, 2015, Martinez snatched an apple she was eating out of her hands, took a bite, and handed it back to her. Martinez then motioned for Johnson to continue eating the apple, but she discarded it.

47. On or about February 17, 2016, a similar incident occurred. Martinez demanded that Johnson give him an apple she was eating. Even though she offered him a fresh apple (one that she had not been eating), he refused. He took multiple bites of her apple and returned the apple to her. Johnson immediately threw away the apple.

References to Sex and Sexist Comments

48. Martinez routinely makes comments explicitly about sex and of a sexual nature both to Johnson and other women at JWT. Martinez frequently asks Johnson and other women to talk about "the sex" with him. For example, on or about February 10, 2016, Martinez, Johnson, and a male New Business Associate participated in a conference call regarding JWT's gender equality project "Female Tribes." Following the conference call, Martinez asked the male New Business Associate to leave his office because he and Johnson needed to talk about "the sex." The male employee laughed at Martinez's comment. Martinez then said to Johnson, in sum and substance, "Right, [Johnson]? Come on, let's go talk about sex now" and "I am going to close the door." Johnson, who felt humiliated, told Martinez to stop.

49. During a JWT Executive Committee meeting in or around March 2015, when discussing his strategy regarding a potential joint venture with another company, Martinez told the attendees, in sum and substance, that he was "romancing" the target company and wanted to "do everything – all the stuff with them," but "not have to get married."

50. Martinez often refers to Johnson and the other women in the office in a demeaning manner, especially those he believes are "too American" and "too bossy." On more than one occasion, he has said that certain women should "shut up [their] mouths." Martinez calls Johnson his "bossy boss" and also called her his "work wife" while they were traveling together in London.

51. In addition, in or around September 2014, Martinez hosted a meeting in New York with several high level JWT executives, which he called the "180-Day Meeting." When Martinez invited a female JWT Director to present during this meeting, he stated, in sum

and substance, that she is "young, willing, and ready." Martinez's comments embarrassed that female Director. During that same meeting, Martinez remarked, in sum and substance, that he "loves sex, loves talking about the sex, and loves making sex with [his] wife."

52. Martinez speaks in derogatory terms about the appearance of female employees. Following Johnson's pregnancy, Martinez made a snide remark about her eating an appetizer during a work event. Martinez's comment implied that Johnson should be eating less food and be concerned about her weight.

53. On or about January 15, 2016, Martinez told Johnson and several other female employees in the Global Communications department that he despised a female Director who works for JWT. Martinez told the group that he was "sorry," but he "cannot stand" this Director, that she "smells bad," and that he "hate[s] her hair." Martinez then told the female employees to "Shhhhhhh" and not to repeat what he said about the female Director to anyone else because he was "just talking to friends."

Racist Comments

54. On several occasions, Martinez has made racist slurs demonstrating bias against African Americans and, on at least one occasion, American Latinos. In May 2015, Johnson attended a work dinner in Miami and sat at a table with, among others, Martinez, Stefano Zunino (JWT CEO of the Americas and Head of Digital Worldwide), Brent Choi (Chief Creative Officer of JWT New York and Canada), Lynn Power (President of JWT New York), Lorenzo Vallone (Chief Technology Officer of Mirum Miami, a JWT company) and Douglas Fajardo (CEO and Chief Creative Director of Mirum Miami).

55. Martinez told Johnson and the others at the table about a recent experience

he had with a United States Customs Agent at the Miami International Airport. He explained that an American Latino customs agent gave him a hard time because Martinez is from Spain and did not yet hold a green card designating him a permanent resident. Furthermore, the customs agent purportedly did not believe Martinez when he said that he is a CEO of an advertising firm. Martinez then boasted that he upbraided the customs agent whose "Guatemalan monkey face" was "white-faced" following their conversation.

56. Martinez also told the group that he "need[s] to be truthful" and to "forgive" him, but they should know that he would seek assistance only from customs agents who have blonde hair and blue eyes in the future. He also told them that he would avoid the "black monkeys" and the "apes" at customs because, in sum and substance, they "don't know how to use computers."

57. On or about May 17, 2015, Martinez told a group of JWT employees, including Johnson, that he had recently made arrangements for an African American executive to sit next to a client during a presentation. Martinez thought this was funny because the JWT executive is one of the very few African American executives at JWT and the client had just been accused by one of his employees of making racist comments. On information and belief, Martinez and the client are personal friends.

Anti-Semitic Remarks

58. Martinez regularly makes anti-Semitic remarks. For example, in or around February 2015, Johnson attended a work lunch in London with Martinez, Laura Agostini ("Agostini") (JWT's Chief Talent Officer), and Tarun Rai (CEO of JWT Southeast Asia). During the lunch, Martinez told the group that he previously lived in Westchester County, which he and

his wife "hated" because it was often cold. Martinez then said that, because he was in Europe, he was "free to say" that the real reason he disliked Westchester was that he "hate[s] those fucking Jews."

59. On or about January 15, 2016, in front of Johnson's Communications team, Martinez asked his new second assistant her last name. He then asked her whether she knew what her last name meant. The assistant said "high priestess." Martinez quickly corrected her, explaining that her last name translated to "Jewish judge."

60. On information and belief, in or around January 2016, Martinez, when discussing Westchester County told a group of employees during a dinner in Los Angeles that he "hate[s] those fucking Jews." In response to an employee noting that she is Jewish, Martinez said, "yes, but you are half Catholic."

61. On or about February 10, 2016, Martinez and Johnson met with an industry journalist to discuss Martinez's first year as JWT's CEO. During the meeting, most of which the reporter recorded, Martinez told the reporter that he disliked living in Westchester County because there are "too many Jews."

62. On or about February 16, 2016, Johnson met with Martinez. During the meeting, Martinez expressed frustration because he was unsatisfied that the press had declined to run a profile on him, as well as write an exclusive on an executive appointment. He said that the press was covering him less because he was born outside the United States and called Johnson and the United States press "racist." In addition, among other things, he said that the "Jew" at McCann Erickson, a competing advertising firm, knows how to "work" (or manipulate) the press. On information and belief, Martinez was referring to the Chief Communications Officer

at McCann Erickson who is Jewish. Also, during this meeting, Martinez described a JWT male Associate as both his "whore" and his "wife." Martinez made this comment about the male Associate in front of JWT's Chief Financial Officer.

Defendants Fail to Take Any Remedial Action

63. Martinez's abusive and harassing behavior was well-known to defendants, yet no remedial action was taken. Defendants failed to do anything to correct the situation even though defendants purportedly value diversity and gender equality and even though many of defendants' clients make products targeted at female, Latino, Jewish, and African American consumers.

64. Johnson attempted on numerous occasions to stop Martinez's unlawful conduct. Among other reasons, Johnson was concerned that if his comments were publicized, JWT would suffer serious consequences, including losing important clients. Johnson's concern was well-founded. In 2013, Johnson had dealt with the public relations fallout from the inadvertent publication of internal mock ups of advertisements for the Ford Figo, a car made in India. One of the advertisements featured caricatures of three scantily-clad women with their hands and feet bound and their mouths gagged in the back of a Ford Figo. In the driver's seat was a grinning man who looked similar to Silvio Berlusconi, the former Prime Minister of Italy. WPP and the Ford Motor Company issued apologies for the advertisements and WPP fired several of its employees following this incident. By notifying JWT and WPP about Martinez's conduct, Johnson was hoping to avoid this type of public relations disaster.

65. As set forth above, Johnson spoke directly to Martinez about his rape comments and incessant remarks about sex. Martinez ignored and mocked Johnson's concerns. He also demanded that she name the individuals who were offended. Johnson refused.

66. In addition, on numerous occasions, Johnson complained about Martinez's discriminatory and harassing conduct to the Chief Talent Officer, Agostini. Johnson also raised concerns with executives at JWT and WPP.

67. For example, in or around mid-March 2015, Johnson met with Agostini to complain about Martinez's unwanted touching. Agostini replied that Martinez touched Johnson based on his "affection" for her and implied that therefore his conduct was acceptable.

68. In or around late April 2015, Johnson met with a public relations executive at WPP while on a business trip to London. Johnson told the public relations executive about Martinez's grabbing her by the throat and other inappropriate and offensive conduct. When Johnson asked for advice about how to address this behavior, including suggesting that a WPP attorney should speak to Martinez, the public relations executive advised Johnson not to discuss her concerns with anyone at WPP. He warned her that if she complained about Martinez, her career would be adversely affected, that she would be "exposed," and that Martinez would "find out."

69. As set forth above, on or about May 20, 2015, Johnson met with Martinez to discuss Martinez's rape comments during his presentation in Miami. Not only was Martinez dismissive of Johnson's concerns, he made multiple comments about raping Johnson and other female employees after their meeting. Later that day, Johnson talked to Matt Eastwood ("Eastwood"), JWT's Chief Creative Director, about Martinez's comments regarding rape. In

response to Johnson's concerns, Eastwood said that Martinez's comments were "awkward," but neither said nor did anything else.

70. On or about May 21, 2015, Johnson met with Agostini to complain about Martinez's racist and sexist comments in Miami and New York. Johnson stressed the importance of having someone speak to Martinez immediately. Johnson suggested that Martinez receive sensitivity training and that a WPP lawyer talk to him about his statements.

71. Later that day, on or about May 21, 2015, Johnson sent an email to Agostini: "[F]ollowing up . . . [f]rom our conversation re [Martinez] and the [M]iami meeting issue. We need to bring in someone to help address this so he understands." Agostini replied by email to Johnson that she "had a conversation with [Martinez]" and was "addressing" Johnson's concerns.

72. Despite Agostini's promise to "address[]" Johnson's complaints, to Johnson's knowledge defendants failed to take any remedial action. In mid-February 2016, Johnson specifically asked Agostini if anyone had talked to Martinez about his rape comments. Agostini replied that an in-house attorney was supposed to do so, but did not confirm that the conversation actually took place.

73. In or around early November 2015, Johnson had lunch with Agostini. During the lunch, Johnson complained about, among other things, Martinez's erratic behavior.

74. On or about February 12, 2016, Johnson met with JWT's Chief Financial Officer. During their meeting, Johnson complained that JWT was fostering an environment that allowed the discriminatory treatment of female employees. The Chief Financial Officer told Johnson that she should either, in sum and substance, "accept the mistreatment" or "take action

and do something about it." He also stated that he believed negative comments were often made about him because he is Jewish, although he speculated that people from different cultures do not always see things the same way.

75. In addition, senior executives, including the Chief Talent Officer, personally witnessed several of the incidents, including some of Martinez's anti-Semitic remarks, his comments that African Americans are "strange characters," "black monkeys," and "apes," and some of his statements about rape. No one, however, took steps to correct Martinez's conduct or otherwise demonstrated any inclination to stop his behavior.

Additional Discrimination and Retaliation Against Johnson

76. Even though Johnson has complained repeatedly about Martinez's biased conduct, defendants have failed to remedy the situation. Rather, defendants have denied Johnson significant opportunities and reduced her compensation.

77. Throughout Johnson's employment at JWT, she has received bonuses. In late April 2015, however, Martinez significantly cut Johnson's 2014 bonus. For 2014, he gave her a bonus well below the level it had been since 2011.

78. Between late April and early May 2015, Johnson complained about her 2014 bonus on multiple occasions to Martinez. In particular, Johnson asked Martinez whether all of the men who reported to him in the corporate bonus pool also received significantly lower bonuses than they had received for the previous year. Martinez, however, refused to answer Johnson's question. Martinez told her that he believed that she was "spoiled."

79. JWT has an Executive Committee that meets quarterly. The Executive Committee consists of the region leaders and discipline leads from JWT who are all male except

for Agostini. The previous CEO, Jeffrey, regularly required Johnson to attend Executive Committee meetings. Martinez, however, stopped doing so shortly after assuming the role of Worldwide Chairman and CEO. Martinez has not asked Johnson to attend an Executive Committee meeting since March 2015. In January 2016, Johnson asked Martinez why he had not invited her to the meetings. Martinez claimed that he "forgot" and said he thought that it would be "too much" for her to travel.

80. Even when he invited her to Executive Committee meetings, Martinez treated Johnson and the other women worse than the male employees. For example, during the March 2015 Executive Committee meeting, senior management asked three women to make presentations. The male participants, however, consistently interrupted the women during their presentations. In contrast, the male presenters were not interrupted. In addition, there was a dinner following the March 2015 Executive Committee meeting. Martinez invited the men who had attended the Executive Committee meeting, including men who were not committee members, to the dinner. On information and belief, Martinez did not invite any women to the dinner.

81. Also, in April 2015, as set forth above, Johnson and her team received the PR Week Global 360 Award for "Best Communications In-House Team." There was a dinner in London for recipients of the prestigious award. Johnson requested that JWT permit her team to attend the dinner to accept the award. Johnson scheduled the annual meeting for the Worldwide Communications/Public Relations Council to take place around the same time in London, to make her time in London as productive as possible.

82. Shortly before the awards dinner, however, defendants advised Johnson that purportedly due to budget cuts, defendants would send her only, not her team, to London. As a result, Johnson was forced to plead with individuals in JWT's London office to sit with her during the event to fill her table and collect the evening's top prize. Defendants also canceled the annual meeting for the Worldwide Communications/Public Relations Council, which was supposed to take place in London around the same time as the awards dinner. In contrast, during the previous week, defendants allowed Agostini to host the annual Global Talent Council meeting in Dubai as scheduled.

83. Martinez also began removing some of Johnson's duties. In late October 2015, Martinez told Johnson that he had appointed an individual from another WPP company to generate "thought leadership content" for him, i.e., ghostwriting articles, op-eds, and social media posts for Martinez. Johnson expressed concern to Martinez that he had made this decision without consulting her. Nor had Martinez notified Johnson that there was a problem that required a change. Johnson reminded Martinez that she had performed these duties for Martinez successfully following his promotion to Worldwide Chairman and CEO. For example, Johnson wrote an article published by Campaign US, an advertising publication, under Martinez's name. Campaign US later recognized this article as one of the top ten most read guest columns in 2015.

Johnson Retains Counsel and Is Subject to Additional Retaliation

84. On or about February 19, 2016, Johnson and other employees received an internal business practices questionnaire from JWT's Chief Financial Officer. The questionnaire required Johnson to certify no later than February 26, 2016, among other things, that she is

unaware of any unlawful conduct at JWT. Johnson was unable to do so given Martinez's discrimination and retaliation.

85. In light of Martinez's continuing harassment and sexist and racist comments, the deadline for completing the business practices questionnaire, defendants' failure to take any action to stop Martinez, and Johnson's inability to fulfill her job functions, Johnson decided that she should engage an attorney to protect her rights. On February 22, 2016, Johnson's counsel sent a letter to defendants advising them that Johnson believed she had been subjected to unlawful discrimination and retaliation. Defendants thereafter placed Johnson on paid leave.

86. Johnson's complaints of discrimination and retaliation through counsel prompted immediate retaliation. Even though Johnson raised her concerns on numerous occasions to high level staff weeks and months ago, counsel's February 22, 2016 letter finally led defendants to announce that they would "investigat[e]" Johnson's claims. By letter dated February 25, 2016, defendants notified Johnson that they "expect to complete the investigation next week" and that, at that time, Johnson's "paid leave of absence will be over," suggesting that defendants had predetermined the result, the speed, and the findings of the investigation.

87. Even though Johnson is on paid leave and continues to work diligently from home, Martinez and others at JWT have attacked Johnson's work ethic. They have accused her of not being available when they needed her and implied that she is unreliable. Additionally, Johnson had asked for final approval to hire for an open position within her department at a junior level and to restructure the North American Communications team. Although Johnson

previously received oral approval for both requests, management has suddenly put on "hold" filling the open position and restructuring the North American Communications team.

FIRST CAUSE OF ACTION
(Retaliation: Section 1981)

88. Plaintiff repeats and realleges paragraphs 1 through 87 as if fully set forth herein.

89. By the acts and practices described above, defendants retaliated against plaintiff for her opposition to unlawful discrimination under Section 1981, including, inter alia, by creating a hostile work environment and paying a lower bonus on the basis of her opposition to unlawful discrimination, in violation of Section 1981.

90. Defendants acted with malice and reckless indifference to plaintiff's rights under Section 1981.

91. As a result of defendants' retaliation, plaintiff has suffered and will continue to suffer irreparable injury, emotional distress, and other compensable damages unless and until this Court grants relief.

SECOND CAUSE OF ACTION
(Retaliation: EPA)

92. Plaintiff repeats and realleges paragraphs 1 through 91 as if fully set forth herein.

93. By the acts and practices described above, defendants have retaliated against plaintiff for her opposition to unlawful employment practices under the EPA, including, inter alia, by creating a hostile work environment and paying a lower bonus on the basis of her opposition to unlawful discrimination, in violation of the EPA, § 215(a)(3).

94. Defendants knew that their actions constituted unlawful retaliation and/or acted with malice or reckless indifference to plaintiff's statutorily protected rights. Defendants' acts were willful within the meaning of the EPA.

95. As a result of defendants' retaliatory acts, plaintiff has suffered and will continue to suffer irreparable injury, monetary damage, and damages for mental anguish and emotional distress unless and until this Court grants relief.

THIRD CAUSE OF ACTION
(Gender Discrimination: NYSHRL)

96. Plaintiff repeats and realleges paragraphs 1 through 95 as if fully set forth herein.

97. By the acts and practices described above, defendants discriminated against plaintiff in the terms and conditions of employment on the basis of her gender, including, inter alia, by creating a hostile work environment because of her gender, in violation of the NYSHRL.

98. As a result of defendants' discriminatory acts, plaintiff has suffered and will continue to suffer irreparable injury, emotional distress, and other compensable damages unless and until this Court grants relief.

FOURTH CAUSE OF ACTION
(Gender Discrimination: NYCHRL)

99. Plaintiff repeats and realleges paragraphs 1 through 98 as if fully set forth herein.

100. By the acts and practices described above, defendants discriminated against plaintiff in the terms and conditions of employment on the basis of her gender, including, inter alia, by creating a hostile work environment on the basis of her gender, in violation of the NYCHRL.

101. As a result of defendants' discriminatory acts, plaintiff has suffered and will continue to suffer irreparable injury, emotional distress, and other compensable damages unless and until this Court grants relief.

FIFTH CAUSE OF ACTION
(Retaliation: Section NYSHRL)

102. Plaintiff repeats and realleges paragraphs 1 through 101 as if fully set forth herein.

103. By the acts and practices described above, defendants retaliated against plaintiff for her opposition to unlawful discrimination under the NYSHRL, including, inter alia, by creating a hostile work environment and paying a lower bonus on the basis of her opposition to unlawful discrimination, in violation of the NYSHRL.

104. As a result of defendants' retaliation, plaintiff has suffered and will continue to suffer irreparable injury, emotional distress, and other compensable damages unless and until this Court grants relief.

SIXTH CAUSE OF ACTION
(Retaliation: Section NYCHRL)

105. Plaintiff repeats and realleges paragraphs 1 through 104 as if fully set forth herein.

106. By the acts and practices described above, defendants retaliated against plaintiff for her opposition to unlawful discrimination under the NYCHRL, including, inter alia, by

creating a hostile work environment and paying a lower bonus on the basis of her opposition to unlawful discrimination, in violation of the NYCHRL.

107. As a result of defendants' retaliation, plaintiff has suffered and will continue to suffer irreparable injury, emotional distress, and other compensable damages unless and until this Court grants relief.

PRAYER FOR RELIEF

WHEREFORE, plaintiff respectfully requests that this Court enter a judgment:

- (a) declaring that the acts and practices complained of herein are in violation of Section 1981, the EPA, the NYSHRL, and the NYCHRL;
- (b) enjoining and permanently restraining these violations;
- (c) directing defendants to take such affirmative action as is necessary to ensure that the effects of these violations are eliminated and do not continue to affect plaintiff's employment opportunities;
- (d) directing defendants to place plaintiff in the position she would have occupied but for defendants' discriminatory and retaliatory treatment of her, and to make her whole for all earnings she would have received but for defendants' discriminatory and retaliatory treatment, including but not limited to, wages, pension, interest, and other lost benefits;
- (e) directing defendants to pay plaintiff compensatory damages for her mental anguish, emotional distress, and humiliation;
- (f) directing defendants to pay plaintiff punitive damages;
- (g) awarding plaintiff pre- and post-judgment interest;

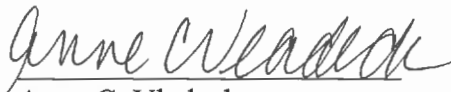
- (h) awarding plaintiff the costs of this action together with reasonable attorneys' fees; and
- (i) granting such other and further relief as this Court deems necessary and proper.

DEMAND FOR A TRIAL BY JURY

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

Dated: New York, New York
March 10, 2016

VLADECK, RASKIN & CLARK, P.C.

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